

Proposed Zoning Regulations - Clean - 4/1/2022

2.4 Uses and Exemptions for Districts – Generally

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2.4.2 Nonconforming Uses - Nonconforming uses shall be allowed to continue as provided in Section 4.8, *Nonconforming Uses*, of these Zoning Regulations

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3.3 Residential / Commercial District (R/C)

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3.3.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses shall be allowed in the R/C District upon issuance of a conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on any one lot.

- a) Adaptive uses as provided in Section 5.6.8.
- b) Artist/Craft studio.
- c) Cemetery.
- d) Cottage industry as provided in Section 5.6.7.
- e) Day care center.
- f) One multi-family dwelling with three or four dwelling units.
- g) Extraction of earth resources as provided in Section 5.6.6.
- h) Funeral parlor.
- i) Inn or guest house.
- j) Museum.
- k) Office, Business.
- l) Office, Professional.
- m) Personal service business.
- n) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- o) Powered Vehicle and/or Machinery Service
- p) Outdoor recreational facility or park.
- q) Religious or educational facility as provided in Section 5.10.4.
- r) Restaurant, standard.
- s) Retail business.
- t) Retirement community.
- u) State- or community-owned and operated facilities, to the extent allowed by Section 5.10.4.
- v) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- w) Veterinary Clinics

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3.4 Gateway Commercial District (G)

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3.4.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the G District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Artist/Craft studio.

- d) Bank.
- e) Business yard.
- f) Catering service.
- g) Cemetery.
- h) Cottage industry as provided in Section 5.6.7.
- i) Day care center.
- j) Dwelling, single-family attached to a principal structure approved for a permitted or conditional use.
- k) Dwelling, two-family
- l) Dwelling, multi-family with three or four dwelling units.
- m) Educational or religious facility as provided in Section 5.10.4.
- n) Extraction of earth resources as provided in Section 5.6.6.
- o) Food processing establishment.
- p) Funeral parlor.
- q) Group home, as provided in Section 5.11.
- r) Hotel or motel.
- s) Inn or guest house.
- t) Kennel
- u) Light Manufacturing.
- v) Multi-use commercial building with uses from this section or 3.4.1.
- w) Museum.
- x) Offices, Business.
- y) Offices, Professional.
- z) Personal services.
- aa) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- bb) Powered Vehicle and/or Machinery Service
- cc) Private club.
- dd) Recreation, indoor or outdoor facility or park.
- ee) Research laboratory.
- ff) Retail business associated with light manufacturing with a maximum size of 3,000 square feet.
- gg) Retirement community.
- hh) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- ii) Tavern, provided that it is associated with an onsite distillery, brewery, or winery.
- jj) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- kk) Veterinary Clinics

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3.5 Village Commercial District (V/C)

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3.5.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the V/C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot.

- a) Adaptive use as provided in Section 5.6.8.
- b) Bank.
- c) Catering service.
- d) Commercial multi-use building.
- e) Business yard.
- f) Educational facility as provided in Section 5.10.4.
- g) Equipment supply and/or rental.
- h) Funeral parlor.

- i) Group home.
- j) Hotel or motel.
- k) Light manufacturing
- l) Lumber yard / Building supply business.
- m) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- n) Powered Vehicle and/or Machinery Service
- o) Private club.
- p) Recreation, indoor or outdoor, facility or park.
- q) Research laboratory.
- r) Restaurant, fast food or take-out.
- s) Retirement community.
- t) Rooming or boarding house.
- u) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- v) Storage, outdoor as an accessory use to any permitted or conditional use.
- w) Tavern.
- x) Veterinary Clinics
- x) Wholesale trade.
- y) Dwelling Units as part of a Planned Unit Development.
- z) Agriculture, silviculture and horticulture as provided in Section 2.4.5

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3.6 Commercial District (C)
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3.6.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot:

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Automobile and/or marine sales.
- d) Bank.
- e) Business yard.
- f) Car wash.
- g) Catering service.
- h) Commercial multi-use building.
- i) Distribution Center.
- j) Educational facility as provided in Section 5.10.4 .
- k) Equipment supply and/or rental.
- l) Extraction of earth resources as provided in Section 5.6.6.
- m) Funeral parlor.
- n) Group home.
- o) Hotel or motel.
- p) Light manufacturing
- q) Lumber yard / Building supply business.
- r) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- s) Powered Vehicle and/or Machinery Service
- t) Private club.
- u) Recreation, indoor or outdoor, facility or park.
- v) Research laboratory.
- w) Restaurant, fast food or take-out.
- x) Retirement community.
- y) Rooming or boarding house.

- z) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- aa) Storage, outdoor as an accessory use to any permitted or conditional use.
- bb) Tavern.
- cc) Vehicle Fueling Station
- dd) Veterinary Clinics
- ee) Warehouse Use.
- ff) Wholesale trade.
- gg) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

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3.7 Industrial / Commercial District (I/C)

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3.7.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the I/C District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
 - b) Amusement arcade.
 - c) Automobile and/or marine sales.
 - d) Commercial multi-use building
 - e) Bank.
 - f) Business yard.
 - g) Communications, telecommunications, as provided in Section 6.12.
 - h) Extraction of earth resources as provided in Section 5.6.6.
 - i) Hotel or motel.
 - j) Kennel.
 - k) Light manufacturing.
 - l) Lumber yard or building supply business.
 - m) Mobile home sales business.
 - n) Outdoor storage as an accessory use to in connection with any conditional or permitted use.
 - o) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
 - p) Private club.
 - q) Powered Vehicle and/or Machinery Service
 - r) Recreation facility, outdoor or indoor.
 - s) Research laboratory.
 - t) Restaurant, fast-food or take-out.
 - u) Restaurant, standard.
 - v) Retail business.
 - w) Storage, indoor.
 - x) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
 - y) Tavern.
 - z) Theater.
 - aa) Vehicle Fueling Station
 - bb) Veterinary Clinics
 - cc) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
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4.7 Nonconforming Structures

4.7.1. The regulations under this section do not construe or imply the permitting of the use of a structure declared unsafe by an appropriate governmental authority or the continuation of an establishment declared to be health hazard by an appropriate governmental authority.

4.7.2. Nonconforming structures may continue to exist unchanged indefinitely.

4.7.3. Nonconforming structures within the Flood Hazard Overlay District will also be subject to the regulations of Section 6.8.

4.7.4. Nonconforming structures may undergo normal repair and maintenance without a zoning permit provided that the structure's degree of nonconformity is not increased.

4.7.5. The Administrative Officer may approve the replacement, restoration, or reconstruction of a nonconforming structure after damage or destruction by fire, flood, collapse, explosion, or other similar casualty to its prior condition provided that:

- a) the reconstruction does not increase the degree of nonconformity that existed prior to the damage; and
- b) a zoning permit is issued within 12 months of the date the damage occurred.

4.7.6. The Administrative Officer may approve the replacement, restoration, reconstruction, and expansion of a nonconforming structure for reasons other than damage or destruction provided that the structure's degree of nonconformity is not increased.

4.7.7. The Administrative Officer may approve the relocation of a nonconforming structure on the same property provided that the change in location of the structure does not increase the structure's degree of nonconformity.

4.7.8. The Development Review Board may allow a nonconforming structure to extend, or further extend, into a wetland or wetland buffer, thus increasing its degree of nonconformity, provided that it is permitted by the state Wetlands Program as pursuant to Section 6.9.5.

4.7.9. For the purpose of Section 4.7, the phrase "degree of nonconformity" shall mean:

- a) the volume of the nonconforming structure within a required setback;
- b) The height of the nonconforming structure above a maximum height;
- c) the square footage that the nonconforming structure's footprint or any associated impervious surface occupies within a wetland buffer; or
- d) the extent to which the nonconforming structure exceeds any other required dimensional standard.

4.7.10 Setback Modifications - Subject to Conditional Use Review, the Development Review Board may allow for the expansion of any nonconforming structure built prior to April 1, 1969 no closer than five (5) feet to any lot line or edge of a public or private right of way and an increase in building footprint as a result of the expansion by no more than 10% of the total ground area of the lot. For example, if the lot is 8,000 square feet, the Development Review Board could allow an increase of 800 square feet in lot coverage.

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4.8 Nonconforming Uses

4.8.1 A non-conforming use may be continued indefinitely provided it remains unchanged.

4.8.2 The structure containing a nonconforming use may undergo normal repair and maintenance without a zoning permit provided that the nonconforming use is not changed, enlarged, expanded, moved or altered.

4.8.3. The Administrative Officer may approve the replacement, restoration, or reconstruction of a structure containing a nonconforming use to its prior condition after damage or destruction by fire, flood, explosion, collapse, or other similar casualty provided that:

- a) the reconstruction does not change, enlarge, expand, move or alter the nonconforming use; and
- b) a zoning permit is issued within 12 months of the date the damage or destruction occurred; and
- c) all other requirements of the zoning district in which the structure containing the use is located are met.

4.8.4 A nonconforming non-residential use that ceases for 12 or more months shall be deemed discontinued by the Administrative Officer, regardless of the intent to resume the prior use, and shall not be permitted to resume. A residential use may be resumed within a legal, vacant structure at any time.

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4.9 Noise

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4.9.1 Residential Noise

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4.9.2 Commercial Noise.

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4.9.3 Terms.

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4.9.4 Exemptions.

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4.10 Exterior Lighting

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4.10.1 General Guidelines

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4.10.2 General Requirements

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4.10.3 Parking Lot & Security Lighting

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4.10.4 Illuminated Signs.

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4.10.5 Roads or Highways Lighting.

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4.10.6 Lighting of Gasoline Station Aprons and Canopies.

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4.10.7 Lighting of Building Facades and Roofs.

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4.11 Height of Buildings and Structures

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4.12 Performance Standards

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4.13 Vehicle Fueling Stations - All Vehicle Fueling Stations shall adhere to the following requirements and standards:

4.13.1. Vehicle Fueling Stations may have up to four pumping islands, allowing up to eight vehicles to receive liquid or gaseous fuels at one time.

4.13.2. All Vehicle Fueling Stations shall have one or more DC Fast Charger electric vehicle charging station(s) with a Society of Automotive Engineers (SAE) Combined Charging System (CCS).

4.13.3. Customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption, but which may be consumed on or off premises; and other convenience store items. Up to 20% of the floor space within a structure containing the aforementioned accessory uses may be used for tables and/or chairs.

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5. PERMITS AND APPROVALS

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5.7.7 Nonconforming Signs - A sign which does not comply to these Zoning Regulations which is lawfully in use when these Zoning Regulations become effective may continue in use but, shall be subject to the provisions of Sections 4.7 and 4.8 of these Zoning Regulations.

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5.10 Requirements for Specific Structures

5.10.1 Accessory Structure - An accessory structure includes any structure that is customarily incidental and subordinate to the principal structure or use on a lot, including but not limited to, fences, walls, barns, sheds, greenhouses, gazebos, patios, accessory electric vehicle charging stations and free-standing garages. Accessory

structures (except for non-structural fences and walls which mark property boundaries, or enclose portions of the property, and are less than 6 feet high, and accessory electric vehicle charging stations) shall conform to the setbacks established in the applicable Zoning District, unless a greater setback is required by these Zoning Regulations.

5.10.2 Seasonal Dwelling - A “seasonal dwelling” or “camp” structure shall not be occupied more than 180 days in any one-year period. Camps which are pre-existing nonconforming structures or nonconforming uses shall be governed by Sections 4.7 or 4.8 of these Zoning Regulations. New camps and conversions of camps to single-family dwellings shall be permitted wherever single-family dwellings are permitted as long as all requirements for a single-family dwelling are met. Each camp which is converted to year-round single-family use shall be located on a separate conforming lot on which there is no other principal structure.

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6. SPECIAL ZONING REGULATIONS

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6.8.15 Nonconforming Structures and Uses

Special provisions regarding Nonconforming Structures and uses apply to Section 6.8. The general provisions of Section 4.7 and 4.8 shall also apply...

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6.9 Wetlands

6.9.1 Applicability. Any land development on a lot containing a known or suspected wetland identified by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetlands Screening Tool shall require a zoning permit issued by the Administrative Officer.

6.9.2 No land development shall occur within a Class I or II wetland, or wetland buffer, unless approved or exempted by the Vermont Wetlands Program.

6.9.3 Wetland Buffers. All Class I and II wetlands shall be surrounded by a buffer of the following widths:

- a) 100 feet for a Class I wetland;
- b) 50 feet for a Class II wetland;

6.9.4. Application Requirements.

Applications for development within Class I or II wetlands, and wetland buffers shall provide the following:

- a) A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources;
- b) A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer;
- c) A permit approving such development issued by the state Wetlands Program;
- d) An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

6.9.5 The Development Review Board may approve the reconstruction, replacement or relocation of a nonconforming structure and existing impervious surfaces that extend into, or further into, a wetland or wetland buffer provided that a permit approving such development is issued by the state Wetlands Program.

6.9.6 The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting within a wetland or wetland buffer with appropriate native vegetation to restore and enhance the function of the wetland is allowed.

6.9.7 New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.

6.9.8 Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.

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7. DEFINITIONS

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7.2 Specific

For the purpose of these Zoning Regulations, certain words and terms are hereby defined as follows:

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Accessory Electric Vehicle Charging Station – A structure or device for the free or retail dispensing of electricity as a vehicle fuel within an on-street or off-street parking space, or incidental to a residential or commercial building that does not dispense liquid or gaseous fuel.

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DC Fast Charger – A battery charger designed for use with commonly available electric vehicles that are capable of receiving direct current (DC) electricity. The DC Fast Charger will comply with Society of Automotive Engineers (SAE) standard J1772 and Underwriters Laboratory standard 2251, or successor standards, and will be rated at a minimum of 50 kilowatts electric power output.

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Impervious Surface - - A manmade surface, including but not limited to a roof, or a paved or unpaved road, driveway, walkway or parking area, from which precipitation runs off rather than infiltrates

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Powered Vehicle and/or Machinery Service – A commercial establishment, including land and buildings, for which the principal use is the repair and maintenance of powered vehicles and/or machinery. Accessory uses include rebuilding, reconditioning and body shop work; the sale and installation of parts and accessories, the provision of electricity as a vehicle fuel, and the sale or leasing of no more than four vehicles at any one time.

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Setback - The distance from a lot line or, if applicable, from the center line of the road or highway right-of-way, to the edge the building footprint or of any structure on the lot, including the edge of a deck, cantilevered area, on-ground patio or parking area. The setback provisions of these Zoning Regulations do not apply to fences, walls of 3 feet or less in height, roof overhangs that extend no more than three (3) feet from the structure, or signs outside a road right-of-way, except where specifically provided. Setbacks for septic systems shall be dictated by state law.

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Structure - An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall or fence and storage tanks for liquid, gas, oil, propane, or other fuel that are principally above ground. The term structure does not include tanks that are fully underground, septic system components, and impervious surfaces such as driveways or parking areas.

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Vehicle Fueling Station -- Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of liquid or gaseous vehicular fuels including, but not limited to, gasoline, diesel, kerosene, ethanol, ammonia, methane (including natural gas), propane, or hydrogen, in addition to the retail dispensing of electricity as a vehicle fuel. The presence of an Accessory Electric Vehicle Charging Station shall not alone render the use a Vehicle Fueling Station.

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Wetland - An area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas which grow food or crops in connection with farming activities.

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Wetland Buffer – The area contiguous to a wetland which serves to protect the values and functions of the wetland.