

TOWN OF BRADFORD ZONING BYLAWS

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Bradford Planning Commission
Bradford, Vermont

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1.0 GENERAL PROVISIONS

1-1 Enactment

Whereas the Town of Bradford, Vermont has created a Planning Commission and 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, streambanks, 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 bylaw, 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 bylaw, amendment, or repeal.

1-4 Status of Prior Bylaws and Ordinances

Upon the effective date of these Bylaws, the Town of Bradford Bylaws adopted March 4, 2003 are hereby repealed.

2.0 GENERAL BYLAWS

2-1 Zoning Permit

Except as provided herein, no land development may commence unless a Zoning Permit has been duly issued by the Zoning Administrator in conformance with these bylaws. Land development is defined as 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, or any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. 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)).

Within three days following the issuance of a zoning permit, the zoning administrator shall post a copy of the permit in the Town Clerk's office until the expiration of the appeal period. The (Zoning Administrator) 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 and information as to where a full description of the project and approval can be found

Zoning Permits are not required for interior alterations or renovations, provided the use of the building or structure remains substantially unchanged. Prospective applicants for Zoning Permits may obtain application materials from the Town Offices or Zoning Administrator during regular office hours. Sewerage, septic and water hookup permits and driveway and roadway permits are required before Zoning Permits are issued.

Zoning Permit Application Procedures: All application materials shall be submitted to the Zoning Administrator. 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.

All projects, as authorized by a Zoning Permit, shall begin within a period of two years, unless construction has been delayed by litigation resulting from other permits or approvals. Approved projects not begun before a Zoning Permit expires require a new permit application.

2-2 Inspections

The Zoning Administrator, being duly authorized to enforce these Bylaws, is empowered to enter upon land or any building after having given 48 hours advanced warning for the purpose of assuring that any land development, as defined or approved, is in compliance with the requirements of these Bylaws and any Zoning Permit that may have been granted.

2-3 Limitations on Zoning Bylaws, including Agriculture, Farming, Forestry, Hunting, and Trapping:

In accordance with State law 24 V.S.A. §4413(d)), a bylaw under this chapter shall not regulate accepted 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 this section, "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 a municipality in writing of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure shall be required.
- (3) A municipality may enact a bylaw that imposes forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the extent that those changes are silviculturally sound, as determined by the commissioner of forests, parks and recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.

A bylaw enacted under this chapter shall be subject to the restrictions created under section 2295 of this title, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.

2-4 Construction Approved Or Commenced Prior To Adoption Or Amendment Of These Bylaws

No new Zoning Permit shall be required for any structure or use upon which construction had begun or within which such use was legally established prior to the adoption or amendment to these Bylaws, provided such construction is completed within one (1) year from the date of such adoption or amendment. Nothing contained in these Bylaws shall require any change in plans or construction of a non-conforming structure or use for which a Zoning Permit has been issued and which has been completed within one (1) year from the effective date of these Bylaws.

2-5 Certificate Of Occupancy

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 Occupancy shall be required prior to the use or occupation of any land or building or part thereof (excepting accessory buildings or structures and alterations which do not change the footprint of the original structure).

A Certificate of Occupancy shall be issued by the Zoning Administrator upon determination that the building or use authorized by the Zoning Permit is in substantial compliance with the standards and conditions of said permit, these Zoning Bylaws and any applicable health regulations.

A Certificate of Occupancy shall be granted or denied within fourteen (14) days after written notice of completion by the applicant to the Zoning Administrator, 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 Zoning Administrator 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.

A Temporary Certificate of Occupancy may be granted by the Zoning Administrator, to be reviewed annually, which will allow occupancy of the structure during completion of the construction. In certain circumstances, as determined by the Zoning Administrator, a Conditional Certificate of Occupancy may be issued. All conditions shall be included as part of the Conditional Certificate of Occupancy.

If the Zoning Administrator, after such final inspection, refuses to issue a Certificate of Occupancy, he or she shall state such refusal and causes 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 Zoning Administrator shall be taken to the Board of Adjustment.

3.0 ZONING DISTRICTS

3-1 Establishment of Zoning Districts and Map

For the purpose of these Bylaws, the following Zoning Districts are hereby established:

A. Central Business District	“CBD”
B. Lower Plain Commercial	“LPC”
C. Residential/Service	“RS”
D. Village Residential	“VR”
E. Residential	“R”
F. Industrial	“I”
G. Public Lands	“PL”
H. Flood Hazard	“FH”

The areas and boundaries of the Zoning Districts are established as shown on a map which is hereby designated as the Town of Bradford Zoning Map dated February, 1999 and made a part of these Bylaws together with all future amendments. The official Zoning Map shall remain on file with the Zoning Administrator at the Town Offices.

3-2 Establishment of Overlay Zoning Districts and Map

For the purpose of these Bylaws, in addition to the base Zoning Districts noted in Section 3-1 above, the following Overlay Zoning Districts are hereby established within the Town of Bradford:

A. Wellhead Protection District	“WHP”
B. Wetlands and Excessively Steep Slopes District	“W/SS”
C. Village Historic District	“VHD”
D. Deer Wintering Area	“DWA”

The areas and boundaries of the Overlay Zoning Districts are established as shown on the maps on file in the office of the Zoning Administrator and are hereby designated as the Overlay Zoning Map for the Town of Bradford and are made a part of these Bylaws together with all future amendments.

3-3 Interpretation of Zoning District and Overlay District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District or Overlay Zoning District, the location of such boundary shall be determined by the Zoning Administrator. 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 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 conterminous with property lines, centerlines of roads, or centerlines of water courses.

3-4 Central Business District “CBD”

A. The Central Business District is defined as follows:

Beginning at the Waits river bridge (#91), the Central Business District follows the southern and western boundary line of the Boch Park, to South Main Street (Route 25B). The boundary of the Central Business District crosses South Main Street and follows Goshen Road to the intersection with Pleasant Street. The boundary follows the eastern edge of Pleasant Street in a northerly direction. The northern boundary of the Central Business District West of Main Street is the northern property line of the Wells River Bank building (21-97-0111). East of Main Street the northern boundary is the property line on the southern edge of the park with the bandstand (Anne Wilson Denny Memorial Park 21-97-0128). The eastern boundary of the District is the western edge of the golf course. The boundary follows the edge of the golf course southerly to the bank of the Waits River.

B. Purpose: The purpose of this district shall be to provide for residential and non-residential uses at a scale, type, density, and character so as to maintain or enhance Bradford’s historic village as the central business area for the Town.

C. Permitted Uses: The following use may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- (1) Single or Two Family Dwelling
- (2) Group Home/Residential Care Home (see section 5-27)
- (3) Family Child Care Home (see section 5-28)
- (4) Accessory Structure or Use
- (5) Accessory Dwelling Unit (See Section 5-21)
- (6) Home Occupation I and II (See Section 5-9)
- (7) Division of lots (See Section 5-14)
- (8) Inn/Lodge/Bed and Breakfast
- (9) Restaurant
- (10) Professional Office
- (11) Bank
- (12) Public or Quasi-Public Building or Use
- (13) Retail Establishment

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 6-4 of these Bylaws:

- (1) Multiple Family Dwelling
- (2) Nursing Care Facility (see section 5-26)
- (3) Residential Treatment Facility (see section 5-26)
- (4) Assisted Living Residence (see section 5-26)

- (5) Repair or Service Facility
- (6) Light Manufacturing Facility
- (7) Gas Station
- (8) Public Utility
- (9) Recreation Facility
- (10) Wireless Communication Facilities (See Section 5-17)
- (11) Other similar non-residential uses upon 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 land uses.
- (12) Parking Lot

E. Land, Area, and Structural Requirements:

- (1) Minimum Lot Area: 8000 square feet
- (2) Minimum Lot Frontage: 20 feet or access to a public road by a permanent easement or right-of-way of at least 20 feet.
- (3) Minimum Setback: 15 feet from the edge of Right of Way or in conformance with existing building setback in the immediate vicinity
- (4) Minimum Side and Rear Setback: none required
- (5) For new construction or substantial improvements to existing structures,
 - a. a firewall barrier shall be constructed to standards approved by the State Fire Marshall.
 - b. Refuse Storage and Disposal Requirements must be met (see section 5-7).
 - c. Buffer Strip Requirements must be met (see section 5-20).
 - d. Parking Requirements must be met (see section 5-6).
 - e. Maximum Allowable Building Footprint is 40% of lot area.
 - f. Maximum Building Height is 35 feet.

3-5 Lower Plain Commercial “LPC”

A. The boundary of the Lower Plain Commercial District is defined as follows: Beginning at the top of Bliss Hill, then proceeding easterly to the Connecticut River Flood Plain. It includes the portion of lot 09-98-0165 along the Connecticut River Flood Plain to Route 25, then proceeding west to the westerly side of the railroad bed. The boundary follows the railroad bed southerly until the railroad right-of-way abuts the state right-of-way for Route 5. The boundary then proceeds North along Route 5 to the northern property line of the Knoxland Farm/Upper Valley Land Trust (12-98-0860). The boundary then follows the property line westerly to the toe of the slope. The boundary then follows the toe of the slope northerly, crosses Route 25, and turns westerly to Creamery Road enclosing that portion of 09-27-0165 at the base of Plateau Acres, known as the sand pit. The boundary then proceeds northeasterly along the toe of the slope to the point of beginning on Bliss Hill.

B. Purpose: It is the purpose of this district to provide for concentrated commercial growth.

C. Permitted Uses: The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- 1) Single or Two Family Dwelling
- 2) Family Child Care Home (see section 5-28)
- 3) Group Home/Residential Care Home (see section 5-27)
- 4) Accessory Structure or Use to a Dwelling
- 5) Accessory Dwelling Unit (See Section 5-21)
- 6) Home Occupation I and II (See Section 5-9)
- 7) Division of Lots (See Section 5-14)
- 8) Public and Quasi-public Building or Use
- 9) Parking Lot
- 10) Bank
- 11) Professional Office
- 12) Non-Residential Accessory Structure or Use
- 13) Commercial Uses
 - i. Hotel/Motel/Inn
 - ii. Restaurant
 - iii. Lodge/Bed and Breakfast
 - iv. Physical Fitness Facility
 - v. Gas Station
 - vi. Storage/Warehouse

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided in Section 6-4 of these Bylaws:

- (1) Wireless Telecommunications Facility (See Section 5-17)
- (2) Multiple Family Dwelling
- (3) Nursing Care Facility (see section 5-26)
- (4) Residential Treatment Facility (see section 5-26)
- (5) Assisted Living Residence (see section 5-26)
- (6) Public Utility
- (7) Recreation Facility
- (8) Light Manufacturing Facility
- (9) Commercial Uses
 - a. Retail Establishment
 - b. Research Establishment
 - c. Repair or Service Facility
 - d. Printing and Publishing
 - e. Business Park
- (10) Dams, Ponds, or Impoundments
- (11) Other similar non-residential uses upon determination by the Board of Adjustment that such use is of the same general character as those permitted and is not detrimental to other uses in the District as well as adjoining land uses.

E. Land, Area, and Structural Requirements

- (1) Lot Area Minimum:
Residential: 10,000 square feet per unit
Non-Residential: None
- (2) Minimum Lot Frontage: 100 feet or 20 feet right-of way intersecting with a public highway.
- (3) Minimum Setback: 25 feet of edge of right-of-way
- (4) Minimum Side and Rear Setback: 20 feet
- (5) Maximum Building Height: 35 feet
- (6) Parking Requirements (See Section 5-6)
- (7) Site Plan Requirement (See Section 6-13)
- (8) Buffer Strip Requirements (See Section 5-20)
- (9) Maximum Allowable Footprint of Building: 50% of lot area

3-6 Residential/Service “RS”

A. The Residential Service District is defined as follows:

West of Main Street (Route 5), beginning at the northern property line of the Wells River Savings Bank building (21-97-0111), proceeding North to the southern boundary line of the Tomlinson property (21-97-0161) comprising 6 lots 21-97-0121 through 21-97-0153. East of Main Street (Route 5), the district is comprised of the Benzie property (21-97-0144).

B. Purpose: It is the purpose of this district to accommodate residential uses and small service establishments while maintaining the unique historic character of the area.

C. Permitted Uses: The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- (1) One and Two Family Dwelling
- (2) Family Child Care Home (see section 5-28)
- (3) Group Home/Residential Care Home (see section 5-27)
- (4) Accessory Structure or Use
- (5) Accessory Dwelling Unit (See Section 5-21)
- (6) Home Occupation I (See Section 5-9)
- (7) Division of Lots (See Section 5-14)
- (8) Professional Office

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 6-4 of these Bylaws:

- (1) Multiple Family Dwelling
- (2) Parking Lots
- (3) Public or Quasi-Public Building or Use
- (4) Public Utility
- (5) Small Enterprise (See Section 5-10)
- (6) Home Occupation II (See Section 5-9)

- (7) Other similar uses upon 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.

E. Land, Area and Structural Requirements:

- (1) Minimum Lot Area:
Residential Uses: 10,000 square feet
Non-Residential: 10,000 square feet
- (2) Minimum Lot Frontage: 65 feet
- (3) Minimum Setback: 15 feet from edge of right of way
- (4) Minimum Side and Rear Setback: 10 feet
- (5) Maximum Building Height: 35 feet
- (6) Parking Requirements: (see section 5-6)
- (7) Buffer Strip Requirements: (see section 5-20)
- (8) Maximum Allowable Footprint of Building: 50% of lot area

3-7 Village Residential “VR”

A. All portions of former Village of Bradford not contained in CBD, RSD

B. Purpose: It is the purpose of the district to provide for high-density housing and limited non-residential uses where public water and sewer services are available.

C. Permitted Uses: the following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- (1) Single or Two Family Dwelling
- (2) Family Child Care Home (see section 5-28)
- (3) Group Home/Residential Care Home (see section 5-27)
- (4) Accessory Structure or Use
- (5) Accessory Dwelling Unit (See Section 5-21)
- (6) Home Occupation I (See Section 5-9)
- (7) Division of Lots (See Section 5-14)

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 6-4 of these Bylaws:

- (1) Multiple Family Dwelling
- (2) Lodge/Inn/Bed and Breakfast
- (3) Public or Quasi-Public Building or Use
- (4) Public Utility
- (5) Nursing Care Facility (see section 5-26)
- (6) Residential Treatment Facility (see section 5-26)
- (7) Assisted Living Residence (see section 5-26)
- (8) Church or other place of worship
- (9) Professional Office

- (10) Parking Lot
- (11) Home Occupation II (See Section 5-9)
- (12) Other similar non-residential uses upon determination by the Board of Adjustment that such use is of the same general character as those permitted and is not detrimental to other uses in the District as well as adjoining land uses.

E. Land, Area, and Structural Requirements:

- (1) Minimum Lot Area:
Residential Uses: 10,000 square feet one and two family dwellings;
8,000 square feet for each additional unit
Non-Residential: 10,000 square feet
- (2) Minimum Lot Frontage: 65 feet
- (3) Minimum Setback: 15 feet from edge of right of way
- (4) Minimum Side and Rear Setback: 10 feet
- (5) Maximum Building Height: 35 feet
- (6) Parking Requirements: (see section 5-6)
- (7) Buffer Strip Requirements: (see section 5-20)
- (8) Maximum Allowable Footprint of Building: 50% of lot area

3-8 Residential “R”

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

B. Purpose: To enable rural settlement 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. Permitted Uses: The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- (1) One or Two Family Dwelling
- (2) Family Child Care Home (see section 5-28)
- (3) Group Home/Residential Care Home (see section 5-27)
- (4) Accessory Structure or Use
- (5) Accessory Dwelling Unit (See Section 5-21)
- (6) Home Occupation I (See Section 5-9)
- (7) Wildlife Refuge
- (8) Division of Lots (See Section 5-14)

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 5-4 of these Bylaws:

- (1) Multiple Family Dwellings
- (2) Rural Small Enterprise (see section 5-10)

- (3) Inn/Lodge/Bed and Breakfast
- (4) Nursing Care Facility (see section 5-26)
- (5) Residential Treatment Facility (see section 5-26)
- (6) Assisted Living Residence (see section 5-26)
- (7) Wireless Telecommunications Facility (see section 5-17)
- (8) Recreation Facilities
- (9) Public Utility
- (10) Professional Office
- (11) Parking Lots
- (12) Public or Quasi-Public Building or Use
- (13) Home Occupation II
- (14) Dams, Ponds, or Impoundments
- (15) Other similar uses upon 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.

E. Land, Area, and Structural Requirements:

- (1) Minimum Lot Area: 40,000 square feet with both on-site water and sewer, 20,000 square feet with water or sewer off-site, 10,000 square feet with both water and sewer off-site
- (2) Minimum Lot Frontage: 100 feet
- (3) Minimum Setback: 30 feet from edge of right-of-way
- (4) Minimum Side and Rear Setback: 25 feet
- (5) Maximum Building Height: 35 feet
- (6) Buffer Strip Requirements: (See Section 5-20)
- (7) Parking Requirements: (See Section 5-6)

3-9 Industrial “I”

A. Industrial Zone Boundaries

1. Lower Plain Industrial Park

Bounded on the North side by Route 25, going South along the Connecticut River flood plain to the southern border of the Pierson Industrial Park, West to, and including the railroad bed, and going North along the railroad bed back to Route 25.

2. Mill Street

All the property owned, in the year 2001, by the Bradford Veneer and Panel Company (23-86-0073) in the Mill Street area.

3. Depot Street

Includes all lands North of Depot Street bounded by the West and North boundaries of the Carrol Concrete Plant (21-94-0087), continuing North and East to include the old Boston and Maine property line to the West side of, and including, the railroad bed, then South along the bed back to the Depot Street, including Dr. Webster’s Veterinary Clinic (21-94-0136).

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

C. Permitted Uses: The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- (1) Accessory Structure or Use
- (2) Division of Lots (See Section 5-14)
- (3) Trucking and Railroad Terminal
- (4) Light Manufacturing Facility
- (5) Storage/Warehouse Facility

D. Conditional Uses: The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 6-4 of these Bylaws:

- (1) Public Utility
- (2) Wireless Telecommunications Facility (See Section 5-17)
- (3) Repair or Service Facility
- (4) Research Establishment
- (5) Business Park
- (6) Dams, Ponds, or Impoundments (See Section 5-23)
- (7) Other similar non-residential uses upon determination by the Zoning Board of Adjustment that such use is of the same general character as those permitted and is not detrimental to other uses in the District as well as adjoining uses.

E. Land, Area, and Structural Requirements:

- (1) Lot Area Minimum: 1 acre in industrial zone A1 (Lower Plain Industrial Park)
- (2) Minimum Lot Frontage: 100 feet in industrial zone A1
- (3) Minimum Setback: 30 feet from edge of right-of-way in industrial zone A1
- (4) Minimum Side and Rear Setback: 20 feet in industrial zone A1
- (5) All Setbacks: 15 feet in industrial zones A2 (Mill Street), and A3 (Depot Street)
- (6) Maximum Building Height: 35 feet
- (7) Parking Requirements (See Section 5-6)
- (8) Buffer Strip Requirements (See Section 5-20)
- (9) Maximum Allowable Footprint of Building: 50% of lot area

3-10 Public Lands “PL”

A. Purpose: It is the purpose of this district to provide for the wise use and conservation of publicly owned or controlled land consistent with the Town or School Districts’ long-term community property interests.

B. Permitted Uses: The following uses may be permitted upon issuance of a zoning permit by the Zoning Administrator:

- (1) Public Parking Area
- (2) Division of Lots (See Section 5-14)
- (3) Wildlife Refuge
- (4) Accessory Structure or Use

C. Conditional Uses: The following uses may be permitted upon a grant Conditional Use Approval by the Board of Adjustment as provided for in 6-4 of these Bylaws:

- (1) Outdoor Camping Facilities
- (2) Recreational Facilities
- (3) Public or Quasi-Public Buildings
- (4) Wireless Telecommunications Facility (See Section 5-17)
- (5) Other similar uses upon determination by the Board of Adjustment that such uses are of the same general character as those permitted and are not detrimental to other uses in the district as well as adjoining land uses.
- (6) Cemeteries

D. Land, Area, and Structural Requirements

- (1) Maximum Building Height: 35 feet
- (2) Buffer Strip Requirements: See Section 5-20)
- (3) Parking Requirements: (See Section 5-6)

3-11 Flood Hazard “FH”

A. Official Flood Hazard Area Map

The Official Flood Hazard Area Map shall be the most current map published by the National Flood Insurance Program. Such map is on file in the Town Offices.

B. Purpose

It is the purpose of this district 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. Records

The Zoning Administrator shall establish and maintain a record of:

- (1) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of

structures, within the designated special flood hazard areas, and whether or not such structures contain a basement;

- (2) the elevation, in relation to mean sea level, to which such structures have been floodproofed;
- (3) all floodproofing certifications required under these Bylaws; and
- (4) all variance actions, including justification for their issuance.

D. Application Procedures and Review

Upon receiving an application for a permit under these Bylaws, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant:

- (1) base flood elevation data for all divisions of lots and other proposed new developments;
- (2) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
- (3) where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been floodproofed;
- (4) certification from a registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria; and
- (5) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

Where available; i.e., Zones A1-A30, AE, and AH; the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these Bylaws.

In areas where base flood elevations and floodway limits have not been provided, the Board of Adjustment shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for approval of all development.

The Board of Adjustment shall notify adjacent communities and the Vermont Department of Environmental Conservation prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.

E. Land, Area and Structural Requirements:

- (1) Floodway Areas
Development within the floodway is prohibited.
- (2) Floodway Fringe Areas (100-Year Flood Plain)
 - a. All structures shall be designed (i) to minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate

drainage to reduce exposure to flood hazards.

- b. Structures be: (i) designed (or modified) and anchored to resist flotation, collapse, or lateral movement; (ii) be constructed with materials resistant to flood damage; (iii) be constructed by methods and practices that minimize flood damage; (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- c. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- d. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- e. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- f. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- g. All proposals for subdivisions be reasonably safe from flooding and that: all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and constructed to minimize or eliminate flood damage; and adequate drainage be provided within subdivisions to reduce exposure to flood hazards.
- h. The lowest floor, including basement, of all new buildings shall be at or above base flood elevation.
- i. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of this Section.
- j. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of this Section, or (2) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- k. All new construction and substantial improvements with fully enclosed areas

below the lowest floors that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

1. Recreational vehicles placed within fringe areas shall be on the site for fewer than 180 consecutive days or meet the standards of the Program and the elevation and anchoring requirements for manufactured homes.

F. Conditional Uses:

The following uses may be permitted upon granting Conditional Use Approval by the Board of Adjustment as provided for in Section 6-4 of these Bylaws and other applicable sections:

- (1) Public Utility
- (2) Accessory Structure or Use
- (3) Recreation Facility
- (4) Outdoor Camping Facility
- (5) Extraction of Gravel, Sand, Soil and Rock

G. Prohibited Uses

Junkyards, as defined in 24 V.S.A., Chapter 61, §2241, and storage facilities for chemicals, explosives, flammable liquids or other toxic materials shall be prohibited in the floodway.

H. 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. This ordinance 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 this ordinance or any administrative decision lawfully made thereunder.

I. Annual Report

The Zoning Administrator shall submit to the Administrator of the Federal Emergency Management Administration (FEMA) an Annual Report with respect to the administration and enforcement of this ordinance.

A copy of the Annual Report shall be submitted to the Vermont Department of Environmental Conservation.

4.0 OVERLAY ZONING DISTRICTS

4-1 Purposes

- A. Wellhead Protection: 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.
- B. Wetlands and Excessively Steep Slopes: 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; and to limit development on land that is excessively steep.
- C. Village Historic: to protect and promote historic, cultural, and architectural character and integrity of buildings or sites that are located within the village historic area and to advance the economic, and social well-being of the community.
- D. Deer Wintering Area

4-2 Application

The Overlay Zoning Districts are provisions that take precedence over the requirements of the underlying Districts, if and when contradictory requirements occur. All land development, excepting outdoor signs, shall be subject to conditional use review or village historic area reviews to ensure adequate protection of the resource. In considering an application, the Board of Adjustment or Planning Commission shall evaluate the immediate and long range impact of the proposed use on the resource. Specific standards for review for these resources are outlined below. No Zoning Permit shall be issued unless all approvals required under this Article are first obtained by the Applicant.

4-3 Wellhead Protection District

Due to the relatively high risk of permanent groundwater contamination, the following uses or activities are prohibited within the Wellhead Protection District.

- (A) commercial storage of liquid petroleum products;
- (B) commercial salvage yards or junkyards;
- (C) manufacture, use, or storage of toxic materials exceeding 50 gallons or 250 pounds of dry weight;
- (D) uncontained storage of animal manure;
- (E) landfills or waste transfer stations; and
- (F) industrial uses that discharge process waste on-site.

No land development that involves or typically requires the installation, maintenance, or operation of a subsurface sewer disposal system shall be permitted unless the Board of Adjustment first determines that such a facility will not adversely affect groundwater quality or contaminate public water supplies. 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.

Prior to rendering a decision for any land development within the Wellhead Protection Area, the Zoning Administrator 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 Administrator or Board.

4-4 Wetlands and Excessively Steep Slopes District

Class 1 and Class 2 wetlands, as identified by the Vermont Wetlands Rules, shall not be drained, filled, or substantially altered to accommodate land development. Prior to acting to approve or disapprove development involving or adjacent to a wetland, the Board of Adjustment shall consult with the Vermont Department of Environmental Conservation to assist it determining the extent of impact the development may have on the resource.

Building development on sites that are in excess of 25% grade is prohibited. Access roads across a slope exceeding 25% may be permitted provided that the road itself does not have a slope in excess of 15% and that adequate erosion control plans have been demonstrated.

4-5 Village Historic District

- A. **Statement of Character:** Every community has a unique character, found in buildings, streetscape and landscape. Character is what gives a community its identity. Character is found in whatever identifies the community, whatever references the way life has been, its history and its resources; it is expressed in many small and large things and is vulnerable to change.

Bradford Village 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. The purpose of these provisions is to allow for growth in the District while preserving the integrity and character of the community.

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. 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.

The Bradford Village Historic District is defined as follows: The boundary of this district begins northerly of Wrights Avenue, proceeding easterly to the railroad track, following the track to the escarpment south of the Waits River, then southwesterly crossing Route 5 to Mill and South Main Streets, turning north at lot 22-96-178 on the tax map, crossing Cobblestone Alley (including only those houses facing South Main Street) to a point on the southerly side of Goshen Brook, turning west to the junction of High Street and Goshen Road, returning to North Pleasant Street (including lots 23-93-0009, 21-93-0055, 21-93-0077, and 21-93-0083 on its westerly side), then following its centerline to the point of beginning. A description of the historic houses in the district may be found in the National Register of Historic Places Inventory, Nomination Form, "Bradford Village Historic District, March 1975.

- B. Historic 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 Village Historic District without first obtaining Village Historic District approval from the Planning Commission:
- a. Construction of a building or structure;
 - b. Relocation of a building or structure;
 - c. Demolition of a building or structure;
 - d. Addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not;
 - e. Alteration of the exterior wall of a structure 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;
 - f. Alteration of the roofline, excluding chimneys;
 - g. 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
 - h. Addition or alteration of exterior structures such as permanent awnings and canopies.

In situations where Historic District Approval is required, prospective applicants shall obtain such approval prior to obtaining a Zoning Permit.

- C. Historic Plan Application Procedures: Two sets of all application materials shall be submitted to the Zoning Administrator. 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.
- (a) Upon the filing of an application, the Zoning Administrator shall note the date of filing thereon and shall then transmit the application forthwith to the Clerk of the Planning Commission.
 - (b) The Planning Commission shall meet within the next two regularly scheduled meeting dates from the date of filing a completed application to review the application. At least seven days notice to the applicant and abutters shall be given by first class mail before the date of the Planning Commission's hearing. A written decision granting or denying the application shall be made within 45 days from the date of final adjournment of the proceeding. Failure of the Planning Commission 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. Nothing herein shall be construed to prohibit the modification, extension or waiver of any time or notice provision where written mutual agreement has been made between the Planning Commission and the applicant.
 - (c) 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.
- D. Criteria For Approval: Before granting Village Historic District Approval, the Planning Commission shall find that any act specified in Section 4-5 (B) conforms substantially to the following criteria.
- (a) Height: The height of buildings or structures shall be considered in relation to the average height of existing adjacent buildings, and the building being constructed or altered.
 - (b) Setback: New buildings or alterations shall maintain the prevailing setback existing in the immediate area.
 - (c) Proportion: The relationship between the width and height of the front elevations or adjacent buildings shall be considered in the construction or

alteration of a building or structures; the relationship of width to height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building.

- (d) Roof shape, pitch and direction: The similarity or compatibility of the shape, pitch and direction of roofs in the immediate area shall be considered in the construction or alteration of a building.
- (e) Pattern: Alternating solids and openings (wall to windows and doors) in the front facade and sides and rear of a building create a rhythm observable to viewers. This pattern of solids and openings shall be considered in the construction or alteration of a building.
- (f) Materials and texture: The similarity or compatibility of existing materials and textures on the exterior walls and roofs of buildings or structures in the immediate area shall be considered in the construction or alteration of a building or structure. A building or structure shall be considered compatible if the materials and texture used are appropriate in the context of other buildings in the immediate area.
- (g) Architectural Features: Architectural features, including but not limited to cornices, entablatures, doors, windows, shutters, and fanlights, prevailing in the immediate area, shall be considered in the construction or alteration of a building. 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.
- (h) Location of buildings: The setback of buildings or structures from the street, spacing between buildings, and alignment of buildings shall be considered in relation to the prevailing development in the area.

E. Village Historic District Limitations: In administering these provisions, the Planning Commission shall focus their attention upon the compatibility of a proposed change, the location, anticipated use of the structure, and other relevant factors, in light of the criteria below. It is not intended to require that new construction or alterations should copy either existing architectural styles or existing decorative details.

The Planning Commission shall not be overly restrictive in its judgment of plans for construction or alterations of structures of little historic or design value or of structures not highly visible from a public street or area, except where such construction or alteration would seriously impair the historic or architectural value of the surrounding buildings, structures, or area.

F. Exemptions: The following actions are exempt from this Section and thus shall not require Village Historic District Approval:

- (a) a change of use or type of occupancy which does not cause any of the acts identified in Section 4-5 (B) above; and
- (b) routine or emergency maintenance or repairs which use the same or substantially similar materials and do not alter the exterior of the structure or building.

4-6 Deer Wintering Area

Refer to Significant Habitat Map issued by the Vermont Department of Fish & Wildlife.

4-7 Lower Plain Commercial District Access Management

Commercial and industrial development along US and State highways within the Lower Plain Commercial District will follow access management standards as defined in this section.

A. Access management will be implemented to enhance the natural environment by reducing pavement (impervious lot coverage), to reduce the overall number of curb cuts and preserve highway mobility and safety, and to preserve the safety and efficiency of access to property.

B. Access management standards will follow the Access Management Program Guidelines provided by the Vermont Agency of Transportation and guidelines established in the Lower Plain Access Management section of the Town Plan. In addition to those standards, the following guidelines will be followed by the Planning Commission:

- i. *Location:* For lots adjacent to a local or private road, access will be strongly encouraged on that road. Direct access should be managed to ensure the regularity of spacing and density of driveways. Where possible, access points will be situated opposite existing access points along the highway.
- ii. *Common Driveways:* The planning commission may authorize the construction or alteration of an access so that the driveway serves more than one lot. Each lot shall have frontage on a street. The driveway will provide safe and adequate vehicular, pedestrian, bicycle, and emergency access from the street to the principal use of the lots. Common driveways can serve no more than three lots. Documentation of maintenance responsibilities will be provided.
- iii. *Access:* 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.
- iv. *Parking:* Parking lot design will accommodate safe and efficient circulation of vehicles, pedestrians, and bicyclists. The planning

commission may require a formal connection between parking lots on neighboring properties.

5.0 SPECIAL PROVISIONS

5-1 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.

5-2 Required Frontage On, Or Access To, Public Roads Or Waters

As required by Vermont law, land development may not be permitted on lots which do not have frontage on a public road or water, or without the approval of the Planning Commission, or which lack access to such a road by permanent easement or right-of-way at least 20 feet in width.

In the Commission's review of the access road, the following factors shall be taken into consideration: (1) drainage and culvert placements, (2) erosion control, (3) emergency vehicle access, and (4) site distance where an access road intersects a public road.

In situations where a lot to be developed does not have frontage on a public road, the setbacks shall be measured from the edge of the right-of-way or the lot line whichever is closest to the structure or use.

5-3 Public Highways and Access

Permits shall be required from the State or Town prior to any use of any public highway right-of-way. It shall be unlawful to develop, construct, regrade, or resurface any driveway entrance, or deposit material of any kind within the right-of-way or a highway without the written approval of the Vermont Agency of Transportation in the case of State Highways, or the Selectboard in the case of Town Highways..

All prospective Applicants are encouraged to consult with the Selectboard 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 in full compliance with the Bradford Highway Ordinance. Copies are available at the Town Offices.

5-4 Lots in Two Zoning Districts

Where a Zoning District boundary divides a lot of record at the time such line is adopted, the Board of Adjustment is authorized to adjust said district line up to thirty (30) feet. All authorizations shall be in writing and include findings outlining the basis for such decisions.

5-5 Sewage Disposal

An applicant for a Zoning Permit whose land requires a Subdivision Permit from the Protection Division of the Agency of Natural Resources shall obtain such permit prior to the issuance of a Zoning Permit. A copy of such Permit shall be submitted as part of the Zoning Application.

Prospective applicants for a Zoning Permit shall first obtain a Sewer Permit.

No sewage disposal system planned, constructed, or operated within the Town shall violate State and local Bylaws governing water pollution or sewage disposal.

5-6 Off-Street Parking

For every building hereafter erected, altered, extended or substantially changed in use, there shall be provided at a minimum off-street parking spaces as provided below. A parking space shall consist of 200 square feet.

- (a) Residential Uses: Two parking spaces for every dwelling unit, ~~except multifamily dwellings may have one and a half (1½) spaces for every dwelling unit. Half spaces shall be rounded off to the next higher single number.~~ Newly constructed multifamily dwellings shall provide two parking spaces per dwelling unit. Other multifamily dwellings shall have adequate parking spaces as determined by the Board of Adjustment. Off-street parking requirements for residential uses with varying parking needs such as nursing and convalescent homes, congregate elderly housing, group homes, tourist homes, and home enterprises shall be determined by the Board of Adjustment.
- (b) Individual and Group Services: One parking space is required for every two seats in an Individual Service establishment. One parking space is required for every four seats in a Group Service establishment. Both use categories require one additional space for every employee vehicle. Where no seats are provided for patrons, one space for every 200 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) Commercial Uses: One parking space for every business and employee vehicle, plus one space for every 200 square feet of floor area except in the Central Business District..
- (e) Off-Site Parking: With the approval of the Board of Adjustment, parking spaces may be located on lands not part of the site or lot on which the principal building is situated. Where Site Plan Approval is required, the Planning Commission may also allow off-lot parking.
- (f) Waivers and Variances: The Board of Adjustment may waive or vary any of the above-stated parking requirements provided public notice of the request has been given. The applicant shall prove to the Board that either the parking requirements are not applicable or that parking needs can be met through another means. In granting a waiver or variance for parking, the Board shall make findings of fact and issue a written decision. Where Site Plan Approval is required, the Planning Commission is hereby granted the authority to perform these functions in lieu of the Board of Adjustment.
- (g) Zoning Permit: Where an act of the Board of Adjustment is necessary or requested relative to off-street parking, the Zoning Administrator shall not issue a zoning permit until the Board issues its final decision.

5-7 Refuse Storage and Disposal

For every multiple dwelling in all districts hereafter erected, altered, or extended, there shall be provided a designated location and facility for the storage of refuse generated from the use. Prior to granting approval, the Planning Commission or the Board of Adjustment 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.

5-8 Outdoor Storage of Junk

- A) The open storage of 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 outdoor storage. Maintenance of screening for the above purposes shall be a responsibility of the owner of the premises.

- B) Junkyards, as defined in 24 V.S.A. Chapter 61, §2241, are regulated by VTrans or another VT State Agency.

5-9 Home Occupations

Nothing in these Bylaws shall infringe upon the right of a resident to use a minor part of the dwelling 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.

- A. Home Occupation I – Home occupations that employ only the occupants of the residence and involve no outside employees shall be a Permitted Use in all districts in which single family dwellings are permitted.
- B. Home Occupation II – Home occupations that employ the occupants of the residence and not more than two other employees, whether part-time or full-time, who are not occupants of the residence shall be a Conditional Use in all districts except LPC and CBD.
- C. Requirements For Home Occupations I and II:
 - a) All home occupations shall be clearly secondary to the residential use of the premises.
 - b) The floor area of the home occupation shall be less than fifty percent of the total floor area of the residence. The residence or an accessory building may be used for the home occupation.
 - c) Automobile traffic resulting from the home occupation shall not be of a volume substantially greater than would normally be anticipated in the neighborhood.
 - d) Where outside employees are involved in the home occupation, parking shall be provided off-road and may be required to be located in side or rear yards.
 - e) Exterior storage of large equipment or materials shall not be highly visible from a public road or adjacent residential properties.

5-10 Rural Small Enterprises

- 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 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) employees shall be permitted, exclusive of the owner. Notwithstanding the above, the 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 Board 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 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 Board 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 Section 5-18 of these Bylaws.

C. Permit Process

A small enterprise is a non-residential use requiring both conditional use review and site plan review. Applications shall be reviewed concurrently by the Planning Commission and Board of Adjustment. 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 effect 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 Board of Adjustment. The access/driveway shall be no more than a ten (10) percent grade for a distance of 300 feet and shall be designed to permit adequate access for the proposed delivery vehicles. Adequate turnaround space shall be provided for delivery vehicles. Deliveries shall take place during the normal business hours.

5-11 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 interference not characteristic or typical of rural living or adversely affect the reasonable use of surrounding areas or abutting properties.

5-12 Signs

Signs are not regulated under these Bylaws. Permits for signs are required from the Town pursuant to ordinances adopted by the Selectboard.

5-13 Extraction Of Gravel, Sand, Soil And Rock

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. The Board, in its review of projects, shall give due consideration to the following standards.

- (a) Plans for the restoration of the disturbed portions of the site during and following the operation shall be adequate to insure that a safe, attractive, and useful condition results.
- (b) Plans for the operation of the facility shall be sufficient to insure that the operation will not adversely affect water quality, drainage patterns, or create excessive dust, traffic, vibration, and noise at the site or areas in close proximity to the site.
- (c) The operation shall be managed to prevent the creation of excessively steep slopes, overhangs, exposed boulders, uprooted stumps, and other debris.
- (d) The scale of intensity of the operation shall not place unreasonable demands on bridges, culverts, and roadways leading to and from the project site.

- (e) If power activated crushing or sorting operations are to be allowed on the site, such activity shall not unduly affect the character of the immediate neighborhood area. To insure that the rehabilitation of the site is properly managed, the Board may, as a condition to its approval, require that a performance 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 be exposed at any one time.

The Board may, as part of an approval, attach conditions as it finds necessary to ensure the safety and general welfare of the immediate area and the general public.

5-14 Division Of Lots

No lot shall be divided into two or more lots unless all the lots resulting from such a division conform to the applicable minimum area and building setback standards.

5-15. Streambank Conservation

To prevent soil erosion and to ensure conservation of streams for recreational and other purposes, all buildings or structures erected from the effective date of these Bylaws shall be setback thirty-five (35) feet from the upper edge of the streambank. Dumping and filling within the setback area is prohibited (refer to section 5-25).

5-16 Mobile Home Parks

Mobile home parks shall be established, maintained, and administered to the Department of Environmental Conservation's Protection Bylaws pertaining to Mobile Home Parks. Mobile home parks shall meet all Land, Area, and Structural Requirements for the district(s) where they are to be located.

Section 5-17: Wireless Telecommunications Facility Zoning

A) Authority

Under authority granted by 24 V.S.A. Chapter 117, the Town of Bradford adopts this Wireless Telecommunication Facility Zoning Bylaw.

Pursuant to 24 V.S.A. § 4414(12), the Board of Adjustment shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of Wireless Telecommunication Facilities in the Town of Bradford

B) Purpose

The purpose of this bylaw is to promote the public health, safety, welfare, and convenience of the residents of the Town of Bradford while accommodating the telecommunication needs of the Town's residents.

C) Consistency with Federal and State Law; Severability

This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

D) Definitions

The following terms shall have the meanings indicated.

Wireless Telecommunication Service: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

Wireless Telecommunication Facility: Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

Wireless Telecommunication Service Provider: Any person or entity providing Wireless Telecommunication Services.

E) Permit Required; Exemptions:

Wireless Telecommunication Facilities may be permitted as conditional uses upon compliance with the provisions of this bylaw in the following zoning districts: Central Business District, Lower Plain Commercial District, Residential District, Industrial District, Public Lands. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the Board of Adjustment.

No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

F) Permit Application Requirements

In addition to information otherwise required in the Town of Bradford's Zoning Bylaw, applicants shall include the following supplemental information:

1. The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.

2. The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
3. The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.
4. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
5. A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
6. The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
7. Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
8. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
9. Construction sequence and time schedule for completion of each phase of the entire project.
10. A report from a qualified engineer that:
 - a. Describes any tower's design and elevation,
 - b. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
 - c. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
 - d. In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
 - e. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.

- f. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
 - g. Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards.
 - h. Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
 - i. Includes such other information as determined by the Board of Adjustment to evaluate the application.
11. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws.
 12. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
 13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required is not required for the facility.

G) Independent Consultants

Upon submission of an application for a Wireless Telecommunication Facility permit, the Board of Adjustment may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Board of Adjustment. The consultant(s) shall work at the Board of Adjustment's direction and shall provide the Board of Adjustment such reports and assistance, as the Board of Adjustment deems necessary to review an application.

H) Balloon Test

The Board of Adjustment may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at 7 days in advance of the test in a newspaper with a general circulation in

the Town. The applicant shall also inform the Board of Adjustment, in writing, of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to see the balloon test clearly, further tests may be required by the Board of Adjustment.

I) Criteria for Approval and Conditions

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Board of Adjustment finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Board of Adjustment may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
2. The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100 % the total elevation of the tower, including antenna or equipment.
4. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this bylaw.
5. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Board of Adjustment may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Board of Adjustment to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.
6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the Facility.
8. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Board of Adjustment may condition a permit on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot

be reasonably collocated at an existing facility, the Board of Adjustment shall consider the following factors:

- A. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - B. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
 - C. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
 - D. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
 - E. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.
10. The Facility provides reasonable opportunity for collocation of other equipment.
11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
12. The Facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the Board of Adjustment shall consider the following factors:
- A. The results of the balloon test, if conducted.
 - B. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
 - C. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
 - D. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
 - E. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.

- F. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
 - G. The distance of the Facility from the point of view and the proportion of the facility that is above the skyline.
 - H. The sensitivity or unique value of a particular view affected by the Facility.
 - I. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.
- 13. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.
 - 14. The Facility will not generate undue noise.

J Continuing Obligations for Wireless Telecommunication Facilities

The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Board of Adjustment, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the Board of Adjustment, shall mean that the Facility has been abandoned.

K) Removal of Abandoned or Unused Facilities

Unless otherwise approved by the Board of Adjustment, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the Board of Adjustment may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a Wireless Telecommunication Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section V.

5-18 Exterior Lighting

A. Findings and Purpose

Excessive and unplanned lighting results in unwise and uneconomic energy use; contributes to light pollution, affects the ability to view the night landscape, and creates an adverse impact on the character of roadways, scenic resources, and historic villages. It is the purpose of this provision to ensure that lighting is designed to enhance visibility

necessary to meet a lighting need and that it is compatible with the character of the community.

B. Standards For Review

The Board of Adjustment or Planning Commission shall evaluate outdoor lighting plans for commercial or industrial projects. Prior to granting approvals, the Board or Commission shall find that:

- (1) Light levels and distribution be appropriate for the use of the site, and compatible with the character of the neighborhood and district.
- (2) Be 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.
- (3) Be shielded to direct light downward and not into the night sky and to reduce traffic hazards.

Any substantial change in exterior lighting for commercial or industrial uses (to be determined by the Zoning Administrator) shall require Site Plan Approval by Planning Commission.

5-19 Public Use Limitations

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:

1. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. §248.
2. State or community-owned and operated institutions and facilities.
3. Public and private schools and other educational institutions certified or licensed by the State of Vermont.
4. Churches and other places of worship.
5. Public and private hospitals.
6. Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
7. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606.

No zoning permit for the development of land of the types or located within the areas designated in Section 4413 of the Act may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the State Agency designated in each case, describing the proposed use, the location requested and an evaluation of the effect of such proposed use on the Plan and on the Regional Plan, if any.

5-20 Buffer Strips

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.

5-21 Accessory Dwelling Unit

An accessory dwelling unit that is located within or appurtenant to an owner-occupied single family dwelling shall be a permitted use. An accessory dwelling unit is defined as 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 the following:

- A) The property must have sufficient waste water capacity.
- B) The unit must not exceed 50% percent of the total habitable floor area of the single family dwelling.
- C) Applicable setback, coverage, and parking requirements specified in the bylaws must be met.

5-22 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.

5-23 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 the Board of Adjustment. Prior to approving a Zoning Permit, the Board 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. Applications for permits shall 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.

5-24 Private Way, Highway, or Drive

No private way, highway, or drive shall be accepted as part of the Town Highway system unless in full compliance with the Bradford Highway Ordinance. Copies are available at the Town Offices.

5-25 Riparian Buffers

Riparian buffers are strips of trees, shrubs, or vegetative grasses along banks of streams. 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. This provision would apply to all lands adjacent to the Waits and Connecticut Rivers, including properties within the wellhead protection area surrounding the well site on the Appleton Farm.

Accordingly, the following requirements apply:

- A. Buildings, including accessory structures, parking lots, and roads shall be setback at least fifty (50) feet horizontally from the waters edge;
- B. Total removal of healthy trees and similar vegetation on the immediate shoreline is prohibited;
- C. Cutting of selected trees for views, vegetative management, recreational access and silvicultural purposes is permitted provided that trees are allowed to regenerate and stumps are left with root zones intact.
- D. To protect vegetation and minimize damage to streamside soils, livestock access to streambanks is prohibited;
- E. All agricultural uses shall adhere to accepted management practices (AMP) as regulated by the Vermont Agency of Natural Resources; and
- F. Dumping and filling within the setback area is prohibited.

5-26 Nursing Care, Assisted Living, or Residential Treatment Facilities

These uses or a substantial change of such activities shall require Conditional Use Approval from the Board of Adjustment and Site Plan Approval from the Planning Commission. In rendering a decision, in addition to those general standards referenced in Section 6-4, the Board and the Commission shall give due consideration to the following:

- A) All facilities shall be operated in a manner to ensure that the facility would not create excessive noise, traffic, or light on the site or in areas in close proximity to the site
- B) The scale or intensity of the facility shall not place unreasonable demands on roads or streets leading to and from the site. The Board or Commission shall have the discretion to place conditions on its approval, limiting the number of individuals, children, patients, and staff residing at the facility, or visitations, hours of operation, vehicle trips, and similar constraints for the purpose of protecting the public interest
- C) All new construction or exterior renovations shall be designed and constructed to complement the character of buildings, streetscapes, and landscapes of the immediate area. Accordingly, new construction shall

respect the traditional scale, proportions, shapes, and rhythms of the immediate neighborhood.

- D) Landscaping and screening plans and requirements shall be aggressively pursued to enhance the appearance of the facility. In situations where a proposed facility abuts a single, two, or multiple family residence, a buffer strip of not less than 10 feet in depth along such common boundary shall be maintained, excepting points of access or egress. Within such buffer, parking lots, play areas, or similar activities shall not be permitted.

5-27 Residential Care and Group Homes

A state licensed or registered residential care or group home for not more than eight persons who have a physical handicap or developmental disability (as defined in 9 V.S.A. §4501) shall be considered a permitted single family residential use of property.

5-28 Home Child Care

A “family child care home or facility” as used in these bylaws means a home or facility where the owner or operator is to be licensed or registered by the state for child care. A family child care home serving six or fewer children shall be considered a permitted single family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in V.S.A. 33 § 4903(A), shall be considered a permitted use of property but requires site plan approval based upon the zoning requirements set forth in these bylaws (see section 6-12). A family child care facility serving more than six full-time and four part-time children shall be reviewed as a conditional use (see section 6-4).

6.0 ADMINISTRATION, ENFORCEMENT, APPEALS

6-1 Zoning Administrator

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

6-2 Board Of Adjustment - Creation

A Board of Adjustment is established in accordance with the provisions of 24 V.S.A., Chapter 117, §4460. The Board shall consist of 5 members. Each member will be appointed for a term of 3 years. 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.

6-3 Board of Adjustment - General Duties

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:

- (a) To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of these Zoning Bylaws.
- (b) To hear and grant or deny an appeal for a variance.
- (c) To hear and approve or deny a request for a Conditional Use.

6-4 Board Of Adjustment - Conditional Uses

No Zoning Permit shall be authorized or issued by the Zoning Administrator for any use listed as conditionally permitted within the various zoning districts, unless the Board of Adjustment has granted Conditional Use Approval. The 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, and shall render a written decision approving

or denying the request. In granting approval, the Board shall find that the proposed use meets with the general and specific standards prescribed for such uses in these Bylaws. In its approval, the Board shall find that the use will not adversely affect:

- (a) The capacity of existing or planned community facilities;
- (b) The character of the area affected;
- (c) Traffic on roads and highways in the vicinity;
- (d) The provisions of these Zoning Bylaws; and
- (e) Utilization of renewable energy resources.

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 Zoning Bylaws.

The Board of Adjustment 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.

6-5 Board Of Adjustment – Appeals of Decisions of the Zoning Administrator

An interested person may appeal a decision or act taken by the Zoning Administrator by filing a notice of appeal with the Secretary of the 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 Board of Adjustment 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 party (defined in section 7) 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 Board of Adjustment shall render any decision, which shall include findings of fact, within forty-five (45) days after completing the hearing, in accordance with §4470 of 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 findings and actions 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 facts upon which such action is based shall appear in the decision.

Appeals of decisions of the Board of Adjustment shall be made to the Environmental Court.

6-6 Board Of Adjustment - Variances

On an appeal, wherein a variance from the provisions of the Zoning Bylaws constitutes the relief requested by the appellant, in accordance with 24 V.S.A. §4469, the Board may grant such variances, 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.
- (f) The Board of Adjustment may waive or vary dimensional requirements to provide for disability access, fire safety, or public health safeguards.

In rendering a decision in favor of an appellant, the Board of Adjustment 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 Board of Adjustment shall act to approve or disapprove any such 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.

6-7 Non-Conforming Uses And Structures

A use or structure made non-conforming by enactment of these Bylaws, or an amendment thereto, may be continued, subject to the following conditions:

- (a) A non-conforming use may be changed to another non-conforming use upon approval of the Board of Adjustment, but only if the Board finds that the degree of non-conformity of the new use is not greater than that of the original non-conforming use.
- (b) A non-conforming structure may be extended within the boundary lines of parcel or lot existing on the effective date of these Bylaws, upon issuance of a Zoning Permit by the Zoning Administrator, provided that the extension shall not cause the use or structure to become in violation of any parking, unloading, required setback, lot area, coverage, building height, access road, or other requirements of these Bylaws. Where a building has less than the required setback, additions that are lateral to the existing structure may be permitted so long as they become no

closer to the road than the original structure, and provided that pre-existing non-conforming side and rear setback requirements are not reduced.

- (c) When a non-conforming use has been discontinued for a period of two (2) years, it shall not thereafter be re-established.
- (d) A non-conforming structure which has been damaged or destroyed by any cause shall be reconstructed in conformance with these bylaws or be subject to variance criteria.

6-8 Application Submittal Standards

- Conditional Use Approval
- Site Plan Approval
- Clustered Housing Development Approval
- Planned Unit Development Approval

An applicant for Conditional Use, Site Plan, and Clustered Housing Development Approval(s) will notify all abutters, including those across the road, 15 days prior to the public hearing. The Zoning Administrator will assist the applicant in determining the names and addresses of the abutters.

An application for Conditional Use Approval, Site Plan Review, or Planned Unit Development Approval shall include submission of the following plans and supporting documents to the Board of Adjustment or Planning Commission, as appropriate.

- (a) A map showing the general location of the property within the Town and its relationship to existing public roads and highways.
- (b) A statement including the uses of adjacent property, and the names and current addresses of all owners of land immediately adjacent to and directly across all public highways from the property at issue.
- (c) A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent existing land uses.
- (d) A proposed site plan, drawn to an appropriate scale, showing the location, height, spacing, uses, and architectural relationships of all buildings, existing and proposed open spaces, landscaping, signs, utility lines, streets, driveways, off-street parking facilities, outdoor lighting, unique or manmade features, and the physical conditions of the site.
- (e) In the event land development is proposed involving the condominium form of ownership, copies of the proposed Declaration of Condominium and Condominium Bylaws.
- (f) Quantitative data indicating the number and types of dwelling units and or other uses, parcel size, proposed open space not to include roads, utilities, rights of way, parking and loading areas or small inter-structural yards.

- (g) A development schedule indicating the approximate dates when construction of the project or stages of the project is expected to begin and be completed.
- (h) Existing and proposed future ownership of the property involved.
- (i) Notwithstanding the above, additional documents and supporting information may be required upon finding by the Planning Commission or the Board of Adjustment that such information may materially assist the Commission or Board in its review and evaluation of the proposal.

6-9 Appeals to the Environmental Court

Appeals from the decisions of the Planning Commission or the Board of Adjustment shall be made 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 Town Clerk 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.

6-10 Penalties

Violations of these Bylaws shall be regulated as prescribed by 24 V.S.A. §4451 and 4452. Alleged offenders will have a minimum of seven days warning by certified mail. If the offence has not been cured within seven days, a fine will be issued of not less than \$50.00 or not more than \$100.00 for each offense. In default of payment of the fine, the offender shall pay double the amount of such fine. Each day that a violation is continued shall constitute a separate fine.

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, and the posting of a notice in three or more public places within the municipality, in conformance with location requirements of 1 V.S.A. §31(c)(2), not less than fifteen (15) days prior to the date of the public hearing.

Where such hearing is called in reference to any amendment of these Bylaws or any other matter relating to written material, such public notice shall include either the full text or a brief summary describing the principal provision and a reference to a place within the municipality where copies of the proposed material may be examined.

As defined in 24V.S.A. §4464, a warned public hearing shall be required for conditional use approval, site plan approval, historic plan approval, variances, and appeals to

decisions of the Zoning Administrator. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing. Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing.

Written notification of the public hearing must 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 Site Plan Approval

- (a) No Zoning Permit shall be issued by the Zoning Administrator for any commercial, industrial, public and quasi-public use, or multi-family dwelling (three (3) units or more) until the Planning Commission grants site plan approval. Where site plan approval is required, such approval must be obtained prior to any action being considered by the Board of Adjustment or Zoning Administrator, except as provided in subsection (e) below.
- (b) In considering its action, the Planning Commission shall review the application information required under Section 6-8, taking into consideration the following objectives:
 - (1) The maximum safety of vehicular and pedestrian circulation between the site and street network and adjacent traffic generators.
 - (2) The adequacy and safety of circulation, parking and loading facilities.
 - (3) Adequacy of landscaping, screening, and setbacks in regard to achieving maximum compatibility and protection of adjacent properties.
 - (4) The avoidance of glare.
 - (5) The adequacy of surface drainage facilities.
 - (6) The protection of the utilization of renewable resources and natural resources.
 - (7) The provision of municipal services.
- (c) The Planning Commission shall take into consideration the following access management standards prior to acting on any request for site plan approval. As provided for under 24 V.S.A. §4416 the Commission shall have the ability to impose conditions and safeguards to its approval.

1. To ensure maximum safety of vehicular circulation between the site and a public highway, the Commission may require, where possible, shared access with adjoining properties or limit access to the property to a side street or secondary highway.
 2. Where traffic access is required to only a portion of the parcel under consideration by the Commission, it may require sharing that access with future uses of the remainder of the parcel.
 3. Access to parcels located on Routes 5 or 25 may be limited to secondary or frontage roads. Where a frontage road is planned but construction is deferred pending additional development, temporary access may be permitted.
 4. For uses that are determined to cause or contribute to traffic congestion, unsafe conditions, or otherwise materially jeopardize or interfere with function and efficiency of a roadway, the Commission may require modification to existing access, circulation, and parking to retain traffic flow. Such modifications may include:
 - (i) Reduction in curb cuts;
 - (ii) Change in location or number of access points;
 - (iii) Provision for emergency vehicles;
 - (iv) Shared access with adjoining parcels; and
 - (v) Installation of frontage or service roads.
 5. To minimize safety problems and to ensure efficiency, the Commission may provide for separation between curb cuts and public road or street intersections.
 6. In concentrated or developing areas with high traffic, the Commission shall consider requirements for pedestrian sidewalks or a set aside of land dedicated for future walks between buildings, parking lots, or along highways.
- (d) The Planning Commission shall give due consideration to the preservation of existing vegetation and notable features of the site, including large trees, scenic views, fences, walls, and shrubs, visibility of unsightly or incompatible areas from the road and adjoining properties, and the adequacy of landscaping materials to meet conditions on the site.
1. 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.
 2. Screening may be required to reduce glare and to achieve compatibility with adjacent properties. Where feasible, large parking lots serving

commercial buildings or uses may be required to be located in the rear of a lot or be screened.

3. Landscaping and screening plans shall set aside undeveloped land to sufficient size and configuration necessary to accomplish the objectives of this section.

- (e) If a conditional use requires Site Plan Approval, the Planning Commission may coordinate its review process with the Board of Adjustment and arrange concurrent meetings with the applicant within the limits provided for each review.

6-13 Permit Recording

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 recorded by the Town Clerk in books, or filed in another appropriate manner in the vault of the Town Clerk. Denial decisions resulting from the above actions or a notice related thereto shall also be recorded. The Town Clerk shall keep in each of the books of record an index of references to the instruments or records recorded in such book.

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. Within 30 days following the actions stated above, the Zoning Administrators, Board of Adjustment, or Planning Commission shall deliver a copy of the respective decision, certificate, or action to the Town Clerk for recording.

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 Separability

The invalidity of any provision of these Bylaws shall not invalidate any other part.

7.0 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 definitions 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 Board of Adjustment. The Board shall provide a written decision of its determination to all affected parties.

ACCESSORY DWELLING UNIT: 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.

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

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).

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.

BUFFER STRIP:

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. Such a development 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.

DAY CARE FACILITY: A state registered day care facility or licensed family care home serving more than eight (8) full-time and four part-time children.

DWELLING UNIT: Any building or portion thereof, designed or used exclusively as living quarters for one family, other than motels, hotels, tourist homes, clubs, schools, hospitals, or similar uses.

FAMILY CHILD CARE HOME or FACILITY: As defined in V.S.A. 33 §4902(2), a day care facility providing care on a regular basis in the caregiver's own residence for not more than six (6) children provided with full-time care at any one time. Up to four (4) additional children may be cared for in the facility on a part-time basis (not more than four (4) hours per day). These provisions apply to facilities where the owner or operator is required to be licensed or registered by the state for child care.

FENCE: A hedge, structure, or 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.

FRONTAGE: That portion of a lot which is adjacent and parallel to a public highway or a private way accessing a public highway

GROUP HOME: A residential facility that serves not more than eight (8) unrelated persons who have a physical handicap or developmental disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. The facility must be operated under state licensing or registration.

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 and which does not change the character thereof.

INN/LODGE/BED AND BREAKFAST: A building or complex of buildings containing rooms with separate or joint entrances which are rented as sleeping units, normally to transients; a residential dwelling in which a portion of the house is adapted to use as lodging for travelers and where meals may be served.

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.

LIGHT MANUFACTURING FACILITY: The assembly, processing, manufacture packaging, or other operations conducted primarily within a building or structure.

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, excluding public streets, roads and road right-of-ways, and meeting the district requirements of these Bylaws, and within the municipal boundaries.

LOT FRONTAGE: That portion of a lot which is adjacent and parallel to a public highway or a private way accessing a public highway.

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.)

MULTIPLE-FAMILY DWELLING: A building with more than two dwelling units.

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, 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 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, 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 bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(15).

NURSING CARE FACILITY: A care facility licensed or registered with the State of Vermont to provide convalescent or chronic care to not more than 80 individuals who by reasons of age, chronic illness or infirmity are unable to care for themselves.

OUTDOOR CAMPING FACILITIES: Land on which sites and related facilities are for rent to travelers for seasonal or temporary living purposes.

PARKING SPACE: A defined space which is at least ten feet wide and twenty feet long outside of the right-of-way or driveway used for the parking of one motor vehicle which affords practical access to the road or right-of-way and graveled or paved sufficiently to permit year-round use.

PHYSICAL FITNESS FACILITY:

PLACE OF WORSHIP: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings, such as convents and parish houses, and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque, or other such place for worship and religious activities.

PROFESSIONAL OFFICE: Place where 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.

RECREATION FACILITIES: Includes sports club, golf course, trap, skeet, or archery range, swimming pool, skating rink, riding stable, park, swimming area, tennis court, recreation stadium, skiing facilities, licensed seasonal camps, and similar places of private outdoor recreation. Includes publicly owned and operated playgrounds, playfields, parks, open spaces, swimming pools, and other similar places of publicly owned outdoor recreation.

RESIDENTIAL CARE HOME: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated to the home operator (33 V.S.A. § 7102(1)).

RESIDENTIAL TREATMENT FACILITY: A state licensed or approved facility, excluding a hospital as defined by statute or the Vermont State Hospital, operated for the purpose of providing supervised and individualized treatment to not more than 80 residents with major life adjustment problems such as alcoholism or drug abuse.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RETAIL ESTABLISHMENT: Includes a shop or store for the sale of retail goods, a personal service shop or a department store.

RIPARIAN BUFFER:

RURAL SMALL ENTERPRISE: A conditionally permitted non-residential use of a type, scale, and design compatible with residential and agricultural areas. See section 5-8.

SETBACKS: **Front** - The distance from road right-of-way to the nearest part of any building or structure.

Rear – The distance from the rear lot line to the nearest part of any building or structure.

Side – The distance from the side lot line to the nearest part of any building or structure.

Streambank - 35 feet from the upper edge of the streambank.

Riparian – 50 feet horizontally from the waters edge.

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, and fences.

WILDLIFE REFUGE: An area set aside primarily for wildlife and wildlife habitat.

WIRELESS TELECOMMUNICATION FACILITY: Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

WIRELESS TELECOMMUNICATION SERVICE: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

WIRELESS TELECOMMUNICATION SERVICE PROVIDER: Any person or entity providing Wireless Telecommunication Services.

8.0 ALTERNATIVE HOUSING DEVELOPMENT

8-1 General Intent And Purposes

The provisions for Clustered Housing Development (CHD) set forth below are intended to permit the development of larger parcels of land in such a manner as will result in the most efficient, aesthetic, and desirable use of such parcels; encourage a more creative approach to the development of such parcels than would otherwise result under these Bylaws; and to provide flexibility in the design and placement of buildings, open spaces, vehicular and pedestrian circulation and off-street parking areas so as to best utilize the features of the specific site.

In order to encourage innovation in design and layout and promote the efficient use of land, the Planning Commission may grant Clustered Housing Development approval for proposals subject to the standards and conditions set forth below.

8-2 Clustered Housing Development Approval - Standards And Conditions

In its review and approval of a proposed Clustered Housing Development, the Planning Commission shall find in its written decision that the Project meets all of the following criteria and standards:

- (a) The application submitted satisfies all the requirements for submission of a Clustered Housing Development application as identified by the Planning Commission.
- (b) The total parcel size of the proposed Clustered Housing Development meets the minimum area requirements set forth below:
Residential District: 10 acres
- (c) The setback requirements, as determined for the project in its entirety, and for any and all buildings, structures, or lot lines within the project, comply with all applicable setback requirements.
- (d) The total number of dwelling units and other uses shall not exceed the number or densities which would be permitted in the Planning Commission's judgment if the involved land were subdivided into lots in conformance with these Bylaws.
- (e) Density Bonus - Notwithstanding the above, in order to encourage the most appropriate and efficient use of the involved land, the total number of dwelling units and other uses may be exceeded by up to twenty-five percent (25%). In granting any such requested density increase, the Commission shall find that:

The character and siting variations incorporated in the project consists of factors which make a substantial contribution to the general intent and purposes of the Clustered Housing Development provision.

Such variations are appropriate based upon, but not limited to, the following project amenities: (i) siting, visual focal points, use of existing physical features such as topography, building orientation, variation in building groups such as clusters; (ii) design features, architectural styles, harmonious use of building materials, landscaping, and pedestrian ways; and (iii) extent and location of open space reservation relative total project area, proposed plans for use and management of such area, and the degree of preservation of natural features for any unimproved areas.

- (f) The design and layout of the project preserves any recognized historic sites or structures and to the greatest extent feasible any natural features or resources of the site.
- (g) Adequate conditions and technical plans exist to insure the safe treatment of sewage and the provisions of a safe supply of drinking water for the project.
- (h) If the proposal involves a greater concentration of land uses within some section of the development than upon others, such greater concentration shall be offset by a lesser concentration in other section or sections or by an appropriate reservation of common open spaces on the remaining lands.
- (i) To encourage maintenance or enhancement of forest resources, wildfire habitats, and critical resource areas for which the project has been designed so areas of the total parcel are permanently set aside as undevelopable and or the purposes set forth above.

8-3 Clustered Housing Development - General Procedures

The Planning Commission welcomes all to preliminary discussions about this development option. It invites prospective applicants to meet informally with the Commission to learn how their project might be structured.

- (a) Upon receipt of an application for Clustered Housing Development Approval, the Commission shall ascertain if the application is complete.
- (b) A request for Clustered Housing Development Approval shall be scheduled for a least one Public Hearing held by the Planning Commission within thirty days from the date of acceptance of the completed application. All procedures as set forth in 24 V.S.A. §4417 shall apply also.
- (c) Land development for which Approval has been granted shall not commence unless the Zoning Administrator has issued a Permit for such development.

- (d) The Planning Commission may attach such reasonable conditions to its approval of a Clustered Housing Development as it finds necessary to further the purposes of these Bylaws and 24 V.S.A. Chapter 117.
- (e) The Planning Commission shall act to approve or disapprove a proposal by written decision within sixty (60) days from the date of the final public hearing.
- (f) In the event that substantial construction has not been undertaken within two years from approval, this provision shall have no further effect and any subsequent applications for zoning permits shall be considered untimely.

9.0 USE TABLE

This table will need to reflect changes to the uses allowed in zoning districts.
It would also read more easily if the types of uses were alphabetized.

USE TABLE BRADFORD ZONING BYLAWS

KEY: (P: Permitted Use, C: Conditional Use)

CBD Central Business District

R/S Residential Service

VR Village Residential

R Residential

LPC Lower Plain Commercial

I Industrial

PL Public Lands

FH Flood Hazard

USE TYPE	DISTRICT							
	CBD	R/S	VR	R	LPC	I	PL	FH
Single or Two Family Dwelling	P	P	P	P	P	-	-	-
Accessory Structure or Use	P	P	P	P	P	P	P	C
Detached Apartment	P	P	P	P	P	-	-	-
Home Occupation I	P	P	P	P	P	-	-	-
Home Occupation II	P	C	C	C	P	-	-	-
Outdoor Sign	P	P	P	P	P	P	P	-
Division of Lots	P	P	P	P	P	P	P	-
Retail Establishment	C	-	-	-	C	-	-	-
Inn/Lodge/Bed & Breakfast	P	-	C	C	P	-	-	-
Repair or Service Facility	C	-	-	-	C	P	-	-
Restaurant	P	-	-	-	P	-	-	-
Professional Office	P	C	C	C	P	-	-	-
Bank	P	-	-	-	P	-	-	-

Light Manufacturing Facility	C	-	-	-	C	C	-	-
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USE TABLE (cont.)**KEY: (P: Permitted Use, C: Conditional Use)**

CBD Central Business District
 R/S Residential Service
 VR Village Residential
 R Residential

LPC Lower Plain Commercial
 I Industrial
 PL Public Lands
 FH Flood Hazard

TYPE	CBD	R/S	VR	R	LPC	I	PL	FH
Public or Quasi-Public Building or Use	P	C	C	C	P	-	C	C
Public Utility	C	C	C	C	C	C	C	C
Multiple Family Dwelling	C	C	C	C	C	-	-	-
Parking Lots	P	C	C	C	P	-	C	C
Rural Small Enterprise	-	-	-	C	-	-	-	-
Wildlife Refuge	-	-	-	P	-	-	P	-
Recreation Facility	C	-	-	C	C	-	P	C
Day & Nursing Care Facility	C	-	C	C	P	-	-	-
Physical Fitness Facility	-	-	-	-	P	-	-	-
Research Establishment	-	-	-	-	C	C	-	-
Gas Station	P	-	-	-	P	-	-	-
Storage/Warehouse Facility	-	-	-	-	P	D	-	-
Business Park	-	-	-	-	-	C	-	-
Trucking Terminal	-	-	-	-	-	C	-	-
Telecommunication Facility	C	-	-	C	C	C	C	-
Outdoor Camping Facility	-	-	-	C	-	-	C	C
Extraction of Gravel, Sand, Soil and Rock	-	-	-	C	C	-	-	C
Dams, Ponds or Impoundments	C	-	-	C	C	C	-	-
Printing and Publishing	-	-	-	-	C	-	-	-

Note: Other uses may be conditionally permitted in each of the above districts subject to determination by the Board of Adjustment. This Table is advisory only and is subject to revision.