

# TOWN OF STANNARD

  

## ZONING BYLAWS

May 23, 1974

amended

May 10, 2003

amended

June 3, 2006

**TOWN OF STANNARD, VERMONT  
ZONING BYLAW  
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## **ARTICLE I: TITLE & PURPOSE**

### **Section 1.1 Enactment**

This bylaw shall be known as the Stannard Zoning Bylaw. This regulation has been prepared and adopted in accordance with Title 24, Chapter 117, Vermont Statutes Annotated, known as the Vermont Municipal and Regional Planning and Development Act referred to here after as the Act.

### **Section 1.2 Intent**

This zoning bylaw is designed to provide for the orderly land development of the Town and to preserve its rural, residential, agricultural and forestry nature.

### **Section 1.3 Interpretation**

The provisions of this bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended that this bylaw repeal, annul or in any way impair any regulations or permits previously adopted or issued, provided however, that where this bylaw does impose a greater restriction upon the change in use of a structure or land than are required by any other bylaw, rule, permit, easement or agreement, the provisions of this bylaw shall control.

## **ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP**

### **Section 2.1 Zoning Map**

The Zoning map officially entitled "Stannard Zoning Map", is hereby adopted as part of this bylaw.

### **Section 2.2 Interpretation of District Boundaries**

Any uncertainty as to the boundaries of a zoning district shall be resolved by the Zoning Administrator in accordance with the following subsections:

- (a) Boundaries indicated as approximately following the centerlines of roads or highways shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- (c) Any ambiguity regarding the location of a district boundary shall be resolved by the Zoning Board of Adjustment based on their interpretation of this bylaw and the official zoning map.
- (d) Boundaries indicated as parallel to or extension of features indicated in subsection (a) and (b) shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.

**ARTICLE III: ZONING DISTRICTS**

**Section 3.1 Village District**

The purpose of this district is to provide a logical place for any commercial or public facility development which may be required in the town.

Uses

| <u>Permitted Uses</u>   | <u>Conditional Uses</u>          |
|-------------------------|----------------------------------|
| Agriculture use         | Public building                  |
| Home occupation         | Neighborhood commercial facility |
| Forestry                | Essential service                |
| Dwelling, Single-family | School                           |
| Dwelling, Two-family    | Child care                       |
| Dwelling, multi-family  | Mobile Home Park                 |
| Dwelling, accessory     |                                  |
| Accessory Use/Structure |                                  |

Area and Dimensions:

Minimum Lot In Acres for all uses except Mobile Home Parks: 3  
Minimum Lot In Acres for Mobile Home Parks: 5

Minimum Yard Dimension in Feet:

|                   |           |          |
|-------------------|-----------|----------|
| Minimum Lot Width |           | 180 Feet |
| Minimum Setback   | Each Side | 25 Feet  |
| Minimum Setback   | Front     | 50 Feet* |
| Minimum Setback   | Rear      | 50 Feet  |

\* Distance from centerline of road to building.

**Section 3.2 Rural District**

The purpose of this district is to provide for forestry and agriculture as primary uses and low density residential use. These areas are generally served by town roads and are suitable for some limited development. Because of limited soil, slope and access factors, residential development should be at a density no greater than one dwelling unit per four acres.

Uses

| <u>Permitted Uses</u>                       | <u>Conditional Uses</u>        |
|---|--------------------------------|
| Agriculture, including sale of farm produce | Summer camp or retreat         |
| Forestry                                    | Nursery, greenhouse            |
| Dwelling, Single-family                     | Public recreational facilities |
| Dwelling, two family                        | Saw mill                       |
| Dwelling, multi-family                      | School                         |
| Dwelling, accessory                         | Essential service              |
| Home occupation                             | Telecommunications Facility    |
| Accessory Use/Structure                     | Child care                     |

Area and Dimensions:

Minimum Lot In Acres    4

Minimum Yard Dimension in Feet:

|                              |          |
|------------------------------|----------|
| Minimum Lot Width            | 200 Feet |
| Minimum Setback    Each Side | 25 Feet  |
| Minimum Setback    Front     | 50 Feet* |
| Minimum Setback    Rear      | 50 Feet  |

\* Distance from centerline of road to building.

**Section 3.3 Forest District**

The purpose of this district is to provide for management of forestry and agricultural resources where poor access, poor soil, steep topographic conditions and remoteness from existing concentrated settlement limit the reach of public services. Primary land use in this category should be forestry, and other non-intensive uses such as agriculture. In this area, the minimum residential lot size is twenty-five acres.

Uses

| <u>Permitted Uses</u>                        | <u>Conditional Uses</u>     |
|--|-----------------------------|
| Agricultural, including sale of farm produce | Saw mill                    |
| Forestry                                     | Nursery and greenhouse      |
| Dwelling, Single-family                      | Essential service           |
| Dwelling, two-family                         | Telecommunications Facility |
| Dwelling, multi-family                       | Child care                  |
| Dwelling, accessory                          |                             |
| Home occupation                              |                             |
| Accessory Use/Structure                      |                             |

Area and Dimensions:

Minimum Lot In Acres: 25

Minimum Yard Dimension in Feet

|                           |           |
|---------------------------|-----------|
| Minimum Lot Width         | 300 Feet  |
| Minimum Setback Each Side | 75 Feet   |
| Minimum Setback Front     | 50 Feet * |
| Minimum Setback Rear      | 100 Feet  |

\* Distance from centerline of road to building.

## **Section 3.4**

### **Flood Hazard Area Regulations**

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established a bylaw for areas of special flood hazard in the Town of Stannard, Vermont.

#### **Statement of Purpose**

It is the purpose of this bylaw to:

- (a) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- (b) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- (c) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- (d) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

#### **Lands to Which These Regulations Apply**

These regulations shall apply to all areas in the Town of Stannard, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

#### **Development Permit Required**

A conditional use permit is required for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the zoning board of adjustment is required for:

- (a) New buildings,
- (b) Substantial improvement of existing buildings, and
- (c) Development in a floodway

Prior to being permitted by the administrative officer, all development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

#### **Procedures**



- (a) Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- (b) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (c) Proposed development shall be reviewed by the Zoning Board of Adjustment to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

### **Base Flood Elevations and Floodway Limits**

- (a) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- (b) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.

### **Development Standards**

- (a) Floodway Areas
  - 1. Development within the regulatory floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
  - 2. In areas where no regulatory floodway has been designated by the National Flood Insurance Program, development shall not be permitted in the floodway, unless a technical evaluation is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  - 3. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(b) Floodway Fringe Areas (i.e., special flood hazard areas outside of the floodway)

1. All Development - All development shall be:

- a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- b) constructed with materials resistant to flood damage,
- c) constructed by methods and practices that minimize flood damage, and
- d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Residential Development:

- a) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
  - 1) located outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
  - 2) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
- c) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

3. Commercial Development:

- a) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- b) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the

- structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
4. Enclosed Areas Below the Lowest Floor:
- a) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
5. Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:
- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or
- c) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section 2.b).
6. Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:
- a) shall not be used for human habitation,
- b) shall be designed to have low flood damage potential,
- c) shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- d) shall be firmly anchored to prevent flotation, and
- e) shall have service facilities such as electrical and heating equipment elevated or floodproofed.
7. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
8. On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least 1 foot above the base flood elevation.
9. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

### **Duties and Responsibilities of the Administrative Officer**

The administrative officer shall maintain a record of:

- (a) All permits issued for development in areas of special flood hazard;
- (b) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- (c) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- (d) All floodproofing certifications required under this regulation; and
- (e) All variance actions, including justification for their issuance.

### **Variances to the Development Standards**

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

### **Warning of Disclaimer of Liability**

This bylaw does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This bylaw shall not create liability on the part of the Town of Stannard or any town official or employee thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made there under.

### **Validity and Severability**

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

### **Precedence of Bylaw**

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other applicable bylaws. Where this bylaw imposes a greater restriction, the provisions of this bylaw shall take precedence.

### **Enforcement and Penalties**

It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw. Upon determination that a violation exists, the Administrative Officer shall submit a declaration to the

Administrator of the National Flood Insurance Program requesting a denial of flood insurance. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or bylaw, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## **ARTICLE IV: GENERAL PROVISIONS**

### **Section 4.1 Existing Small Lots**

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of this zoning bylaw may be developed for the purposes permitted in the district in which it is located, even though such small lot does not conform to the minimum lot size requirements of this bylaw, if such lot is not less than one-eighth acre in area or has a minimum width or depth dimension of less than forty feet.

If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the existing small lot shall be deemed merged with the contiguous lot. However, an existing small lot shall not be deemed merged and may be separately conveyed if all the following apply.

- (a) The lots are conveyed in their preexisting, nonconforming configuration.
- (b) On the effective date of this bylaw, each lot was developed with a water supply and wastewater disposal system.
- (c) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- (d) The deeds of conveyance create appropriate easements on the existing small lots being conveyed for the replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

### **Section 4.2 Required Frontage on, or Access to, Public Roads**

Land development may be permitted on lots that do not have adequate frontage either on a public road or public waters, provided that access through a permanent easement or right-of-way has been approved by the Zoning Board of Adjustment in accordance with the following standards.

- (a) The width of the right-of-way providing access to the parcel shall be at least 50 feet in width.

- (b) The private right-of-way shall intersect the public right-of-way as near as possible at a 90-degree angle, but in no case less than 60 degrees, and provide a clear line of site of at least 400 feet in each direction along the public road.
- (c) The grade of the private right-of-way shall not exceed 5% within 50 feet of the traveled portion of the public right-of-way.
- (d) A 12 inch culvert shall be installed when deemed necessary where the access meets the public road. When deemed necessary a larger culvert may be required. At least 12 inches of fill will be placed over the culvert.
- (e) All access drives shall be at least 150 feet from any intersection involving two or more public streets.
- (f) Prior to the construction of a driveway, a public highway access permit shall be obtained as required by 19VSA, § 1111(b).

In the case where the landowner has the necessary front lot width and also a permanent easement, the easement cannot be used to access the proposed development unless it is at least 50 feet in width.

The Zoning Board of Adjustment review and approval process will be the same as the conditional use review process that is required for all conditional uses. The same public notice and public hearing requirements will apply.

#### **Section 4.3                    Lots in Two Zoning Districts**

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than fifty feet into the more restricted part, provided the lot has frontage on a road in the less restricted district.

#### **Section 4.4                    Lots Abutting More than One Public Road**

Lots which abut on more than one public road shall provide the minimum front lot width on at least one public road and minimum side or rear setbacks on the other road.

- (a) Structures constructed on lots divided by a public road or right-of-way shall meet all minimum setbacks from the road that divides the lot.

#### **Section 4.5                    Projection into Minimum Required Yards**

All structures, excluding steps, wheel chair ramps, or landings, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

#### **Section 4.6                    Second Dwellings on Single Parcels**

Second dwellings (not Accessory Dwelling- see section 4.21) planned for single lot parcels must have separately assigned lot dimensions and meet driveway requirements appropriate to the town district.

This section does not apply to accessory apartments as authorized by 24 VSA § 4412(1)(E).

**Section 4.7 Zoning Board of Adjustment – Conditional Use and Site Plan Approval**

No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in this Regulation until the Zoning Board of Adjustment (ZBA) grants such approval. In considering its action, the ZBA shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in 24 VSA 4414 (3).

Site plan review is required for all conditional uses. A use designated as a conditional use in any district shall only be permitted by approval of the ZBA after public notice and public hearing, and the ZBA determines that the proposed conditional use complies with the specific dimensional and other standards applicable to it as set forth in these regulations, and that the proposed conditional use does not adversely affect:

- (a) The capacity of existing or planned community facilities.
- (b) The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (c) Traffic on roads and highways in the vicinity.
- (d) Stannard's bylaws and Town ordinances then in effect.
- (e) The utilization of renewable energy resources.

Applications:

The Owner shall submit six sets of site plan maps and supporting data to the ZBA which shall include the following information presented in drawn form and accompanied by written text:

A site plan must indicate property lines and any easements and /or rights-of-ways associated with the lot.

Dimensions of boundaries must be clearly noted.

- (a) Site plan showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening.
- (b) Review Standards  
The ZBA shall conform to requirements of 24VSA, § 4416 and 4460 to 4464 before acting upon any application.

In considering its action the ZBA shall consider and may impose appropriate conditions and safeguards only with respect to the parking, traffic access circulation for pedestrians and vehicles, landscaping and screening, the protection of the utilization of renewable energy resources, exterior lighting, the size location and design of signs.

The ZBA shall consider the following in its review of a site plan application before approval or approval with stated conditions or disapproval is given.

- (a) Maximum safety of vehicular and pedestrian circulation on site and between the site and adjacent roads, and access of maintenance and emergency vehicles in all weather conditions.
- (b) Adequacy of circulation of traffic, parking and loading facilities on the site. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility with adjacent properties.
- (c) Conditions  
The ZBA may impose appropriate conditions to site plan approval including, but not limited to, the following:
  - (1) Limitation of number and width of access drives.
  - (2) Pedestrian or vehicle signs.
  - (3) Sight distance improvements.
- (d) The ZBA shall act to approve or disapprove any such site plan within forty-five (45) days after the date upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval.

In granting such conditional use, the ZBA may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and these regulations. ZBA shall act to approve or disapprove any such requested conditional use within forty five (45) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

#### **Section 4.8 Non-Conforming Uses and Non-Conforming Structures**

Any non-conforming building or structure, or any non-conforming use of any building, structure or land existing at the time of the enactment of this bylaw may be continued, although such building, structure or use does not conform to or comply with the provisions of this bylaw, provided the following conditions are met:

- (a) Unsafe Structures. Nothing in this bylaw shall permit the use of any portion of a building or structure declared unsafe by the Zoning Administrator.
- (b) Alterations to Non-conforming Structures. When authorized as a conditional use by the Zoning Board of Adjustment, any non-conforming building or structure may be increased by an addition provided that any structural alteration shall conform to the dimensional requirements of these regulations.
- (c) Extension of Non-conforming Use. A non-conforming use shall not be extended, but the extension of a conforming use to any portion of a non-conforming building or structure which existed prior to the enactment of this bylaw shall not be deemed the extension of a non-



conforming use.

- (d) Non-conforming Use Changes. The nonconforming use of a building, structure or land shall not be changed to another non-conforming use.
- (e) Restoration of Non-conforming Structures. Any non-conforming building or structure damaged or destroyed by fire, collapse, explosion or similar cause may be reconstructed, repaired, or restored if such restoration is started within one year of the damage or destruction.
- (f) Abandonment of Non-conforming Use. Any non-conforming use that has been abandoned for a period of twelve months or more shall not be resumed. A non-conforming use shall be considered abandoned when any of the following conditions exist:
  - (1) When the intent of the owner to discontinue the use is apparent.
  - (2) When the characteristic equipment and furnishing have been removed from the premises and have not been replaced by similar equipment and furnishing within 12 months.
  - (3) When it has been replaced by another use.
- (g) Displacement. A non-conforming use shall not be extended in such a manner as to displace a conforming use.
- (h) Construction Approved Prior to Bylaw Amendment. Nothing contained in this bylaw shall require any change in plans, construction or designated use of a structure or building for which a zoning permit has been issued and the construction of which shall have been diligently pursued within thirty (30) days of the date of such permit and which structure or building shall be completed according to such plans and permit within 24 months from the date of this bylaw amendment.
- (i) Non-conforming Use. Nothing in this bylaw shall be interpreted as authorization for or approval of the continuance of the use of a structure, building or land in violation of zoning regulations in effect immediately prior to the effective date of this bylaw.

#### **Section 4.9 Temporary Uses and Structures**

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the period not exceeding one year.

#### **Section 4.10 Height Regulations**

Except as detailed in the following subsection (a) and for farming purposes, in all districts structures shall not exceed a height of 39 feet above the vertical distance measured from the base of the structure at

grade to the highest point of the structure. If the structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

- (a) The height of antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures shall not be regulated unless the bylaw provides specific standards for regulation.

**Section 4.11 Signs and Outdoor Advertising**

- (a) No outdoor advertising signs shall be permitted in any district except for purposes of identifying an on-premises recreational, commercial or manufacturing use in those districts where such uses are permitted and in such case, the sign shall not exceed twenty (20) square feet in area and may only be illuminated by a continuous non-flashing light. Such illumination however, may not be provided by neon, LED, or similar sources furnishing inherent color. Only one sign for each recreational, commercial or manufacturing use shall be permitted.
- (b) One temporary sign, unlighted, and not exceeding four square feet in size, shall be permitted for the purpose of advertising premises for sale or rent. Zoning permits are not required for these signs.
- (c) Official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes Annotated, are permitted upon issuance of a zoning permit.
- (d) One sign not exceeding four square feet in total area shall be permitted in any district to identify a home occupation.
- (e) No sign shall be erected, attached, maintained, drawn or printed on any rock or other natural feature or upon any utility pole or town sign post.
- (f) Non-illuminated signs not exceeding 16 square feet in area per side, conveying information of a noncommercial nature shall be permitted. Any sign appropriately regulated under Sections 4.14(a) through 4.15(d) below, shall be permitted under this section.

**Section 4.12 Outdoor Illumination**

Illumination of areas and structures, either permanent or intermittent, shall be located and adjusted so as to not cast direct light on adjacent properties or roadways.

No glare, lights, or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety, and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.

**Section 4.13 Home Occupations**

Any home occupations, as defined in 6.2, Definitions, shall be permitted if it complies with the requirements of this section.

- (a) The home occupation shall be carried on by members of the family. Three on-premise

employees who are not part of the family are permitted.

- (b) The home occupation shall be carried on within the principal or accessory structures.
- (c) Exterior displays or signs other than those permitted in the district in which it is located, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- (d) Parking shall be provided such that no vehicles are parked on town roads. Parking for structures containing both a dwelling and a home occupation shall conform to the requirements of §4.20.

**Section 4.14                    Agriculture**

Agricultural uses shall comply with the following requirements:

- (a) Nothing contained herein shall restrict accepted agricultural or farming practices, or silvicultural practices, including the construction of farm structures, as such practices are defined by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10 VSA §§1021 (f) and 1259 (f) and 6VSA, §4810.
- (b) Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to the erection of such structure.
- (c) Farm structures shall comply with setbacks approved by the Commissioner of Agriculture, Food and Markets. The approved setbacks are those setbacks contained in § 3.1, § 3.2, and § 3.3 of this bylaw.
- (d) A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of Agriculture, Food and Markets. Such request must include the following information:
  - (1) A statement of the reason or reasons less restrictive setbacks are necessary;
  - (2) A copy of this zoning bylaw;
  - (3) A sketch plan of the proposed structure(s) showing the distance from all property lines and;
  - (4) A description of the adjoining land uses.

**Section 4.15                    Foundations**

All dwellings must have wood or cement posts or footings, below frost line or cement slab of at least 4" thick, which extends to the full perimeter of buildings.

**Section 4.16                    Abandonment of Structures and Burned Structures**

Within one year after work on an excavation for a building has begun or within one year after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled

to the normal grade by the owner.

No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure.

**Section 4.17 Travel Trailers**

It shall be unlawful for any person to park a camping trailer, travel trailer, pickup coach, or motor home on any public or private property, except in accordance with these regulations as follows:

- (a) A property owner may park his own travel trailer or that of a bonafide visitor on his own property provided that the trailer is parked behind the front face of the principal building and is no closer than six feet to any lot line. A trailer so parked shall not be used as living quarters and shall not be hooked up to any utilities except for a period of two weeks per month unless an extension is given by the Board of Adjustment.
- (b) If no buildings exist, the travel trailer must be parked at least 50 feet from the centerline of the road.

**Section 4.18 Mobile Home Parks**

Mobile Home Parks are permitted in the Village District as a conditional use. The following standards shall apply

- (a) A mobile home park shall have an area of not less than five (5) acres.
- (b) Mobile home parks shall provide home spaces, access driveways, parking and pads.
  - (1) Each mobile home space shall be at least seventy-two hundred (7200) square feet in area, and at least sixty (60) feet wide by at least one hundred and twenty (120) feet in depth, and shall front on an access driveway.
  - (2) All access driveways within a mobile home park shall have a right-of-way at least fifty (50) feet in width and have a treated compacted gravel surface at least twenty-four (24) feet in width and twelve inches in depth.
  - (3) For each mobile home space there shall be provided two parking spaces each having a compacted gravel surface twelve (12) inches in depth with dimensions at least ten (10) feet wide by twenty-two (22) feet long.
  - (4) A suitable non-porous pad shall be provided for each mobile home.
- (c) Mobile home parks shall provide at least twenty (20) percent of the total area for recreation and greenspace.
- (d) Each mobile home space shall have an attachment for water supply which is adequate, safe and potable. The water supply source must be approved by the State Department of Health and meet all local and state regulations.
- (e) Each mobile home lot shall have an attachment for sewage disposal. The method of sewage

disposal must be in compliance with the State Department of Health and other state and local regulations.

- (f) A strip of land at least twenty-five (25) feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least fifty (50) feet in width.
- (g) Provisions for disposal of household garbage and rubbish shall be made.
- (h) A mobile home shall be located on the mobile home space so that it is at least twenty (20) feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.

**Section 4.19 Open Storage of Vehicles and Junk**

Junkyards are prohibited in all districts. Vehicles that are both non-operative and non-registered (vehicles used in farm operations are exempt) and junk shall not be allowed in any setbacks, and shall be effectively screened from view of a public highway and adjacent private property at all seasons of the year. Storage of more than (2) non-operative and non-registered motor vehicles on any lot is prohibited in all districts.

**Section 4.20 Off-Road Parking**

Off-road parking shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is changed to another use or enlarged.

| <u>Use</u>              | <u>Off-Road Parking Space Requirements</u> | <u>Parking Spaces Required</u> |
|-------------------------|--|--------------------------------|
| Accessory use           |  | None                           |
| Agricultural processing |  | 1/1.2 employees                |
| Agriculture             |  | None                           |
| Animal hospital/kennel  |  | 1/250 sq. ft. of floor area    |
| Campground              |  | 1/ campsite                    |
| Cemetery                |  | None                           |
| Church                  |  | 1/ 5 seats in assembly room    |
| Dwelling, multi-family  |  | 2/ dwelling unit               |
| Dwelling, one family    |  | 2/ dwelling unit               |
| Dwelling, two family    |  | 2/ dwelling unit               |
| Educational facility    |  | 1/3 seats in assembly room     |
| Essential service       |  | 1/ 500 sq. ft. of floor area   |
| Forestry                |  | None                           |
| Forestry processing     |  | 1/1.2 employees                |
| Home occupation         |  | 2 (+2 per dwelling unit)       |
| Municipal facility      |  | 1/ 400 sq. ft. of floor area   |
| Neighborhood store      |  | 1/ 300 sq. ft. of floor area   |
| Recreational facility   |  | 1/ 300 sq. ft. of floor area   |

Other Uses - as required by the Zoning Board of Adjustment when issuing conditional use or variance permits.

An off-road parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public road and maneuvering room. All parking spaces shall have a minimum of 220 square feet per parking space and be at least 10 feet by 22 feet. The parking space shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public road.

#### **Section 4.21 General Provisions, Accessory Dwellings**

The owner of a single family dwelling, following the issuance of a zoning permit, may establish an accessory dwelling as defined in §6.2 of this bylaw provided there is compliance with all of the following:

The property has sufficient wastewater capacity.

The unit does not exceed 30% of the total habitable floor area of the single-family dwelling.

Applicable setback coverage, and parking requirements specified in the bylaws are met.

#### **Section 4.22 Stannard Wireless Telecommunications Facilities Bylaw**

Title: This section of the Stannard Zoning Bylaw shall be known as the Wireless Telecommunications Facilities Bylaw of the Town of Stannard. Wireless telecommunication facilities shall include all wireless telecommunication providers, licensed and/or regulated by the Federal Communications Commission, and associated equipment and buildings.

**Purposes:** The purpose of this bylaw is to protect the public health, safety and general welfare of the Town of Stannard while accommodating the communication needs of residents and businesses. This bylaw shall:

(a) Preserve the character and appearance of the Town of Stannard while allowing adequate wireless telecommunications services to be developed.

(b) Protect the scenic, historic, environmental, and natural resources of the Town of Stannard.

(c) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless 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) Facilitate the provision of telecommunications services to the residences and businesses of the Town of Stannard.

(f) Minimize the adverse visual effects of towers and other facilities through careful design and siting standards.

(g) Encourage, through performance standards and incentives, the location of towers and antennas away from other sensitive areas such as schools, hospitals and childcare facilities.

**Authority:** Pursuant to 24 V.S.A. §§ 4401 and 4402 the ZBA of the Town of Stannard is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4414, the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

**Consistency With Federal Law:** In addition to other findings required by this bylaw, 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 bylaw shall not:

- (a) Prohibit or have the effect of prohibiting the provision of personal wireless services;
- (b) Unreasonably discriminate among providers of functionally equivalent services; or
- (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.

**Permitted and Prohibited Locations:** Wireless telecommunications towers or facilities may be permitted as conditional uses upon compliance with the provisions of this bylaw in the Forest and Rural districts. The facilities are prohibited in the Village district.

Additionally, freestanding telecommunications towers or antennas over 20 feet in elevation may not be located in any of the following locations:

- (a) Within 300 ft. of a State or Federally designated wetland.
- (b) The habitat of any State listed Rare or Endangered Species listed as such by either the Federal government or the state of Vermont (10 VSA Chapter 23).
- (c) Within 500 ft. horizontally from any Historic District or property eligible to be listed on the Federal Historic Register.
- (d) Closer than 300 ft. horizontally to the boundary of the property on which the tower is located.
- (e) Closer than 300 ft. horizontally to any structure existing at the time of the application which is used as either a primary or secondary residence, to the property of any school, or to any other building.
- (f) Within 300 ft. horizontally of any river or perennial stream.
- (g) Within 300 ft. horizontally of any known archeological site or cemetery.

(h) Within 300 ft. horizontally of a designated scenic road or highway

**Small Scale Facilities:** The placement of wireless telecommunications antennas, repeaters or microcells on existing buildings, structures, roofs, or walls, and not extending more than 10 feet from the same, or the installation of ground facilities less than 20 feet in height will be treated as a conditional use, provided the antennas meet the applicable requirements of this bylaw, upon submission of:

(a) A final site and building plan.

(b) A report prepared by a qualified engineer (s) indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna or other device 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.

(c) 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.

However no such device may be located closer than 150' to an existing residence.

**Application Requirements** for Wireless Telecommunications Facilities not restricted under any foregoing section: An applicant for a permit must be a personal wireless service provider or FCC licensee, or must provide a copy of its executed contract to provide land or facilities to such an entity, to the Administrative 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 wireless telecommunications tower or facility shall commence without a conditional use permit first being obtained from the Zoning Officer following conditional use approval by the Zoning Board of Adjustment.

In addition to information otherwise required in the Town of Stannard's Zoning Bylaws, applicants for wireless 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 from qualified engineers that:

(1) Describes the facility height, design, materials and elevation. A structural engineer shall address this issue.



- (2) Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation distances between antennas. A radio frequency (RF) engineer shall address this issue.
  - (3) Describes the tower's proposed capacity, including the number, height and type(s) of antennas that the applicant expects the tower to accommodate. A structural engineer shall address this issue.
  - (4) In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures, or other structures proposed by the applicant within 5 miles of the proposed site cannot reasonably provide adequate coverage and adequate capacity to the Town of Stannard. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
  - (5) Describes potential changes to those existing facilities or sites in their current and future state that would enable them to provide adequate coverage.
  - (6) Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
  - (7) Includes a written explanation for use of the proposed 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.
  - (8) Provides assurance that at the proposed site the applicant will establish and maintain compliance with all FCC rules and regulations, particularly with respect to radio frequency exposure. The Zoning Board of Adjustment may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on at least an annual basis at unannounced times.
  - (9) Includes other information required by the Board that is necessary to evaluate the request. Includes an engineer's stamp and registration number, where appropriate.
  - (10) A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.
- (e) 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 Board of Adjustment at the time an application is submitted).
- (f) To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment describing the probable impacts of the proposed facility.
- (g) A copy of the application for an Act 250 permit, if applicable.

(h) The permit application shall be signed under the pains and penalties of perjury.

**Site Plan Requirements for Wireless Telecommunications Facilities not restricted under any foregoing sections:** In addition to site plan requirements found elsewhere in the Town of Stannard's Zoning Bylaws, site plans for wireless telecommunications 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 facility site.

(b) Vicinity Map showing the entire vicinity within a 2500-foot radius of the facility site, including the 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 facility site parcel and all easements or rights of way needed for access from a public way to the facility.

(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) Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way and any adjacent property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

(f) 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.

(g) Construction sequence and time schedule for completion of each phase of the entire project.

(h) Proposed safety features, including safety designs that prevent persons from climbing the tower.

(i) Any other information determined to be necessary by the Zoning Board of Adjustment.

(j) Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

**Colocation Requirements:** An application for a new wireless telecommunications facility shall be approved only if the Zoning Board of Adjustment finds that the facilities planned for the proposed structure 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 and such interference cannot be mitigated at a reasonable cost.

(c) The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create excessive radio frequency exposure.

(d) 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.

(e) Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(f) There is no existing or approved tower in the area in which coverage is sought.

(g) 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 placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally and in all other respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

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 must be submitted to the ZBA.

**Access Roads and Above Ground Facilities:** Where the construction of new wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land, and be constructed or improved within forest or forest fringe areas, and not in open fields. Utility or service lines shall similarly be designed and located so as to follow the contour of the land and minimize or prevent disruption to the scenic character or beauty of the area. To the extent practicable, these lines shall follow the contour of the land. The Town may require closure of access roads to vehicles following facility construction where it is determined that site conditions warrant the same and where maintenance personnel can reasonably access the facility site on foot.

**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 the 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. Use of stealth design, including those which imitate natural features, may be required in visually sensitive locations.

(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 Stannard or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

(c) Towers, antennas and any necessary support structures shall be designed to avoid having an undue adverse aesthetic impact on prominent ridgelines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the Board will consider:

- (1) the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
- (2) the frequency of the view experienced by the traveling public;
- (3) the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
- (4) background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- (5) the distance of the proposed tower from the view point and the proportion of the facility that is visible above the skyline;
- (6) the sensitivity or unique value of a particular view affected by the proposed tower;
- (7) significant disruption of a viewshed that provides context to a historic or scenic resource.

(d) The Board shall have the authority to impose conditions consistent with the purpose of this section in approving a proposed facility. Furthermore, the Board may designate an alternative location for the tower to be evaluated by the applicant if it is determined that the proposed location would result in undue adverse aesthetic impacts. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably and technically feasible to meet the applicant's communication objectives.

(e) 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.

(f) 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 Wireless Telecommunications Facility Permit:** An alteration or addition to a previously approved wireless 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) 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 and Signage:** Noise Generated by Facility: Unless required by the Federal Aviation Administration (FAA), no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Copies of required FAA applications shall be submitted by the applicant. 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 or facility. Signage shall be limited to that required by federal or state regulation.

The Board may impose conditions to minimize the affect of noise from the operation of machinery or equipment upon adjacent properties.

**Temporary Wireless Communication Facilities:** Any wireless telecommunications 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 Stannard.
- (b) Temporary 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.

**Continuing Obligations:** Upon receiving a permit, the permittee shall annually demonstrate to the ZBA that he or she is in compliance with all FCC standards and requirements regarding radio frequency exposure, and provide the basis for his or her representations.

**Facility Removal:** Abandoned, unused, obsolete, or noncompliant towers or facilities governed under this bylaw shall be removed as follows:

(a) The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Stannard's Zoning Board of Adjustment 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 or 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 (ZBA). In the event the tower or facility is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.

(c) Towers and facilities in violation of permit conditions or application representations shall be removed within 180 days unless a time extension or negotiated solution is approved by the Zoning Board of Adjustment. In the event the tower or facility is not removed within 180 days of notification of such a violation, the municipality may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.

(d) An owner who has failed to file an annual declaration with the ZBA 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.

(e) The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Stannard and acceptable to the Board to cover the cost of removal of the facility and remediation of the landscape, should the above clauses be invoked. Proof of the bond's existence and its appropriateness shall be presented to the ZBA annually at the time of owners filing of the annual declaration.

**Enforcing Agent:** The Zoning Administrator shall be the agent to enforce the provisions of this bylaw.

**Insurance Requirements:** The facility owner shall maintain adequate insurance on all facilities.

**Maintenance Requirements:** The Applicant shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping. Failure to maintain the facility shall be construed as a violation of permit conditions.

**Monitoring and Evaluation of Compliance: Pre-testing and post-testing** (including monitoring) shall be required.

(a) **Pre-testing:** Prior to beginning operation of the wireless telecommunication facility, the applicant shall pay for an independent licensed radio frequency engineer to monitor the background levels of non-ionizing radio frequency radiation around the proposed facility site and/or any repeater locations to be used for the applicant's wireless telecommunication facility. The radio frequency engineer shall use the Cobbs monitoring protocol. A report of monitoring results shall be prepared by the radio frequency engineer and submitted to the Selectboard, Administrative Officer, the Zoning Board of Adjustment, and the Town Clerk.

(b) **Annual Post-testing:** Within thirty (30) days of the first transmission (and annually thereafter) from any new or modified telecommunications facility, or upon activation of any additional permitted

channels, the owner(s) of any wireless telecommunication facility(s) shall submit reports prepared by an independent qualified telecommunications or radio frequency engineer(s) regarding any non-ionizing radio frequency radiation exposure at the facility site as well as from repeaters (if any). These annual reports shall be submitted to the Selectboard, the Zoning Board of Adjustment, the Planning Commission, the Town Clerk, and abutting property owners, within thirty (30) days of the anniversary of the first transmission.

(c) Excessive Exposure: Should the monitoring of a facility site reveal that the site exceeds the current FCC standard and guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the sites, tower or antennas. Additionally, the owner(s) shall submit to the Zoning Board of Adjustment and the Administrative Officer a plan for the correction of the situation that resulted in excessive exposure.

(d) Structural Inspection: The tower owner(s) shall pay for an independent licensed professional structural engineer to conduct inspection of the tower's structural integrity and safety. Pre-existing guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the structural engineer and submitted to the Selectboard, the Zoning Board of Adjustment, and the Town Clerk. Any modification of an existing facility that increases tower dimension or antenna numbers or type shall require a new structural inspection.

**Unsafe Structure:** Should the inspection of any tower reveal any structural defect(s) that, in the opinion of the independent structural engineer, render(s) the tower unsafe, the following actions shall be taken: Within ten (10) business days of written notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten (10) business days of the submission of the remediation plan and completed as soon as reasonably possible.

#### Section 4.23 Child Care Facilities

No permit shall be necessary for the owner of a single family dwelling to operate a child care facility within their home as long as they are not caring for more than 6 full-time children and 4 part-time children. A child care facility designed and operated for the care of more than 6 full-time children and 4 part-time, shall not be established prior to the issuance of a zoning permit. Prior to the issuance of such permit, such facilities shall be subject to conditional use review under § 4.7 of this bylaw.

## **ARTICLE V: ADMINISTRATION & ENFORCEMENT**

### **Section 5.1 Administrative Officer**

The Administrative Officer shall be appointed to administer the Zoning Regulations, as provided for in 24

VSA § 4448 of the Act. Said Officer shall literally enforce the provisions of these Regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

**Section 5.2 Zoning Permits and Certificates of Occupancy**

No land (see definitions) or building development may commence unless a zoning permit has been duly issued by the Administrative Officer, as provided for in 24 VSA § 4449. The fee for such zoning permit shall be as established by the Board of Selectmen.

The Administrative Officer shall not issue a zoning permit unless an application fee, plot plan and any other approvals required by this regulation have been properly submitted. The Administrative Officer shall, within 30 days of submission of application, data and approvals, either issue or deny a zoning permit. No zoning permit may be issued by the Administrative Officer except in conformance with these

zoning regulations and the provisions of 24 VSA, Chapter 117. If denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the permit shall become null and void and reapplication to complete any activities shall be required.

No land or structure may be used, extended in any way or occupied unless a Certificate of Occupancy shall have been duly issued by the Administrative Officer, as provided for in 24 VSA § 4449.

(a) **New Buildings**

No building hereafter erected shall be occupied or used in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the administrative officer, certifying that such building conforms to the approved plans and specifications and the requirements of these regulations.

(b) **Alteration of Buildings**

Whenever the footprint of a building is changed, a certificate of occupancy, issued by the administrative officer certifying that the work for which the permit was issued was completed in accordance with the approved plans and specifications and the requirements of these regulations, must be obtained by the homeowner.

**Section 5.3 Zoning Board of Adjustment**

There is hereby established a Zoning Board of Adjustment whose members shall consist of the members of the Planning Commission, unless and until such time that the Board of Selectmen appoints a separate Zoning Board of Adjustment as provided in 24 VSA § 4460. Rules of procedure, nature of appeals, Public notice, conditions for variance relief, and all other matters shall be established as provided in 24 VSA, Subchapters 10 and 11.

**Section 5.4 Enforcement and Penalties**

The Zoning Administrative Officer is hereby authorized to institute or cause to be instituted, in the name of the Town of Stannard any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this regulation.

Violations of these regulations shall be regulated as prescribed in 24 VSA §§ 4451 and 4452.



**Section 5.5 Adoption, Amendment and Repeal of Bylaw**

This bylaw may be amended according to the requirements set forth in 24 VSA §§ 4441 and 4442.

**Section 5.6 Severability**

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

**Section 5.7 Repeal of Existing Bylaw**

Upon the adoption of this bylaw on \_\_\_\_\_, the Stannard Zoning Bylaw adopted on July 25, 1994 is hereby repealed.

**ARTICLE VI: DEFINITIONS**

**Section 6.1 General Definitions**

The word person includes a firm, association, organization, partnership trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended to be used or occupied, designed to be used or occupied or arranged to be used or occupied.

The word lot includes the words plot or parcel.

**Section 6.2 Specific Definitions**

Abandon: To leave without claimed ownership for thirty (30) days or more.

Abutting Property Owner: Any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls, the real property abutting any portion of the property of another.

Accessory Use/Structure: Any use or structure which clearly meets the following:

- (a) Is clearly incidental and customarily found in association with the principal use.
- (b) Is subordinate in area, purpose and extent to the primary structure and use of the lot.

Acre: 43,560 square feet.

Adequate Capacity: Capacity for wireless telephony is considered to be “adequate” if the grade of service (GOS) is p.05 or better for median teletraffic levels offered during the typical busy hour, as

assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

Adequate Coverage: Coverage for wireless telephony is “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most 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.

Addition: Any increase in area or height of a building or structure.

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.

Affiliated Ownership: Ownership of two or more contiguous lots with at least one owner in common.

Agriculture:

- (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- (b) the raising, feeding or management of livestock, poultry, equines, fish or bees; or
- (c) the operation of greenhouses; or
- (d) the production of maple syrup; or
- (e) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- (f) the on-site production of fuel or power from agricultural products or wastes produced on the farm.

Alteration: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment or fixtures.

**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 zoning permit or a telecommunications facility siting. An applicant can be the telecommunications service provider with the owner's written permission (or other legally designated representative) or the owner of the property.

**Area of Special Flood Hazard:** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**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 Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

**Basement :** means any area of the building having its floor elevation (below ground level) on all sides.

**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.

**Building:** Any structure that encloses a space for sheltering any occupancy or use, including the above ground placement of any type of fuel or oil tank; any structure, vehicle or preassembled building which is permanently attached to the ground or is located on the property for thirty (30) or more days shall be deemed a building.

Building Height: The vertical distance measured from the average ground elevation outside the building to the roofline of a flat roof or mansard roof and to the midpoint of the roof of any structure with a pitched roof.

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.

Child care: An establishment, which may be or may not be located in a private residence, where tuition fees or other forms of compensation for the care of children is charged, and which is licensed or registered by the State of Vermont to provided child care under the provisions of §4.23 of this bylaw.

Colocation: 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.

Conditional Use: A use which may be permitted in a district through the granting by the Zoning Board of Adjustment of a conditional use permit upon a finding by the board that it meets the requirements of this bylaw.

Contiguous. Next to, abutting, or touching and having a common boundary. Two lots separated by a public road, railroad or any other situation where the intervening parcel is of different ownership, are not contiguous.

Coverage: That percentage of the lot area covered by the building area.

Cul-de-sac: A dead-end road designed to provide sufficient vehicular turning radii at the end of the road.

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

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.

Dwelling: A building or structure, designed and constructed for human occupation.

Dwelling, accessory: An efficiency or one-bedroom apartment or structure that is clearly subordinate or appurtenant to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Dwelling, multi-family: A structure containing three or more dwelling units.

Dwelling, single family: A building containing one dwelling unit.

Dwelling, two family: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: Any building or structure, or part thereof, designed or used as living quarters for a family and which includes facilities for food preparation, sleeping and sanitation.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, road signs, and similar equipment and accessories in connection therewith, and including buildings, public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

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.

Family: One or more persons occupying a premise and living as a single housekeeping unit. Family may include a group of unrelated persons living together as a single housekeeping unit. Domestic servants and farm workers, along with their respective families, employed on the premises may be housed on the premises without being considered as a part of their employer's family.

Farm Structure: To be considered as an agriculture use it has to meet one of the following:

- (a) be used in connection with the sale of \$1000 or more of agricultural products in a normal year;
- or
- (b) be used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- (c) be used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
- (d) is on a farm with a business and farm management plan approved by the Commissioner

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

Flood: means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM): means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area: means any land area susceptible to being inundated by water from any source (see definition of “flood”).

Flood proofing: means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

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

GHz: Gigahertz. One billion hertz

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for subsequent sale or for personal enjoyment. Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

Historic Structure: means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: The use of a minor portion of a dwelling unit by the occupants thereof for an occupation which is customary in residential areas and which does not have an undue adverse effect

upon

the character of the residential area in which the dwelling is located. Examples are art studios, antique

shops, instruction studios, professional offices of a physician, dentist, lawyer, engineer, architect or accountant.

Junkyard: 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 as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping more than four (4) or more junk motor vehicles, or junk in excess of 200 square feet in area, all of which are visible from any portion of a public road. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 VSA 2202 and the regulation of the Secretary of Human Services.

Legislative Body: means the selectboard.

Lot: A definable parcel of land occupied or capable of being occupied by one or more structures or uses as regulated and approved by this Zoning Bylaw.

Lot Area: The area within the property lines of a lot, calculated from dimensions of the boundary lines of the lot, exclusive of any portion of the lot contained within the boundaries of a public or private road or right-of-way.

Lot Depth: The distance between the front and rear lot lines, measured at right angles to the front lot lines.

a Lot Line, Front: The horizontal distance measured along the property line which separates the lot from public or private road or approved easement.

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: The property boundary which separates two adjoining properties into individual and separate parcels.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The horizontal distance between the side lot lines of a lot measured at right angles to its depth at or along the front lot line.

Lowest Floor: means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.



Manufactured home: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured home park or subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Measurements, Reports 86 and 119: which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this article.

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

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a facility site as a whole, or from individual personal wireless communication facilities, towers, antennas or repeaters.

Monitoring 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.

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.

Neighborhood Commercial Facility: Any commercial facility such as a grocery, general, newspaper or drug store or personal service establishment intended principally to serve the area in which it is located.

New construction means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

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

Non-Conforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(14).

Non-Conforming Use: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(15).

Nursery: Land or greenhouses used to raise flowers, shrubs and plants for sale.

Off-site Improvements: Improvements to public infrastructure required as a condition of approval of a particular development which created the need for the improvements.

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.

On-Lot Water and Sewer: The providing of water from a source such as a spring or drilled well and the disposal of the sewage by such means as a septic system and drainage field, located on the same or adjacent lot as the building for which these utilities are located.

Parking: Any space located outside of any road right-of-way or easement specifically allocated and designed to accommodate the parking or storage of domestic vehicles.

Permit: Embodies the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its facility within the boundaries of the municipality.

Permitted Use: Use specifically allowed in the district, excluding illegal uses and nonconforming uses.

Personal Communications Services or PCS: Digital wireless telephone technology using higher frequency spectrum than cellular.

Personal Service Establishment: Any establishment that primarily provides care to a person or a person's apparel which shall include barber, beauty shop, seamstress shop, shoe repair, coin-operated laundry, dry cleaner, optician shop, diet center, health club, spa, pet grooming shop and similar uses. Any sales of products must be clearly incidental to the services provided.

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.

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

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

Professional Engineer: An engineer licensed to practice in the State of Vermont.

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Building: A building owned by the town or other public entity for the use and benefit of all.

Public Recreation Facility: Any structure or use of land or improvements for scenic, recreational or open space purposes which includes the lease, purchase or acquisition of land for recreational purposes, open to the general public.

Public Road: Any highway, road, avenue, land, or right-of-way accepted by the Town or other governmental unit as a highway.

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 a need and whether the telecommunications equipment will provide adequate coverage for that site.

Recreational Vehicle/Travel Trailer: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

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.

Residential Use: Includes accessory dwelling, single-family dwelling, two family dwelling and multi-family dwelling

Retail Business: Includes shops and stores for sale of retail goods, personal service shop and department store.

Road: Any highway, road, avenue, land, or right-of-way accepted by the Town or other governmental unit as a highway, together with any private road giving access to a lot.

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.

Saw Mill: A mill which processes logs into lumber or other materials.

**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.

**School:** Any building or part thereof that is designed, constructed or used for education or instruction in any branch of knowledge.

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

**Setback:** A line parallel to a property line which identifies the required minimum side, front, and rear yards, and outside of which no building, structure, or use may be located except as herein provided.

**Setback, Front:** Yard between the road right-of-way and the nearest point of the building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the road line to the front line of the principal building or accessory building.

**Setback, Rear:** Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the nearest point of the principal building or accessory building.

**Setback, Side:** Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard

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

**Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

**Stealth Facility:** Any communications facility which 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, antenna structures designed to look like light poles, and structures designed to

resemble natural features such as trees or rock outcroppings. (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.

**Structure:** An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall or fence, except a wall or fence on an operating farm and fences less than 6 feet in height.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure means, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building bylaws or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Summer Camp or Retreat A seasonal dwelling maintained for use by other than one family as a commercial venture.

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.

**Telecommunications 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.

**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.

**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.

**Violation means** the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

**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 height or more).

**Yard.** Space on a lot not occupied with a building or structure; an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.