

STRAFFORD ZONING ORDINANCE

**Adopted June 1, 2005
By a vote of the Select Board**

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**Prepared by the Strafford Planning Commission
with technical assistance provided from the
Two Rivers-Ottawquechee Regional Commission, Woodstock, Vermont.**

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1 GENERAL PROVISIONS

1.1 Enactment

Whereas the Town of Strafford, 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 is hereby established a zoning ordinance for the Town of Strafford.

1.2 Title

This ordinance shall be known and cited as the Strafford Zoning Ordinance.

1.3 Purpose

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

1.4 Effective Date

This Ordinance, or any amendments thereto, shall become effective upon date of their adoption by a vote of the Town by Australian Ballot at a regular or special Town meeting.

1.5 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Except for Section 4413 (c) of the Act, and where this Ordinance specifically provides to the contrary, it is not intended to repeal or annul, or in any way impair any regulations or permits previously adopted or issued. However, where this Ordinance imposes a greater restriction than the Vermont Statutes with respect to the use of a structure or land permit, easement, or agreement, the provisions of this Ordinance shall control.

1.6 Separability

The invalidity of any provision of this Ordinance shall not invalidate any other part.

1.7 Status of Prior Ordinance

Upon the effective date of this Ordinance, the Strafford Zoning Ordinance dated and adopted March 6, 2001 is hereby amended in its entirety.

1.8 Exempt Land Development

This Ordinance does not regulate the uses or structures noted below. Accordingly, a Zoning Permit shall not be required for:

- A. Normal maintenance and repair of an existing building or structure that does not result in any change to the footprint or height of the structure or use;
- B. Interior renovations to a building or structure that does not change the present use of the building or structure;
- C. Reconstruction of a non-complying structure, or resumption of a non-conforming use. (See Sections 4.6 and 4.7.);
- D. Accepted agricultural and forestry practices, including the construction of farm structures, provided setback requirements are met. (See 24 VSA, Section 4413 (d).);
- E. Utility poles and related fixtures;
- F. Fuel and propane tanks not used for commercial uses;
- G. Construction of a road or driveway (Access Permit may be needed from Town or State.);
- H. Fences or walls not exceeding 8 feet in height;
- I. Drainage facilities or similar work;
- J. Dish antennae twenty-four inches or less in diameter, provided setback requirements are met;
- K. Home Occupations (See Sections 3.3 and 3.4.);
- L. Minor structures with a floor area not more than 120 square feet, less than 35 feet in height; and meet setback requirements; and
- M. Small and temporary signs. (See Section 3.10.)

1.9 Definitions

For the purposes of this Ordinance, meanings of the following words and terms shall be interpreted as defined below and all other words shall be presumed to have their normal meaning, unless such meaning runs counter to the purposes and objectives of this Ordinance or the Town Plan. The definitions of terms defined in Section 4303 of the Act, and not otherwise defined herein are made a part of this Ordinance.

ACCESSORY BUILDING OR ACCESSORY USE: A building or use customarily incidental and subordinate to the principal building or use located on the same lot. There can only be one ACCESSORY DWELLING UNIT (Section 3.20), DETACHED APARTMENT (below in this Definitions section), or DETACHED HOUSING UNIT (Section 3.23) per primary residence.

AGRICULTURAL STRUCTURE: A building or structure used primarily as part of an agricultural operation including barns, sheds, silos, and storage pits.

AGRICULTURAL USE: Any use of structures for the raising, storage or maintenance of livestock, field crops, forest crops or any other crops or animals. Examples: Dairy barns, stables, kennels, greenhouses, or poultry houses. Per 24 V.S.A., Section 4413 (d), no municipal permit shall be required for accepted agricultural practices. Agriculture primarily for the purpose of consumption by a single family shall not be considered commercial agriculture.

ALTERATION: Structural change that increases the exterior height, width or length of the building, including a change of location of, or addition to, a building.

BED & BREAKFAST: A building used as a dwelling unit having a capacity of between 5 and 12 paying guests for public lodging, providing room and/or meals for lodging guests only, and which does not materially change the character of the immediate area.

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

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finish grade around the building to the highest point of the structure, not including chimneys or smokestacks.

BUILDING/STRUCTURE, NON-CONFORMING: A building or structure, or part thereof, not conforming with this Zoning Ordinance covering dimensions, height, area, density, or off-street parking, where such building or structure conformed to all applicable regulations prior to the enactment of this Ordinance.

CEMETERY: A parcel of land used exclusively for the burial of humans.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Officer certifying the applicant has acted in accordance with all terms and conditions of the zoning permit as granted; this certificate must be issued prior to the use or occupation of any land or building

COMMENCEMENT OF CONSTRUCTION: Construction of the first improvement to land or to a building or structure, including work preparatory to construction, such as clearing or roadway improvements, the act of which is incidental to a plan or intention to erect or make alterations to a building or structure, or divide land for sale or other means.

COMMERCIAL (LIGHT): Any use of land or structures primarily for the purpose of buying or selling goods or services, which, after applying the Ordinance standards, could reasonably be carried out on ½ acre of land. Examples: retail shops or general stores.

COMMERCIAL (MEDIUM/HEAVY): Any use of land or structures primarily for the purpose of buying or selling goods and which would reasonably require more than ½ acre of land. Examples: automotive dealership, equipment sales, or building supply outlets.

CONDITIONAL USE PERMIT: A permit that is issued by the Zoning Board of Adjustment after a public hearing, if the proposed conditional use (see definition under USE, CONDITIONAL) does not adversely affect the capacity of community facilities, the character of the area affected, traffic, the utilization of renewable resources, or the provisions of the Ordinance. To be obtained after a site plan review has been conducted by the Planning Commission, if a site plan review is also required.

CORPORATE RETREAT: A facility used primarily for educational purposes for training and development of business executives, the total of which are not to exceed 24 persons at any one time.

DAY CARE FACILITY: The principal use of a building or lot is to provide supervision, care, or meals, but not overnight lodging, for infants, children, handicapped and/or the elderly.

DETACHED APARTMENT: An apartment in an accessory structure and not attached to the principal single family dwelling or structure. It shall be no more than 900 square feet in area or one-third of the living area of the primary dwelling, whichever is less. In determining density or minimum lot size requirements, detached apartments shall be considered an additional family dwelling.

DISTRICT: A part, zone or geographic area within the Town of Strafford within which certain zoning or development regulations apply.

DWELLING, ONE FAMILY: A building containing one dwelling unit.

DWELLING, TWO FAMILY: A building containing two dwelling units.

DWELLING, MULTIPLE: A building containing more than two dwelling units.

DWELLING UNIT: A room or group of rooms to be occupied solely by one family.

FORESTRY USE: Land which is managed and used for the cultivation and harvesting of trees.

GUEST HOUSE: A building used as a dwelling unit having a total capacity of not more than four paying guests for public lodging, providing rooms and/or meals for lodging guests only, and which does not materially change the character of the immediate area.

HOME OCCUPATION: Any occupation customarily carried on by a resident at his residence, provided that the use occupies a minor portion of the residence and/or accessory structures, does not materially change the character of the area and is clearly secondary to the principal use as a residence.

INDUSTRIAL (LIGHT): Any use of land or structures for the purpose of manufacturing, processing or storing goods which after applying the standards of the Ordinance would reasonably be carried out on ½ acre of land. Examples: small assembly operations and craft workshops.

INDUSTRIAL (MEDIUM/HEAVY): Any use of land or structures for the purpose of manufacturing, processing or storing goods which after applying the standards of the Ordinance would reasonably require more than ½ acre of land. Examples: sawmills, warehouses or large manufacturing processes.

INTERESTED PERSON: Anyone lawfully afforded the right to appeal a decision or act of the Zoning Officer as defined under 24 V.S.A. Section 4465(b).

JUNK YARDS: Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or scrap. In addition, the term means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping four or more junk motor vehicles which are visible from a public highway. This does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

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

LODGE/INN: A building containing central entrances for lodging up to 25 paying guests which may provide meals for guests and the general public.

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. A lot cannot be divided by a public highway as defined by 19 V.S.A., Section 1.

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

LOT FRONTAGE: That portion of a lot which is adjacent and parallel to a public highway as defined by 19 V.S.A., Section 1 or a private right-of-way as approved by the Planning Commission pursuant to Section 3.2.

MUNICIPAL USES: Any use of land or structures for municipal services. Examples: public utilities, municipal garages, municipal parking lots.

MUSEUM: A use of a building and land by an institution devoted to the procurement, care, study, and display of objects of interest or value.

NEIGHBORHOOD COMMERCIAL FACILITY: Any commercial facility such as a grocery, general, newspaper, drug store or retail establishment intended principally to serve the neighborhood in which it is located.

NUISANCE: An undue interference with the enjoyment and use of property.

OUTDOOR CAMPING FACILITIES: The term means any tract or parcel of land occupied by more than three (3) automobile trailers, campers, recreational vehicles, tent sites or temporary cabins for a brief period for vacation or recreational purposes. There shall be no distinction made between non-commercial (no charge, no service) and commercial operations. A mobile home used as a residence is considered as a dwelling and this definition is not applicable.

OUTDOOR RECREATION FACILITIES: A principal use of land together with any accessory buildings which typically involves the sale of a service, including but not limited to tennis courts, golf courses, hiking trails, skating rinks, playfields, horse riding and driving, wildlife sanctuaries, cross-country skiing and outdoor swimming pools. The term specifically excludes outdoor movie theaters, firing ranges, bowling alleys, race tracks, motor bike, and ATV activities.

PARKING AREA: An area of land on a lot designated or used exclusively for the maneuvering and storage of motor vehicles and not within the public right-of-way.

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 and which affords practical access to the road or right-of-way and which is graveled or is paved sufficiently to permit year-round use.

PLANNED UNIT DEVELOPMENT: An area for which the design and development promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities, and preserves the natural and scenic qualities of the land. An area of land, controlled by a land-owner, to be developed as a single entity for a number of dwelling units, commercial and/or industrial uses, the plan for which does not correspond in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space to the Ordinance established in any one or more zoning districts.

PRINCIPAL BUILDING: A building or portion thereof, in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE: The primary or predominate use of any lot.

PROFESSIONAL OFFICE: An office where business of a service nature is provided principally by the owner and generally not involving multiple employees or partners. Examples include a doctor's or real estate broker's office or an insurance office.

PUBLIC BUILDING: A building owned by a municipality, county, state, or federal government or a quasi-public building that is property tax exempt or qualifies for exemption, such as a church, private school, medical clinic, hospital, library or museum.

PUBLIC LAND: Land owned in fee by the State of Vermont, Town of Strafford or other political subdivision.

PUBLIC OPEN SPACE: Public or community owned land available for limited public or park-like uses.

PUBLIC UTILITY: A business or service which is engaged in regularly supplying the public with a commodity such as telephone, electric, sewage or water service.

REPAIR OR SERVICE SHOP: A structure utilized exclusively for the sale of goods or services to the general public, typically in fixing and reconditioning objects and machinery. Such activities are conducted within the structure and not outdoors or in view by the general public.

RESTAURANT: A commercial establishment which is open to the public and which provides meals to its patrons.

RESIDENTIAL (1 and 2 FAMILY DWELLINGS): Any use of land or structures comprising the residence of one or two families in a primary structure. Examples: duplexes, mobile homes, or cabins.

RESIDENTIAL (MULTIPLE FAMILY DWELLINGS): Any use of land or structures comprising the residence of three or more families in a primary structure, cluster or complex. Examples: apartment house or attached townhouses.

RETAIL ESTABLISHMENT: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, the use of which does not exceed 6,000 square feet of floor area.

SCHOOL: Includes public, private, and nursery school, college, university and accessory uses, but shall not include commercially operated schools of business, dancing, driving, beauty culture, or similar business establishments.

SETBACK, FRONT: The distance from the centerline of any highway or road right-of-way to the nearest part of any building or structure.

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

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

SIGN AREA: The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN, BUSINESS AND PUBLIC BUILDING: A structure which calls attention to and/or acts as an outdoor display for an establishment, property, or the services and products provided therein.

SIGN, INSTRUCTIONAL: A structure which is used to direct the user of the premises for off-street parking, traffic control, pedestrian areas, loading docks, safety zones or other similar purposes.

SIGN, PERMANENT: Any surface, fabric, device or display which bears letter, pictorial or sculptured matter designed to convey information visually and which is exposed to public view. The term shall include all structural members and related elements composed to form a single unit.

SIGN, TEMPORARY: A structure which is used to advertise or call attention to a special sale, event, auction, campaign drive, etc., such sign to be erected for a period not to exceed 21 days within one calendar year.

SIGN, REAL ESTATE: A structure which is designed or used to advertise or call attention to real estate available for sale or lease erected on premises offered for sale or lease.

SITE PLAN REVIEW: Prior to the approval of any structure other than a one- or two-family dwelling or any use other than agricultural or Home Occupation I, the Planning Commission shall review applications and may impose conditions and safeguards as they relate to traffic access, circulation and parking; landscaping and screening; the protection of the utilization of renewable energy resources; and other requirements as listed in this Ordinance. The site plan review shall take place prior to the Zoning Board of Adjustment conditional use public hearing.

SMALL ENTERPRISE: A small business located in the Village Center or Rural Residential Districts that is larger than a home occupation in size or scope but meets other performance criteria as listed in Section 3.5.

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 including, but not limited to, towers, dish antennae, but excluding mailboxes, fences, roads or driveways, and underground utilities.

STRUCTURE, MINOR: A building less than 120 square feet in area. Minor structures must meet all setback minimums for the district where they are located.

STRUCTURE, NON-COMPLYING: A structure, or part thereof, not in conformance with the Strafford Zoning Ordinance covering building height, area, yards, density or off-

street parking requirements where such structure conformed to all applicable laws and regulations prior to the enactment of this Ordinance.

STRUCTURE, TEMPORARY: A structure for accessory use, without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which it was erected has ceased.

STRUCTURE, OCCASIONAL USE: A cabin, camp, construction trailer or structure used on an intermittent basis where, depending on the use, a septic system may be required.

SUBDIVISION, LAND: The act of dividing a parcel of land by sale, gift, lease, mortgage foreclosure, court ordered partition or the filing of a plot plan in the Town Records where the act creates or is intended to create two or more lots.

SUBSURFACE SEWAGE DISPOSAL SYSTEM: Any sewage disposal system which treats and disposes of domestic sewage underground and therefore whose proper installation and safe functioning is dependent on suitable conditions of soils, slopes, bedrocks, and water tables.

SURFACE WATER: Any year-round body of water such as brooks, streams, rivers, ponds or lakes.

TOWER: A structure more than 30 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

USE, CONDITIONAL: Any of the various uses in the zoning districts, as listed in Table 2, which requires a permit from the Zoning Board of Adjustment.

USE, NON-CONFORMING: A use of a building or land legally existing at the time of the adoption of this Ordinance, or any amendment thereto, and which is not an allowable use in the district in which it is located.

USE, PERMITTED: A use which may be approved by the Zoning Officer in any district as set forth by this Ordinance, excluding illegal uses and non-conforming uses.

VANTAGE POINT: A point located on a public highway or public water body in Strafford from which a proposed wireless communication facility will be visible.

VARIANCE: A deviation from the strict application of the provisions of this Ordinance authorized by the Zoning Board of Adjustment.

WIRELESS COMMUNICATION FACILITY: An FCC regulated tower, pole, antenna, guy wire, or related fixture intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmissions/reception; the construction or improvement of a road, trail, building, or structure incidental to an FCC regulated telecommunications facility. This definition does not include satellite receivers less than 2 feet in diameter for home use. It is the intent of this definition to specifically exclude wireless communication facilities that are not regulated by the FCC.

2 ZONING DISTRICTS

2.1 Establishment of Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts are hereby established within the Town of Strafford:

VILLAGE CENTERS	VC
RURAL RESIDENTIAL	RR
LAND & FOREST CONSERVATION	LFC
RIVER VALLEY CONSERVATION	RV
MILLER POND SHORELINE	MP

2.2 Purpose of Zoning Districts

It shall be the purpose of this Ordinance to implement the goals and policies of the proposed land use areas as set forth in Strafford Town Plan.

The specific purposes of the Zoning Districts as established in 2.1 above shall be as follows:

2.2.1 Village Centers - "VC"

Purpose: To provide for the continuance of areas known as Strafford and South Strafford villages as social and physical centers of community services; to enable higher density residential and non-residential uses in the traditional village setting and to protect and enhance their character and quality in the future.

Uses Requiring A Zoning Permit: See Table 2

Uses Requiring A Site Plan Review and/or A Conditional Use Permit: See Table 2

District Descriptions:

South Strafford - Beginning on the southern end of the Village at Town Bridge #29 by (Catholic Chapel) and the intersection of Town Highways No. 4 (Mine), No. 13 (Turnpike) and No. 38 (Redden). Thence in a northerly direction on Highways No. 1 (Route (132) and No. 4 to the northern end of the Village Center. Stopping on Route 132 by the New England Telephone Company Building and on Town Highway No. 2 (Justin Morrill Highway) to the property line between 19 Justin Morrill Highway and 23 Justin Morrill Highway.

The East and West limits are 300 feet of the center line of the road of said Town Highways No. 132, No. 4 and No. 2 within the North and South boundaries.

Strafford - Line starts on Town Highway No. 5 (Brook Road) from a point immediately west of the garage at 34 Brook Road (TH 5) and runs at right angles to the road down to the river. Thence SE along the river behind 34, 32, and 26 Brook Road to the shortest point between the river and the NW corner of the cemetery. Line follows rear boundary of the cemetery to the NE corner, then

directly to the Morrill Highway at a point directly opposite the north end of the residence at 248 Justin Morrill Highway. From the east side of the road at the same point, the line runs at right angles to the road a distance of 300 feet from the center of the road; then turns south and parallels the Morrill Highway at a distance of 300 feet from the center of the road. Line turns west at a point directly opposite the south end of the residence at 201 Justin Morrill Highway and runs across the Morrill Highway to the river. Line follows the river northward to Heminway property at the point closest to Brook Road and from this point on the river to a point on TH 34 300 feet from the center of the Brook Road. Thence along TH 34 and across Brook Road to starting point.

2.2.2 Rural Residential - “RR”

Purpose: This district is established to provide for and to maintain an environment outside the villages which is primarily residential/agricultural in use and rural in character. This goal is to be accomplished by permitting: a moderate density of residences compatible with agricultural uses, making a conscious effort to preserve prime and good agricultural land for agricultural uses, permitting other land uses which can augment the local economy by providing services or sources of employment, and promoting patterns of land use which preserve or improve open space.

District Description: All lands remaining after excluding Village Centers, River Valley Conservation, Miller Pond, and Land and Forest Conservation.

Uses Requiring A Zoning Permit: See Table 2

Uses Requiring A Site Plan Review and/or A Conditional Use Permit: See Table 2

2.2.3 Land and Forest Conservation - “LFC”

Purpose: To identify lands which are subject to development restrictions due to public ownership or to conservation easements or covenants; to encourage a pattern of land and forest conservation which sustains the rural and natural characteristics of the Town.

District Description: All lands which are owned by the State of Vermont or the Town of Strafford; all privately-owned lands which have conservation easements, ie. the development rights of which are owned by the Upper Valley Land Trust, the Vermont Land Trust, the Nature Conservancy, or any other conservation organization.

Uses Requiring A Zoning Permit: See Table 2

Uses Requiring A Site Plan Review and/or A Conditional Use Permit:
See Table 2

2.2.4 River Valley Conservation - “RV”

Purpose: To lessen or avoid the hazards to persons and the damage or loss to property caused by floods; to ensure wise use and conservation of lands immediate to rivers and streams.

This area consists predominantly of agricultural and open land making up the valley floor between the villages of South Strafford and Strafford and extending along the West Branch of the Ompompanoosuc north of South Strafford village.

Additionally, the area includes FEMA Flood Hazard Areas.

2.2.5 Miller Pond Shoreline District - “MP”

Boundaries: A belt of land with Town Highway #3 (Miller Pond Road) as the eastern boundary and extending 750 feet from mean water level around the remaining area of pond as shown on the Zoning Map.

Purpose: This district is established to protect the high quality of water and to maintain high standards for permitted development so as to protect the pristine character of the pond and the scenic and recreational assets of the shoreland. This is accomplished by protecting and preserving the shorelands which are unsuitable for development; maintaining a low density of development on those shorelands suitable for development; and providing compatible use of the public water by the general public.

Minimum standards for structures with on-site sewage disposal are established in accord with the soil group ratings recommended by the Vermont Department of Environmental Conservation. The soil survey map and supporting data containing information for the ratings is adopted by reference as a part of this Ordinance and shall be used to determine the soil type of a particular parcel of land.

TABLE 1 - SOIL GROUPS

SOIL GROUP RATING	SOILS	MINIMUM LOT SIZE	MINIMUM SETBACK FROM MEAN WATER MARK OF STRUCTURES & SEWAGE
Group 1 (Favorable Soil Group)	Colrain 0-15% slope	2 acres	200'
Group 2 (Steep Soil Group)	Colrain over 15% slope	no development with on-site sewage permitted	
Group 3 (Wet Soil Group)	Cabot & Peacham	no development with on-site sewage permitted	
Group 4 (Shallow Soil Group)	Tunbridge/ Woodstock	10 acres	400'
Group 5 (Impermeable Soil Group)	Buckland	2 acres	300'

- (1) In all cases, 90 percent of the required lot area shall be at least 2 feet above the highest known flood water elevation. Minimum lot width at shoreline shall be 100 feet.
- (2) In all cases, plans for on-site sewage shall meet Strafford health relations.

Agriculture: A 50-foot strip of permanent vegetation of natural character shall be maintained from the mean water mark, or a 25 foot strip from the highest known water level, whichever distance is the greater, to retard runoff and reduce erosion. Animal feed lots and stockpiles of manure shall not be located within 200 feet of this buffer strip.

Additional Specific Use Standards: Other applicable standards in the Ordinance are adopted by reference in guiding shoreland preservation and development. In granting conditional use permits the following additional considerations shall be evaluated:

- (a) The need for the proposed use to be located in the shoreland area.
- (b) Maintenance of safe and healthful conditions.
- (c) The prevention of water pollution.
- (d) The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover.
- (e) Existing topographic and drainage features.
- (f) Its compatibility with uses on adjacent land.

- (g) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
- (h) Uses not inherently a source of pollution within an area over uses that are, or may be, a pollution source.

2.3 Zoning Map

The boundaries of the Zoning Districts established above are depicted on a map designated as the Town of Strafford Zoning District Map, dated March 6, 2001. This map is made a part of this Ordinance, together with all future amendments or attachments.

A copy of this Map, with attachments, shall be used and interpreted by the Town of Strafford in the administration and enforcement of this Ordinance and shall be on file with the Zoning Officer and Town Clerk.

While not an official part of the Zoning District Map, prospective applicants whose land may be subject to flooding should consult the Flood Hazard Area Maps on file with the Town Clerk. Wetlands may exist in all districts. Consult the Agency of Natural Resources for jurisdictional determinations and further regulations.

2.4 Uses In Various Districts

Within the various Zoning Districts established in Section 2.2 above, certain land uses are permitted or conditionally permitted. Permitted uses are those uses not requiring a zoning permit. Conditional Uses means those uses permitted following Conditional Use Approval by the Board of Adjustment, as provided for in Section 4.11 of this Ordinance.

The accompanying chart designates the type of use and kind of approval necessary for specified activities within each District. In addition, general area, land and structural requirements for uses in each of the Districts are included. The column on the left lists types of land uses. The various kinds of Zoning Districts are listed on the top of the chart. Land uses permitted or conditionally permitted are identified as PU, ZP, SP, or CU, respectively. Uses exempt or prohibited are identified as E or P, respectively.

Uses not listed in the chart on page 16, but of a similar type or character to those listed within the District, may be conditionally permitted following a determination by the Board of Adjustment that the use meets with the purpose of the District.

Applicants who desire assistance are free to call upon the Zoning Officer for help.

TABLE 2 - DISTRICTS AND USES

LAND USE	Village Centers	Rural Residential	Land & Forest Conservation*	River Valley Conservation	Miller Pond Shoreline
One & Two Family Dwellings	ZP	ZP	ZP	CU	CU
Accessory Use or Building	ZP	ZP	ZP	SP/CU	SP/CU
Agricultural	E	E	E	E	E
Home Occupation I	PU	PU	PU	PU	PU
Home Occupation II	SP	SP	SP	SP	SP
Day Care Facility	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU
Retail Establishment	SP/CU	SP/CU	SP/CU	P	P
Lodge/Inn	SP/CU	SP/CU	SP/CU	P	P
Repair or Service Shop	SP/CU	SP/CU	SP/CU	P	P
Guest House	SP/CU	SP/CU	SP/CU	SP/CU	P
Bed and Breakfast	SP/CU	SP/CU	SP/CU	SP/CU	P
Commercial-Light	SP/CU	SP/CU	SP/CU	P	P
Commercial-Medium/Heavy	SP/CU	SP/CU	P	P	P
Multiple Family Dwelling	SP/CU	SP/CU	SP/CU	SP/CU	P
Planned Unit Development	SP/CU	SP/CU	SP/CU	SP/CU	P
School	SP/CU	SP/CU	SP/CU	P	P
Restaurant	SP/CU	SP/CU	SP/CU	P	P
Museums	SP/CU	SP/CU	SP/CU	P	P
Public Utility	SP/CU	SP/CU	SP/CU	SP/CU	P
Public Building	SP/CU	SP/CU	SP/CU	SP/CU	P
Professional Office	SP/CU	SP/CU	SP/CU	SP/CU	P
Churches	SP/CU	SP/CU	SP/CU	SP/CU	P
Permanent Signs	ZP	ZP	SP/CU	SP/CU	P
Occasional Use Structure	P	ZP	ZP	CU	CU
Temporary Structure	ZP	ZP	ZP	ZP	ZP
Rural Small Enterprise	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU
Detached Apartment	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU
Extracting of Gravel, Sand, Soil and Minerals	P	SP/CU	SP/CU	SP/CU	P
Light/Industrial	SP/CU	SP/CU	SP/CU	P	P
Medium/Heavy Industrial	SP/CU	SP/CU	P	P	P
Corporate Retreat	P	SP/CU	SP/CU	SP/CU	SP/CU
Outdoor Recreation Facilities	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU
Commercial Summer Camp	P	SP/CU	SP/CU	SP/CU	SP/CU
Outdoor Camping Facilities	P	SP/CU	SP/CU	SP/CU	SP/CU

ZP = Zoning Permit obtained from Zoning Officer

SP = Site Plan Approval necessary from Planning Commission

CU = Conditional Use Approval necessary from Board of Adjustment

P = Prohibited

PU = Permitted Use

E = Exempt, per 24 V.S.A., Section 4413 (d), no municipal permit for a farm structure shall be required

NOTE: Uses not listed are not allowed under this Ordinance.

* More restrictive deed covenants automatically override any permitted uses and/or zoning requirements

TABLE 3 - AREA, LAND AND STRUCTURAL REQUIREMENTS

	Village Centers	Rural Residential	Land & Forest Conservation	River Valley Conservation	Miller Pond Shoreline
Lot Area Minimum	1 acre	3 acres	3 acres	3 acres	2-10 acres
Lot Frontage Minimum	80 ft	300 ft	300 ft	300 ft	100 ft
Front Setback Minimum*	45 ft	50 ft	50 ft	50 ft	50 ft
Side Setback Minimum	15 ft	20 ft	20 ft	20 ft	20 ft
Rear Setback Minimum	15 ft	20 ft	20 ft	20 ft	20 ft
Building Height Maximum	35 ft	35 ft	35 ft	35 ft	35 ft
Water Front Setback Minimum	-	-	-	-	200-400 ft
Optional Requirements (See Article 6 for Planned Unit Development)	PUD	PUD	PUD	PUD	PUD

*from road centerline

2.5 Uses Not Requiring A Permit

The following uses are permitted without a zoning permit in all Districts provided that these uses are in compliance with this Ordinance:

- Agricultural/Forestry Uses, as protected by 24 V.S.A., Section 4413 (d)
- Minor Structures
- Home Occupation I and Home Occupation II

General information regarding the two uses above may be obtained from the Zoning Officer.

3 SPECIAL PROVISIONS

3.1 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties and in existence on the effective date of this Ordinance, including an interim Zoning Ordinance, 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 dimension of forty feet. Nothing in this section shall be construed so as to prevent the sale or transfer of such a lot.

If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for the purposes of this section. However, such lot shall not be deemed merged and may be separately conveyed, if:

- A. The lots are conveyed in their preexisting, non-conforming configuration; and
- B. On the effective date of this Ordinance, each lot has been developed with a water supply and wastewater system; and
- C. At the time of the transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- D. Deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater disposal systems in case a wastewater system fails to function as defined under 24 V.S.A. Section 4412 (2) (B) (iv).

3.2 Required Frontage On, or Access To, Public Roads or Waters

3.2.1 No land development may be permitted on lots that do not have frontage on a public road or water, except with the approval of the Planning Commission under Section 3.2.2 below.

3.2.2 In the event that a lot does not have frontage on a public road or water, prior to approval, the owner of said lot or his agent, shall submit to the Planning Commission an easement acceptable to the affected parties which establishes a permanent right-of-way of at least 20 feet in width, the benefit and burden of which shall run permanently with the lot.

3.2.3 Based upon the above submission and any other relevant evidence and testimony offered, the Planning Commission shall conclude whether or not said lot has permanent access to a public road or water.

3.3 Home Occupation I

This Ordinance provides the right for any resident to use either a minor portion of the dwelling in which he resides **or** its accessory building for an occupation which is customary in a residential area, does not change the character thereof, and meets the following standards:

- 3.3.1** The conduct of a home occupation shall be clearly secondary to the principal or residential use of the premises.
- 3.3.2** The home occupation shall be conducted by the resident and may employ only full-time residents of the house and/or **one (1)** other full-time-equivalent (forty-hour work week) person working on site.
- 3.3.3** The home occupation shall be operated entirely within either the residence or accessory building; if operated in the residence, it shall not exceed fifty percent (50%) of the total floor area of that building. If the use is to be conducted in an accessory building, that building shall be constructed or renovated to be architecturally compatible with the principal buildings on the lot.
- 3.3.4** No automobile traffic shall be generated in a volume greater than would be normally anticipated in the neighborhood.
- 3.3.5** Storage of goods, parts, supplies, and machinery used in the home occupation shall be inside a building or screened from public view and adjoining properties.
- 3.3.6** Obnoxious or excessive noise, vibration, heat, dust, glare, smoke, odors, or other forms of interference not characteristic of residential uses and intruding beyond the property lines of a home occupation shall not be permitted.

Examples of a Home Occupation I customary and secondary to a residence include telephone sales, data entry, and free-lance writing. Examples of uses not considered home occupations include retail sales (except sales of agricultural or hand-crafted products assembled or produced on the premises), auto and heavy equipment service and repair, and restaurants.

3.4 Home Occupation II

This ordinance provides the right for any resident to use a minor portion of the dwelling in which he resides **and/or** its accessory building for an occupation which is customary in a residential area, does not change the character thereof, and meets the following standards:

- 3.4.1** The conduct of a home occupation shall be clearly secondary to the principal or residential use of the premises.
- 3.4.2** The home occupation shall be conducted by the resident and may employ only full-time residents of the house and/or up to **two (2)** other full-time-equivalent (forty -hour work week) persons working on site.
- 3.4.3** The home occupation shall be operated entirely within the residence and/or accessory building and shall not exceed fifty percent (50%) of the total floor area of that building. If the use is to be conducted in an accessory building, it shall be constructed or renovated to be architecturally compatible with the principal buildings on the lot.
- 3.4.4** No automobile traffic shall be generated in a volume greater than would be normally anticipated in the neighborhood.
- 3.4.5** Storage of goods, parts, supplies, and machinery used in the home occupation shall be inside a building or screened from public view and adjoining properties.

3.4.6 Obnoxious or excessive noise, vibration, heat, dust, glare, smoke, odors or other forms of interference not characteristic of residential uses and intruding beyond the property lines of a home occupation shall not be permitted.

Home Occupations may not include businesses engaging in on-site retail sales (except sales of agricultural or hand-crafted products assembled and produced on the premises). Examples of uses not considered home occupations include auto and heavy equipment service repair and restaurants.

3.5 Rural Small Enterprise

Small enterprises are encouraged provided that their size, type, appearance and setting fit with the overall character of the community and do not cause undue or unnecessary hardship on community services such as highways or fire protection. 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 season and snow season.

3.5.1 The owner of the enterprise shall work on the property.

3.5.2 No more than five (5) 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 this ordinance.

3.5.3 Exterior displays and signs, other than those normally permitted in the district, exterior storage of materials in public view, and substantial variation from the dominant character of the area shall be prohibited.

3.5.4 The project shall generate only minimal increases or changes in traffic volumes or patterns. No project shall cause unsafe conditions or unreasonable congestion on highways in the vicinity of the site.

3.5.5 Design and placement of structures and buildings should be compatible with the rural character and complement architectural values of surrounding buildings or the neighborhood. Structures or buildings that are highly visible from town roads and are not intended to be screened, as well as relatively large structures or buildings that are dominant features of the landscape shall be closely evaluated under this provision.

3.6 Lot Line Adjustments

A Zoning Permit shall be required prior to the subdivision of land parcels or lots incidental to title transfers between abutting landowners for the purpose of establishing clear property line boundaries. In granting a Permit, the Zoning Officer shall find that the resulting parcels or lots meet with the necessary lot area, lot frontage, and setback minimums for the District(s). Lot line adjustments are exempt from Subdivision Approval pursuant to the Strafford Subdivision Regulations.

3.7 Parcel Annexation

The division of a parcel of land where the act creates two or more lots for sale or development is a subdivision and requires approval from the Planning Commission pursuant to the Strafford Subdivision Regulations.

Notwithstanding, where the act of dividing an existing parcel is for the purpose of reducing a portion of that parcel and adding to an abutting lot, such shall first require a approval from the Zoning Officer. In granting approval, the Officer shall find that all resulting lots or parcels meet with all area and setback requirements as well any other requirements established this Ordinance. No subsequent division or re-division of any resulting parcels or lots resulting from such an annexation may be permitted without approval from the Commission pursuant to the Subdivision Regulations. Upon annexation of abutting land to an existing lot, the property shall be considered merged and classified as a single lot under these Regulations.

All parcels of land subdivided regardless of whether for purposes of sale or annexation to an abutting parcel or lot shall subject to recorded with the Town of Strafford by filing a plat with the Town Clerk.

3.8 Temporary Structures and Buildings

In order to facilitate the long-term use of property, temporary structures or buildings may be erected or placed on a lot in non-compliance with the area, structural, and setback requirements of this Ordinance upon approval of the Zoning Officer. Prior to granting a zoning permit for a temporary structure or building, the Zoning Officer shall first find that its intended purpose is only temporary and that adequate assurance is established that such a structure or building shall remain on the lot for a period not to exceed twelve months from date of issuance of such permit. Permits for temporary structures or buildings shall be for a period of one year. Permits may be extended for a period of one year upon application to the Zoning Officer.

Examples of temporary structures or buildings include construction trailers, storage vans or trailers incidental to a building project, construction fences, electrical and telephone boxes, storage sheds, and roadside farm stands.

3.9 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 the Subdivision Permit shall be submitted as part of the zoning application.

In situations where a Sewer Permit is required from the Septic Officer prior to the installation or replacement of a wastewater disposal system, prospective applicants for a zoning permit shall first obtain a Sewer Permit.

In addition, per the State Environmental Protection Rules, Chapter 1, related to small scale wastewater treatment and disposal, certain activities require a State permit. These activities include camps, tent sites, recreational vehicles, campers, and more than three (3) automobile trailers.

3.10 More Than One Principal Building Per Lot

With the exception of Planned Unit Developments, no more than one principal building may be placed on a lot unless the Board of Adjustment has first granted Conditional Use Approval. In rendering approval, the Board shall find the following:

- 3.10.1** Evidence shows that the lot on which such buildings (and any buildings accessory to such buildings) are located is able to be subdivided into two separate and individual lots, and that all lots and their respective uses and structures conform to all applicable provisions of this Ordinance;
- 3.10.2** A scaled site plan or survey map has been prepared that depicts the location of all existing and proposed buildings, structures, uses, water supply systems, wastewater disposal systems, roads, access drives, and parking areas on the lot.
- 3.10.3** All permanent roads or access drives leading to-and-from the lot, and connecting with Town highways, have been approved by the Town of Strafford for access to such highways;
- 3.10.4** Where the construction, alteration, or replacement of onsite sewage disposal systems are incidental and necessary to a proposed building, evidence shows that such systems satisfy minimum design and construction standards required by the State of Vermont Environmental Protection Rules. Copies of Wastewater Permits issued by the State or a letter from a Vermont registered engineer stating that such a system is in compliance with such rules shall serve as a presumption that this criterion has been satisfactorily addressed; and
- 3.10.5** Evidence shows that any resulting increase in traffic can be handled in an orderly and safe manner and not necessarily or unreasonably endanger the public's investment in highways and the provision of emergency services.

Within 30 days of written notice of approval by the Board, the applicant shall submit a map or survey of the lot to be recorded with the Strafford Town Clerk. The Strafford Board of Adjustment shall stamp such map or survey and the date of approval. Failure to present such a map or survey for recording shall constitute a violation of this section.

3.11 Lots in Two Zoning Districts

Where a District boundary divides a lot of record held in single ownership on the effective date of this Ordinance, such lot may be developed according to the following:

- 3.11.1** For the purposes of calculating the permissible density of uses permitted on that lot, the area of the entire lot may be used.
- 3.11.2** Notwithstanding the density provisions set forth above, all structures and/or uses, and any uses or structures accessory to those uses or structures shall comply with the provisions of the District within which such structure or uses are to be located.

3.11.3 Where all or a portion of the area of a lot is used for purposes of calculating the permitted density of uses or structures on the entire lot, but where such portion of the lot is not otherwise developed, the undeveloped portion shall be deemed to be reserved for purposes of compliance with the density requirements of the developed portion of the lot.

3.12 Signs

Unplanned outdoor advertising is detrimental to the scenic resources of Strafford which are considered vital to the town's economic growth and social culture. It is also hazardous to highway uses, and adversely affects property values. For these reasons, it is the policy of the Town to regulate the size, type, number, and location of signs erected in the town.

Except for signs necessary for public safety and those signs exempted from a zoning permit, no person shall construct, erect, display, or change the location or size of an outdoor sign without first obtaining a Permit from the Zoning Officer.

- A. No sign shall be larger than 12 sq. feet in total area or extended more than 5 feet above the ground unless attached to a building.
- B. No sign shall be located within a public right-of-way or placed in such a way as to obstruct visibility or create a safety hazard.
- C. No sign attached to a building shall extend beyond or above that building by more than 4 feet.
- D. All signs, other than directional, must be located on the premises to which they refer.
- E. No sign shall contain any moving parts, nor be illuminated by neon or flashing light.

The following signs are permitted without a zoning permit:

- F. Two real estate "for sale" signs not to exceed 6 square feet each;
- G. One sign not to exceed 3 square feet for home identification, instructional or directional purposes; and
- H. Temporary signs advertising an event or activity sponsored by a civic or community organization.

3.13 Extraction of Gravel, Sand, Soil and Minerals

The extraction of gravel, sand, soil and minerals or the extension 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.

3.13.1 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.

- 3.13.2 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.
- 3.13.3 The operation shall be managed to prevent the creation of excessively steep slopes, overhangs, exposed boulders, uprooted stumps, and other debris.
- 3.13.4 The scale of intensity of the operation shall not place excessive demands on bridges, culverts, and roadways leading to and from the project site.
- 3.13.5 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 shall, 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.
- 3.13.6 The frequency and duration of operation of the facility and its probable impacts on neighboring uses.

3.14 Wireless Communication Facilities

Purpose: The purpose of this Section is to protect the public health, safety and general welfare of the Town of Strafford. This Section shall:

- A. Preserve the character and appearance of the Town of Strafford while allowing adequate telecommunications services to be developed.
- B. Protect the scenic, historic, environmental, and natural resources of the Town of Strafford.
- C. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunications facilities and towers.
- D. Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers and sites where possible and appropriate.
- E. Minimize the adverse visual effects of towers through careful design and siting standards.
- F. Encourage, through performance standards and incentives, the location of towers and antennas in non-residential areas and away from other sensitive areas such as schools, hospitals and childcare facilities.

Authority: Pursuant to 24 V.S.A. Section 4401 et seq. the Zoning Board of Adjustment of the Town of Strafford is authorized to review, approve, conditionally approve, and deny applications for telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. Section 4440 (d), the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for reasonable costs thereof.

Consistency with Federal Law: In addition to other findings required by this Section, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This Section does not:

- A. Prohibit or have the effect of prohibiting the provision of personal wireless services.
- B. Unreasonably discriminate among providers of functionally equivalent services.
- C. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

Permits: Telecommunications towers or facilities may be permitted as conditional uses upon compliance with the provisions of this Section in the Rural Residential zoning district.

An applicant for a telecommunications tower or facility permit must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the Zoning Officer at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

No construction, alteration, modification (including the installation of antennas for new uses) or installation of any telecommunications tower or facility shall commence without a conditional use permit first being obtained from the Zoning Board of Adjustment.

In addition to information otherwise required in the Town of Strafford's Zoning Ordinance and Subdivision Regulations, applicants for telecommunications towers or facilities shall include the following supplemental information:

- A. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.
- B. The name, address and telephone number of the person to be contacted and who is authorized to act in the event of an emergency regarding the structure or safety of the facility.
- C. The names and addresses of the record owners of all abutting property.
- D. A report, which includes an engineer's stamp and registration number from:
 - 1. A qualified and State of Vermont licensed professional structural engineer that describes the facility height, design and elevation.
 - 2. A qualified, professional radio frequency (RF) engineer that documents the height above grade for all proposed mounting positions for antennas to be co-

- located on a telecommunications tower or facility and the minimum separation distances between antennas.
3. A qualified and State of Vermont licensed professional structural engineer that describes the tower's proposed capacity, including the number, height, and type of antennas that the applicant expects the tower to accommodate.
 4. A qualified, professional RF engineer that documents steps the applicant will take to avoid interference with any established public safety telecommunications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.
 5. A qualified and State of Vermont licensed professional engineer that, in the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures within 30 miles of the proposed site cannot adequately be modified to provide adequate coverage and adequate capacity to the Town of Strafford.
 6. A qualified, professional RF engineer that describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.
 7. A qualified, professional RF engineer that describes the output frequency, number of channels and power output per channel for each proposed antenna.
 8. A qualified, professional RF engineer that includes written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.
 9. A qualified and State of Vermont licensed professional engineer that demonstrates the tower's compliance with the municipality's structural standards and setbacks for towers and support structures.
 10. A qualified and State of Vermont licensed professional engineer that describes the radio frequency radiation (RFR) at the site, whether or not the applicant is regulated by the FCC and the basis for the statement pertaining to the RFR.
 11. A qualified and State of Vermont licensed professional engineer that provides proof that at the proposed 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 regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). Planning Commission and Zoning Board may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.
 12. A qualified and licensed professional engineer that includes other information required by the Board that is necessary to evaluate the request.
- E. A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and

conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Section.

- F. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure (to be provided to the Zoning Officer at the time an application is submitted).
- G. 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 proposed facility.
- H. A copy of the application or draft application for an Act 250 permit, if applicable.
 - 1. The permit application shall be signed under the pains and penalties of perjury.

Site Plan Requirements: In addition to the site plan requirements found elsewhere in the Town of Strafford's Zoning Ordinance and Subdivision Regulations, site plans for telecommunication facilities shall include the following supplemental information:

- A. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two mile radius of the proposed tower site.
- B. Vicinity Map showing the entire vicinity within a 2,500-foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
- C. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
- D. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
- E. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
- F. Construction sequence and time schedule for completion of each phase of the entire project.
- G. Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

Co-Location Requirements: An application for a new telecommunications tower shall not be approved unless the Zoning Board of Adjustment find that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- A. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to

- accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- B. The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.
 - C. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFI in violation of federal standards or requirements.
 - D. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.
 - E. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont.
 - F. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - G. There is no existing or approved tower in the area in which coverage is sought.
 - H. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

Tower and Antenna Design Requirements: Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. Height and mass of facilities shall not exceed that which is essential for its intended use and public safety.

- A. Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Authority (FAA), state or federal authorities have dictated color.
- B. In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the Zoning Board of Adjustment that the additional height is necessary in order to provide adequate coverage in the Town

of Strafford or to accomplish co-location of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

- C. All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this bylaw. If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum distance from the tower to any property line shall be no less than the height of the tower, including antennas and other vertical appurtenances.
- D. Ground mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15 feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

Amendments to Existing Telecommunications Facility Permit: An alteration or addition to a previously approved telecommunications facility shall require a permit amendment when any of the following are proposed:

- A. Change in the number of buildings or facilities permitted on the site;
- B. Material change in technology used by the telecommunications facility; or
- C. Addition or change of any equipment resulting in greater visibility or structural windloading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

Tower Lighting, Signage and Noise Generated by Facility: Towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower because of its height. Any lighting required solely as a result of height may be subject to review by the Town. Heights may be reduced to eliminate the need for lighting or another location selected. No commercial signs or lettering shall be placed on a tower. Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

Antennas Mounted on Structures, Roofs, Walls, and Existing Towers: The placement of telecommunications antennas on existing buildings, structures, roofs or walls in conformance with other sections of this Ordinance may be approved by the Zoning Officer, provided the antennas met the requirements of this Section, upon submission of:

- A. A final site and building plan.
- B. A report prepared by a qualified engineer, licensed to practice in the State of Vermont, indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact point(s) of attachment shall be indicated.

Temporary Wireless Communication Facilities: Any telecommunication facility designed for temporary use is subject to the following:

- A. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Strafford.
- B. Temporary telecommunications facilities are permitted for no longer than five days use during a special event.
- C. The maximum height of a temporary facility is 50 feet from grade.
- D. Temporary facilities must comply with all applicable portions of these regulations.

Interference With Public Safety Telecommunications: No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety telecommunications. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the municipality at least ten calendar days in advance of such changes and allow the municipality to monitor interference levels during that testing process.

Continuing Obligations: Upon receiving a permit, the permittee shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding RFR, and provide the basis for his or her representations. The permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings and the name of the person or company who took the readings.

Abandoned, Unused, Obsolete, Damaged or Dangerous Towers or Portions of Towers: Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

- A. The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Strafford's Zoning Officer certifying the continuing safe operation of every facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.
- B. Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved

by the Zoning Board of Adjustment. In the event the tower is not removed within 180 days of the cessation of operations at a site, the Town shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property or tower owner.

- C. Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunications facility permit.
- D. An owner who has failed to file an annual declaration with the Zoning Officer by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.

Maintenance of Telecommunications Facilities Insurance and Escrow For Dismantlement: The telecommunications facility owner shall maintain adequate insurance on all telecommunications facilities. All facility sites shall be properly fenced and identified by signage that indicates presence of RFR and any other appropriate warnings required by permit conditions. Permittee shall provide the Town with an Escrow payment to be determined by the Town, based on a percentage of the cost of the tower and on the degree of difficulty in reaching the location of the tower, to be held for covering the costs of dismantling abandoned tower facilities.

Fees: Fees for filing an application to build or alter a telecommunications facility shall be based on the Town of Strafford's fee schedule plus the reasonable costs of an independent technical assessment of the application.

Definitions:

Adequate Capacity: Capacity is considered to be "adequate" if the grade of service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(s).

Adequate Coverage: Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit error rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least 90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Affiliate: When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest. When used in relation to the municipality, any

agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.

Alternative Design Tower Structure: Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).

Antenna: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant: A person who applies for a telecommunications facility siting. An applicant can be the telecommunications service provider or the owner of the property.

Available Space: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

Bulletin 65: Published by the Federal Communications Commission (FCC) Office of Engineering and Technology specifying radio frequency radiation levels and methods to determine compliance.

Cell Site: A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), and parking, and may include others uses associated with and ancillary to cellular communications transmission.

Cellular Service: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cellular Telecommunications Facility: Consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Channel: The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location: Locating wireless communications equipment from more than one provider on a single site.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

Communication Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

Communication Tower: A guyed, monopole, or self supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Communications Facility: A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings.

dBm: Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

dBu: Unit of measure of the electric field strength of a signal, expressed in an absolute measure for describing service areas and comparing different transmitting facilities independent of the many variables (see dBm above) introduced by different receiver configurations.

Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Dish Antenna: A dish like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Electromagnetically Able: The determination that the signal from and to the proposed new antenna will not significantly interfere with the existing signals from and to other facilities or antennas located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

Facility Site: A property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

FCC 97-303: A Report and Order that sets new national standards for exposure to radio frequency emissions from FCC-regulated transmitters.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

GHz: Gigahertz: One billion hertz.

Grade of Service: A measure of the percentage of calls that are able to connect to the base station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

Hertz: (Hz): One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

Location: References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North.

MHZ: Megahertz, or one million hertz.

Micro-Cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

Microwave: Electromagnetic radiation with frequencies approaching 1,000 MHZ, including UHF, extending to infrared frequencies; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

Microwave Antenna: A dish like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Modification of an Existing Telecommunications Facility: Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

Modification of an Existing Tower: Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas or repeaters.

Monitor Protocol: The testing protocol, such as the Cobbs Protocol (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119), which is to be used to monitor the emissions and determine exposure risk from telecommunications facilities.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

Omnidirectional Antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

Personal Communications Services or PCS: Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology may

allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).

Personal Wireless Services: Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

Preexisting Towers and Antennas: Any tower or antenna for which a permit has been issued prior to the effective date of these regulations.

Radial Plots: Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage - i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

Radiated-Signal Propagation Studies or Coverage Plots: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether the telecommunications equipment will provide adequate coverage for that site.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

Roof and/or Building Mount Facility: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object.

Self Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Facility: Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also Alternative Design Tower Structure.)

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

System: The communications transmission system operated by a telecommunications service provider in the municipality or region.

Telecommunications Facility: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

Tiled Coverage Plots: Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest, usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

Tower: A vertical structure for antenna(s) that provide telecommunications services.

View Corridor: A three dimensional area, extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

Whip Antenna: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more). Also called omnidirectional, stick or pipe antennas.

3.15 Wind Energy Generation Facilities

Except as preempted by 30 V.S.A. Section 248, a wind energy generation facility shall be considered a Conditional Use under this Ordinance. Accordingly, no such facility shall be constructed, erected, installed, or altered unless Conditional Use Approval is first granted by the Board of Adjustment and a Zoning Permit issued.

In rendering approval for such facility, the Board shall find that:

3.15.1 Height of the facility does not exceed 75 feet;

3.15.2 Minimum setbacks are met;

- 3.15.3** Minimum distance for the facility to any property line shall be no less than the height of the facility, including blades or other vertical appurtenances;
- 3.15.4** Facility design incorporates an automatic braking system or device capable of halting operation during periods of high wind;
- 3.15.5** Construction and operational standards will not result in unreasonable noise levels;
- 3.15.6** Owners and operators accept the condition that in the event of cessation of operations or use, or when the facility becomes structurally unsound the facility shall be removed with two years of such event;
- 3.15.7** No lights, signs, or similar visual distractions will be placed on the facility;
- 3.15.8** Any visual impacts associated with the use on neighboring properties or uses are not unduly adverse and that reasonable design and placement of the facility have to be utilized to mitigate any such impacts.

3.16 Access Management

(Standards not yet defined.)

3.17 Height Limitations

Except for farm structures, silos, private home antennae, belfries, steeples, cupolas, water tanks, chimneys, solar equipment, or other appurtenances not used for human occupancy, all structures, unless otherwise stated, shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment.

3.18 Exterior Lighting

All lights shall be shielded so light is directed downward and not into the night sky. Lighting shall be directed towards the property and not towards neighboring properties. Lighting shall be placed to avoid glare or avoid creating a traffic hazard. Lighting shall be minimized to reflect the character of the neighborhood. Substantial changes to exterior lighting (to be determined by the Zoning Officer) require site plan review for commercial or industrial uses.

3.19 Equal Treatment of Housing

This Ordinance shall not have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing, except on the same terms and conditions as conventional housing is excluded.

3.20 Accessory Dwelling Units

Notwithstanding other requirements of this Ordinance and pursuant to 24 VSA Section 4412 (1) (E), accessory dwelling units shall be enabled in all Districts where all one family dwellings are permitted. An accessory dwelling unit shall meet with the following requirements:

- 3.20.1** Occupancy is restricted to not more than two persons;
- 3.20.2** Floor space is limited to 30 percent of floor space of the existing living area of the dwelling or 400 square feet, whichever is greater; and
- 3.20.3** The primary dwelling is occupied by the owner.
- 3.20.4** The property has sufficient wastewater capacity.

3.21 Day Care Facilities

A state registered day care facility or licensed family care home serving six or fewer full-time children and four part-time children shall be considered by right to constitute an accessory use to a dwelling and is exempt from local review. Notwithstanding, a certified letter of approval from the Vermont Agency of Human Services shall be filed with the Zoning Officer.

A state registered day care facility or licensed facility care home serving more than six full-time and four part-time children shall require Conditional Use Approval and Site Plan Approval.

A day care facility or family care home is defined under 33 VSA Section 4902 (3) (A).

3.22 Residential Care and Group Homes

A residential care or group home serving not more than eight persons who are developmentally disabled or physically handicapped shall be considered by right to constitute a single-family dwelling, provided no such home is located within 1,000 feet or another such home.

3.23 Detached Housing

A detached house (e.g. caretaker's house) on the same lot as the principal residence is permitted provided the living area does not exceed 1,500 square feet or 50% of the principal residence, whichever is greater. A detached house shall not be subdivided from the lot containing the principal residence unless the resulting lots meet with the minimum area and dimensional standards for the District.

3.24 Waivers for Elder Housing

Waivers of dimensional requirements, including minimum lot size, may be granted in the Village Center Districts to facilitate the development of affordable housing for the elderly (persons aged 55 years old or over). This waiver provision is in conformance with the goals and objectives of the Strafford Town Plan.

3.24.1 Criteria for Granting Elder Housing Waivers

In order to receive an Elder Housing Waiver from the Strafford Zoning Board of Adjustment, all of the following criteria must be met:

- 3.24.1a** The proposed development must serve persons aged 55 or older;
- 3.24.1b** The proposed development must successfully receive permits for water supplies and onsite wastewater systems from the Vermont Agency of Natural Resources;

- 3.24.1c** A covenant must be placed on the deed to insure perpetual affordability for 51% of the units;
- 3.24.1d** The proposed development must be in accord with the existing patterns (including density and design) of surrounding development;
- 3.24.1e** The proposed development will not be detrimental to the public welfare including the safety and maintenance of the Town's highways.

3.24.2 Expiration of Elder Housing Waivers

Any waiver approval granted under this section shall expire two (2) years from the date of the written decision granting such approval unless a zoning permit has been issued by the Zoning Administrator for the approved project.

Appeal of Elder Housing Waivers

The approval or denial of a waiver by the ZBA may be appealed to the Vermont Environmental Court in a manner as specified in Section 4471 of the Act.

4 ADMINISTRATION, ENFORCEMENT, APPEALS

4.1 Zoning Officer - General Duties

The Zoning Officer shall be appointed for a term of three years by the Planning Commission, with the approval of the Board of Selectmen. The Zoning Officer may be paid for his/her services, and may be removed for cause by the Board of Selectmen, after consultation with the Planning Commission. The Planning Commission may also appoint, with the approval of the Board of Selectmen, an Acting Zoning Officer to act in the capacity of the Zoning Officer when the Zoning Officer is absent or unable to conduct his/her duties.

The Zoning Officer is hereby appointed to administer the Zoning Ordinance, as provided for in Section 4448 of the Act. The Zoning Officer shall enforce literally the provisions of this Ordinance and in so doing shall receive applications, inspect premises with permission, maintain records, issue permits and perform other necessary tasks as may be necessary to carry out the provisions of this Ordinance.

4.2 Zoning Permit - General Requirements

No land development may be commenced or substantially altered, nor may any structure be erected, enlarged or altered in such a way as to occupy or overhang additional ground space without a permit therefore issued by the Zoning Officer. No permit shall be required for alterations to the interior of a building unless they are made for the purpose of equipping it for a substantially different use. Minor or superficial changes to the exterior of a structure do not require a permit. Alterations or enlargements shall not be made which would make the structure non-conforming or more non-conforming.

4.2.1 No zoning permits issued by the Zoning Officer shall take effect until time for appeal has passed, or in the event a notice of appeal is properly filed, such permit shall not take effect until final adjudication of the appeal.

4.2.2 Each zoning permit issued under this Ordinance shall contain a statement of the period of time, as specified in Section 4.13, within which an appeal may be taken. Within three days following the issuance of a zoning permit, the Zoning Officer shall deliver a copy of the permit to the Town Listers and post a copy in the Town Offices for a period of at least fifteen days from date of issuance.

4.2.3 In the event that the Zoning Officer fails to act in writing with regard to an application for a zoning permit within thirty days of filing of a complete application, a permit shall be deemed issued on the 31st day.

4.2.4 All land development, as authorized by a zoning permit, shall be commenced within a period of one year, unless construction has been delayed by litigation to secure other permits or approvals. All projects shall be substantially completed within three years of the effective date of issuance, except as provided for below. At the request of the Permittee, the Zoning Officer may extend the completion date up to an additional two years. In determining whether or not to grant the extension, the Officer shall first find that the facts and conditions on which the original permit was based are substantially the same, the applicant has commenced

construction of the project as originally approved, progress has been continuous, and the project has not been abandoned. Land development incomplete at the time of final expiration of a zoning permit may only be continued following issuance of a new zoning permit.

- 4.2.5** A fee for a zoning permit shall be required. The Board of Selectmen, in consultation with the Planning Commission, shall adopt a fee schedule for zoning permits.

4.3 Certificate of Compliance

In order that there be a determination that all buildings altered, enlarged, moved or constructed and all uses of land and structures are in accordance with the provisions of the zoning permit authorizing such activity, a Certificate of Compliance shall be required prior to the use or occupation of any land or building or part thereof.

A Certificate of Compliance shall be issued by the Zoning Officer upon determination that the building or use authorized by the zoning permit is in substantial compliance with the standards and conditions of said permit and any applicable health regulations, including the Town of Strafford Sewage Ordinance. The granted certificate shall be recorded in the Land Records and a copy retained by the Applicant.

Application for a Certificate of Compliance, shall be made concurrently with the application for a zoning permit and shall be acted upon by the Zoning Officer within five (5) days after the Zoning Officer receives written notice from the applicant that the erection or structural alteration of such a building or part thereof has been substantially completed or, in the case of a change in use of a building or land, not until such use has been established. A Certificate of Compliance shall remain in effect as long as such building or use meets with the standards and conditions authorized by the zoning permit.

4.4 Inspections

The Zoning Officer, being duly authorized to enforce this Ordinance, is empowered to enter upon land or any building for the purpose of assuring that any land development, as defined or approved, is in compliance with the requirements of this Ordinance and any zoning permit or Certificate of Compliance as may have been granted.

Prior to entry on private property, the Zoning Officer shall obtain permission of the owner and any other involved party of interest.

4.5 Interpretation of Zoning District Boundaries

If, in the administration or enforcement of this Ordinance, the Zoning Officer's determination of a Zoning District boundary is challenged, the applicant or an interested party may appeal such determination or action to the Zoning Board of Adjustment. The Zoning Board of Adjustment, as part of its review, may require that the applicant or interested parties submit information relevant to the topography of the site, typical soil conditions, existing highway locations, adjacent land uses and property boundaries. In the conduct of its review the Zoning Board of Adjustment may enter upon said lands in dispute to perform any inspections, as necessary. The existing conditions of the site and

vicinity and purposes of the District, Districts or Areas shall be considered in the deliberations of the Zoning Board of Adjustment.

4.6 Non-Conforming Uses

A non-conforming use may be continued, subject to the following conditions:

4.6.1 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.

4.6.2 Where a non-conforming use has been discontinued for a period of one (1) year, it shall not be re-established.

4.6.3 Non-conforming signs shall not be continued.

4.7 Non-Complying Structures

A non-complying structure may be continued, subject to the following conditions:

4.7.1 A non-complying structure may be extended within the boundary lines of a parcel or lot existing on the effective date of this Ordinance, or any applicable amendment thereto, upon issuance of a zoning permit by the Zoning Officer, 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 this Ordinance applicable to such parcel or lot, and provided further that such extension shall not cause an increase in an existing violation of any such requirement. Where a building has less than the required front 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.

4.7.2 A non-complying structure which has been damaged or destroyed by any cause may be reconstructed to its prior condition, but only if such reconstruction is commenced within one (1) year and completed within two (2) years of such damage or destruction. If the nature of the damage or destruction is such that reconstruction within the foregoing time period would create a hardship, the Board may permit such reconstruction within such time as it deems reasonable.

4.7.3 The foregoing shall not apply to non-complying signs.

4.8 Zoning Board of Adjustment - Creation and Powers

A Zoning Board of Adjustment is hereby established. Except as specifically provided herein and in accordance with the provisions of 24 V.S.A., Chapter 117, the Zoning Board of Adjustment shall not amend, alter or invalidate this Ordinance.

The Board shall elect its own officers and shall adopt rules of procedure as it deems necessary to effect the provisions of this Ordinance in accordance with Section 4461 and 4440(c) of the Act.

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

4.9 Zoning Board of Adjustment - General Duties

The Board shall discharge its duties in accordance with the procedures outlined in this Ordinance. The Board shall have the power to act on the following:

- 4.9.1** To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Zoning Officer in the administration and enforcement of this Zoning Ordinance in accordance with Section 4.11.
- 4.9.2** To hear and grant or deny a request for a variance in accordance with Section 4.12.
- 4.9.3** To hear and approve or deny a request for a Conditional Use in accordance with Section 4.10.
- 4.9.4** To hear and grant or deny requests for a zoning permit under Section 4421 (4) (A) of the Act relating to the placement of structures within the lines of proposed public facilities.

4.10 Zoning Board of Adjustment - Conditional Uses

No zoning permit shall be authorized or issued by the Zoning Officer for any use listed as conditionally permitted within the various zoning Districts, unless the Board has first granted Conditional Use Approval. The Board, upon receipt of a complete application, shall conduct a legally noticed public hearing, and based upon the testimony presented at the hearing, 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 this Ordinance. In its approval, the Board shall find that the use will not adversely affect:

- 4.10.1** The capacity of existing or planned community facilities;
- 4.10.2** The character of the area affected;
- 4.10.3** Traffic on roads and highways in the vicinity;
- 4.10.4** The provisions of this Zoning Ordinance, specifically the purposes of the Zoning Districts wherein such use is proposed; and
- 4.10.5** Utilization of renewable energy resources.

In granting such approval, the Board may attach such additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Ordinance.

The Board shall act to approve or disapprove in writing any such requested conditional use within sixty (60) days after the date of the final public hearing held under this section. Failure to so act within such period shall be deemed approval.

4.11 Zoning Board of Adjustment - Appeals

An interested person may appeal any decision of the Zoning Officer by filing a notice of appeal with the Secretary of the Board or with the Clerk of the municipality. If the appeal is made with respect to any decision or act of the Zoning Officer, 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 such officer.

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. If a stay of enforcement of the regulatory provisions is referred to in a notice of appeal, it may be granted or denied by the Board of Adjustment in accordance with Section 4449 (a) (3) of the Act.

- A. The Board of Adjustment shall set a date and place for a public hearing of an appeal under this Ordinance, which shall be within sixty (60) days of the filing of the notice of such appeal.
- B. 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.
- C. An interested party who appeals with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at such hearing.
- D. Any hearing held under this Section may be adjourned by the Board from time to time, provided however, that the date and place of the reconvened hearing shall be announced at the hearing. All hearings held under this Section shall be open to the public.
- E. The Board shall render its decision, which shall include findings of fact, within forty-five (45) days after completing the hearing, in accordance with Section 4464 (b) 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.
- F. 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 immediately filed in the office of the clerk of the municipality as a public record.
- G. 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 basis of the decision, beyond such generalities as "in the interest of public safety, health and general welfare." Statement of the facts upon which action is based shall appear in the decision.

4.12 Zoning Board of Adjustment - Variances

On an appeal in which the appellant requests relief, a variance from the provisions of the Ordinance may be granted by the Board. In granting a variance in favor of the appellant, all of the following facts shall be found by the Board and specified in its decision.

- 4.12.1** 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 the

unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- 4.12.2** 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 this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 4.12.3** That such unnecessary hardship has not been created by the appellant;
- 4.12.4** 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;
- 4.12.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible from this Zoning Ordinance and from the Town Plan.

In rendering a decision in favor of an appellant under this Section, the Board may attach such conditions to a variance as it may in its discretion consider necessary and appropriate under the circumstances to implement the purposes of this Ordinance and the Town Plan.

The issuance of a variance shall not relieve the appellant of the obligation to obtain a zoning permit under Section 4.2 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. Any land development, as approved by the Board in such variance proceeding, shall not be commenced until such zoning permit is obtained.

The Board of Adjustment shall not be empowered to grant variances for land uses not otherwise enabled by this Ordinance.

4.13 Application Submission Standards

- CONDITIONAL USE APPROVAL
- PLANNED UNIT DEVELOPMENT APPROVAL

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

- 4.13.1** A map showing the general location of the property within the Town and its relationship to existing public roads and highways.
- 4.13.2** A statement including the uses of adjacent property, and the names and current addresses of all abutting owners of land and those directly across from all public highways to the property at issue.
- 4.13.3** A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent land uses, both existing and proposed.

- 4.13.4** 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, utility lines, streets, drive-ways, off-street parking facilities, unique or manmade features and the physical conditions of the site.
- 4.13.5** Quantitative data indicating the number and types of dwelling units and or other uses, parcel size, proposed coverage of buildings, structures, roads, driveways, and parking areas; area of proposed open space not to include roads, utilities, rights of way, parking and loading areas or small inter-structural yards.
- 4.13.6** A development schedule indicating the approximate dates when construction of the project or stages of the project is expected to begin and be completed.
- 4.13.7** Existing and proposed future ownership of the property involved.
- 4.13.8** In the event land development is proposed involving the condominium form of ownership, proposed Declaration of Condominium and Condominium Association Bylaws.
- 4.13.9** Notwithstanding the above, the Planning Commission or Board of Adjustment may require additional documentation or information to assist in the review and evaluation of the proposal.

4.14 Site Plan Approval

For those activities requiring both site plan approval and a zoning or conditional use [permit] approval, applicants shall receive site plan approval before obtaining a zoning permit or a conditional use [permit] approval.

- 4.14.1** Uses Where Site Plan Approval is Not Required: One or two family dwellings, temporary or seasonal dwellings, and Home Occupations I and II do not require site plan approval.
- 4.14.2** All Other Uses: Before a zoning permit may be issued for any use other than one specified in Section 4.14.1, a plan must be approved by the Planning Commission. Where a conditional use permit from the Board of Adjustment is also required for a zoning permit, decision on the site plan application precedes the action of the Board of Adjustment.
- 4.14.3** Any change of ownership or intensification of use shall require a review of the existing site plan approval, which is then subject to possible revision.
- 4.14.4** Application for Site Plan Approval: Every application for a permit for a use other than one described in Section 4.14.1 shall be accompanied by a site plan map and supporting data, including the following:
 - a. Lot, block and section number or other description of the subject property, as shown on the current tax records;
 - b. A survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, and any land use or deed restrictions;

- c. The location of existing and proposed structures and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks;
- d. Any landscaping plans, including site grading, landscape design and proposed screening; and
- e. A proposed sequence of construction and time schedule for completion of all improvements to the subject property, including buildings, parking spaces and landscaping.

4.14.5 Standards for Approval of Site Plan: In approving or disapproving a site plan, the Planning Commission shall only consider the following objectives:

- a. Adequacy and safety of parking and loading facilities;
- b. Access for fire equipment, and on-site pedestrian safety;
- c. Adequacy of landscaping, screening and setbacks to achieve maximum compatibility with, and protection of other properties in the area; and
- d. Adequacy of exterior lighting and avoidance of excessive glare.

4.14.6 Decision by Planning Commission: The Planning Commission shall act to approve or disapprove a site plan within 60 days after the date upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval.

4.15 Penalties

Violations of this Ordinance shall be regulated as prescribed in 24 V.S.A., Sections 4451 and 4452.

Any person who violates this Ordinance shall be fined not more than one hundred dollars for each offense. No action may be brought nor a fine imposed until the alleged offender has had at least seven (7) days notice by certified mail that the violation exists. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and with the next succeeding twelve (12) months. In default of payment of such fine such person shall pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected shall be paid over to the Town of Strafford.

The Zoning Officer shall institute in the name of the Town any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any land use or construction that constitutes a violation of this Ordinance.

4.16 Recording Requirements

Any Zoning Permit, Notice of Decision for Conditional Use, Site Plan, or Variance, Notice of Violation, local Sewage Permit, or similar instrument or notice of same shall be filed in the Strafford Land Records as provided for in 24 V.S.A. Section 1154(a). Such records shall be open to inspection. Within 30 days following any of the actions

referenced above, the Zoning Officer, Board of Adjustment, or Board of Health shall deliver a copy of the respective decision, certificate, or action to the Town Clerk for recording.

4.17 Referral to State Agencies

In accordance with Section 4448 (c) and (d) of the Act, no Zoning Permit for the development of land of the following types or located within the following designated areas may be granted prior to the expiration of a period of thirty days following the submission of a report to the state agency designated for each case by the Zoning Officer. The report shall describe the proposed use, the location requested, and contain an evaluation of the effect of such proposed use on the Town Plan and the Two Rivers-Ottauquechee Regional Plan, if any.

- Department of Forests, Parks and Recreation: Any use in or within 1,000 feet of a state owned or leased property under the jurisdiction of the Department.
- Department of Fish and Game: Game lands owned and stream bank areas owned or leased by the State.
- Department of Environmental Conservation: Any use affecting ground or surface water resources, including most uses located within flood hazard areas, water impoundments of five acres or more; and wells deeper than 50 feet or with an expected yield of 25,000 gallons per day or more.

5 FLOOD HAZARD AREA ZONING ORDINANCE

The Town of Strafford has in effect a Flood Hazard Area Zoning Ordinance which outlines provisions to be followed for land development proposed in areas subject to flooding.

Landowners contemplating development in these areas should consult that Ordinance for applicable requirements, if any.

Copies are available from the Town Clerk.

6 PLANNED UNIT DEVELOPMENT (PUD)

6.1 General Intent And Purposes

The provisions for Planned Unit Development 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 this Ordinance; 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 Planned Unit Development approval for development proposals subject to the standards and conditions set forth in this Ordinance.

6.2 Planned Unit Development Approval - Standards And Conditions

In its review and approval of a proposed Planned Unit Development, the Planning Commission shall find in its written decision that the Planned Unit Development meets all of the following criteria and/or standards:

6.2.1 The application submitted satisfies all the requirements for submission of a Planned Unit Development application as set forth in Section 4.143;

6.2.2 The Planned Unit Development involves only those Permitted or Conditional Uses as provided for in the Districts in which the project is proposed;

6.2.3 The parcel size of the proposed Planned Unit Development meets the minimum parcel area requirements for a Planned Unit Development according to the District in which the proposal is located. The total minimum parcel area for Planned Unit Development is as follows:

Village Centers	1 acre
Rural Residential	3 acres
Forest Conservation	3 acres
River Valley Conservation	3 acres
Miller Pond	2-10 acres depending on soil type

6.2.4 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 for the District or Districts within which the project is located;

6.2.5 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 all applicable Ordinances for the District or Districts on which the project is located;

- 6.2.6** 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 Planning Commission shall find that:
- The character, architectural features and siting variations incorporated in the project consists of factors which make a substantial contribution to the general intent and purposes of the PUD 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 to total project area, proposed plans for the use and management of such areas, and the degree of preservation of natural features for any unimproved areas;
- 6.2.7** Projects involving mixed commercial and residential uses are designed and arranged so as to provide both visual and acoustical privacy to residents of the development and the neighborhood;
- 6.2.8** 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;
- 6.2.9** 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;
- 6.2.10** The project has been designed so as to reduce or eliminate negative impacts on surrounding properties whether presently developed or not;
- 6.2.11** The project is in conformance with any duly adopted Capital Budget, Plan or Program of the Town of Strafford;
- 6.2.12** A Property Owners' Association, organization or other legal entity will be established to own and maintain any common elements, including open spaces, utilities, and roads, and the power and authority of such organization be insured and protected by covenants running with the land;
- 6.2.13** If the proposal involves a greater concentration of land uses within some section(s) 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 by a grant of easement or covenant to the Town of Strafford, private non-profit charitable conservation trust, or property owners' association or other legal entity;
- 6.2.14** The project will not cause unreasonable traffic congestion, safety problems, or a significant reduction in the existing level of service on adjacent or connecting roadways;

- 6.2.15** The project will not result in a higher or earlier incursion of public costs for the extension, enlargement, or improvement to existing public facilities or services; or if such results are to be anticipated, the Applicant has made or has proposed to offer provisions acceptable to the Planning Commission for off-setting any added net public costs or early commitments of public funds necessitated by the proposed Planned Unit Development;
- 6.2.16** To encourage maintenance or enhancement of forest resources, wildlife habitats, and critical resource areas for which the project has been designed so that areas of the total parcel are permanently set aside as undeveloped and for the purposes as set forth above.

6.3 Planned Unit 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 as a Planned Unit Development.

- 6.3.1** Upon receipt of an application for Planned Unit Development Approval, the Zoning Officer, in consultation with the Planning Commission, shall have fifteen (15) working days to ascertain if the application is complete or if any items require correction or completion, as described in Section 4.14.
- 6.3.2** A request for Planned Unit Development Approval shall be scheduled for at least one Public Hearing held by the Planning Commission for the purpose of hearing comment and testimony on the proposed Planned Unit Development within thirty days from the date of acceptance of the completed application.
- 6.3.3** The Planning Commission shall act to approve or disapprove the proposal by written decision setting forth both findings and conclusions of law within a period not to exceed sixty (60) days from the date of the final public hearing. Failure to act within 60 days, shall constitute approval of the PUD by the Planning Commission.
- 6.3.4** The Planning Commission in its discretion may attach such reasonable conditions to its approval of a Planned Unit Development as it finds necessary to protect the public health, safety, and general welfare and to further the purposes of this Ordinance and 24 V.S.A., Chapter 117.
- 6.3.5** The Planning Commission may require that a performance bond be furnished and filed with the Treasurer of the Town of Strafford, or other forms of surety be provided, to guarantee that the various stages and elements of the total development will be constructed as planned and approved. Where public and/or private roadways or other common amenities are to be constructed or acquired following erection of buildings or other structures, such financial guarantees shall be of sufficient amount to cover in full the estimated construction costs and engineering of such amenities.

- 6.3.6** If the Planned Unit Development application results in land available for park, recreation, open space or other municipal purposes, the Planning Commission, as a condition to its approval, may establish such conditions on the ownership, uses, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The Planning Commission may determine that a grant of easement or sale to the Town or qualified conservation organization are acceptable methods for meeting approval conditions.
- 6.3.7** The Planning Commission, in its approval of a Planned Unit Development, shall limit the period of approval for a specific time period within which substantial construction shall commence, such period not to be in excess of four (4) years.
- If prior to the expiration date for approval, the permittee on written notice to the Planning Commission, requests extension of the period of approval, the Planning Commission shall consider granting such request. In deciding whether to grant such extension or to fix the period thereof, the Commission shall consider the standards and conditions on which original approval was authorized and any new or changed conditions on the site or in proximity to the site that potentially may affect the proposed project. The Planning Commission may consider such action with or without Public Hearing.
- 6.3.8** No land development for which Planned Unit Development Approval has been granted shall commence unless the Zoning Officer has issued a zoning permit for such land development.
- 6.3.9** The Zoning Officer shall issue a zoning permit following the submission of a complete application upon finding that the application is in substantial compliance with the Planned Unit Development requirements as applied for and approved by the Planning Commission.
- 6.3.10** No material change to the project approved by the Planning Commission shall be permitted unless the Planning Commission grants, following public hearing, an amendment to the original approval and/or any preceding amendments thereto.
- 6.3.11** No amendments to the original Planned Unit Development approval shall have the effect of extending the time period within which substantial construction must commence as set forth in Section 7.3.7 above.
- 6.3.12** In the event that substantial construction has not been undertaken during the time period specified pursuant to Section 4.0 above, Planned Unit Development approval shall have no further effect and any zoning permits or amendments to the PUD approval shall be considered to have been canceled.