TOWN OF BRADFORD ZONING BYLAWS

PLANNING COMMISSION POST-HEARING DRAFT

As Revised on 10/28/19~~08/2019~~

Bradford Planning Commission
Bradford, Vermont

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1.0 GENERAL PROVISIONS

1.1 Enactment

Whereas the Town of Bradford has adopted and has in effect a plan under the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, herein referred to as the Act, there are hereby established Zoning Bylaws for the Town of Bradford.

1.2 Purpose

It is the purpose of these bylaws to implement the Bradford Town Plan by providing for the appropriate use of all lands in the Town of Bradford in a manner which will promote and protect the public health, safety, prosperity, and general welfare; to protect high elevations, steep slopes, soils, forests, stream banks, wetlands, and other natural resources; to encourage the density and distribution of settlement to be in character with the rural residential environment of Bradford; and to further the purposes set forth in Section 4302 of the Act.

1.3 Effective Date

These bylaws or any amendments thereto, shall become effective **21 days after** their adoption by a vote of the Selectboard.

Notwithstanding the preceding statements, a vote by the legislative body on a bylaw, amendment, or repeal shall not take effect if five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaws, amendment, or repeal. Such a petition must be filed within 20 days of the vote. In such a case, a meeting of the municipality shall be duly warned for the purpose of acting by Australian ballot upon the bylaws, amendment, or repeal.

1.4 Status of Prior Bylaws and Ordinances

Upon the effective date of these bylaws, the previous Town of Bradford Zoning Bylaws adopted October 27, 2005 are hereby repealed.

1.5 Applicability

Except as provided herein, no land development may commence unless a Zoning Permit has been duly issued by the Administrative Officer in conformance with these bylaws. Prospective applicants for Zoning Permits may obtain application materials from the Town Offices or Administrative Officer during regular office hours or at the town website.

1.6 Construction Approved or Commenced Prior to Adoption or Amendment of these Bylaws

Commented [A1]: Previously no end period required. But in individual permits there may have been an end period which would remain in force.

No new Zoning Permit shall be required for any structure or use which was already legally established, on which construction had lawfully begun, or which had received a valid Zoning Permit from the Town, provided such construction/establishment is completed within the required permit period.

1.7 Exempt Development

Zoning permits or any other approval under these bylaws shall not be required, except as may be applicable within the Flood Hazard Overlay or Village Historic Design Overlay, for the following:

A. Normal maintenance, repair or renovations of an existing building or structure that does not result in any change to the footprint or height of the structure, number of bedrooms, or change in use;
B. ~~Public auctions, garage sales, and yard sales not exceeding three (3) consecutive days, nor more than seven (7) cumulative days in a calendar year, and not the primary use of a property~~;
C. Electric utilities and telecommunications regulated under Title 30 section 248;
D. Fuel and propane tanks for one- and two-family dwellings;
E. Except in the Historic Design Overlay, fences outside of any public or private road right-of-way
F. Dish antennae thirty-six (36) inches or less in diameter;
G. Amateur radio towers less than 50 feet in height and set back at least 150% of their height from lot lines except in Historic District.
H. Hunting, fishing, trapping, and other activities as specified under Title 24 section 2295;
I. Solar collectors, clotheslines, or other energy devices based on renewable resources for on-site use (to the extent allowed by law, solar collectors shall not be placed on the front of structures or in front of houses in the Historic District.).
J. Wind~~mills~~ Turbines less than 100 feet in height, with a blade diameter no greater than 20 feet and set back at least 150% of their height from all lot lines;
K. Not more than two accessory buildings or structures with a floor area not more than 144 square feet and less than 12 feet in height, provided setback requirements are met;
L. The recording of plats simply for the purpose of establishing clear property lines on existing lots where no subdivision as regulated under these bylaws is involved, for annexations that combine existing lots in their entirety, or minor adjustments between two adjacent residential parcels where no new lots are created and all resulting lots will be/are compliant with local regulations, have a state subdivision permit for the resulting lots, and no lot changes in size by more than one (1) acre;
M. Leasing of parcels for agricultural or forestry purposes where no permanent roads or structures are established;
N. The granting of utility rights-of-way or easements;
O. ~~Special temporary events (not including events described in 1.7B) lasting less than four (4) consecutive days, nor more than 12 cumulative days in a calendar year and that are not the principal use of land or structures, such as weddings,~~

~~church suppers, fairs, concerts, festivals, cultural events, trade and antique shows, etc. provided that adequate off-street parking and circulation, sanitary and trash collection facilities are provided (an entertainment permit or assembly permit from the town or a public gathering permit from the state police may be required);~~

P. Temporary structures used for office or storage space, construction or for special events, provided that such structures shall not be used for dwelling purposes, are placed outside of setbacks, and are on site for a period of time not to exceed one (1) year. This does~~is~~ not grant~~ing~~ exemption to repetitive temporary structures such as seasonal campers.

Commented [A2]: Taylor expresses concern about allowing ongoing temporary structures during a season.

Q. De Minimis structures or uses not specifically mentioned in these bylaws that are incidental and customary to the use on the lot, are consistent with policies of the Town Plan, and so temporary or minimal in their impact on the public that regulation of them is not required to protect health, safety, welfare or environment. Such uses or structures include but are not limited to play equipment, parks, unpaved trails and paths and seasonal decorations. The Administrative Officer is empowered to make such determinations when needed, and appeals of these decisions shall be made to the Board of Adjustment.

R. In accordance with State law 24 V.S.A. §4413(d)), these bylaws shall not regulate required agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under subsections 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

1. For purposes of these bylaws, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.
2. A person shall notify the Administrative Officer in writing of the intent to build a farm structure and shall abide by setbacks in that district or as approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure is required.
3. Any agricultural or silvicultural practices besides those accepted practices specified above are prohibited.

1.8 Limitations on Regulation under these Bylaws

A. A lot that is divided by a road and that is considered subdivided for state subdivision purposes shall be likewise considered under these bylaws so long as all resulting lots are compliant in terms of minimum dimensions.

B. These bylaws shall not have the effect of excluding affordable housing. All types of housing – modular, mobile or conventionally framed shall be treated in the same manner, excluding mobile homes in a mobile home park.

C. Any single family home may create an additional accessory dwelling unit on the same lot as the home so long as the unit is attached or within 100 feet of the home and it is an efficiency or one bedroom apartment that is clearly subordinate to the single family dwelling, provided there is sufficient waste water capacity, the unit

does not exceed 50% percent of the total habitable floor area of the single family dwelling, and applicable setback, coverage, and parking requirements specified in the Bylaws are met. Such accessory dwelling unit shall be permitted in the same manner as a single-family home.

D. A state licensed or registered residential care or group home serving not more than eight (8) persons shall be treated in the same manner for permitting as if it was a single-family home.
E. A state licensed or registered child care home or facility serving not more than six full-time and four part-time children shall be treated in the same manner for permitting as a single-family home.
F. The following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, lighting, traffic, noise, off-street parking, loading facilities, and landscaping or screening requirements: state or community-owned and operated institutions and facilities, public and private schools and other educational institutions certified or licensed by the State of Vermont, churches and other places of worship, public and private hospitals, regional solid waste management facilities certified under 10 V.S.A. chapter 159, and hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606.
G. Upon a finding by the Administrative Officer that a home occupation meets the required standards, it shall be permitted in the same manner as if it were a single-family home.

1.9 Severability

The provisions of these bylaws are severable. In the event that any part of these bylaws, or their application, is determined by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these bylaws as a whole, or the validity or application of any other part of these bylaws.

1.10 Precedence

Where these bylaws impose a greater restriction on the subdivision or development of land than is required by any other statute, regulation, rule, regulation, permit, easement or agreement, the provisions of these bylaws shall control.

1.11 Definitions

Unless otherwise expressly stated or such meaning runs counter to the purposes of these bylaws, all words used in these bylaws shall carry their customary meanings. The definition of terms defined in 24 V.S.A. § 4303 is hereby incorporated and made a part of these bylaws.

Any clarifications necessary as to the precise meaning of any word used in these bylaws shall be made by the Zoning Board of Adjustment (ZBA). The Board shall provide a written decision of its determination to all affected parties.

ACCESSORY STRUCTURE OR USE: A building or use customarily incidental and subordinate to the principal building or use located on the same lot.

APPROPRIATE MUNICIPAL PANEL (AMP): AMP refers to the correct review body in place at that time. Several duties under these Bylaws are assigned to the Planning Commission (PC) or Zoning Board of Adjustment (ZBA), but if a Development Review Board (DRB) is established then it will automatically take over all review functions of either the Planning Commission or Zoning Board of Adjustment, thus AMP is an umbrella term that covers the PC, ZBA, and DRB as appropriate.

ASSISTED LIVING RESIDENCE: A program combining housing, health and supportive services for the support of residential independence and aging in place. Within a homelike setting, assisted living units offer, at a minimum, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living promotes resident self-direction and active participation in decision-making while emphasizing individuality, privacy and dignity. (33 V.S.A. § 7102(11))

BANK: An office-type business primarily for the lending of money and safekeeping of deposits.

BUILDING: A structure with a roof supported by columns or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

BUSINESS PARK: A development on a tract of land that contains a number of separate uses requiring extensive space and which may have impacts such as noise or traffic inappropriate for compact settlement areas.

CHILD CARE FACILITY: A state registered day care facility or licensed family care home serving more than six full-time and four part-time children.

DEVELOPMENT: See Land Development.

DRIVEWAY: A private travelled way to five or fewer parcels or principal buildings. A travelled way which provides access to six or more parcels shall be considered as a private road.

Commented [A3]: Taylor asks about implication for 911. Bylaw and 911 regulations are independent of each other.

DWELLING UNIT, SINGLE: Any building or portion thereof, designed or used exclusively as permanent living quarters for one household, complete with cooking and bathing facilities. For the purposes of these bylaws, the term also includes a residential care group home serving not more than 8 persons, or a licensed or registered home child care facility serving no more than six full-time and 4 part-time children.

DWELLING UNIT, ACCESSORY: An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(i) The property has sufficient wastewater capacity;
(ii) The unit does not exceed 50 percent of the total habitable floor area of the single-family dwelling;
(iii) Applicable setback, coverage, and parking requirements specified in the Bylaws are met.

DWELLING UNIT, MULTIPLE: Any building or portion thereof, designed or used as three (3) or more dwelling units, not inclusive of accessory dwelling units.

DWELLING UNIT, TWO: Any building or portion thereof, designed or used exclusively as permanent living quarters for two separate households, complete with cooking and bathing facilities.

FENCE: A partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates.

FOOTPRINT: The edges of a structure used for measuring setbacks. The edge shall be all areas as measured vertically that are covered by above grade portions of the structure or overhang by permanent parts of the structure, including decks, covered stairways, and handicapped access ramps, but shall not include fixtures attached to the structure such as lights. Footprints will also not include areas covered only by at-grade structures such as walkways, patios, or uncovered stairs of less than one story.

GAS STATION: A business with the purpose of dispensing vehicle fuel, and which may include service facilities and ancillary retail.

GROUP HOME, LARGE: A state licensed or registered residential facility that serves more than eight, but no more than 80, unrelated persons who have a physical handicap, developmental disability, or need substance abuse treatment or convalescent or chronic care.

HOME OCCUPATION: Accessory use conducted within a dwelling or an accessory structure by the residents thereof, which is clearly secondary to the dwelling used for living purposes, does not occupy an area more than 50% of the livable floor space of the dwelling, has any outside storage screened from view, does not employ more than three (2) employees on site in addition to the residents, and which does not have an undue adverse effect on the residential character of the area. (See 2.14)

HOME BUSINESS: Businesses that meet all of the requirements of a Home Occupation except that in addition to the occupants of the residence they may also employ not more than three (3) employees on site at any one time in addition to the residents, and that may have exterior storage. (See Section 5.3)

INDUSTRIAL: The processing, assembly, distribution, or packaging of natural or man-made materials or products where such activity generally results in off-site impacts, such as noise, and where such activity and storage of materials or products are typically not fully enclosed inside a building or screened from the abutting properties. Examples: rail and truck terminals; concrete, asphalt or brick plants; bulk fuel storage and distribution facilities; solid waste facilities; foundry, etc.

INN: An owner-occupied residential dwelling, other than a short-term rental, in which a portion of the house is adapted to use no more than 6 rooms as overnight lodging and where meals may be served. Synonymous with boarding house.

INTERESTED PERSON: An interested person as defined by 24 V.S.A. §4465(b) is any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter; who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality (see (2) above) who, by signed petition to the appropriate municipal panel, allege that any relief requested, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the

representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality (see (2) above), and the agency of commerce and community development in this state.

JUNKYARD: A use of land as defined by 24 V.S.A. § 2241.

LAND DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation or landfill; or any change in the use of any building or other structure, or land, or extension of use of land.

LANDSCAPING STRIP: Land along the property boundary of commercial uses meant to lessen impacts on neighbors.

LIGHT MANUFACTURING: The research and development, assembly, processing, manufacture and packaging of products, or storage and warehousing of materials or goods, conducted primarily within a building.

LODGING: A building or complex of buildings containing rooms with separate or joint entrances which are rented as overnight sleeping units, including motels and hotels. Such uses may have other customary accessory uses such as a restaurant, gift shop, etc.

LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law; to be used, developed or built upon as a unit, which is not divided by a public highway as defined by 19 V.S.A., § 1.

LOT AREA: The total area within the property lines of a lot.

LOT FRONTAGE: That portion of a lot which is adjacent and parallel to a public highway, or to a private road. Corner lots shall be treated as having frontage on ~~the~~ both roads.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains or is designed, laid out, or adapted to accommodate more than two mobile homes. (10 V.S.A. chapter 153)

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present bylaw covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaw, including a lot or parcel improperly authorized as a result of error by the Administrative Officer. (24 V.S.A. § 4303(13))

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present bylaw but was in conformance with all applicable laws,

ordinances, and regulations prior to the enactment of the present bylaw, including a structure improperly authorized as a result of error by the Administrative Officer. (24 V.S.A. § 4303(14))

NONCONFORMING USE: Use of land that does not conform to the present bylaw but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaw, including a use improperly authorized as a result of error by the Administrative Officer. (24 V.S.A. § 4303(15))

OUTDOOR RECREATION: Land with outdoor facilities which typically involve provision of a service, including swimming pools, sports clubs, cross-country ski trails and facilities, golf courses, tennis courts, playing fields, trap, skeet, archery ranges, skating rinks, hiking trails, licensed seasonal camps and similar places of private outdoor recreation.

PARKING SPACE: A defined space outside of the right-of-way used for the parking of one motor vehicle which affords practical access to the road or right-of-way and is graveled or paved sufficiently to permit year-round use. Spaces shall be able contain a rectangle of no less than 18 feet long and 9 feet wide, unless for parallel parking, in which case they shall be a minimum of 22 feet long and 8 feet wide. Spaces shall be reasonably level. ADA compliant parking spaces shall be of dimensions/grades as are required by the most recent ADA guidelines.

PRINCIPAL STRUCTURE: The dominant structure in terms of use of a property, and not a structure that is typically an accessory structure. For example, a house is a principal structure and garage is an accessary structure to it. Under PUDs and other types of development, there may be more than one principal structure if these structures would typically be principle structures on a lot.

PRIVATE ROAD: A travelled way, not maintained by the town, accessing six or more lots or principal structures.

Commented [A4]: Taylor asks about 911. 911 labeling is not same as bylaw regulations.

PROFESSIONAL OFFICE: Place where the principal use is the financial, administrative or management functions of a commercial, industrial, service, or professional individual or organization are transacted. Includes structures and uses normally associated with "office operations" as understood and applied in current popular usage.

PUBLIC OR QUASI-PUBLIC BUILDING OR USE: A building or use of land that is occupied by a municipality, county, state, or federal government for governmental purposes, or a quasi-public building or use of land that is occupied by an organization such as a church, private school, medical clinic, hospital, library, museum, or similar organization.

REPAIR OR SERVICE FACILITY: A business where the principal use is the repair or servicing of goods, including tailor, cobbler, etc. as well as the provision of a service such as hairdressing, health care, veterinary services, plumbing, electrical or rental of

items. Not included in this definition are vehicle or large equipment repairs or gas stations.

RESOURCE-BASED USE: A use predominantly processing wood, stone, gravel, or agricultural products.

RESTAURANT: An establishment whose principal use is the preparation, serving and consumption of food and drink, primarily within the principal building.

RESTAURANT, NON-FORMULA: An establishment whose principal use is the preparation, serving and consumption of food and drink, primarily within the principal building and whose building, signage or design is not formulaic based upon franchise rules or standards.

RETAIL, PRINCIPAL: Includes a shop or store open to the public at least 20 hours per week principally for the sale of retail goods, such as a grocery store, department store, pharmacy or other business where the products are to be used off site, regardless of whether the use is located in a building with other uses.

RETAIL, SECONDARY: The sale of merchandise associated with a primary use other than retail. Examples include manufacturing showrooms in a factory, wholesale warehouse, lumber mills, parts or products in a service business, auctions, and permitted sales in home businesses and home occupations.

RIPARIAN BUFFER: Riparian buffers are strips of trees, shrubs, or vegetative grasses along banks of streams and rivers. They represent a transition area between water and land uses. They provide areas for wildlife habitat, filter polluted run-off, and improve water quality. It is the intent of this provision to limit development along shorelines and the removal or disruption of vegetation within these areas.

RURAL ENTRPRISE: An owner-run commercial use, other than principal retail, on a lot no less than one (1) acre that has no more than seven (7) employees besides the owner.

SETBACK, FRONT: The distance from the centerline of the travelled portion of a road to the nearest part of any building or structure.

Commented [A5]: Taylor comment on Front-PC response- Planning Commission in discussion determined that it was more consistent to do from center of road as the road width can vary and center of road conforms better to center of road right of way which is 25 feet. Property lines are drawn in different ways, sometimes from center of road, sometimes from edge of right of way, etc.

SETBACK, REAR: The distance from the rear lot line to the nearest part of any building or structure.

SETBACK, SIDE: The distance from the side lot line to the nearest part of any building or structure.

SHORT-TERM RENTALS: Rental of residential properties for periods of less than 30 days outside of permitted lodging establishments such as hotels, inns, and boarding houses.

STRUCTURE: An assembly of materials with fixed location on or below the ground, or attached to an object having an affixed location on the ground, excluding mailboxes, roads or driveways, underground utilities, stone walls and fences.

~~**WIRELESS TELECOMMUNICATIONS:** Any tower or other support structure, including antennae, that will extend 20 or more feet vertically for the provision of commercial transmission or reception, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services~~.

Commented [A6]: Taylor wondered why definition if not addressed in bylaw. Deleting this as handled by PUC at this time.

2.0 GENERAL STANDARDS

2.1 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these bylaws may be developed for the purposes permitted in the District in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth of forty feet. Nothing in this section shall be construed so as to prevent the sale or transfer of such a lot.

If a lot not conforming to the minimum lot size requirements in the district in which it is located is or subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot(s) shall not be deemed merged and they shall be considered separate lots. Notwithstanding the above, such lots may be merged by the owner.

2.2 Required Frontage on, or Access to, Public Roads or Waters

As required by Vermont law, no lot may be created which does not have frontage on a public road or water, or which lacks access to such a road by permanent easement or right-of-way at least 30 feet in width, which may be waived down to no less 20 feet by the Administrative Officer if further development of the lot is precluded by a permit condition.

New rights-of-way that serve three or more lots must be approved by the Planning Commission. In the Commission's review of the access road, the road shall follow town standards for private ~~drives and~~ roads if serving six or more lots. In the absence of such standards, the access must receive approval from the Town Road Commissioner and a finding from the Fire Chief that adequate emergency vehicle access will be provided.

Commented [A7]: Taylor suggests consistency in terminology for driveway and private road.

2.3 Public Highways, Private Roads and Access

A separate Access Permit, outside of these bylaws, shall be required from the State or Town prior to creation or modification of any access to a public highway right-of-way. It shall be unlawful to develop, construct, regrade, or resurface any driveway or private road entrance, or deposit material of any kind within the right-of-way of a highway without the written approval of the Vermont Agency of Transportation in the case of State Highways, or the Road Commissioner in the case of Town Highways.

All prospective applicants are encouraged to consult with the Road Commissioner or Highway Foreman regarding requirements, rules, and ordinances pertaining to permits, access, and highway standards prior to making application under these Bylaws.

No private way, highway, or drive shall be accepted as part of the Town Highway system unless it complies with the Town Highway Standards ordinance. However, compliance shall not create any obligation on the Town to take over such a road.

2.4 Lots in Two Zoning Districts

Where a district boundary divides a lot, if any portion of the lot is compliant in the district in which it is located then that portion shall be treated under the provisions of that district. Any portion not compliant in terms of area shall be treated as being in the adjacent district in which a compliant portion lies.

If no portion of any lot is compliant in any district, then the entire lot shall be treated as being in the district in which the largest portion lies.

Where a lot is divided by a town boundary, the standards of these bylaws shall be applied to that portion of the lot located in the Town of Bradford in the same manner as if the entire lot were located in the town.

Notwithstanding the above, for lots in both Residential and LDR in which there is a compliant portion of the lot in the Residential District, if the portion of the lot in the LDR is at least 1 acre, but no more than 7 acres, it may be subdivided as a compliant lot in the LDR. Any portion of a lot 7 acres or greater in the LDR shall comply with requirements of the LDR.

2.5 State Permit for Water Supply or Wastewater Disposal

An applicant for a Zoning Permit whose land requires a state subdivision, wastewater or potable water supply permit from the Agency of Natural Resources shall obtain such permit prior to the issuance of a Zoning Permit or file the required deed notice. A copy of such Permit shall be submitted as part of the Zoning Application.

2.6 Off-Street Parking

For every building hereafter erected, extended or substantially changed in use, there shall be provided, at a minimum, off-street parking provided below, except in the Central Business District, where no provision for parking is required. In the Village Historic Design Overlay reasonable steps shall be taken to locate parking to the side or rear of structures.

A. Residential Uses: One parking space for every new dwelling unit, or an accessory dwelling unit.
B. Restaurant/lodging: One parking space is required for every three seats/unit, plus one additional space for every employee vehicle. Where no seats are provided for patrons, one space for every 300 square feet of floor area is required.
C. Industrial Uses: One parking space for every business and employee vehicle, plus sufficient area to safely accommodate off-street loading by delivery vehicles.
D. Other commercial uses: One parking space for every business and employee vehicle, plus one space for every 300 square feet of floor area.

During permit review and approval, the AMP may alter the requirements above as needed to provide safe, but not excessive, parking, including allowing parking spaces to be located on lands not part of the site or lot on which the principal building is situated, shared between uses so long as they find that an equivalent amount of parking will be provided that would otherwise be required, or increasing or lessening

parking requirements as they find are needed due to the particular circumstances of the project or when the applicant has demonstrated that the parking requirements are not applicable to the project. Such alterations and the reasons supporting them shall be written as findings of fact and contained in any approval decision. See also Section 4.1.B.

2.7 Refuse Storage and Disposal

For every multiple unit dwelling in all districts hereafter erected, extended or substantially changed in use, there shall be provided a designated location and facility for the storage of refuse generated from the use. Prior to granting approval, the AMP shall find that:

A. A specific plan has been presented regarding the number, style, and location of the facility;
B. No facility is located in such a way as to pose access difficulties for refuse trucks nor interfere with off-street parking spaces;
C. Facilities are adequately screened or blocked from view so as not to be highly visible from neighboring residential properties. Screening methods may include fences, trees, and shrubs;
D. All screening will be continuously maintained by the owner(s); and
E. Assurances have been made that the facilities will be kept clean and refuse will be collected on such a frequency as to not result in a threat to public health or safety. No noxious odors beyond the property line are permitted.

2.8 Outdoor Storage of Junk

Except in the Industrial District or as specifically authorized by permit, the open storage of discarded materials, inoperable or retired junk vehicles, dismantled equipment and other similar items shall be screened from view from a public street or highway whether or not such items are used in connection with a business. Fences, walls, trees, shrubs, buildings, and land contours are acceptable means of screening such outdoor storage. Maintenance of screening for the above purposes shall be a responsibility of the owner of the premises. (See Bradford's Ordinance on Outdoor Storage of Junk.)

Salvage yards (junkyards) may not operate without a Certificate of Approval (CAL) issued by the Selectboard for the location of the salvage yard by the Town and a Certificate of Registration from VT ANR for the location of the salvage yard.

Commented [A8]: Taylor suggests this is redundant. Counter that it is often a condition in site plan review and so benefits from being in zoning bylaw.

2.9 Riparian Buffers

Riparian buffers to protect water quality and public safety shall be a minimum of 50 feet measured horizontally from the top of bank of the Waits and Connecticut rivers and 35 feet from the top of bank of all other perennial streams in all districts except in the VR, CBD and RS districts, where such distances shall be 10 feet from the top of bank of rivers and streams.

Accordingly, the following requirements apply:

A. Buildings, including accessory structures and parking lots shall not be built in the riparian buffer.
B. Removal of healthy trees is only allowed to the extent that a closed canopy is maintained, except for crossings.
C. Dumping, filling and ground disturbance within is prohibited, except as necessary for stream crossings, utilities, or stream bank stabilization permitted by a state Stream Alteration Permit.

2.10 Landscaping Strips

In the Lower Plain District~~P1 or LP~~2, if any commercial or industrial use abuts a residential property or body of water, there shall be maintained a buffer strip of land not less than ten (10) feet in depth along such common boundary excepting points of access. The strip shall be used and maintained only for a fence or natural plantings to include coniferous trees or shrubs in order to provide screening.

Commented [A9]: Should this be limited to Lower Plain? It isn't in current

2.11 Pornographic Materials and Displays

It shall be unlawful for a person to display, distribute, or solicit pornographic materials within one quarter mile (1320 feet) of any public or private school, public or quasi-public facility or each other.

The above use shall include:

A. Pornographic book or video stores;
B. Pornographic aids or materials;
C. Strip Clubs or Bars; and similar type uses, as determined by the Board of Adjustment.

The above uses may be granted Conditional Use Approval by the Board of Adjustment, as provided for in Section 6-4 of these bylaws.

2.12 Obnoxious Uses

No land or structure shall be used or occupied in any manner so as to create obnoxious or excessive noise, light, smoke, dust, odors, or other forms of impacts that adversely affect the reasonable use of surrounding areas or abutting properties.

2.13 Overlays

Any provision of zoning overlays takes precedence over the requirements of the underlying Districts, if and when contradictory requirements occur.

2.14 Home Occupations

Nothing in these bylaws shall infringe upon the right of a resident to use a minor part of the dwelling or ancillary structures for an occupation, which is customary in a residential

area in Vermont and does not have undue adverse impact upon the character of the residence or the residential area in which the dwelling is located. All home occupations shall be operated by a resident of the dwelling. Home occupations may employ on site only the occupants of the residence plus have up to two additional employees on site at any time.

A. Requirements For Home Occupations:
    1. All home occupations shall be clearly secondary to the residential use of the premises.
    2. The floor area of the home occupation shall be less than fifty percent of the total finished floor area of the residence. The residence and/or an accessory building may be used for the home occupation.
    3. Vehicle traffic resulting from the home occupation shall not be of a volume substantially greater than would normally be anticipated from a residential use in the neighborhood.
    4. Exterior storage of large equipment or materials is not allowed for Home Occupations.
    5. Impacts related to the business, such as hours of operation, noise, odor, dust, smoke, etc. shall be commensurate with a residential use.
    6. Retail of products is limited to those produced on site, products that are not on site, products repaired on site, used products, or products incidental to the primary purpose of the business, such as hair products to a hairdresser.

See section 5.3 for Home Business.

2.15 Division of Lots

Except as provided under 2.4, no lot shall be divided into two or more lots unless all lots resulting from such a division conform to the applicable minimum area requirements of the zoning district in which they are located.

2.16 Mixed Use Building

A mixed-use building (a combination of principal uses within a single building is allowed, provided that the uses are permutable in the district, and all other applicable standards are met for all uses. For a proposed use that is a single enterprise that covers a blend of permitted use categories, the AO will determine which is the principal use category and treat the application under that category.

2.17 Multiple Buildings on One Lot

No more than one principal building (not including an accessory dwelling unit) may be placed on a lot unless such buildings and any buildings accessory to such principal buildings are positioned such that the lot is able to be subdivided into separate and individual lots, both lots and their respective uses conforming to all applicable provisions of these bylaws, unless a waiver has been received under Section 5.5 and a permit issued.

2.18 Planned Unit Development

A PUD is a development involving more than one principal structure on a lot at least twice the district minimum in a manner that would usually not be compliant, but that encourages innovation in design and layout to enable a more efficient use of land. The ZBA, through the review and approval of a PUD, may allow a greater density of land use in any section of a parcel if it is offset by a lesser concentration in any other section. The PUD approval is required before a permit may be issued. Site plan approval is required for all buildings located in the PUD, and PUDs may involve a subdivision as well. Any approval processes shall run concurrently. An application for a PUD shall be filed jointly by the owners of all the property in the plan and must show the current and proposed location, height and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces, and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications of what would otherwise be required under these bylaws.

PUDs shall be reviewed by the ZBA in at least one public hearing, preceded by public notice. Hearings, processes, and decisions shall be done in the same manner as conditional use plan approval.

A. Standards:

1) The proposed development must by designed to be consistent with the density and type of adjacent land uses and the purposes set forth in the Town Plan.
2) If the application of this procedure results in lands available for park, recreation, open space, or other similar uses, the ZBA as a condition of its approval may establish conditions as to their ownership, use, and maintenance in order to assure the preservation of these lands for their intended use(s).
3) The number of dwelling units shall not exceed one hundred twenty five percent (125%) of the total number which could be permitted if the land were subdivided into buildable lots in conformance with these bylaws for the district(s) in which the development is situated.
4) If lots or densities are to be created which will not be in conformance with the zoning regulations for the district(s) in which the development is situated, it must be demonstrated that adequate conditions and methods exist, or will be made, for the treatment of sewage and the provision of a safe supply of drinking water prior to approval of a plan by the ZBA. The overall resulting density shall not exceed 125% of what would be generally permitted.
5) Permitted uses shall be those uses permitted in the district(s) within which the Planned Unit Development is proposed.
6) The location, arrangement, and size of buildings; the location, width and grade of roads and streets, and the arrangement of parking spaces; the relationship and compatibility between residential and nonresidential uses; and the densities proposed for the entire area are in keeping with the standards that would otherwise apply in that area.

3.0 ZONING DISTRICTS

Commented [A10]: Taylor suggests written description. After careful consideration and based on the difficulty in writing clear descriptions versus the ease of clear maps, it was determined that maps are preferred. Over the years, there were many instances of confusion in attempting to determine if a parcel was in one district or another. In one instance, in the Lower Plain a written description of the boundary being the "toe of the slope" was added as this does not follow parcel boundaries. All district boundaries except Low Density Residential follow parcel lines. In Low Density Residential there is a description of 500 feet from road or as drawn on map. In certain cases, there would have been a very small portion of a parcel in one of the districts so it was determined that an entire parcel would be in one district. This is very clear on the map.

3.1 Establishment of Zoning Districts and Map

A. For the purpose of these bylaws, the following Zoning Districts are hereby established:

Central Business District	"CBD"
Lower Plain ~~1~~	"LP~~1~~"
~~Lower Plain 2~~	~~"LP2"~~
Residential/Service	"RS"
Village Residential	"VR"
Residential	"R"
Industrial	"I"
Industrial/Mixed Use	"I/M"
Low Density Residential	"LDR"

B. In addition to the base Zoning Districts noted above, the following Zoning Overlays are hereby established within the Town of Bradford:

Wellhead Protection	"WHP"
Wetlands	"WET"
Historic District	"VHD"
Deer Wintering Area	"DWA"
Flood Hazard	"FH"

The areas and boundaries of the Zoning Districts and the Historic District are established as shown on a map which is hereby designated as the Town of Bradford Zoning Map and made a part of these bylaws together with all future amendments. The official Zoning Maps shall remain on file with the Administrative Officer at the Town Offices.

3.2 Interpretation of Zoning District and Overlay District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District or Overlay Zoning District, any description in the bylaws take precedence over the map. If the boundary is still uncertain, the location of such boundary shall be determined by the Administrative Officer. If the Administrator cannot make such a determination, or if the applicant or other interested party is not satisfied with the decision, the matter shall be determined on appeal by the Board of Adjustment. In making such determination, the applicant may be required to submit information regarding the existing uses and characteristics of the property.

As guidance for use in their determination, zoning district boundaries shall normally be defined by property lines, centerlines of roads, or centerlines of water courses.

3.3 Central Business District "CBD"

A. Purpose: The purpose of this district shall be to promote commerce in Bradford, while offering a mix of uses and concentrated density. The types of uses that are appropriate for this area are retail establishments, restaurants, professional offices, public buildings and high-density residences, and such uses shall be developed at a scale, type, density, and character that maintains or enhance Bradford's Historic Downtown as the prime central business area for the municipality.

B. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.4 Lower Plain ~~1 "LP1"~~

A. Purpose: It is the purpose of this district to provide space for concentrated residential and commercial development at a village scale and style that does not unnecessarily consume land, contains a mix of uses, primarily commercial in nature, and is of a type, scale and design that complements rather than competes with the Downtown.

B. Non-Residential Uses are limited to a maximum footprint of 36,000 square feet. Uses and other dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

C. The western boundary of this district below Route 25 follows the "toe of the slope" not the parcel line as is evidenced by the zoning map. The southern boundary follows stream on the eastern side just below what is now the "Tool Barn" and on the western side, the parcel that currently abuts the southern side of Lake Morey Road.

~~B.~~

Commented [A11]: Selectboard added these additional areas prior to setting a date for a hearing on the bylaw.

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~~3.4 Lower Plain 2 "LP2"~~

~~A. Purpose: It is the purpose of this district to provide space for residential and concentrated commercial development that does not unnecessarily consume land, contains a mix of uses of a type, scale and design that complements rather than competes with the Downtown.~~

~~B. Non-Residential Uses are limited to a maximum footprint of 36,000 square feet. Uses and other dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.~~

~~C. The western boundary of this district follows the "toe of the slope", not the parcel line as is evidenced by the zoning map.~~

3.5 Residential/Service "RS"

A. Purpose: It is the purpose of this district to allow for additional small service and small retail establishments and offices to locate adjacent to the Downtown and serve as a transition to other areas while maintaining the present residential nature and historic character of the area.

B. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under section 4.2 and any specific standards for uses under Article 5.

C. As the Residential Service District extends north beyond Wrights Avenue and Depot Street, it follows Route 5 North to include the parcel with frontage on Route 5. If the parcel extends more than 200 feet from the centerline of Route 5, then the boundary of the Residential Service District zoning is only within that 200 foot distance. The remainder of the parcel is zoned Residential. This is evidenced by the zoning map.

~~B.~~

Commented [A12]: Do we want to add retail to this with emphasis on SMALL

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3.6 Village Residential "VR"

A. Purpose: It is the purpose of the district to provide for high-density housing and limited non-residential uses that do not have negative impacts in an area where public water and sewer services are available.

B. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.7 Residential "R"

A. Contains all lands within the Town of Bradford not otherwise designated as a district.

B. Purpose: To enable rural residential development which is sensitive to and guided by the physical limitations of the land, to create a pattern of settlement which is compatible with the natural and rural character of Bradford; and to maintain or enhance important wildlife habitats and forest resources.

C. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.8 Industrial "I"

A. Purpose: It is the purpose of this district to provide for employment opportunities in manufacturing, warehousing, research and development, and related uses.

B. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.9 Industrial/Mixed Use "I/M"

A. Purpose: The purpose of this district to provide for a mix of service, office, restaurant, industrial, and public uses as these spaces are limited in town.
B. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.10 Low Density Residential "LDR"

A. Description: Lands shown following lot lines or lands more than 500 feet from town highways.
B. Purpose: The purpose of the Low-Density Residential District is to be primarily residential, recreational, agricultural, or silvicultural in nature with no commercial buildings.
C. Uses and dimensional standards are shown in the Use Chart at the end of the Bylaws. Waivers from some dimensional standards may be allowed under section 5.5. Site Plan standards can be found under section 4.1, Conditional Use standards under 4.2 and any specific standards for uses under Article 5.

3.11 Wellhead Protection Overlay

A. The Wellhead Protection Overlay shall contain the latest relevant areas designated by the Agency of Natural Resources as the source protection area for public water supplies.
B. Purpose: to maintain a quality source of public water as provided by the Bradford Water Department, to accommodate development surrounding the wellhead in ways as not to diminish the public investment in the water system, and to advance the goals of Source Protection Plan adopted by the Bradford Water Commission.
C. Prohibited Uses: Due to the relatively high risk of permanent groundwater contamination, the following uses or activities are prohibited within the Wellhead Protection District.

    1) Commercial storage of liquid petroleum products;
    2) Commercial salvage yards or junkyards;
    3) Manufacture, use, or storage of toxic materials exceeding 50 gallons or 250 pounds of dry weight;
    4) Uncontained storage of animal manure
    5) Parking lots and vehicle storage;
    6) Landfills or waste transfer stations;
    7) Injection wells or dry wells; and
    8) Industrial uses that discharge process waste on-site or that do not have an operational stormwater permit from the state.

Prior to rendering a decision for any land development with the Wellhead Protection Area, the Administrative Officer or Board of Adjustment shall provide notice to the Bradford Water Commission. The Water Commission shall coordinate its review of any

proposed development with the Administrative Officer or Board. Plans for the construction of roads or related improvements shall be reviewed by the Board of Adjustment prior to development of such facilities. Approval by the Board shall be granted on finding that the proposed project will not result in undue soil erosion or water pollution. The Board may attach conditions to its approval.

3.12 Wetlands Overlay

A. The Wetlands Overlay shall contain the latest areas designated by the Agency of Natural Resources and any special town studies as wetlands and lands within 50 feet of such, maps of which shall be available and updated as needed. Due to the potential inaccuracy of these maps at a small scale, all applications for permits under these bylaws for developing in the Wetlands Overlay shall be required to have a professional wetlands delineation done or a determination by the Agency of Natural resources that no wetlands are present on the lot prior to any review under these bylaws. If no wetlands are present on the lot, or the area being developed is greater than 50 feet from the delineated wetland edge, then the area will be deemed to not be within the overlay.
B. Purpose: to protect those areas flooded or saturated by water such as bogs, marshes, wet meadows and swamps from development that diminishes the function of a wetland.
C. For development that is determined to be in, or within 50 feet of a delineated wetland in this Overlay, a permit condition requiring the issuance of a state wetlands permit prior to construction is required.

3.13 Historic District Overlay

Within the historic district overlay district, historic design review is required for all forms of development (see section C below). Every community has a unique character, found in buildings, streetscape and landscape. Character is what gives a community its identity. Bradford is a community that has been treasured and admired for its unique character, portions of which have been included as a National Historic Register District. Change is and should be a part of the community. Sympathetic new design can be a positive contribution to the character of the District. Historical, architectural, and visual integrity can be maintained while present and future needs are met. To acknowledge both growth and character, existing buildings and structures should be recognized as products of their own time.

A. Purpose: to protect and promote the historic, cultural and architectural character and integrity of buildings or sites that are located within the overlay area.
B. Historic District Plan Approval: Except as hereinafter provided, no person shall do or cause to be done any of the following acts to any structure located within the Historic Design District without first obtaining Historic District Plan Approval from the Planning Commission (or DRB if established):

    1) Construction of a building or structure regulated under these bylaws;
    2) Relocation of a building or structure regulated under these bylaws;
    3) Demolition of a building or structure regulated under these bylaws;

4) Addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not;
5) Alteration of the exterior wall of a building by tearing down or removing any portion thereof, or, by filling in, sealing, boarding up, closing or enclosing any portion of an existing window, door space, porch, or breezeway thereon;
6) Alteration of the roofline of buildings, excluding chimneys;
7) Addition or removal of materials to or from the exterior of a building or structure where materials so added or exposed are of a kind or type different from those existing; and
8) Addition or alteration of exterior structures such as permanent awnings and canopies.

C.~~G~~. Exemptions: The following actions are exempt from this Section and thus shall not require Historic District Approval:

1) A change of use or type of occupancy which does not cause any of the acts identified in Section 3.12(C) above; and
2) Routine or emergency maintenance or repairs which replace materials in kind and do not alter the exterior of the structure or building.

D.~~H~~. See Section 4.0 Quasi-Judicial Hearings for information on Historic District Review Process.

3.14 Deer Wintering Overlay

A. The Deer Wintering Overlay shall contain the latest relevant areas designated by the Agency of Natural Resources and any special town studies, maps of which shall be available and updated as needed. An applicant believing the maps in error can seek a determination from the Agency of Natural Resources as to the correct boundary.
B. Purpose: it is the purpose of the overlay is to protect deer wintering areas so that they can serve as needed habitat.
C. Standard: Development in the overlay is contingent upon a finding by the Administrative Officer in cases where only a zoning permit is needed, and by the BOA where a conditional use approval is needed, that the proposed development has minimized impacts on the deer wintering area.

3.15 Flood Hazard Overlay

A. The FH Overlay shall cover those areas also regulated under the separate Flood Hazard Area Regulation.
B. The purpose of this overlay is to prevent increases in flooding caused by uncontrolled development of flood hazard areas; to minimize losses of public and private properties as a result of floods; and to retain eligibility for property owners to obtain flood insurance under the National Flood Insurance Program.
C. Prior to any zoning permit being issued in the Special Flood Hazard Area, a Flood Hazard permit under the town's separate Flood Hazard Bylaw shall be required by the Town, or a determination that no such permit is required.

D. Disclaimer of Liability: These bylaws do not imply that land outside the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. These bylaws shall not create liability on the part of the Town of Bradford or any town official or employee thereof for any flood damages that result from reliance on these bylaws or any administrative decision lawfully made hereunder.

4.0 QUASI-JUDICIAL HEARINGS

4.1 Site Plan Approval

A. No Zoning Permit shall be issued by the Administrative Officer for any commercial, industrial, public and quasi-public use, or multi-family dwelling (three (3) units or more) until the Planning Commission (or DRB if established) grants site plan approval. In considering its action, the AMP shall review the application information and any testimony at hearings, and shall impose sufficient safeguards and conditions, to find that:

1) The safety and function of vehicular, bicycle and pedestrian circulation between the site and street network and adjacent traffic generators are maintained, impacts to current and future mobility are minimized, and that internal traffic circulation in all modes and parking and loading facilities are safe and adequate. Mobility is best maintained through limiting of access points on main roads, and accordingly the AMP may require shared vehicular/pedestrian access with adjoining properties, access to the site be from a side street or secondary highway, access points be separated by sufficient distance, a reduction or alteration of existing accesses, and, where access is required to only a portion of the parcel under consideration by the AMP, it may require sharing that access with future uses of the remainder of the parcel. Access to parcels located on Routes 5 or 25 may be limited to frontage roads, required to install frontage or service roads, or permitted to have temporary access with provisions to build such roads pending additional development. For proposed uses that are determined to be likely to cause or contribute to traffic congestion, unsafe conditions, or otherwise materially jeopardize or interfere with the function and efficiency of transportation in all modes, the AMP may require new, or modifications to existing, signage, circulation, and parking within and adjacent to the site as needed in order to minimize such impacts, including, but not limited to: reduction in curb cuts; change in location or number of access points; the construction of, or set aside of lands for, turning lanes, sidewalks, transit stops, bike lanes and racks, pedestrian paths; new signage or striping; and provision for emergency vehicles.
2) Adequate landscaping, screening, and setbacks are in place to achieve compatibility between uses and protection of adjacent properties and the public from unsightly views. Existing vegetation, especially large trees, and notable features of the site such as stone walls, shall be reasonably preserved. Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas, and ground cover. Landscaping may be required to be installed and maintained in front and side yards or adjacent to public roads. Where reasonable in terms of site size and layout, large parking lots serving commercial buildings or uses may be required to be located to the sides or in the rear of a lot or be screened to reduce their visual impact.
3) Unnecessary glare is avoided. Lighting fixtures, levels and distribution are appropriate for the use of the site, compatible with the character of the neighborhood and district, designed to minimize glare and not directly light beyond the boundaries of the area to be illuminated or onto adjacent properties or

result in excessive lighting levels, and are shielded to direct light downward and only onto the site, and not into the night sky and to reduce traffic hazards. Screening may be required to reduce glare and to achieve compatibility with adjacent properties.

4) Any substantial change (to be determined by the Administrative Officer) in exterior lighting for existing commercial or industrial uses shall require Site Plan Approval by the AMP.
5) Surface drainage facilities are adequate. All sites with 0.5 acres of impervious surface (including buildings) shall have an on-site stormwater system compliant with state standards.
6) The utilization of renewable resources is protected through the continued provision of solar access to the site and adjacent sites.
7) That municipal services are adequate for the development and will not be adversely impacted.

D. If a project would require both Conditional Use Approval and Site Plan Approval, the two processes may be combined into a single hearing by both the Board of Adjustment and Planning Commission (or for both DRB if established).

E. For existing projects with Site Plan and/or Conditional Use Approval, a Zoning Permit, and outside the Historic District Overlay, minor changes to exterior features may be permitted instead by the Administrative Officer, provided that notice of the permit and appeal rights is provided to all abutters. Such changes shall not reduce the effect of any requirements permitted under 4.1 or 4.2 but may allow minor changes in location/size/materials/dimensions.

4.2 Zoning Board of Adjustment - Conditional Uses

A. No Zoning Permit shall be authorized or issued by the Administrative Officer for any use listed as requiring Conditional Use Approval within the various zoning districts, unless the Zoning Board of Adjustment has granted such approval. The Zoning Board of Adjustment, upon receipt of a complete application, shall conduct a legally noticed public hearing, shall follow the procedures of 24 V.S.A. §4461-4, and shall render a written decision approving, approving with conditions or denying the request. In granting approval, the ZBA shall find that the proposed use, with any conditions it set forth in its decision, meets with the general and specific standards prescribed for such uses in these bylaws. In its approval, the ZBA shall find that the use will not result in an undue adverse effect on:

1) The capacity of existing or planned community facilities;
2) The character of the area affected, as defined by the purpose(s) of the district within which the project is located, and by the specific policies and standards in the Town Plan;
3) Traffic on roads and highways in the vicinity;
4) The provisions of these Zoning Bylaws and other town bylaws and ordinances in effect; and
5) Utilization of renewable energy resources.

B. In granting such Conditional Use Approvals, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of these bylaws.

C. In the Lower Plain District, the additional standards in 5.1 and 5.2 must also be met.

4.3 Historic District Approval

A. In situations where Historic District Approval is required, prospective applicants shall obtain such approval prior to obtaining a Zoning Permit, if a Zoning Permit is required. If Site Plan approval is also required, the two processes and standards may be combined into a single process when scheduling allows. If both Site Plan and Conditional Use approvals are required, the Historic District review process may also be combined when scheduling allows, and the Planning Commission may provide comments to the Board of Adjustment for use in its review (unless a DRB is established, in which case it shall have all review powers).

B. Application Procedures: Two sets of all application materials shall be submitted to the Administrative Officer. The application shall include the name and address of the applicant, a statement of the proposed construction or alteration for which approval is sought, a drawing in sufficient detail to illustrate clearly the proposed construction or alteration as stated, a description of the location of the proposed structure or the building proposed to be altered, drawings or photographs showing existing conditions of any building or structure proposed to be altered, including structural features and materials, a site development plan and such other information as is relevant and necessary for proper consideration of the application.

    1) Upon the filing of an application, the Administrative Officer shall note the date of filing thereon and shall then transmit the application forthwith to the AMP(s).
    2) The hearing shall be properly noticed as under 6.9 and 24 V.S.A. 4464. One or more hearings will take place in order for the AMP to be satisfied that sufficient evidence and testimony has been presented for it to make a finding for each required standard, after which the AMP shall close the final hearing and deliberate. A written decision granting or denying the application shall be made within 45 days from the date of final adjournment of the hearing. Failure of the AMP to issue its decision within the time and in the manner so specified shall constitute an automatic granting for Approval to the extent specified in the application.
    3) One copy of approved building or structure plans appropriately endorsed shall be returned to the applicant, and one copy shall be filed in the Town Records. No significant changes from the approved plans shall be made during construction without an amendment to those plans applied for and approved in accordance with the above procedures.

C. Criteria for Approval: Before granting Historic District Approval, the Planning Commission (or DRB if established) shall find that any act specified in Section 3.12(C) conforms substantially to the following criteria:

1) Height: The height of proposed buildings or structures is in relation to the average height of existing adjacent buildings.

Setback: New buildings or alterations shall maintain the prevailing setbacks existing in the immediate area.

2) Proportion: Proposed buildings or renovations conform in proportion to the width and height of the front elevations of adjacent buildings; and the relationship of width to height of windows and doors of adjacent buildings.
3) Roof: The shape, pitch and direction of roofs are similar with like structures in the immediate area.
4) Pattern: Placement of windows and doors is similar to neighboring buildings of the same type.
5) Materials and texture: Materials and texture used are appropriate in the context of other buildings in the immediate area.
6) Architectural Features: Architectural features, including but not limited to cornices, entablatures, doors, windows, shutters, and fanlights, are compatible with those prevailing in the immediate area. It is not intended that the details of existing buildings be duplicated precisely, but those features should be regarded as suggestive of the extent, nature, and scale of details that would be appropriate on new buildings and alterations.
7) Location of buildings: The setback of buildings or structures from the street, spacing between buildings, and alignment of buildings shall be related to the prevailing development in the area.
8) New construction shall be complementary to the configuration of existing buildings and streetscape, which respects the traditional scale, proportions, shapes, and rhythms of the surrounding neighborhood.

5.0 SPECIAL PROVISIONS

5.1 Lower Plain ~~1 and 2~~ District Access Management

Commented [A13]: Remove reference to district 1 and 2

In addition to general standards, the following shall apply in Site Plan approval in the Lower Plain ~~1 and 2~~ Districts:

A. Parking, accesses, internal circulation, drives, sidewalks and bicycle lanes will be implemented to enhance the natural environment by using the minimum amount of pavement (impervious lot coverage), minimize the overall number of curb cuts on main roads to preserve highway mobility, maximize internal connection between lots when beneficial to increase pedestrian or vehicle access between lots and uses without needing to reenter main roads, and to preserve the safety and efficiency of access to property.
B. For lots adjacent to a local or private road, driveway access is required onto that road unless traffic safety and mobility is better served by direct access. onto US and state highways. Access points will be situated opposite existing access points along the highway when possible.
C. The AMP may authorize or require the construction or alteration of an access so that the driveway serves more than one lot. The driveway will provide safe and adequate vehicular, pedestrian, bicycle, and emergency access from the street to the principal use of the lots.
D. Driveways will provide a safe, efficient entrance and egress. If a lot has two access points, then those accesses will separately provide a defined vehicular entrance and exit. Lots will not be granted more than two accesses onto main roads, but may have additional connections to neighboring lots to increase circulation.
E. Parking lot design will accommodate safe and efficient circulation of vehicles, pedestrians, and bicyclists. The AMP may require a formal connection between parking lots on neighboring properties.

5.2 Lower Plain Design Review Standards

Development in the Lower Plain ~~1 and 2~~ ~~Districts can~~District can have a significant effect on the visual experience along the US 5 corridor. Accordingly, projects under Site Plan Review in this district, in addition to general standards, must comply with the following standards:

A. Design Compatibility:
   1) All buildings on the same parcel shall incorporate a consistent architectural theme. Architectural design, materials, colors, forms, detailing, signs and landscaping shall work together to express a consistent design.
   2) Building footprints shall be varied within a development to avoid repetitious building outlines or continuous expanses of similar building outlines.

B. Orientation: Buildings shall be oriented in a manner that minimizes adverse visual impacts. In addition, the following shall apply:

1) Where buildings are grouped on a site, primary building facades and entrances shall maintain a consistent orientation in relation to each other or to a main access road, or a central green or plaza.
2) Any building visible from a public (state or town) road or highway shall be oriented or sufficiently screened so that the "back" of the building, including loading bays and service entrances, is not visible from public rights-of-way.

C. Height: The height of new development shall be at least 20 feet (not including the ~~roof~~ ~~two stories~~ ~~and~~roof and compatible with, or provide a visual transition from, the height of existing adjacent development. Notwithstanding the maximum height for the zoning district, the Board may allow a building with a maximum height of up to 50 feet if it makes an affirmative finding that the building is sited in a location in which the natural grade and/or distance to US 5 provides partial screening of the building and an angle of sight such that the visual scale of the building as viewed from US 5 and or VT 25 is similar to buildings along that road.

Commented [A14]: Taylor asks if all buildings would be two floors. Response: The interior of the building is not reflected in design standards. It means that buildings should not be one story in height but rather at least two stories. We can discuss putting in language about minimum feet excluding roof to make the requirement clearer.

D. Scale: The design of large buildings shall create visual interest, achieve an architectural scale that is pedestrian-friendly, and reduce the structure's apparent mass and bulk. This may be accomplished through the use of:
1) Modulation (wall projections, recesses);
2) Articulation (varying building façades, footprints);
3) Variations in roofline (e.g., dormers, gables, cornices, decorative facings);
4) Upper story setbacks;
5) Fenestration (spacing of windows, entryways);
6) Architectural detailing;
7) Smaller scale additions.

E. Facades: All facades visible from a public way shall conform to the following standards:
1) All facades visible shall be treated with compatible architectural detailing and materials as are used in the primary (front) facade.
2) Long or large blank walls shall be avoided. Methods to avoid this include window and entry placement, changes in color and/or texture, and the use of architectural details such as offsets or projections.
3) The size and placement of windows and doors shall relate to the overall form of the building.
4) Windows other architectural features shall break up flat surfaces that would otherwise appear massive and bulky.
5) Principal entryways shall be pedestrian-scaled and oriented, and prominently identified through the use of architectural elements (e.g., porticos, recesses) and landscaping.
6) Building elements shall not function as advertising. The use of franchise architecture, where a building reflects a standardized design template to serve as franchise advertisement, is prohibited. Incorporation of franchise or design elements unique or symbolic of a particular business shall be unobtrusive and secondary to the overall architectural design.

F. Rooflines:
   1) Main rooflines may be flat or pitched at no less than a 1:2 ratio, and shall add interest to the overall design of the building as seen from public highways through the use of architectural details such as cornices and decorative facings, dormers, stepped roofs, gables or other roof elements to provide visual interest.
   2) Main roofs having eave heights of 20 feet or less above ground level and visible from public highways, as well as roofs on buildings that are less than 4,000 SF, shall be pitched at no less than a 1:2 ration.
   3) Rooftop mechanical and electrical equipment shall, to the extent feasible, be screened from public view and incorporated in building design as an integral architectural element.

G. Materials: Building materials shall provide architectural aesthetic quality, durability, and shall be compatible with the architectural style of the building and vernacular architecture typical of rural New England.

H. Business Parks: Business parks shall be designed, planned, constructed and managed on an integrated and coordinated basis to provide for mixed uses including, but not limited to, industrial or manufacturing activities, warehouses, professional office buildings, business services, public administration buildings, educational or communications centers, or other supporting uses and open spaces.

5.3 Home Business

Home Businesses shall meet all of the requirements of a Home Occupation except that in addition to the occupants of the residence they may also employ not more than three (3) other employees on site at any one time, and exterior storage of large equipment or materials is allowed, but must make reasonable efforts to minimize the visibility of storage from a public road or adjacent residential properties.

See section 2.14 for Home Occupation standards.

5.4 Extraction of Gravel, Sand, Soil and Rock

Applications for the commercial extraction of gravel, sand, soil and rock or the substantial change of such activities from existing operations shall require Conditional Use Approval from the Board of Adjustment which shall incorporate at a minimum the following conditions:

A. Except under emergency conditions, the site shall not operate outside of 7:00 am to 7:00 pm.
B. Crushing/sorting machinery will not operate within 300 feet of adjacent structures.
C. Sufficient native topsoil, when present shall be stockpiled on site to rehabilitate the site.
D. No top of slopes/rock faces shall be located within 50 feet of property lines and all areas.

E. Blasting shall take place no more than four times a year and shall be prefaced by notification to all occupied structures within 1,000 feet.
F. Excavations shall maintain a minimum of three feet to groundwater.

To ensure that the rehabilitation of the site is properly managed, the Board may, as a condition to its approval, require that a bond or other forms of surety be posted to cover the costs of restoration or that no more than a predetermined area of the site to be exposed at any one time.

5.5 Waivers

A. For any use requiring only a Zoning Permit, the Administrative Officer may reduce dimensional requirements without a hearing in all districts (except the Village Historic Overlay and Lower Plain Commercial District) for the following purposes:

    1) Reductions in front or side setbacks as necessary to allow for disability access;
    2) Reductions in side setbacks to allow for necessary life safety improvements.

B. As part of Site Plan Approval, the Planning Commission (or DRB if established) may waive dimensional requirements after their hearing as follows:

    1) Intrusions may be allowed within setback areas to provide for disability access, fire safety, or public health safeguards so long as such intrusions are the minimum needed to accomplish the objective.
    2) In all districts except CBD and LDR, lot sizes may be reduced up to 50% to provide for affordable housing development.
    3) Front setbacks in the VR and VRS districts may be waived up to 50% to more closely match development on adjacent lots.
    4) During a subdivision, lot size in the LDR districts may be waived to no less than 1 acre provided that the overall permittable density on the original lot as calculated in Table 7.1 remains the same. Permit conditions shall be attached to all lands involved so that the total density is not increased in subsequent development.
    5) In order to encourage the maintenance or enhancement of forest or agricultural resources, or critical wildlife habitats, the total number of potential dwelling units in a subdivision on a parcel in the LDR district at least seven acres in size may be increased by one unit per five acres upon a finding by the AMP that the character of the proposed development preserves areas of forest or farmland, lessens the visual impact of the dwellings through landscaping, building design and placement, and preserves critical wildlife habitat and recognized historic sites or structures. Permit conditions shall be attached to all lands involved that ensure findings remain valid in the future.

All waivers with the decision and supporting basis shall be included in the permit file.

5.6 Mobile Home Parks

Interior dimensions for mobile home parks shall be not less than 50 by 80 feet per lot and homes shall be set back at least 10 feet from lot lines. Exterior setbacks along the perimeter of mobile home parks shall meet requirements for the district(s) where they are to be located. An area of contiguous common space equal to half of all lot acreage shall be kept open or have recreational amenities. At least one 3-inch (dbh) deciduous tree shall be planted/or retained for every two mobile homes.

5.7 Dams, Ponds, or Impoundments

No dam, pond, impoundment, or similar structure capable of impounding more than 50,000 cubic feet of water shall be constructed, enlarged, remodeled, reconstructed, or otherwise altered unless a Zoning Permit has been first granted by Administrative Officer who shall first find that the proposed design and construction or alterations plans and specifications meets with acceptable engineering standards and practices as certified by a Vermont licensed professional engineer. This condition shall not apply to ponds that are simply dug and which have no possibility of breach. Applications for permits include information regarding the location and dimensions of the structure, approximate size in cubic feet of the impoundment, plans and specifications to be followed in the construction or alterations and operational and maintenance procedures.

5.8 Private Way, Highway, or Drive

In addition to any regulation under these bylaws, private ways, highways, or drives are regulated by the Bradford Highway Ordinance. Copies are available at the Town Offices.

5.9 CBD Minimum Height

Within the CBD new construction shall have no less than two full stories.

5.10 Short-term Rentals

Commented [A15]: Taylor asks about "depending on district"

See Table 7.2 on page 48 to see where short term rentals are permitted or are conditional use. Site plan required in Central business, Lower Plain, Residential Service, village Residential and Residential. Not permitted in Low Density Residential, Industrial Park or Mixed Use Industrial Districts. In Residential District, Conditional Use is also required.

Short-term rentals are permitted or conditional uses depending on the district (See Table 7.2). All permits for such rentals must require:

A. adequate parking for the expected occupancy,
B. occupancy limited to no more than 2 persons per bed,
C. no outside sign indicating the rental,
D. proof of rubbish removal and placement of containers outside of view of the street,
E. posted notice to renters of the name, address, and telephone number of the property manager and proof of inspection that the property meets rental property code by fire safety officials.
F. Name, address, and telephone number of property manager on file at town office.

5.11 Rural Enterprise

A. Statement of Purpose

The concept of Rural Small Enterprise is to support the rural -attributes that are so important to both the quality of life and the economic character of- Bradford. One means to accomplishing this goal is to provide alternative uses for the older structures that sustain the rural character yet allow alternative sites for small businesses. Another is to enable appropriately scaled and designed new buildings to be constructed for business purposes consistent with the requirements of this section and the policies of the Bradford Town Plan.

In order to protect the rural character of the area, the impact of additional traffic on the rural highway system shall be a strong factor in the review procedure. Many of the town's rural roads cannot support additional traffic especially during mud and snow seasons.

B. General Requirements

Listed below are general requirements. The Planning Commission and the Zoning Board of Adjustment may add special conditions as warranted.

1. The owner of the enterprise shall work on the property.
2. The property shall be no less than 1 contiguous acre.
3. No more than seven (7~~0~~ employees shall be ~~pemritted~~permitted, exclusive of the owner. Notwithstanding the above, the Zoning Board of Adjustment may authorize additional employees on finding that such does not materially impair the purposes of this section or other requirements of these Bylaws.
4. No structure renovated or constructed for this use shall be larger than 3000 square feet in size, unless the Zoning Board of Adjustment finds that a proposed structure exceeding 3000 square feet is scaled and designed to be compatible with its setting and the immediate neighborhood, and does not adversely impact the other requirements of these Bylaws.
5. Retail trade may be permitted only upon a determination by the Zoning Board of Adjustment that the volume of retail trade is minor relative to off-premise sales and sales of products are confined mainly within structures or buildings and not outdoors. The ZBA shall have the ability to impose conditions limiting retail trade, including hours of operation.
6. There shall be no outdoor storage unless fully screened from public view.
7. All new construction shall be compatible with the architectural character of the immediate neighborhood.
8. Any exterior lighting plans shall meet the minimum requirements of these bylaws.

C. Permit Process

A small enterprise is a non-residential use requiring both conditional use review and site plan review. During the review process, special attention shall be given to maintaining

the rural character of the area. A traffic consultant may be required to review the application at the applicant's expense. An application will be denied if a road is found to be too narrow or generally unsafe to accommodate additional traffic or if the additional traffic will adversely affect the rural character of the area.

D. Parking and Deliveries

Parking shall be placed to the rear of the structure where applicable, or to the side of the structure. Parking shall be adequately screened as determined by the Planning Commission and the ZBA. The access/driveway shall be no more than ten (10) percent grade for a distance of 300 feet and shall be designed to permit adequate access for the proposed delivery vehicles. Deliveries shall take place during the normal business hours.

Rural enterprises may use existing buildings or new construction. All new construction shall be 3,000 square feet or less, except if the Appropriate Municipal Panel (AMP) finds that a larger structure has been scaled and designed to be architecturally compatible with its setting and the immediate neighborhood. Traffic impacts from the business shall not have an adverse effect on roadways. Outside storage must be fully screened.

6.0 ADMINISTRATION, ENFORCEMENT and APPEALS

6.1 Administrative Officer

An Administrative Officer is hereby appointed by the Selectboard to administer these bylaws as provided for in Section 4448 of the Vermont Planning and Development Act (24 V.S.A., Chapter 117). The Administrative Officer shall enforce literally the provisions of these bylaws and in so doing shall receive and verify applications, inspect premises with permission, maintain records, issue permits and certificates, and perform other tasks as may be necessary to carry-out the provisions of these bylaws. The Administrative Officer has thirty days after receiving a complete permit application to ~~either~~ deny~~, or~~ approve or refer to the appropriate municipal panel the application. If the permit conforms with the requirements of the Bylaws, the Administrative Officer must grant the permit.

Commented [A16]: Taylor asks what happens if referred for review and is past 30 days.

The state statute reads as follows: "If the administrative officer fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the appropriate municipal panel, a permit shall be deemed issued on the 31st day." Will suggest inserting clause to say deny, approve or refer to the appropriate municipal panel……

6.2 Board of Adjustment – Creation

A Zoning Board of Adjustment (ZBA) is established in accordance with the provisions of 24 V.S.A., Chapter 117, §4460. The Board shall be appointed by the Selectboard, and shall consist of 3 to 9 members for terms determined by the Selectboard. Meetings of the Board shall be held at the call of the Chair and shall be open to the public. The Board shall conduct its affairs in accordance with 24 V.S.A. §4461. If the Town changes to review by Development Review Board (DRB), then all of the duties of the ZBA under these Bylaws shall be done by the DRB.

6.3 Zoning Board of Adjustment – General Duties

A. The Board shall be charged with the proper interpretation of these Zoning Bylaws and their consequent application within the municipality, and with the administration or the procedures allocated to it by these Zoning Bylaws including the following:

1. To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Administrative Officer in the administration and enforcement of these Zoning Bylaws.
2. To hear and grant or deny an appeal or referral for a waiver or variance.
3. To hear and approve or deny a request for a Conditional Use.

B. The ZBA shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

Any approval or denial shall contain written findings of fact setting forth reasons for approval or denial, list any conditions, and address each of the standards relevant to the proposed development. Copies of the decision approving or denying the conditional use will be promptly mailed to the applicant by certified mail, and by first class mail to every

person or body appearing and having been heard at the hearing(s), and also filed with the Administrative Officer and the Town Clerk.

Conditional Use Approval is not a permit to construct. A Zoning Permit is still needed and the Conditional Use Approval shall be attached to the application for a Zoning Permit for the property seeking approval.

6.4 ZBA – Appeals of Decisions of the Administrative Officer

An interested person as defined in section 1.11 may appeal a decision or act taken by the Administrative Officer by filing a notice of appeal with the Secretary of the Zoning Board of Adjustment. Such notice of appeal must be filed within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal shall be filed with Town Clerk.

A notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant and the alleged grounds why such requested relief is believed appropriate under the circumstances.

The ZBA shall set a date and place for a public hearing of an appeal under these bylaws, which shall be within sixty (60) days of the filing of the notice of such appeal. The Board shall give public notice of the hearing, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date.

An interested person (defined in 1.11) who makes an appeal with respect to the property at issue shall appear and be heard in person or be represented by an agent or attorney at such hearing.

The ZBA shall render any decision, including whether it finds that the appellant is or is not an interested person, within forty-five (45) days after completing the final hearing on the matter, in accordance with the Act. If the Board fails to act within this period, it shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested on the last day of such period.

The Board shall keep minutes of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be within five days filed in the office of the clerk of the municipality as a public record.

All decisions of the Board shall be in writing and shall include the reasons for the action taken. Findings shall be detailed and in specific terms, discussing the cause of the decision, beyond such generalities as “in the interest of public safety, health and general welfare.” In every instance, a statement of the testimony, finding of facts upon which such action is based and conclusions shall appear in the decision.

Appeals of decisions of the ZBA shall be made to the Environmental Court as under 6-9.

6.5 Zoning Board of Adjustment – Variances

On an appeal or by referral, wherein a variance from the provisions of the Zoning Bylaws is requested by the appellant, in accordance with 24 V.S.A. §4469, the ZBA (or DRB if established) shall grant such variance, and render a decision in favor of the appellant, if all the following facts are found by the Board and are specified in its decision:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of the Zoning Bylaws.

B. That as a result of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Bylaws and the Town Plan.

In rendering a decision in favor of an appellant, the ZBA may attach such conditions to a variance or waiver as it may consider necessary and appropriate under the circumstances to implement the purpose of these Zoning Bylaws and the Town Plan.

If a variance is requested for a structure that is primarily a renewable energy resource structure, the board of adjustment may grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in the decision:

A. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the Bylaws.
B. The hardship was not created by the appellant.
C. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

D. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning Bylaws and from the town plan.

The ZBA may attach conditions as necessary to implement the Act and the town plan, and shall act to approve or disapprove any requested variance within forty-five (45) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

The issuance of a variance or waiver shall not relieve the appellant of the obligation to obtain a Zoning Permit and such permit shall only be issued if the proposed land development complies with all other applicable provisions, except as varied by the Board of Adjustment.

6.6 Non-Conforming Uses and Structures

A. A pre-existing non-conformity or a use or structure made non-conforming by enactment of these bylaws, or an amendment thereto, may be continued, subject to the following conditions:

1) A non-conforming use may be changed to another non-conforming use upon conditional use approval of the ZBA, but only if the Board finds that the impact of the new use is not greater in terms of non-conformity than that of the original non-conforming use.

2) A non-conforming structure may be expanded, upon issuance of a Zoning Permit by the Administrative Officer, provided that the expansion shall not cause the structure to become in violation of any requirements of these bylaws. Where a structure intrudes into any one required setback, additions that do not increase the degree of intrusion into the setback may be permitted so long as the expansion may not be reasonably accomplished in compliance with that setback. Structures not in compliance with two setbacks may not be expanded except by variance.

3) When a non-conforming use has been changed to a conforming use or discontinued for a period of 12 consecutive months, it shall not thereafter be reestablished. Notwithstanding this restriction, a non-conforming use may be reestablished upon a finding by the Board of Adjustment that during a period of discontinuance, not to exceed three (3) years, the owner has diligently pursued maintaining the use.

4) A non-conforming structure which is voluntarily removed by the owner shall be reconstructed in conformance with these bylaws.

5) A non-conforming structure which has been demolished due to damage may be reconstructed to its previous dimensions, but shall be placed on the lot in a compliant location, and if that is not possible, then a location that provides the least deviation from the requirements of these bylaws.

6) A non-conforming structure located in the flood hazard overlay shall not be rebuilt except as in compliance with the flood hazard area regulations.

6.7 Planning Commission – Creation

A Planning Commission is established in accordance with the provisions of 24 V.S.A., Chapter 117, §4321. The Commission shall be appointed by the Selectboard, and shall consist of 3 to 9 members for terms determined by the Selectboard. Meetings of the Commission shall be held at the call of the Chair and shall be open to the public. The Commission shall conduct its affairs in accordance with 24 V.S.A. §4461. If the Town changes to review by Development Review Board (DRB), then all of the review duties of the Commission board shall be done by the DRB.

6.8 Planning Commission – Duties

The Commission shall be charged with the proper interpretation of these Zoning Bylaws and their consequent application within the municipality, and with the administration or the procedures allocated to it by these Zoning Bylaws including to hear and grant or deny Historic Design Approval, and to hear and approve or deny a request for Site Plan Approval. Site Plan or Historic Design Approval is not a permit to construct. A Zoning Permit is still needed and the previous Approval shall be attached to the application for a Zoning Permit for the property seeking approval.

The Commission shall act to approve or disapprove any such requested Historic Design or Site Plan approval within forty-five (45) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

Any approval or denial shall contain written findings of fact setting forth reasons for approval or denial, list any conditions, and address each of the standards relevant to the proposed development. Copies of the decision approving or denying the conditional use will be promptly mailed to the applicant by certified mail, and by first class mail to every person or body appearing and having been heard at the hearing(s), and also filed with the Administrative Officer and the Town Clerk.

6.9 Appeals to the Environmental Court

Appeals from the decisions of the Planning Commission, Zoning Board of Adjustment, or DRB shall be made within 30 days to the Vermont Environmental Court in accordance 24 V.S.A. § 4471 and related statutes or rules. Appeals must be made by an interested person who has participated in the hearings related to the permit in question.

Notice of the appeal shall be sent, by certified mail and with appropriate fees, directly to the Environmental Court. A copy of the notice must also be sent to the Administrative Officer who is required to provide a list of interested persons to the appellant within five working days of the notice. Upon receipt of the list of interested persons, the appellant is required to send a copy of the notice, via certified mail, to each interested person.

Notwithstanding the above, a determination by the Board of Adjustment shall not be subject to appeal if the determination is that a proposed residential development within a designated downtown development district seeking conditional use approval will not result in an undue adverse effect on the character of the area affected, as provided in 24 VSA section 4414.

6.10 Penalties and Enforcement

If any development is in violation of these bylaws the Administrative Officer shall institute in the name of the Town any appropriate action to correct such violation. Violations of these bylaws shall be regulated as prescribed by 24 V.S.A. §4451-4. Alleged offenders will have a minimum of seven days warning by certified mail from the Administrative Officer to correct the violation or face fines. Repeat violations will not have a grace period. If the offense has not been cured within seven days of the notice, a notice of violation will be filed in the land records and a fine may be issued of not more than $100.00 for each offense. Enforcement of fines may be sought through the Environmental Court or the Judicial Bureau. Each day that a violation is continued shall constitute a separate offense. In default of payment of the fine, the offender shall pay double the amount of such fine. All fines are payable to the town.

6.11 Public Notice

Any public notice required for public hearing under these bylaws shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the municipality, the posting of such notice in three (3) or more public places within the municipality, and posting on a form visible from the nearest public right-of-way, not less than 15 days prior to the date of the public hearing.

Written notification of the public hearing must also be given to the applicant and to owners of all properties adjoining the property subject to development, without regard to public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to make any subsequent appeal.

6.12 Permit Issuance and Recording

Within three days following the issuance of a zoning permit, the Administrative Officer shall provide a copy of the permit to the Listers and post a copy of the permit in the Town Clerk's office until the expiration of the appeal period. The Administrative Officer must also post a permit notice, on a form prescribed by the town of Bradford, within view of the public right of way most nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal process and information as to where a full description of the project and approval can be found

After the 15-day appeal period has closed, but within 30 days any Zoning Permit, Conditional Use Decision, Site Plan Decision, Variance Decision, Notice of Violation, Certificate of Occupancy, or similar instrument required by these bylaws or statute, or

notice of such decisions, violations, or similar instrument shall be delivered by the Administrative Officer to the Town Clerk for recording.

Where applicable, notice of recording shall list the owner of record title as grantor and the Town of Bradford as grantee. Such recordings shall be open for inspection. The notice of recording shall also include a statement of the municipal or village office where the original or a true, legible copy of the municipal land use permit may be examined, whether an appeal of such permit, certificate, or notice has been taken; and the tax map lot number or other description identifying the lot.

The Town Clerk may charge the applicant for additional recording fees as allowed by law.

The Administrative Officer shall also file a copy of the effective Permit, along with any necessary approvals, conditions, maps or drawings in the permit files in the town office where full copies of all municipal land use permits are kept.

6.13 Expiration

All projects, as authorized by a Zoning Permit, shall physically begin within a period of two years of the issuance of the permit, unless construction has been delayed by litigation resulting from permits or approvals. Approved projects not begun within two years and/or substantially complete within five (5) years of the date of issuance of the permit, except owner occupied residences, as evidenced by a certificate of compliance, will cause the Zoning Permit, and any associated approvals under these bylaws to expire, requiring a new permit review and approval under the Bylaws at that time if the applicant still wishes to undertake the project..

Commented [A17]: Taylor asks about what happens after 5 years;

According to the bylaw, if the project is not substantially completed within five years, any further construction would require a new permit review and approval under the Bylaws at that time.

No permit issued shall take effect until the time for appeal has passed or until the final adjudication of such appeal (24 V.S.A. 4449(a) (3)). Permits that have been complied with within the required times shall not expire and shall run with the land.

6.14 Fees

A schedule of fees to cover project review, permitting and monitoring costs associated with these bylaws shall be established by the Selectboard in consultation with the Planning Commission and may from time to time be amended.

6.15 Certificate Of Compliance

Commented [A18]: Taylor asks if AO role in issuance of certificate of compliance.

The AO would be responsible for issuing the Cert of Compliance at the request of the permit holder

In order that there be a determination that all buildings hereafter altered, enlarged, moved, or constructed and all uses of land and structures are in accordance with the provisions of the Zoning Permit authorizing such activity, a Certificate of Compliance shall be required prior to the use or occupation of any land or building or part thereof which requires a permit under these bylaws. The permit holder requests of the AO to issue this certificate.

A Certificate of Compliance shall be issued by the Administrative Officer upon determination that the building or use authorized by a Zoning Permit is in substantial compliance with the standards and conditions of the permit and these Zoning Bylaws.

A Certificate of Compliance shall be granted or denied within fourteen (14) days after written notice of completion by the applicant to the Administrative Officer, and shall remain in effect as long as such building or use is in compliance with the standards and conditions authorized by the Zoning Permit. The Applicant shall have the right to occupy said premises if the Administrative Officer does not respond within the fourteen (14) day period. Notwithstanding, this shall not be conclusive evidence that the premises comply with the provisions of these bylaws.

If the Administrative Officer, after inspection, refuses to issue a Certificate of Compliance, he or she shall state such refusal and the causes for it in writing and immediately send via Certified Mail notice of such refusal to the applicant at the address indicated on the application. Appeals from decisions of the Administrative Officer shall be taken to the Board of Adjustment.

A Certificate of Compliance may also be issued by the Administrative Officer for existing compliant structures that lack such documentation in town files.

7.0 STANDARD TABLES

Table 7.1

	Central Business	Lower Plain ~~1/2~~	Residential Service	Village Residential		Residential		Low Density Residential	Industrial Park	Industrial/mixed
Minimums	**CBD**	**LP~~1/2~~**	**RS**	**VR**	**R**	**R**	**R**	**LDR**	**IP**	**I/M**
Lot Area	4000 SF	20000 SF	6000 SF	6000 SF	1 ac*	15000 sf if on public water	8000 sf if on public sewer and water	7 ac*	20000 SF	20000 SF
Lot Frontage/lot width	20'	100'	60'	60'	200'*	100'	80'	200'*†	60'	60'
Front Setback	25'*	40'/25'¥	40'*	40'*	55'	40'	40'	70'	55'	40'
Side and Rear Setback	0'	10'	10'‡	10'‡	25'	10'	10'	50'	20'	15'
Height	2-story	20' ~~(LP1 only)~~								
Maximums										
Building Height	50'	50'	35'	35'	35'	35'	35'	35'	35'	35'
Building Coverage	100%	70%	70%	70%	n/a	n/a	n/a	n/a	50%	50%
Front Setback	adjacent	60'/35'¥	adjacent							

***see waivers under Section 5.5**
† Where frontage is not on public highways this shall be the minimum average lot width.
‡ Setbacks shall be increased as needed so at least 20' is maintained between structures.
¥ Larger setbacks shall be from US 5 and VT 25/smaller setbacks from other roads.

Table 7.2

	Central Business	Lower Plain 1	~~Lower Plain 2~~	Residential Service	Village Residential	Residential	Low Density Residential	Industrial Park	Industrial/ Mixed
Uses									
Res Accessory Structure	AO	AO	~~AO~~	AO	AO	AO	AO	-	-
1- and 2-unit dwellings	-	AO~~-~~	~~AO~~	AO	AO	AO	AO	-	-
Accessory Dwelling	AO	AO	~~AO~~	AO	AO	AO	AO	-	-
Home Occupation	AO	AO	~~AO~~	AO	AO	AO	AO	-	AO
Non-Formula Restaurant	S	S	~~S~~	-	-	-	-	-	S/C
Principal Retail	S	S/C	-	S~~-~~/C	-	-	-	-	-
Home Business	S	S	~~S~~	S/C	S/C	S/C	-	-	S/C
Lodging	S	S	~~S~~	-	-	-	-	-	-
Office	S	S	~~S~~	S/C	-	-	-	-	S/C
Large Group Home	-	S/C	~~S/C~~	S/C	-	S/C	-	-	-
Bank	S	-	-	-	-	-	-	-	-
Public/Quasi Public	S	S/C	~~S/C~~	S/C	S/C	-	-	-	S/C
Multi-Unit Dwelling 3-4	S	S	~~S~~	S	S	S/C	-	-	S/C
Multi-Unit 5+	S	S	~~S~~	S	S	-	-	-	-
Industrial	-	-	~~-~~	-	-	-	-	S/C	S/C
Inn/Short-term Rental	S	S	~~S~~	S	S	S/C	-	-	-
Outdoor Recreation	-	S/C	~~S/C~~	-	-	S/C	S/C	-	-
Indoor Recreation	-	S/C	~~S/C~~	-	-	-	-		S/C
Light Manufacturing	-	-	~~-~~	-	-	-	-	S/C	S/C
Gas Station	-	S/C	~~S/C~~	-	-	-	-	-	-
Repair/Service Facility	S/C	S/C	~~S/C~~	S/C	-	-	-	-	S/C
Vehicular Service	-	S	~~S~~	-	-	-	-	-	-
Resource-Based	-	-	~~-~~	-	-	S/C	S/C	-	-
Rural Enterprise	-	-	~~-~~	S/C-	-	S/C	-	-	S/C

AO= Applicant can receive a Permit directly from the Administrative Officer without additional board review, provided that their application meets the requirement of these bylaws.

S = Site Plan review is required as part of the permitting process.

C = Conditional use review is required as part of the permitting process.

Other similar uses not listed above may be allowed as conditional uses upon a written determination by the Board of Adjustment that such use is of the same general character as those permitted and the use is not detrimental to other uses in the District as well as adjoining uses.

Applicants should be aware that for all uses within the Historic Village Overlay, additional review is required as part of your application. Additionally, other permits/approvals outside of this Bylaw from the Town, State, or Federal entities may be required in all districts.