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CHESTER UNIFIED DEVELOPMENT BYLAWS

12.02.2021

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. Dwelling - Single- and Two-Household
5. Family Childcare Home
6. Home Occupation
7. Mixed Use Building
8. Professional Office
9. Restaurant
10. Retail Store

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

D. Dimensional Standards:

Minimum Lot Size	3,600 sq. ft.
Minimum Lot Frontage	30 ft.
Minimum Front Yard Setback	0 ft. minimum to 16 ft. maximum for principal buildings only
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 retail is not permitted in this District.
3. **Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures.
4. **Parking.** 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):

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- a. One off-street parking space for each employee is required for all applicable uses.
- b. One off-street parking space for each dwelling unit is required.
- c. Off-street parking requirements for mixed use buildings shall be determined by calculating the total amount of required parking spaces by:
 - i. Determining the minimum parking requirements for each use per subsections a. and b. above;
 - ii. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Figure XX. The Zoning Administrator will establish percentages for any unlisted use;
 - iii. Calculate the total for each time period;
 - iv. Select the highest total as the required minimum number of shared parking spaces.

Commented [JR1]: Do we need to specify it is the maximum number of employees at any given time during the business' operating hours?

Figure XX. Shared Parking Percentages

Land Use	Weekday		Weekend		Nighttime (12am- 6am)
	Daytime (9am- 4pm)	Evening (6pm- 11pm)	Daytime (9am- 4pm)	Evening (6pm- 11pm)	
Professional Office or Light Industry	100%	10%	10%	5%	5%
Retail Store	60%	70%	100%	70%	5%
Tourist Lodging	50%	100%	50%	100%	100%
Restaurant	60%	100%	70%	100%	5%
Other Commercial	60%	80%	100%	90%	5%
Dwellings	50%	90%	80%	90%	100%

- d. All uses in the VG district must demonstrate that adequate off-street nighttime parking is provided consistent with Chester's snow parking ban.

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ARTICLE 8 – DEFINITIONS

8.1 Terms and Uses

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in this bylaw shall have their usual, customary meanings.

Unless the content clearly indicated to the contrary, words in the singular include the plural and those in the plural include the singular. The word "may" is permissive; the words "shall" and "will" are mandatory.

8.2 Definitions

ACCESSORY BUILDING: A detached building or structure customarily incidental and subordinate to the principal building and located on the same lot and not intended for independent living. Examples include garages and storage sheds.

ACCESSORY DWELLING UNIT: An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- Located within or appurtenant to a single-household dwelling on an owner-occupied lot,
- The property has sufficient wastewater capacity,
- The unit does not exceed 30 percent of the total habitable floor area of the single-household dwelling or 900 square feet, whichever is greater,
- A single-household dwelling with an accessory dwelling unit is subject to the same dimensional and other standards as required for a single-household dwelling without an accessory dwelling unit.

ACCESSORY USE: A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. For the purpose of permitted uses listed in Article 2, accessory use includes group homes as defined in this section.

ARTS & ENTERTAINMENT: A use that includes visual or performing arts centers, art studios or galleries, 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.

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

DWELLING, MULTIPLE-HOUSEHOLD: Building used as living quarters by three or more households living independently of each other.

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DWELLING, SINGLE-HOUSEHOLD: A building or part thereof used as living quarters for one household and containing independent cooking, sanitary and sleeping facilities. It shall include prefabrication and modular units, but shall not include motel, hotel, boarding house, or tourist home.

DWELLING, TWO-HOUSEHOLD: A building 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: A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household. See also Accessory Dwelling Unit, Single-Household Dwelling, Two-Household Dwelling and Multiple-Household Dwelling.

FAMILY CHILD CARE FACILITY: A facility where the owner or operator is to be licensed or registered by the state for child care and which provides care on a regular basis for more than six full-time and four part-time children.

FAMILY CHILD CARE HOME: A home where the owner or operator is to be licensed or registered by the state for child care, and which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- (A) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- (B) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. 33 V.S.A. § 4902((3)).

FORMULA RETAIL: A type of retail store that is part of a chain of stores (more than two) where the establishment maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, or a trademark or a service mark.

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 or physical rehabilitation centers.

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HOME BUSINESS: Any small business carried on by family members in a minor portion of the dwelling or in an accessory building, with no more than four (4) on-premise employees who are not part of the family in accordance with Section 3.12 of these Bylaws.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

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 emissions which will disturb or endanger neighboring properties.

MIXED USE BUILDINGS: The development of mixed-use buildings with a variety of complimentary and integrated uses, such as, but not limited to, residential, retail, restaurant, professional office and personal services, in a compact urban form. Mixed-use buildings generally include retail, personal service, restaurant and similar uses located on the first-floor, with residential or professional office uses on the second or third floors above.

OPEN AIR MARKET: An outdoor market where groups of individual vendors sell produce, food or merchandise.

PERSONAL SERVICE: Business uses providing services of a personal nature, such as barber shop, beauty parlor, shoe repair, laundry, laundromat, dry cleaner, photographic studio and other similar services.

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.

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.

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.

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RETAIL STORE: Premises where goods, services, or merchandise are offered for retail sale or rent to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes automotive sales, fuel and service defined herein.

SENIOR HOUSING: One or more structures to primarily house people aged 55 or older that contain multiple dwelling units intended for habitation by one household and provides complete independent living facilities and may offer minimum convenience services to residents as an accessory use.

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