

# UNIFIED DEVELOPMENT BYLAWS TOWN OF CHESTER, VERMONT



ADOPTED MARCH 15, 2017      EFFECTIVE APRIL 5, 2017

AMENDED JUNE 1, 2022      EFFECTIVE JUNE 22, 2022      (Added Village Green District)

AMENDED SEPTEMBER 21, 2022      EFFECTIVE \_\_\_\_ (Added Adaptive Reuse)

AMENDED OCTOBER 5, 2022      EFFECTIVE \_\_\_\_ (Added Legacy Uses)

AMENDED JULY 5, 2023      EFFECTIVE \_\_\_\_ (Administrative Amendments and Open Space Dist.)

**Plus Final Draft "Chester Center Districts" Zoning District Amendments 09.11.2023 including:**

**2.3 Village Center**

**2.3.1 Village Green**

**2.4 Mixed Use (was Residential-Commercial)**

**2.5 General Business (was Commercial-Industrial)**

**2.6 Stone Village**

**2.7 Neighborhood (was R-20 and portions of R-40)**

## ARTICLE 2 – Establishment of Zoning Districts & District Standards

### 2.1 Classes of Districts

For the purposes of these Bylaws, the boundaries of districts are and shall be established as shown on the Zoning Map of the Town of Chester, which map is hereby declared to be part of these Bylaws, and the area of the Town of Chester is hereby divided into the following classes of districts:

**VC - Village Center**

**VG - Village Green**

**MU - Mixed Use** ~~RC - Residential/Commercial~~

**GB - General Business** ~~CI - Commercial/Industrial~~

**SV - Stone Village**

**N – Neighborhood** *(note: R20 and R40 are merged into a proposed Neighborhood District)*

**R40 - Residential 40,000 square foot lots** *(note: some R40 remains outside of the N Dist.)*

**A3 - Adaptive 3**

**R120 - Residential 120,000 square foot lots**

**OS – Open Space District**

**CR - Conservation-Residential**

**F - Forest**

**APO - Aquifer Protection Overlay District**

**FDP - Flood Damage Prevention Overlay District**

A full and detailed written description of the precise boundaries of all districts, which is a part of these Bylaws, is on file with the Town Clerk of the Town of Chester.

### 2.2 District Uses and Requirements

The following are district uses, lot size minimums, setbacks, frontage requirements and maximum coverage.

#### A. Permitted Uses

Permitted uses are those uses that can be approved by the Zoning Administrator (ZA), without action of the Development Review Board. All permitted uses shall comply with the Parking and Sign Requirements for the District.

#### B. Conditional Uses

Specific Conditional Uses are permitted in each district only by approval of the Development Review Board provided that the general and specific standards and special criteria outlined in Section 4.7 of these Bylaws are met.

**CHESTER UNIFIED DEVELOPMENT BYLAWS**

**C. Minimum Lot Size Requirements**

The minimum lot size indicated for each district is the same for each allowed land use, unless otherwise indicated, for zoning districts. For example, the minimum lot size in the Village Green District is 3,600 square feet. The same minimum lot size (3,600 sq. ft.) is required for a single-household dwelling as for a multi-household dwelling, regardless of the number of units.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

### 2.3 Village Center (VC) District

**A. Purpose:** To provide a mix of commercial, residential and civic uses that are consistent with the traditional compact Village Center as described in *the Chester Town Plan*. Development in this District shall be of the highest density in the Town, preserve historic character, and provide a pedestrian-friendly streetscape that accommodates public transportation.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Family Childcare Home
5. Group Home
6. Home Occupation
7. Private Broadcast Facility
8. ~~Residential~~ Dwelling – Single- and Two-Household
9. Dwelling – Multi-Household (3- or 4-Units)

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Art Studio and/or Gallery
2. Arts & Entertainment
3. ~~Building and Construction Trades~~
4. Civic/Institutional
5. Commercial Broadcast Facility
6. Family Child Care Facility
7. Health Care Facility
8. Home Business
9. Light Industry
10. Multi-Purpose ~~Mixed Use~~
11. Open Market
12. Personal Service Shop
13. Professional Office
14. Pub/Tavern/Bar
15. Club
16. Recreation
17. ~~Residential~~ Dwelling – Multi-Household (5 or More Units)
18. Residential Care Home
19. Restaurant

## CHESTER UNIFIED DEVELOPMENT BYLAWS

20. Retail Store

21. Tourist Lodging

### D. Dimensional Standards:

Minimum Lot Size	1/8 acre (5,445 sq. ft.)	<del>20,000 sq. ft.</del>
Minimum Lot Frontage	50 ft.	<del>100 ft.</del>
Minimum Front Yard Setback	10 ft.	<del>20 ft.</del>
Minimum Side Yard Setback	5 ft.	<del>15 ft.</del>
Minimum Rear Yard Setback	10 ft.	<del>15 ft.</del>
Maximum Lot Coverage	80%	<del>35%</del>
Maximum Building Height	35 ft.	<del>35 ft.</del>

### E. Supplemental Standards:

**1. Building Orientation.** Buildings shall front toward and relate to frontage streets, both functionally and visually, and not be oriented toward parking lots.

**2. Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District, and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict.

**3. Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

### 2.3.1 Village Green (VG) District



**A. Purpose.** The Village Green is the area on the southwest side of Main Street between School and Cobleigh Streets. The purpose of the area is:

- To promote the long-term vitality of Chester’s village center
- To ensure new construction and renovations are compatible with and enhance the historic character, scale, and settlement pattern of this part of Chester
- Provide for economic development and housing opportunities
- Encourage investment that maintains or rehabilitates historic buildings
- Provide an attractive streetscape and pedestrian-friendly environment as envisioned in the Village Master Plan.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use
4. Art Studio and/or Gallery
5. Dwelling – Single- and Two-Household
6. Dwelling – Multi-Household (3-4 units)
7. Family Childcare Home
8. Home Occupation
9. Multi-Purpose ~~Mixed Use~~
10. Professional Office
11. Restaurant
12. Retail Store

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Arts & Entertainment Facility
2. Civic/Institutional
3. Construction of any new principal structure or any substantial replacement or enlargement of an existing or damaged principal building
4. Dwelling – Multi-Household (5+ units) including, but not limited to, senior housing (housing and convenience services for people aged 55 or older)
5. Family Child Care Facility
6. Health Care Facility
7. Home Business
8. Light Industry
9. Open Market
10. Personal Service Shop
11. Pub/Tavern/Bar
12. Club
13. Recreation
14. Residential Care Home/Group Home (serving more than 8 persons)
15. Tourist Lodging

### D. Dimensional Standards:

Minimum Lot Size	3,600 sq. ft.
Minimum Lot Frontage	30 ft.
Minimum Front Yard Setback	0 ft.
Minimum Side Yard Setback	0 ft.
Minimum Rear Yard Setback	8 ft.
Maximum Lot Coverage	90%
Maximum Building Height	35 ft.

### E. Supplemental Standards:

1. **Building Orientation.** Buildings shall front toward and relate to frontage streets, both functionally and visually, and not be oriented toward parking lots.
2. **Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict. Formula businesses are not permitted in this District.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

Any changes to the exterior of the building must follow the architectural standards in Section 4.8.C.3 Special Criteria.

3. **Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures where practical.
4. **Parking. The goal of parking regulation in the Village Green zoning district is to make as many spaces in front of the businesses on Common and Main Streets available for customers as possible.** Uses located within the VG District shall comply with the following minimum parking requirements (and are not subject to the requirements in Section 3.20):
  - a. One off-street parking space, either private or public, for each employee (based upon maximum number of employees onsite at any given time) is required for all applicable uses.
  - b. One off-street parking space, either private or public, for each dwelling unit is required.
  - c. All uses in the VG district must demonstrate that adequate off-street nighttime parking, either private or public, is provided consistent with Chester's snow parking ban.
  - d. The Development Review Board may modify these off-street parking requirements based on a determination that special conditions require more off-street parking or mitigating circumstances warrant a reduction in the number of spaces required.
5. **Noise.** The hours for quiet in this district shall vary from the Performance Standards in Section 4.9 as follows:
  - a. Noise shall not exceed 60 dB between 10:00 p.m. and 7 a.m.
  - b. Noise shall not exceed 70 dB during the day between 7 a.m. and 10:00 p.m.



## CHESTER UNIFIED DEVELOPMENT BYLAWS

### 2.4 ~~Residential-Commercial (RC)~~ Mixed Use (MU) District

**A. Purpose:** To provide a mix of higher-density residential and commercial uses in an area that is centrally located within municipal water and sewer service areas.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec. 4.3 Limitations & Exemptions)
5. Art Studio and/or Gallery
6. Family Childcare Home
7. Group Home
8. Home Occupation
9. Private Broadcast Facility
10. ~~Residential Dwelling~~ – Single- and Two-Household ~~Family~~
11. Dwelling– Multi-Household (3-4 units)

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Animal Hospital
2. Arts & Entertainment
3. Automotive Fuel/Service/Sales
4. Building and Construction Trades
5. Civic / Institutional
6. Club
7. Commercial Broadcast Facility
8. ~~Commercial Storage Unit~~
9. Family Child Care Facility
10. Health Care Facility
11. ~~Heavy Construction Trades~~
12. Home Business
13. Light Industry
14. Multi-Purpose ~~Mixed Use~~
15. Nursery

**CHESTER UNIFIED DEVELOPMENT BYLAWS**

- 16. Open Market
- 17. Personal Service Shop
- 18. Pub/Tavern/Bar
- 19. Professional Office
- 20. Recreation
- 21. Residential Dwelling – Multi-Household Family (5+ units)
- 22. Residential Care Home
- 23. Restaurants
- 24. Retail Store
- 25. Tourist Lodging

**D. Dimensional Standards:**

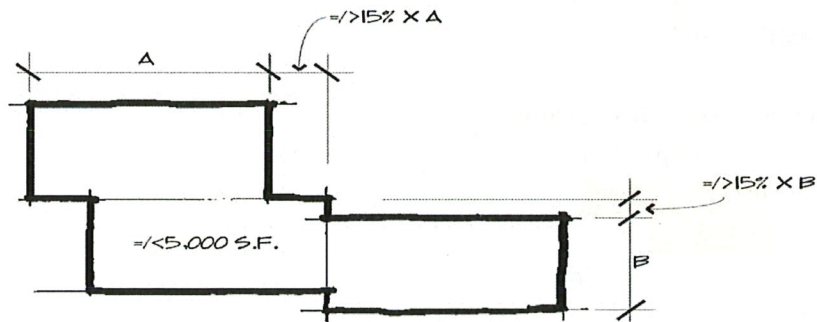
Minimum Lot Size	1/5 acre (8,712 sq. ft.)	20,000 sq. ft.
Minimum Lot Frontage	75 ft.	120 ft.
Minimum Front Yard Setback	15 ft.	25 ft.
Minimum Side Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	
Minimum Rear Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	
Maximum Lot Coverage	70%	35%
Maximum Building Height	35 ft.	

**E. Supplemental Standards:**

1. **Character of Development.** For the purposes of articulating the character of development, this zoning district is broken into three sub-districts:
  - a. **Chester Depot/South Main Street:** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this sub-district, and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict.
  - b. **Gassetts:** New development and redevelopment in this area shall continue in the current moderate density, with a mix of commercial, light industrial and residential uses. All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation’s *Access Management Program Guidelines*, as most recently adopted.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

- c. **VT Route 103 South:** new buildings and modifications to existing buildings shall extend the historic pattern of higher density, mixed use village development that includes single and multi-family dwellings, civic and mixed-use buildings (e.g., residential apartments over commercial storefronts), and new public greens all interconnected via pedestrian paths or sidewalks. The desired character of this area requires a shift from vehicle- oriented development allowed under the former Zoning Bylaws, to a more pedestrian-friendly form of mixed-use development. All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation's *Access Management Program Guidelines*, as most recently adopted.
- 2. Landscaping & Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures.
  - 3. Rail Oriented Uses.** No setbacks shall be required for railroad-related uses from any lot line that abuts the Railroad.
  - 4. Building Element.** A Building Element is a single building or distinct portion of a larger building conglomerate. No building element may be greater than 5,000 square feet in gross area. Any portion of the building element that will displace precipitation shall be included in the square footage sum. Trellises, decks, fixtures, banners, flags and their support structures shall not be included in the square footage sum and shall comply with all other applicable Town Bylaws. An attached building element must be displaced laterally from another by a minimum of 15% of the length of the larger building element common wall. Building elements shall be configured and designed to comply with all other district lot coverage, setbacks and applicable Unified Development Bylaw restrictions.



This diagram is an example of how separate Building Elements could maintain compliance with the square foot maximum called for, while being part of a larger structure. The block below and to the right of the uppermost block is attached to a wall the length of A and is offset by 15% of the length of A. The block to the right and slightly below the second block is attached to a wall the length of B and is offset by 15% of the length of wall B.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

### 2.5 ~~Commercial-Industrial (C-I)~~ General Business (GB) District

**A. Purpose:** To provide a mix of commercial and light industrial uses in an area that is served by municipal water and sewer service, and adjacent to two major highways and the Green Mountain Railroad.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec. 4.3 Limitations & Exemptions)
5. Art Studio and/or Gallery
6. Family Child Care Home
7. Group Home
8. Home Occupation
9. Private Broadcast Facility

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Animal Hospital
2. Animal Kennel
3. Automotive Fuel/Service/Sales
4. Building and Construction Trades
5. Civic/Institutional
6. Club
7. Commercial Broadcast Facility
8. Commercial Storage Unit
9. Family Child Care Facility
10. Health Care Facility
11. ~~Heavy Construction Trades~~
12. Home Business
13. Industrial Facility
14. Light Industry
15. Nursery
16. Open Market
17. Personal Service Shop
18. Professional Office
19. Pub/Tavern/Bar

**CHESTER UNIFIED DEVELOPMENT BYLAWS**

- 20. Recreation
- 21. Residential Dwelling – Single, Two- & Multi-Household Family
- 22. Residential Care Home
- 23. Restaurant
- 24. Retail Store

**D. Dimensional Standards:**

Minimum Lot Size	20,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	100 ft.	120 ft.
Minimum Front Yard Setback	20 ft.	30 ft.
Minimum Side Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	25 ft.; or 50 ft. for non-residential uses abutting residential uses
Minimum Rear Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	25 ft.; or 50 ft. for non-residential uses abutting residential uses
Maximum Lot Coverage	70%	50%
Maximum Building Height	35 ft.	

**E. Supplemental Standards:**

- ~~1. Character of Development. New development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses with respect to traffic, noise, vibrations, or other impacts in conflict with residential and commercial uses.~~
2. Landscaping and Screening. The Development Review Board shall require landscaping or other screening between incompatible uses or structures.
3. Rail Oriented Uses. No setbacks shall be required for railroad-related uses from any lot line that abuts the Railroad.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

### 2.6 Stone Village (SV) District

**A. Purpose:** To preserve the unique historic character of the Stone Village while providing higher-density residential neighborhoods with compatible commercial and civic uses that are consistent with the Chester Town Plan.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec.4.3 Exemptions)
5. Family Child Care Home
6. Group Home
7. Home Occupation
8. Private Broadcast Facility
9. ~~Residential Dwelling~~ – Single- and Two-~~Household Family~~
10. Dwelling – Multi-Household (3-4 units)

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Art Studio and/or Gallery
2. Arts & Entertainment
3. ~~Building and Construction Trades~~
4. Civic / Institutional
5. ~~Commercial Broadcast Facility~~
6. Family Child Care Facility
7. Home Business
8. Multi-Purpose ~~Mixed Use~~
9. Professional Office
10. Recreation
11. ~~Residential Dwelling~~ – Multi-~~Household (5+ units) Family~~
12. Restaurant
13. Retail Store
14. Tourist Lodging

## CHESTER UNIFIED DEVELOPMENT BYLAWS

### D. Dimensional Standards:

	<b>Municipal Water &amp; Sewer Services</b>	<b>On-Site Water and/or Wastewater</b>
Minimum Lot Size	1/5 acre (8,712 sq. ft.)	30,000 sq. ft.
Minimum Lot Frontage	80 ft.	120 ft.
Minimum Front Yard Setback	20 ft.	40 ft.
Minimum Side Yard Setback	20 ft.	30 ft.
Minimum Rear Yard Setback	16 ft.	30 ft.
Maximum Lot Coverage	50%	30% <del>20%</del>
Maximum Building Height	35 ft.	

### E. Supplemental Standards:

**1. Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District and shall not unduly diminish the character of the Stone Village. External building materials are not required to be stone; however, all materials shall be compatible with the existing architecture in this District. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict. **Formula businesses are not permitted in this District.**

**CHESTER UNIFIED DEVELOPMENT BYLAWS**

**2.7 Neighborhood (N) District**

**A. Purpose:** To provide higher-density residential neighborhoods with a mix of housing types and compatible commercial and civic uses that are consistent with the Chester Town Plan.

**B. Permitted Uses:** The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility)
4. Agricultural/Forestry (See Sec. 4.3 Exemptions)
5. Family Child Care Home
6. Group Home
7. Home Occupation
8. Private Broadcast Facility
9. ~~Residential Dwelling~~ – Single- and Two-Household
10. Dwelling – Multi-Household (3- or 4-Units)

**C. Conditional Uses:** The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. ~~Building and Construction Trades~~
2. Civic / Institutional
3. Commercial Broadcast Facility
4. Family Child Care Facility
5. Home Business
6. Multi-Purpose ~~Mixed Use~~
7. Professional Office
8. Recreation
9. ~~Residential Dwelling~~ – Multi-Household (5 or more units)
10. Restaurant
11. Retail Store
12. Tourist Lodging

**D. Dimensional Standards:**

	<b>Municipal Water &amp; Sewer Services</b>	<b>Class 1</b>	<b>On-Site Water and/or Wastewater Class 2</b>
Minimum Lot Size	1/5 Acre (8,712 sq. ft.)	20,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	60 ft.	120 ft.	150 ft.



**CHESTER UNIFIED DEVELOPMENT BYLAWS**

Minimum Front Yard Setback	15 ft.	<del>25 ft.</del>	25 ft.
Minimum Side Yard Setback	10 ft.	<del>20 ft.</del>	20 ft.
Minimum Rear Yard Setback	10 ft.	<del>20 ft.</del>	20 ft.
Maximum Lot Coverage	50%	<del>20%</del>	30% <del>20%</del>
Maximum Building Height	35 ft.	<del>35 ft.</del>	35 ft.

**E. Supplemental Standards:**

**1. Building Orientation.** Buildings served by municipal water and sewer (i.e. on Class 1 parcels) shall front toward and relate to frontage streets, both functionally and visually, but that orientation may be altered for solar advantage (e.g. roof orientation for PV solar panels, passive solar orientation).

**2. Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District, and shall not unduly detract from the existing character of the Neighborhood District. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict. Formula businesses are not permitted in this District.

**3. Size of Retail Stores.** In this District, retail stores shall not exceed 7,000 square feet total retail floor space.

**4. Size of Restaurants.** In this District, restaurants shall not exceed a total of 2,000 square feet, including everything from kitchen, dining and bar space.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**AGRICULTURAL USE:** The growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of farm produce on the premises where raised; processing or storage of products raised on the property. See also Accepted Agricultural Practices.

**AH ZONE:** An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding), base flood elevations are shown.

**ANIMAL HOSPITAL:** A facility that provides a range of animal or veterinary services including medical care and short-term boarding that is incidental to animal medical services. This does not include animal shelters or kennels.

**ANIMAL KENNEL:** A facility in which animals are boarded, groomed, bred or trained for commercial gain. For the purposes of these Bylaws, this definition also includes animal shelters that house stray, homeless, abandoned, injured or unwanted animals.

**ANTIQUÉ SHOP:** A shop used for the retail sale of antiques but does not include furniture stripping or repair.

**AO ZONE:** An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually sheet flow on sloping terrain), flood depths are shown.

**APPLICANT:** The owner of land or property proposed to be developed in accordance with these Bylaws, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

**ARTS & ENTERTAINMENT:** A use that includes visual or performing arts centers, art studios or galleries, museums, movie theaters, concert venues or dance halls, nightclubs, taverns or other similar activities that meet the performance standards and all other requirements of these Bylaws. This definition does not include sexually explicit adult-oriented businesses. It also does not include pubs, bars or clubs.

~~**ARTS & ENTERTAINMENT FACILITY:** A use that includes visual or performing arts centers, museums, movie theaters, concert or dance halls, nightclubs, taverns or other similar activities that meet the performance standards and all other requirements of these Bylaws. This definition does not include adult oriented businesses.~~

**ART STUDIO AND/OR GALLERY:** An establishment used to produce, display and/or sell works of art.

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**AUTHORIZED AGENT OR REPRESENTATIVE:** A person or group of persons who have duly authorized in writing filed with the Development Review Board by the Subdivider to act in his or her behalf.

**AUTOMOTIVE FUEL/ENERGY STATIONS:** Automotive fueling or energy stations including gas stations or other similar uses that meet the performance standards and all other requirements of these Bylaws.

**AUTOMOTIVE SALES:** Automotive sales include new and/or used car sales businesses, trailer and/or mobile home sales or other similar uses that meet the performance standards and all other requirements of these Bylaws.

**AUTOMOTIVE SERVICE:** Automotive services include motor vehicle repair service, trailer and/or mobile home service or other similar uses that meet the performance standards and all other requirements of these Bylaws.

**BAR (or Tavern, Pub):** An establishment in which alcoholic beverages are served, primarily by an individual drink portion size, and where food or packaged liquors may also be served or sold.

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

**BED AND BREAKFAST:** See Tourist Lodging.

**BOUNDARY LINE ADJUSTMENT:** Moving a property boundary between two (2) or more adjoining parcels that creates no new separate lots or parcels, and has no adverse impact on access, the provision of public services and utilities, or neighboring uses.

**BROADCAST FACILITIES:** See **WIRELESS COMMUNICATIONS FACILITIES.**

**BUILDING:** A structure used for the shelter or accommodation of persons, animals, goods, personal property or equipment, which has a roof supported by columns or walls. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof."

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**BUILDING AND CONSTRUCTION TRADES:** Includes, but not limited to, plumbing, electrical, carpentry, painting, masonry, roofing, **excavation**, building foundations, **and contractor storage yards**.

**BUILDING FOOTPRINT:** The area encompassed by a building's outer wall at ground level including all projections in new construction. See Figure 8.1 that is illustrative of this term.

**BUILDING HEIGHT:** See Height.

**BUILDING ORIENTATION:** The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

**BYLAWS:** These Town of Chester Unified Development Bylaws.

**CAMP, PRIMITIVE:** A cabin, hut, shelter, yurt/ger, or similar structure that has no interior plumbing consisting of more than a sink with water and is used no more than three consecutive weeks per year and no more than 60 days per year, as defined in Vermont's Wastewater System and Potable Water Supply Rules.

**CAMPGROUND:** A parcel of land upon which campsites are located for occupancy by a tent, cabin, lean-to or similar structure as temporary living quarters for recreation, education or vacation purposes. (See 9 V.S.A. §44709(a).) "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

**CENTER OF CHESTER:** The Center of Chester is comprised of the Village Center, Village Green, and the Stone Village Districts.

**CHESTER TOWN PLAN:** Comprehensive development plan adopted pursuant to Title 24 Vermont Statutes Annotated, Chapter 117, Subchapter 2.

**CIVIC OR INSTITUTIONAL USE:** A nonprofit, religious or public use, such as a religious building, library, cemetery, public or private school, hospital, or government- owned or -operated structure, or land used for public purpose.

**CIVIC RECOGNITION SIGNS:** Off-premises medallions to acknowledge beautification projects located on Town property. Signs must not exceed 6" x 18", be approved by the Select Board, and not be located so as to be hazardous to vehicles or pedestrians.

**CLUB:** An association or organization dedicated to a particular interest or activity. For the purpose of these bylaws, this use category includes such clubs as the American Legion or a

## CHESTER UNIFIED DEVELOPMENT BYLAWS

Polish American Club, etc., but it does not include adult-oriented entertainment venues (e.g., strip clubs).

**COMMERCIAL STORAGE UNIT:** a commercial building or buildings, or parts thereof, used for rent as storage units.

**COMMUNITY SEWAGE DISPOSAL SYSTEM:** Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic commercial, industrial or institutional uses to two (2) or more users or customers.

**COMMUNITY WATER SYSTEM:** any surface water or groundwater supply system used as a source of drinking water for a public water system as defined under 10 V.S.A. §1671(5).

**CONSTRUCTION DRAWINGS:** The drawing showing the location, profile grades, size and types of sewers, water mains, roads or other capital improvements, rights of way, easements, and property lines.

**DEVELOPMENT:** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extensions of use of land [the Act §4303 (10)]. For the purposes of the Flood Damage Prevention provisions, *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DE MINIMIS IMPACT:** Small or minimal impacts. For the purposes of telecommunication facilities, de minimis impact includes collocation of an array on an existing permitted tower, upgrades to existing permitted equipment and similar projects; but it does not include access road expansions, higher fences, new towers, extending the height of existing towers and similar projects.

**DEVELOPMENT ENVELOPE:** A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

**DRIVEWAY:** A minor, private travel way serving no more than one (1) parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

**DWELLING, MULTIPLE FAMILY:** See **DWELLING, MULTIPLE-HOUSEHOLD**

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**FULL TIME EQUIVALENT:** The number of total hours worked divided by the maximum number of compensable hours in a full-time schedule as defined by law. For example, if the normal schedule for a quarter is defined as 411.25 hours (((35 hours per week \* (52 weeks per year – 5 weeks regulatory vacation)) / 4), then someone working 100 hours during that quarter represents  $100/411.25 = 0.24$  FTE. Two employees working in total 400 hours during that same quarterly period represent 0.97 FTE.

**GROUP HOME:** A state licensed residential care home serving persons who have a handicap or disability as defined in 9 V.S.A. §4501. In accordance with the Act [§4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home.

**HEALTH CARE FACILITY:** A facility, whether public or private, principally engaged in providing health care services and the treatment of mental or physical conditions, such as a medical clinic, doctor's office or physical rehabilitation centers.

~~**HEAVY CONSTRUCTION TRADES:** Includes, but not limited to, earth moving, excavation, trucking and paving.~~

**HEIGHT (BUILDING HEIGHT):** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the roof, not including the chimney, cupola and other non-habitable roof appurtenances.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

**HISTORIC STRUCTURE:** 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 program

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**LIFE SAFETY IMPROVEMENTS:** Improvements to buildings required to minimize danger to life from fire, smoke, fumes or similar hazard. Examples of life safety improvements include, but are not limited to, stairways, fire escapes and elevators.

**LIGHT INDUSTRY:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

**LOT:** A lot or parcel of land the boundaries of which are separately described in a recorded deed or plat. State or municipal highway and railroad rights-of-way or surface waters with a drainage area greater than 10 square miles constitute a lot boundary. **Land under public rights of way shall not be used to meet minimum lot size requirements.**

**MUNICIPAL LAND USE PERMIT:** As defined in the Act [§4303(11)] to include, as issued by the municipality:

- 1) Final subdivision, zoning, site plan, flood or building permits or approvals relating to subdivision and land development;
- 2) Sewage system permits;
- 3) Final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals;
- 4) Certificates of occupancy, compliance or similar certificates; and
- 5) Any amendments to the previously listed permits, approvals and/or certificates.

**MUNICIPAL SEWAGE DISPOSAL SYSTEM:** Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial, or institutional uses.

**MUNICIPAL WATER SYSTEM:** Any water system owned and operated by the municipality that supplies water by pipe connection to domestic, commercial, industrial, or institutional uses.

**NEW CONSTRUCTION:** 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:** 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

## CHESTER UNIFIED DEVELOPMENT BYLAWS

**PROFESSIONAL OFFICE:** A room or group of rooms used for conducting the affairs of business, profession, service or industry, and generally furnished with desks, tables, files and communication equipment.

**PROJECTING SIGN:** Signs which project from the surface of the building on which they are mounted. Signs mounted on a roof shall be considered to be projecting signs.

**PUB:** See Bar.

**PUBLIC INVESTMENT:** Public investment means existing or planned facilities to include, but not limited to, highways, street lighting, sidewalks, or ports, waste disposal facilities, water supply, storage and distribution, waste water disposal systems, storm water disposal, schools, emergency medical service, fire service, police services, highway maintenance, municipal office and maintenance facilities, parks, municipal forest, and recreation facilities.

**RECREATION:** A facility or place designed and equipped for the conduct of sports and leisure-time activities, including, but not limited to, a park, playground, athletic fields/track, picnic areas, hiking trails, health club and other recreational facilities or uses. For the purposes of allowable uses listed in Article 2, recreational uses may include commercial, public or private recreation facilities, but are subject to performance standards and all other requirements of these Bylaws.

**RECREATIONAL VEHICLE:** A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**RESIDENTIAL CARE HOME:** A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. See Group Home.

**RESIDENTIAL SIGN:** A sign not more than one and one-half square feet in area for identification purposes. (Updated 1/26/2015).

**RESTAURANT:** Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building. A restaurant may have a small bar or limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows or that operate primarily as a drinking establishment are considered nightclubs or taverns under the Arts & Entertainment use category in Article 2.



## CHESTER UNIFIED DEVELOPMENT BYLAWS

**SUBSTANTIALLY COMPLETED:** A building, structure or infrastructure that is sufficiently constructed so that it can be used for its intended purpose with no further construction.

**TAVERN:** See Bar.

**TOURIST LODGING:** Overnight accommodations provided to transients for compensation, including bed & breakfasts, boardinghouses, inns, hotels and other overnight accommodations.

**TOWN CONSULTANT ENGINEER:** Licensed person duly designated by the Town Manager to perform this function.

**TOWN HIGHWAY, CLASS 1:** Highways designated by the Highway Board which are part of a state highway route and which carry a state highway route number.

**TOWN HIGHWAY, CLASS 2:** Highways designated by the Legislative Body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

**TOWN HIGHWAY, CLASS 3:** All other travelled town highways, other than Class 1 or Class 2, designated by the Legislative Body of the municipality, after conference with a representative of the Highway Board.

**TOWN HIGHWAY, CLASS 4:** All other town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the Legislative Body of the municipality .

**UNDUE ADVERSE EFFECTS:** Undue adverse effect shall be found by the DRB if: First, the Chester DRB determines that the proposed project will have an adverse impact based on any of the General Standards specified in 4.8.(C)(1)a-e and; Second, if an adverse impact is found to exist, it will be considered undue if it substantially and materially (1) violates a clear, written community standard, (2) offends the sensibilities of the average person, or (3) fails to take generally available mitigating steps that a reasonable person would take to meet any of the General Standards specified in Section 4.8(C)(1)a-e.

**USE:** The purpose for which a building, structure or parcel of land is designed, intended, occupied or utilized.

**USE, CONDITIONAL:** Certain specific uses as listed in Article 2 for which a Conditional Use Permit is required.

**USE, PERMITTED:** Uses specifically allowed in the district under Article 2, excluding illegal uses and non-conforming uses.



## Chester Unified Development Bylaws - Proposed Allowed Uses by District

Allowed Uses	VC	VG	MU	GB	SV	N	OS
Accessory Dwelling Unit	P	P	P	P	P	P	
Accessory Structure	P	P	P	P	P	P	CU
Accessory Use	P	P	P	P	P	P	
Agriculture/Forestry*			P	P		P	
Animal Hospital			CU	CU			
Animal Kennel				CU			
Art Studio and/or Gallery	CU	P	P	P	CU		
Arts & Entertainment	CU	CU	CU		CU		CU
Automotive Fuel/Sales/Service			CU	CU			
Building & Construction Trades	CU		CU	CU			
Campground							
Civic/Institutional	CU	CU	CU	CU	CU	CU	CU
Club	CU	CU	CU	CU			
Commercial Broadcast Facilities	CU		CU	CU		CU	
Commercial Storage Units				CU			
Dwelling - Multi-Household (3-4 units)	P	P	P	CU	P	P	
Dwelling - Multi-Household (5+ units)	CU	CU	CU	CU	CU	CU	
Dwelling - Single Household	P	P	P	CU	P	P	
Dwelling - Two Household	P	P	P	CU	P	P	
Family Childcare Facility	CU	CU	CU	CU	CU	CU	
Family Childcare Home	P	P	P	P	P	P	
Group Home	P		P	P	P	P	
Health Care Facility	CU	CU	CU	CU			
Home Business	CU	CU	CU	CU	CU	CU	
Home Occupation	P	P	P	P	P	P	
Industrial Facility				CU			
Light Industry	CU	CU	CU	CU			
Multi-Purpose	CU		CU		CU	CU	
Nursery			CU	CU			CU
Open Market	CU	CU	CU	CU			CU
Personal Service Shop	CU	CU	CU	CU			
Private Broadcast Facility	P		P	P	P	P	
Professional Office	CU	P	CU	CU	CU	CU	
Pub/Tavern/Bar	CU	CU	CU	CU			
Recreation	CU	CU	CU	CU	CU	CU	CU
Residential Care Home	CU	CU	CU	CU			
Restaurant	CU	P	CU	CU	CU	CU	
Retail Store	CU	P	CU	CU	CU	CU	
Sawmill							CU
Tourist Lodging	CU	CU	CU		CU	CU	
Wood Processing							CU



# Existing

## 3.22 RENEWABLE ENERGY FACILITIES

**A. Purpose.** The purpose of these standards is to promote energy efficient development, and to direct the siting and development of renewable energy facilities in the Town of Chester, as necessary to ensure that:

1. New development conforms to *Chester Town Plan* goals, policies and objectives specific to energy conservation, increasing energy efficiency and renewable energy development.
2. New development is planned and designed for energy efficiency, and to accommodate the future installation of renewable energy systems.
3. Renewable energy facilities subject to municipal review meet minimum standards intended to protect public health, safety and welfare, public facilities and services, neighboring properties and uses, and the Town's most significant natural, historic and scenic resources.

**B. Conditional Uses.** For purposes of these Bylaws, a single proposed small-scale renewable solar or wind energy facility - including a solar thermal system, a solar photovoltaic (PV) or a wind system with a nameplate capacity of 15 kW or less - that is intended to serve the principal use of the property and meets the following standards, shall be considered an allowed accessory structure in all zoning districts [in which structures are allowed], subject to conditional use review by the Development Review Board and the issuance of a zoning permit. (See Exemptions in Section 4.3.) These systems include:

1. Solar or wind facilities to be mounted on buildings or structures (with the exception of historic structures) which, as mounted, do not exceed maximum district height requirements by more than 30 feet. Facilities mounted on non-conforming structures will not be considered to increase the degree or amount of nonconformance.
2. Individual ground-mounted solar and wind facilities that meet the following requirements:
  - a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the Development Review Board under Section 7.16, and shall meet the height standard for the zoning district in which it is located.
  - b. A ground-mounted wind energy facility shall not exceed a total height of 125 feet, or a maximum height of 40 feet above obstructions (e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back from all property lines at least a distance that is equivalent to the height of the tower plus the district setback requirement unless waived by the Development Review Board under Section 7.16. Setbacks shall be measured from the base of the tower, not guy wires. A minimum clearance of 15 feet is required between the ground and the rotor

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- blade tip at its lowest point. Supporting guy wires must be located at least 10 feet from all property lines.
- c. A ground-mounted lattice tower wind energy facility shall provide full-perimeter fencing or barrier.
  3. A wind facility shall not cause shadow flicker on any occupied building located in the vicinity of the property, unless the affected property owner gives written consent, as submitted with the application.
  4. The Development Review Board may use the Public Service Department's "Siting a Wind Turbine System on Your Property" to determine how ground-mounted facilities must be sited or screened so that they are not highly visible from adjoining properties.
  5. A solar installation shall not cast unreasonable glare onto adjoining properties.
  6. The installer must certify in writing that the facility as installed meets manufacturer's specifications and accepted industry safety and performance standards, as established by the National Electrical Code, Institute of Electrical and Electronic Engineers, Underwriters Laboratories, American National Standards Institute, or similar testing and certification facilities. The applicant shall forward a copy of system specifications to the Fire Department.
  7. Facility lighting or use of the facility for display or advertising purposes is prohibited.

## 3.2 RENEWABLE ENERGY FACILITIES

### A. Facilities Regulated by the Public Utilities Commission

1. Development associated with a solar photovoltaic or a wind system that receives a Certificate of Public Good from the Vermont Public Utilities Commission is exempt from these bylaws (see Section 4.3).

### B. Facilities Not Regulated by the Public Utilities Commission

1. Wind turbines less than 100 feet in height, with a blade diameter no greater than 20 feet and set back at least 150% of their height from lot lines and rights-of-way are exempt from these bylaws (see Section 4.3).
2. Solar photovoltaic or thermal panels that are located on a roof of a complying structure, and meet the maximum height requirements of the district in which they are located, are exempt from these bylaws (see Section 4.3)
3. Ground-mounted solar photovoltaic systems that generate 50 kW or less and meet the minimum setback requirements and the maximum height requirements of the district in which they are located are exempt from these bylaws (see Section 4.3)
4. Wind turbines 100 feet or more in height, with a blade diameter of more than 20 feet, and ground-mounted solar photovoltaic systems that generate more than 50 kW, are subject to conditional use review by the Development Review Board and the issuance of a zoning permit, and shall meet the following requirements:
  - a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the Development Review Board under Section 7.16 and shall meet the minimum height requirements for the district in which it is located.
  - b. A ground-mounted wind energy facility shall not exceed a total height of 125 feet, or a maximum height of 40 feet above obstructions (e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back from all property lines at least a distance that is equivalent to the height of the tower plus the district setback requirement unless waived by the Development Review Board under Section 7.16. Setbacks shall be measured from the base of the tower, not guy wires. A minimum clearance of 15 feet is required between the ground and the rotor blade tip at its lowest point. Supporting guy wires must be located at least 10 feet from all property lines.
  - c. A ground-mounted lattice tower wind energy facility shall provide full-perimeter fencing or barrier.
  - d. A wind facility shall not cause shadow flicker on any occupied building located in the vicinity of the property, unless the affected property owner gives written consent, as submitted with the application.
  - e. A solar installation shall not cast unreasonable glare onto adjoining properties.
  - f. The installer must certify in writing that the facility as installed meets manufacturer's specifications and accepted industry safety and performance standards, as established

6-18-23 10:00 AM

by the National Electrical Code, Institute of Electrical and Electronic Engineers, Underwriters Laboratories, American National Standards Institute, or similar testing and certification facilities. The applicant shall forward a copy of system specifications to the Fire Department.

- g. Facility lighting or use of the facility for display or advertising purposes is prohibited.

*Additions to:*

#### **4.3 Limitations and Exemptions**

4.3.B.30 Solar photovoltaic or thermal panels that are located on a roof of a complying structure and meet the maximum height requirements of the district in which they are located.

4.3.B.31 Ground-mounted solar photovoltaic systems that generate 50 kW or less and meet the minimum setback requirements and the maximum height requirements of the district in which they are located.