Table of Contents

1 General 1-5

100 Legal Framework 1-5
1001 Title 1-5
1002 Authority 1-5
1003 Purpose 1-5
1004 Applicability 1-6
1005 Relationship With Other Laws or Regulations 1-6
1006 Effective Date 1-6
1007 Amendment or Repeal 1-6
1008 Severability 1-6
1009 Disclaimer of Liability 1-6

110 Exemptions and Limitations 1-7
1101 General Exemptions 1-7
1102 Development with a Certificate of Public Good 1-11
1103 Agriculture and Silviculture 1-11
1104 Government and Community Facilities 1-12
1105 Group Homes 1-12

120 Prior Applications, Approvals and Uses 1-13
1201 Prior Applications 1-13
1202 Prior Permits and Approvals 1-13
1203 Change of Use 1-14
1204 Expansion of Use 1-14
1205 Discontinued Uses 1-14
1206 Abanonded Development 1-15
1207 Damaged or Destroyed Structures 1-15

130 Nonconformities 1-16
1301 Nonconforming Structures 1-16
1302 Nonconforming Uses 1-16
1303 Nonconforming Lots 1-17
1304 Creation of a Nonconformity 1-18

2 Zoning Districts 2-19

200 General Provisions 2-19
2001 Establishment of Base Zoning Districts 2-19
2002 Establishment of Overlay Zoning Districts 2-19
2003 Official Zoning Map 2-19
2004 Use Standards 2-20
2005 Dimensional Standards 2-20
2006 Density Standards 2-23

210 Base Zoning Districts 2-24
2101 Village 10 (V10) 2-24
2102 Village 5 (V5) 2-25
2103 Village 3 (V3) 2-26
2104 General Business (GB) 2-27
2105 Residential (R2) 2-29
2106 Rural 3 (R3) 2-30

2107 Rural 6 (R6) 2-31
2108 Rural 18 (R18) 2-32
2109 Use Table 2-35
2110 Dimensional Table 2-40
2111 Supplemental Standards Table 2-41

220 Overlay Zoning Districts 2-42
2201 Aquifer Protection Overlay District 2-42
2202 Flood Hazard Overlay District 2-44
2203 River Corridor Overlay District 2-58

3 Development Standards 3-62

300 General Regulations 3-62
3001 Applicability 3-62
3002 Access 3-62
3003 Accessory Structures 3-64
3004 Accessory Uses 3-65
3005 Camping and Camping Units 3-66
3006 Construction-Related Structures and Uses 3-67
3007 Demolition 3-67
3008 Driveways 3-68
3009 Drive-Through Facilities 3-69
3010 Dwelling Units 3-69
3011 Energy Generation Facilities 3-70
3012 Erosion Control 3-71
3013 Fences and Walls 3-73
3014 Grading, Excavation or Fill 3-74
3015 Manufactured Housing 3-75
3016 Ponds 3-77
3017 Portable or Temporary Structures 3-77
3018 Riparian Buffers 3-77
3019 Steep Slopes 3-78
3020 Stormwater Management 3-79
3021 Swimming Pools 3-82
3022 Unregistered or Uninspected Vehicles 3-82
3023 Utility Facilities 3-82
3024 Water Supply and Wastewater Disposal 3-83
3025 Wetlands 3-83

310 Site Design and Performance Standards 3-85
3101 Landscaping 3-85
3102 Outdoor Lighting 3-89
3103 Outdoor Use Areas 3-92
3104 Parking and Loading Areas 3-93
3105 Performance Standards 3-99
3106 Screening 3-101
3107 Signs 3-102
3108 Trash, Composting and Recycling Storage Areas 3-112

320 Specific Use Standards 3-114
3201 Applicability 3-114
3202 Multi-Family Dwellings 3-114

3203 Accessory Dwelling 3-115
3204 Home Occupation 3-116
3205 Home Business 3-117
3206 Family Childcare Home 3-118
3207 Residential Care or Group Home 3-118
3208 Bed and Breakfast 3-118
3209 Inn 3-119
3210 Rooming and Boarding House 3-119
3211 Short-Term Rental 3-120
3212 Hotel or Motel 3-120
3213 Sales Lot 3-121
3214 Repair Service 3-123
3215 Fueling Station 3-123
3216 Carwash 3-124
3217 Lawn, Garden, Farm Supply, Building Supply Sales and Lumberyards 3-125
3218 Open Market or Auction House 3-125
3219 Veterinary, Pet or Animal Service 3-126
3220 Restaurant, Bar, Nightclub or Event Facility 3-126
3221 Mobile Food Service 3-127
3222 Self-Storage Services 3-127
3223 Tank Farm or Fuel Storage and Distribution Services 3-128
3224 Communications Antennas and Towers 3-129
3225 Contractor's Yard or Unenclosed Storage 3-132
3226 Campground 3-133
3227 Residential Treatment Facility 3-134
3228 Firewood Processing 3-134
3229 Extraction and Quarrying 3-134
3230 Child Day Care 3-135
3231 On-Farm Business 3-136

330 Subdivision Standards 3-138
3301 Applicability 3-138
3302 Suitability of the Land 3-138
3303 Capability of Community Facilities and Utilities 3-138
3304 Lot Design and Configuration 3-138
3305 Design and Layout of Necessary Improvements 3-141

340 Planned Unit Development Standards 3-147
3401 Applicability 3-147
3402 Campus Development 3-147
3403 Cluster Housing 3-149
3404 Conservation Subdivision 3-151

4 Administration 4-154

400 Roles and Responsibilities 4-154
4001 Zoning Administrator 4-154
4002 Planning Commission 4-154
4003 Development Review Board 4-154

410 Fees and Filing Requirements 4-155
4101 Permit Fees 4-155
4102 Impact Fees 4-155

4103 Technical or Legal Review Costs 4-155
4104 Performance Bonds or Sureties 4-155
4105 Monitoring or Inspection Costs 4-156
4106 As-Built Drawings 4-156
4107 Other Permits, Approvals and Certifications 4-156

420 Zoning Permits 4-157
4201 Submitting a Zoning Permit Application 4-157
4202 Acting on a Complete Zoning Permit Application 4-158
4203 Obtaining a Zoning Permit 4-159
4204 Amending Permits or Approvals 4-161
4205 Revoking Permits or Approvals 4-161
4206 Inspecting Development During Construction 4-161
4207 Obtaining a Certificate of Compliance 4-162

430 Development Approvals 4-164
4301 Application Process 4-164
4302 Application Requirements 4-165
4303 Sign Review 4-167
4304 Site Plan Review 4-167
4305 Conditional Use Review 4-169
4306 Planned Unit Development Review 4-170
4307 Subdivision Review 4-170
4308 Combined Review 4-174
4309 Amending Approved Plans 4-174

440 Appeals 4-176
4401 Who May Appeal 4-176
4402 Appeals of Zoning Administrator Decisions 4-176
4403 Appeals of Development Review Board Decisions 4-177
4404 Waivers 4-178
4405 Variances 4-178

450 Notice, Hearings and Decisions 4-181
4501 Notice of Hearing 4-181
4502 Site Visits 4-181
4503 Conducting a Hearing and Taking Evidence 4-182
4504 Recessing or Continuing a Hearing 4-182
4505 Decisions 4-183

460 Violations and Penalties 4-185
4601 Applicability 4-185
4602 Investigation and Action by the Zoning Administrator 4-185
4603 Liabilities and Penalties 4-186
4604 Municipal Civil Complaint Ticket 4-186
4605 Notice of Violation 4-186

5 Definitions 5-188

500 General 5-188
5001 Interpretation 5-188
5002 Use and Dimensional Standards 5-189
5003 Defined Terms 5-189

1 GENERAL

100 Legal Framework

1001 TITLE

1001.A This is the Town of Chester's Unified Development Bylaw and constitutes the town's zoning, subdivision and flood damage prevention regulations.

1002 AUTHORITY

1002.A Chester has adopted this bylaw in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 VSA Chapter 117.

1003 PURPOSE

1003.A This bylaw implements the goals and policies of the *Chester Town Plan* and the Vermont Municipal and Regional Planning and Development Act as most recently amended. It is intended to:

(1) Provide for orderly and coordinated development;

(2) Ensure that land use and development will not adversely impact public health, safety and welfare;

(3) Maintain the existing settlement pattern of compact village centers separated by rural countryside;

(4) Guide land use and development in a manner that is consistent with smart growth principles as defined in this bylaw;

(5) Promote land use and development that maintains or enhances quality of life and community character;

(6) Protect important natural, cultural and historic resources including woodlands, wetlands, scenic and significant archeological sites, significant architecture, villages, wildlife habitats and agricultural land;

(7) Allow for commercial and industrial land uses and development as necessary to promote a strong and diverse economy that provides satisfying and rewarding job opportunities;

(8) Allow for residential land uses and development as necessary to meet the housing needs of residents;

(9) Ensure that housing is constructed and maintained in a safe and adequate condition;

(10) Ensure that there will be safe and adequate vehicular, pedestrian and emergency access to and within development sites;

(11) Maintain a safe, convenient, economic and energy efficient transportation network;

(12) Facilitate the adequate and efficient provision of public services and facilities;

(13) Ensure the rate of growth does not exceed the existing capacity of, or the town's ability to adequately provide, public services and facilities; and

(14) Establish sound development and engineering standards that result in well-constructed projects that do not burden the town or future property owners with unreasonable costs to build, maintain or repair infrastructure.

1004 APPLICABILITY

1004.A Unless specifically exempted in Subchapter 110, all land development (as defined in Paragraph 5003.L(1)) within the Town of Chester requires a zoning permit or subdivision approval issued in accordance with this bylaw.

1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS

1005.A If any provision of this bylaw is more restrictive than any other law, regulation or code, the provision of this bylaw will apply and take precedence.

1005.B If any provision of another law, or regulation or code is more restrictive than this bylaw, the provision of this bylaw will be superseded and the more restrictive provision will apply.

1005.C No provision of this bylaw will be interpreted to prevent the Town of Chester from acting to prevent or eliminate threats to public health, safety and welfare in accordance with other town codes or ordinances and under the authority granted to the municipality by the State of Vermont.

1006 EFFECTIVE DATE

1006.A This bylaw and any subsequent amendments will take effect 21 days after their adoption by the Chester Selectboard in accordance with the procedures established in the Vermont Municipal and Regional Planning and Development Act.

1007 AMENDMENT OR REPEAL

1007.A The Town of Chester may amend or repeal this bylaw, in whole or part, at any time in accordance with the procedures established in the Vermont Municipal and Regional Planning and Development Act.

1008 SEVERABILITY

1008.A If a court of competent jurisdiction invalidates any provisions of this bylaw, that decision will not affect the validity, application or enforcement of the remaining provisions of this bylaw.

1009 DISCLAIMER OF LIABILITY

1009.A This bylaw does not create any liability on the part of the Town of Chester, its officials, agents, employees, or representatives for alleged damages that result from reliance on this bylaw or any lawful administrative action or decision taken under this bylaw.

110 Exemptions and Limitations

1101 GENERAL EXEMPTIONS

1101.A Except within the Flood Hazard Overlay District, landowners do not need to obtain a zoning permit for the land use and development activities listed below. For land use and development activities within the Flood Hazard Overlay District see Section 2202.

(1) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure.

~~(2) Demolition of a damaged or destroyed structure or part of a structure (see Section 1207).~~

~~(3) Complete demolition of a structure or part of a structure other than a historic structure in the *village zoning districts. Partial demolition that poses a threat to public health or safety will be considered a violation subject to the enforcement provisions of this bylaw. See Section * for general standards for demolition and * for standards for demolition of a historic structure in the *village zoning districts.~~

~~(4)~~(2) Normal maintenance and repair of an existing structure other than a sign (for more information on signs see Section 3107), including interior alterations to a building, that does not change the:

(a) Structure's exterior dimensions, wastewater generation or use;

(b) Amount of floor area associated with an existing non-residential use; or

(c) Number of units (residential or non-residential) in the structure.

~~(5)~~(3) Normal maintenance and repair of sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.

~~(6)~~(4) Normal maintenance and repair of essential services.

~~(7)~~(5) Landscaping, grading and excavating associated with:

(a) Normal maintenance and repair of roads, driveways, parking areas, sidewalks, walkways, stormwater facilities or essential services (this does not include paving an existing unpaved parking lot or driveway, which does require a zoning permit); and

(b) Site improvements that do not result in more than 10 cubic yards of soil being removed from or brought onto the lot within any calendar year and that do not affect existing drainage patterns on adjacent lots or public rights-of-way.

(6) Construction of a pond that will:

(a) Have a surface area of not more than 1,000 square feet;

(b) Have a maximum depth of not more than 4 feet;

(c) Not involve damming or otherwise altering a stream or other natural

water body; and

(d) Not be located within a wetland, wetland buffer, riparian buffer, river corridor or flood hazard area.

~~(8)~~(7) Demolition of a fence or an accessory structure with a footprint of 400 square feet or less.

~~(9)~~(8) Replacement or reconstruction of an existing fence or wall that is in the same location and is not higher than the original.

~~(10)~~(9) A new fence or wall on a one- or two-family residential lot that (see Section 3013 for further guidance on fences and walls, including how to measure height) that:

(a) Is not more than 4 feet tall, if functioning as a retaining wall;

(b) Is not more than 4½ feet tall, if located in the front yard in a village zoning district, or is not more than 6½ feet tall, if located elsewhere;

(c) Does not extend into or obstruct a public right-of-way;

(d) Does not interfere with corner visibility or sight distance for vehicular traffic;

(e) Does not affect existing drainage patterns on adjacent lots or public rights-of-way;

(f) Does not pose a safety hazard;

(g) Is not designed to inflict physical harm; and

(h) Is installed so that any support posts are to the inside and the "finished" or "good" side faces out.

~~(11)~~(10) Snow fences installed no earlier than November 1 and removed no later than May 1.

~~(12)~~(11) A fuel tank on a one- or two-family residential lot that:

(a) Holds not more than 500 gallons;

(b) Meets applicable setback requirements for the zoning district; and

(c) Is sited, installed and secured in accordance with state and federal regulations.

~~(13)~~(12) Any ground-mounted HVAC system, back-up generator or similar mechanical equipment on a one- or two-family residential lot not that:

(a) Has a footprint or is placed on a pad that does not exceed 120 square feet;

(b) Meets applicable setback requirements for the zoning district; and

(c) Is sited, installed and secured in accordance with state and federal requirements.

~~(14)~~(13) An above-ground swimming pool on a one- or two-family residential lot that:

(a) Does not exceed a horizontal width of 20 feet in any dimension or a depth of 5 feet;

(b) Does not have a permanent foundation;

(c) Meets applicable setback requirements for the zoning district; and

(d) That is installed and secured to prevent unauthorized access.

~~(15)~~(14) Up to 2 portable carports or storage covers on a one- or two-family residential lot that:

(a) Have a footprint that does not exceed 400 square feet;

(b) Are not affixed to a permanent foundation; and

(c) Meets applicable setback requirements for the zoning district.

~~(16)~~(15) An unroofed patio or deck on a one-or two-family residential lot that:

(a) Has a footprint that does not exceed 200 square feet; and

(b) Meets applicable setback and lot coverage requirements for the zoning district.

~~(17)~~(16) Wheelchair ramps, uncovered entry stairs, or walkways on a one- or two-family residential lot that do not:

(a) Exceed 6 feet in width;

(b) Extend into or obstruct a public right-of-way;

(c) Interfere with corner visibility or sight distance for vehicular traffic; or

(d) Affect existing drainage patterns on adjacent lots or public rights-of-way.

~~(18)~~(17) Not more than 2 accessory structures not otherwise exempted under this section on any one- or two-family residential lot, each of which:

(a) Has a footprint that does not exceed 120 square feet;

(b) Is not more than 12 feet tall;

(c) Does not have a permanent foundation;

(d) Is located at least 5 feet from any other structure;

(e) Meets applicable setback requirements for the zoning district; and

(f) Is not used as a dwelling unit.

~~(19)~~(18) Outdoor light fixtures on a one- or two-family residential lot that:

(a) Have an initial output that does not exceed ~~3~~2,000 lumens; and

(b) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.

~~(20)~~(19) Holiday light displays on a lot that are illuminated for not more than 45 consecutive days and 90 days total in any calendar year.

~~(21)~~(20) Signs listed in Subsection 3107.C, and street and traffic control signs.

~~(22)~~(21) Cisterns, mailboxes, newspaper tubes, house numbers and clotheslines.

~~(23)~~(22) A solar energy device that:

(a) Will be installed on and project not more than 10 feet above the surface of a roof with a slope greater than 5%; or

(b) Will be installed on a roof with a slope of 5% or less.

~~(24)~~(23) A television antenna, radio antenna, satellite dish or similar device used to provide on-site communication service that:

(a) Is not more than 15 square feet in area, if a dish antenna;

(b) Does not extend more than 12 feet above the roofline, if attached to a building;

(c) Does not extend more than 50 feet above the ground, if a freestanding amateur radio antenna (including any support structure);

(d) Meets applicable setback requirements for the zoning district;

(e) Does not interfere with public safety communications; and

(f) Is installed in the least visible location where it can reasonably function.

~~(25)~~(24) An antenna mounted on an existing structure used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes that does not interfere with public safety communications.

~~(26)~~(25) Telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

~~(27)~~(26) The attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole.

~~(28)~~(27) The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

~~(29)~~(28) A transit shelter that has a footprint that does not exceed 120 square feet and is not more than 12 feet tall. Road and lot line setback requirements will not apply to transit shelters. Transit shelters to be located within the road right-of-way must be approved by the Chester Selectboard or the Vermont Agency of Transportation, as applicable.

~~(30)~~(29) Public art that does not:

(a) Function as a commercial sign;

(b) Extend into or obstruct a public right-of-way unless otherwise approved by the town or state, as applicable;

(c) Interfere with corner visibility or sight distance for vehicular traffic;

(d) Affect existing drainage patterns on adjacent lots or public rights-of-way; and

(e) Pose a safety hazard.

~~(31)~~(30) A home occupation that (for home occupations that do not qualify for this exemption see Section 3204 or Section 3205 as applicable):

(a) Is located within a dwelling unit;

(b) Occupies less than 50% of the habitable floor area of that dwelling;

(c) Is carried out by one or more residents of that dwelling;

(d) Does not have any non-resident employees working from that dwelling; and

(e) Does not have a sign.

~~(32)~~(31) Garage sales, yard sales, tent sales, auctions, festivals or similar activities or special events that do not occur on the lot for longer than 3 consecutive days and for more than 12 days in any calendar year.

~~(33)~~(32) Mobile food service that is not located on a parcel for longer than 3 consecutive days and for more than 12 days in any calendar year.

~~(34)~~(33) Sales of vehicles, equipment or similar used personal or business goods owned by the landowner or tenant that do not occur on the lot for more than 30 days in any calendar year (calculated cumulatively if goods are offered for sale at more than one time during the year) and that are limited to not more than 3 items at any given time if displayed outside.

~~(35)~~(34) Use of public or private land for hunting, fishing or trapping in accordance with state regulations. Any structures with permanent foundations associated with such use and facilities supporting such activities such as firing ranges or rod and gun clubs will require a zoning permit.

~~(36)~~(35) Use of public or private land for noncommercial passive outdoor recreation or gardening (any structures with permanent foundations associated with such use may still require a zoning permit).

~~(37)~~(36) Paths and trails on public land.

~~(38)~~(37) Development within public road rights-of-way that is subject to approval from the town or state as applicable.

1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD

1102.A In accordance with state statute, landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utilities Commission.

1103 AGRICULTURE AND SILVICULTURE

1103.A In accordance with state statute, landowners do not need to obtain a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. The Zoning Administrator may require a landowner to submit a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice.

1103.B In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

(1) Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.

(2) The Zoning Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.

(3) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Zoning Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the district.

(4) Upon finding that the proposed development qualifies as an exempt farm structure, the Zoning Administrator will issue the landowner a letter informing the landowner that he/she may build and use the structure for farming purposes in accordance with the state's required agricultural practices without a zoning permit, but that he/she must obtain a zoning permit before using the structure for any other purpose.

1104 GOVERNMENT AND COMMUNITY FACILITIES

1104.A The provisions of this section apply to the following government and community facilities:

(1) Institutions or facilities owned and operated by the town or state;

(2) Public and private schools or other educational institutions certified by the state;

(3) Places of worship or religious institutions;

(4) Public and private hospitals certified by the state; and

(5) Waste management facilities certified by the state.

1104.B Landowners must obtain a zoning permit, and site plan approval if applicable, for development associated with a government or community facility, unless otherwise exempted under this bylaw.

1104.C Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the government or community facility in accordance with state statute.

1105 GROUP HOMES

1105.A In accordance with state statute, landowners do not need to obtain a zoning permit to use a lawful single-family dwelling as a group home that will:

(1) Not serve more than 8 residents who have a handicap or disability (facilities accommodating more residents will be considered assisted living or residential treatment facilities);

(2) Not be located closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and

(3) Be operated under state licensing or registration.

1105.B Landowners must obtain a zoning permit for home construction or other associated development to the same extent as would be required if the property was occupied by any household.

120 Prior Applications, Approvals and Uses

1201 PRIOR APPLICATIONS

1201.A The Zoning Administrator and Development Review Board will review applications based on the regulations in effect at the time the Zoning Administrator determined that the filed application was complete.

1202 PRIOR PERMITS AND APPROVALS

1202.A **Zoning Permits Issued Prior to Amendment or Adoption of this bylaw.** If the Zoning Administrator lawfully issued a zoning permit before the Town of Chester adopted or amended this bylaw, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.B **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Town of Chester adopted or amended this bylaw, the Zoning Administrator will issue permits for the development as approved irrespective of any change in the regulations. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.C **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development, other than a subdivision, that the Development Review Board approved within 12 months of receiving that development approval, the approval will expire and the applicant will need to apply for a new approval under the regulations in effect at the time of the new application. (Note: An applicant may request a delay in effect for a zoning permit and/or development approval in accordance with Subsection 4203.B.)

1202.D **Effect of Change in Ownership.** Zoning permits and development approvals remain valid irrespective of any change in ownership of the property.

1202.E **Lawfully Recorded Subdivision Plats.** If an applicant lawfully recorded an approved subdivision plat in the Chester land records, that plat will remain valid and will not expire irrespective of any change in this bylaw or in ownership of the property.

1203 CHANGE OF USE

1203.A **Change from One Use Definition to Another.** A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same definition in * (e.g., a personal service use like a barber shop to a restaurant use like a coffee shop).

1203.B **Change within a Use Definition.** A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in * (e.g., a retail sales use like a clothing store to a retail sales use like a home furnishings store). Other site development associated with the change of use may require a permit or approval (e.g., new or modified signage, outdoor lighting, parking, etc.).

1204 EXPANSION OF USE

1204.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a non-residential use to occupy additional space in a building or on a lot.

1204.B **Residential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to increase the number of bedrooms in a dwelling unit. Provided there is no increase in the number of bedrooms, a landowner will not need to obtain a zoning permit to expand a residential use to occupy existing space in the building.

1205 DISCONTINUED USES

1205.A **Nonresidential Uses.** A landowner must obtain a new zoning permit in accordance with this bylaw, and any development approvals as applicable, to resume a lawful non-residential use (if the use is nonconforming, see Section 1302) that has been discontinued for more than 12 months except:

(1) If the landowner has had to discontinue a non-residential use as result of damage to the structure in which it is housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with Section 1207.

(2) The Zoning Administrator may extend the period of discontinuance for a conforming use to a total of not more than 3 years if the landowner demonstrates that he/she is actively marketing the property or business for sale or lease.

1205.B **Residential Uses.** A landowner will not need to obtain a zoning permit to resume residential use of a lawful vacant dwelling unit provided there is no increase in the number of bedrooms in the dwelling unit (if the use is nonconforming, see Section 1302).

1206 ABANONDED DEVELOPMENT

1206.A If the development authorized by a zoning permit is abandoned without being completed prior to the expiration of the zoning permit authorizing the development, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the zoning permit expiring.

1207 DAMAGED OR DESTROYED STRUCTURES

1207.A **Action Required Immediately.** A landowner must act promptly to stabilize and secure a structure that was damaged or destroyed by any cause as necessary to protect public health and safety.

1207.B **Action Required within 6 Months.** Within 6 months of a structure being damaged or destroyed by any cause, a landowner must either:

(1) Stabilize and secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed; or

(2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion. ~~As per Paragraph 1101.A(2),~~ Landowners must obtain a zoning permit to demolish a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application is filed within 12 months of the structure being damaged or destroyed~~no zoning permit is required for demolition of a damaged or destroyed structure.~~ (See Section 3007 for guidance on demolition.)

1207.C **Zoning Permit Required.** Landowners must obtain a zoning permit to repair or reconstruct a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application for repair or reconstruction is filed within 12 months of the structure being damaged or destroyed.

1207.D **Extension of Period to Act.** The Zoning Administrator may extend the deadline to act specified in Subsection 1207.B or Subsection 1207.C to not more than 24 months in the case of a declared disaster or upon the landowner demonstrating that the deadline cannot be met due to factors beyond his or her control (e.g. legal or insurance processes).

1207.E **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with Section 1301 and provided that:

(1) The structure as reconstructed is not more nonconforming than the original structure; and

(2) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

130 Nonconformities

1301 NONCONFORMING STRUCTURES

1301.A **General.** A nonconforming structure that lawfully existed when the Town of Chester adopted or amended this bylaw may continue to exist unchanged indefinitely.

1301.B **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.

1301.C **Repair and Maintenance.** A landowner may undertake normal repair and maintenance of a nonconforming structure without a zoning permit in accordance with Paragraph 1101.A(2).

1301.D **Additions.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure provided that the proposed development:

(1) Will not result in any portion of the nonconforming structure encroaching further beyond the existing nonconforming building line or height;

(2) Will not convert a nonconforming porch, deck or similar feature to enclosed and/or conditioned building space;

(3) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and

(4) Would not otherwise require a development approval from the Development Review Board.

1301.E **Code or Accessibility Improvements.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure, including further encroachments beyond the existing nonconforming building line or height, to the minimum extent necessary to comply with building code, energy code or accessibility requirements.

1301.F **Damaged or Destroyed Structures.** A landowner may obtain a zoning permit to repair or reconstruct a nonconforming structure that has been unintentionally damaged or destroyed by any cause in accordance with Section 1207 and provided that the repair or reconstruction does not change the exterior dimensions of the structure in a manner that would result in the repaired or reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.

1302 NONCONFORMING USES

1302.A **General.** A nonconforming use that lawfully existed when the Town of Chester adopted or amended this bylaw may continue to exist in its current location and configuration unchanged indefinitely.

1302.B **Relocation.** A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.

1302.C **Resumption.** A landowner must not resume a nonconforming use that he/she abandoned, discontinued or replaced with another use for more than 12 months. If a nonconforming use is located in a structure that is damaged or destroyed by any cause, the landowner may resume the use once the structure is repaired or rebuilt in accordance with Section 1207.

1302.D **Minor Expansion.** The Zoning Administrator may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to:

(1) Fully occupy space within the associated structure as that structure existed when the use became nonconforming;

(2) Occupy up to 25% more floor area than when the use became nonconforming in another structure or in a lawful addition to the existing structure.

1302.E **Major Expansion.** The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the area.

1302.F **Change of Use.** The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature, have fewer off-site impacts and will be more compatible with the character of the area than the existing nonconforming use.

1303 NONCONFORMING LOTS

1303.A **General.** A nonconforming lot may continue to exist unchanged indefinitely.

1303.B **Merger.** If a nonconforming lot comes into common ownership with one or more contiguous lots, Chester will not deem the lot merged with the contiguous lot(s) for the purposes of this bylaw (a property owner may choose to merge contiguous lots in accordance with Subsection 4307.C).

1303.C **Lot Size.** In accordance with statute, a landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of this bylaw provided that the lot:

(1) Is legally subdivided and able to be conveyed separate from any other lot;

(2) Existed as of the effective date of this bylaw;

(3) Is at least ⅛ acre (5,445 square feet) in area; and

(4) Is not less than 40 feet wide or deep.

1303.D **Lot Frontage.** A landowner with a lot that does not meet the minimum lot frontage for the zoning district:

(1) May develop that lot in accordance with all other applicable provisions of this bylaw provided that:

(a) The lot has access to a public or private road that is maintained year-

round by lot frontage, permanent easement or right-of-way at least 20 feet in width; and

(b) Access to the proposed development will conform to the requirements of Section 3002 and Section 3008.

(2) Must not subdivide that lot unless:

(a) The lot has access to a public or private road that is maintained year-round by lot frontage, permanent easement or right-of-way at least 50 feet in width; and

(b) Access to the subdivided lots will conform to the requirements of Section 3002 and Section 3008 or Subsection 3305.D, as applicable.

1304 CREATION OF A NONCONFORMITY

1304.A Chester prohibits any development that would create a nonconformity except that a public project that requires the transfer or taking of land (e.g., road widening) may create a nonconformity.

2 ZONING DISTRICTS

200 General Provisions

2001 ESTABLISHMENT OF BASE ZONING DISTRICTS

2001.A This bylaw establishes the following zoning districts as shown on the Official Zoning Map and described in Chapter 210:

(1) Village 10 (V10)

(2) Village 5 (V5)

(3) Village 3 (V3)

(4) General Business (GB)

(5) Residential 2 (R2)

(6) Rural 3 (R3)

(7) Rural 6 (R6)

(8) Rural 18 (R18)

2002 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS

2002.A This bylaw establishes the following overlay zoning districts as shown on the Official Zoning Map and described in Chapter 220:

(1) Flood Hazard Overlay (FHO)

(2) *add as necessary

2003 OFFICIAL ZONING MAP

2003.A The Town of Chester incorporates the maps delineating the boundaries of the various base and overlay zoning districts established in this chapter by reference into this bylaw and adopts them as part of this bylaw as the Town of Chester's Official Zoning Map.

2003.B The Official Zoning Map is on file in the town office. The small-scale, unofficial versions of the maps included in this bylaw are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the district boundaries.

2003.C If a specific distance or measurement is not shown on the map, the Zoning Administrator will interpret any Official Zoning Map boundaries indicated as approximately following:

(1) Roads, railroad lines, power lines or rights-of-way to follow the centerlines of such roads, railroad lines, power lines or rights-of-way;

(2) Lot lines or municipal boundaries to follow such lines or boundaries; or

(3) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.

2003.D The Zoning Administrator will interpret any of the features listed in Subsection 2003.C to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:

(1) A boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.

2004 USE STANDARDS

2004.A **Allowed Uses.** A proposed use must be shown on the use table (see Section 2109) as a permitted or conditional use in the applicable zoning district unless:

(1) The subject use is a nonconformity and the proposed development is in conformance with the requirements of Chapter 130.

2004.B **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district on the use table (see Section 2109) is prohibited in that zoning district unless the applicant demonstrates to the Zoning Administrator that the unlisted use:

(1) Is materially similar to a use that is permitted or conditional in the same zoning district in accordance with Subsection 2004.C; or

(2) Is required to be allowed in a zoning district by state or federal law.

2004.C **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use not listed on the use table (see Section 2109) as permitted or conditional in any district is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that listed permitted or conditional use if it has:

(1) Similar impacts on the area such as traffic, noise and lighting as that listed use; and

(2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that listed use.

2004.D **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2004.E **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with Section *.

2005 DIMENSIONAL STANDARDS

2005.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district (see Section 2110) unless:

(1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of Chapter 130;

(2) The applicant receives a waiver (Section *) or variance (Section *) from the Development Review Board; or

(3) The proposed development will be approved as a planned unit development.

2005.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in accordance with the standards below:

(1) The total amount of development on the lot must not exceed the maximum density allowed in the district;

(2) There must not be more than 2 detached single- or two-family dwellings on any lot unless approved as part of a planned unit development;

(3) Each principal building must meet the applicable dimensional standards of the zoning district;

(4) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the zoning district, unless they are attached; and

(5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:

(a) The subject lot will be lawfully subdivided in accordance with the provisions of this bylaw; or

(b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

2005.C **Accessory Structures.** Landowners may locate accessory structures on a lot in accordance with Section *.

2005.D **Lot Size.** Lot size will be regulated in accordance with the following:

(1) Any lot created under this bylaw must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development;

(2) A pre-existing small lot may be developed in accordance Section 1303 irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district;

(3) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose (ex. road widening); and

(4) A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the lot with road frontage is located in. If the lot has road frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2005.E **Road Frontage.** All lots must front on a public or private road as specified in the applicable zoning district and in accordance with the following:

(1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private road must have access to such a road over a permanent easement or right-of-way not less than 20 feet wide for single-and two-family residential lots and 40 feet wide for all other lots.

(2) **Corner Lots.** Lots that front on more than one road must meet minimum frontage requirements on any road from which the lot will be accessed.

(3) **New Lots.** All new lots created under this bylaw must have the minimum frontage on a maintained public or private road unless the Development Review Board:

(a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this bylaw;

(b) Approves a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots or lots accessed by a shared driveway; or

(c) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.

2005.F **Setbacks.** Development must meet applicable setback requirements as follows:

(1) All development and structures subject to this bylaw must be set back from roads and property lines as shown in the dimensional table (see Section 2110) unless otherwise specified in this bylaw (also see Section *).

(2) Lots with frontage on more than one road must meet front setback requirements on each road, and must meet side setback requirements on the remaining sides.

(3) Lots with no frontage must meet front setback requirements on the side from which the lot will be accessed and must meet side setback requirements on the remaining sides.

(4) Front setback requirements will be measured from the edge of the road right-of-way. If the edge of the road right-of-way is uncertain, it will be assumed to be 25 feet from the centerline of the road unless the road is known to have a right-of-way width other than 50 feet or 3 rods, in which case it will be assumed to be one-half the known right-of-way width from the centerline of the road.

(5) Setback requirements will apply to lots in common ownership to the same extent as if the lots were not in common ownership.

2005.G **Height.** No structure subject to this bylaw may exceed district height limits as specified below unless otherwise specified in this bylaw:

(1) Minimum and/or maximum height requirements for principal structures are shown in the dimensional table (see Section 2110) for each zoning district.

(2) Accessory structures must not exceed the maximum height specified in Section * or 24 feet if no maximum height specified in Section *.

(3) Height limits do not apply to:

(a) Belfries, spires, steeples, cupolas, domes or similar architectural

features not used for human habitation; and

(b) Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on a roof, provided that such features are limited to the height necessary for their proper functioning.

(4) Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.

(5) Where a minimum building height is specified, that height must be maintained along the entire facade for a depth of at least 30 feet or the depth of the building, whichever is less.

(6) When height is measured in feet, the measurement will be taken from the average finished grade at ground level to:

(a) The midpoint between the eaves and the ridgeline for buildings with a primary roof pitch of 5:12 or steeper; or

(b) For all other structures, the highest portion of the structure excluding the building elements listed in Paragraph (3) above.

(7) The Development Review Board may grant a waiver in accordance with Section * allowing industrial structures to exceed the maximum height standard upon the applicant demonstrating that the additional height is the minimum necessary to accommodate the proposed industrial activity. The Zoning Administrator must notify the Chester Fire Department in writing of any application for a height waiver.

2006 DENSITY STANDARDS

2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

(1) Accessory dwellings approved under Section * will not count as a dwelling unit for the purposes of calculating density.

(2) A pre-existing small lot may be developed in accordance with Section 1303 irrespective of whether it will comply with the residential density standard for the applicable district.

210 Base Zoning Districts

2101 VILLAGE 10 (V10)

2101.A **Purpose.** The Village 10 district encompasses Chester Village's historic business district. The purpose of this district is to:

(1) Promote the long-term vitality of Chester Village;

(2) Ensure that new construction and renovations are compatible with and enhance the historic character, scale and settlement pattern of the village;

(3) Provide for economic development opportunities;

(4) Encourage investment that maintains or rehabilitates historic buildings; and

(5) Provide an attractive streetscape and a pedestrian-friendly environment.

2101.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2101.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2101.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2101.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	4,000 square feet minimum
(2)	**Lot frontage:**	30 feet minimum
(3)	**Lot coverage:**	90% maximum
(4)	**Front setback:**	0 feet minimum to 16 feet maximum[1]
(5)	**Side setback:**	0 feet minimum
(6)	**Rear setback:**	8 feet minimum
(7)	**Footprint:**	6,000 square feet maximum[1]
(8)	**Height:**	24 feet minimum[1] to 48 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 4,000 square feet of lot area maximum

1 – Applies to only principal buildings

2101.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development must conform to the following:

(1) Any development subject to major site plan approval must conform to the supplemental standards listed in Section 2111 as applicable for this district (✓).

(2) New single- and two-family dwellings are prohibited but any single- or two-family dwellings in existence as of the effective date of this bylaw will be treated as a permitted use.

2102 VILLAGE 5 (V5)

2102.A **Purpose.** The Village 5 district includes land in the historic centers of Chester Village and Chester Depot that have historically been used for a mix of civic, business and residential uses. The purpose of this district is to:

(1) Promote the long-term vitality of these historic centers;

(2) Provide for a diversity of housing and small businesses in a traditional mixed-use village setting;

(3) Ensure that new construction and renovations are compatible with and enhance the historic character and settlement pattern;

(4) Encourage investment that maintains or rehabilitates historic buildings; and

(5) Provide an attractive streetscape and a pedestrian-friendly environment.

2102.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2102.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2102.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2102.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	8,000 square feet minimum
(2)	**Lot frontage:**	45 feet minimum
(3)	**Lot coverage:**	80% maximum
(4)	**Front setback:**	8 feet minimum to 20 feet maximum[1]
(5)	**Side setback:**	8 feet minimum
(6)	**Rear setback:**	8 feet minimum
(7)	**Footprint:**	6,000 square feet maximum[1]
(8)	**Height:**	24 feet minimum[1] to 36 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 8,000 square feet of lot area maximum

1 – Applies to only principal buildings

2102.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development subject to major site plan approval must conform to the supplemental standards listed in Section 2111 as applicable for this district (✓).

2103 VILLAGE 3 (V3)

2103.A **Purpose.** The Village 3 district includes land in the traditional settlements of Chester Village, Chester Depot, Stone Village and Gassetts that historically have been used for primarily for residential purposes with a mix of some civic and business uses. The purpose of this district is to:

(1) Accommodate more intensive development and a full range of housing options within existing settlements;

(2) Maintain a residential scale and character while allowing for low-impact small business and civic uses;

(3) Provide a pleasant neighborhood setting for residents;

(4) Provide an attractive streetscape and a pedestrian-friendly environment; and

(5) Maintain traditional small-town neighborhood character.

2103.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2103.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2103.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2103.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	12,000 square feet minimum
(2)	**Lot frontage:**	60 feet minimum
(3)	**Lot coverage:**	70% maximum
(4)	**Front setback:**	12 feet minimum
(5)	**Side setback:**	8 feet minimum
(6)	**Rear setback:**	12 feet minimum
(7)	**Footprint:**	4,500 square feet maximum[1]
(8)	**Height:**	36 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 12,000 square feet of lot area maximum

1 – Applies to only principal buildings

2103.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development subject to major site plan approval must conform to the supplemental standards listed in Section 2111 as applicable for this district (✓).

2104 GENERAL BUSINESS (GB)

2104.A **Purpose.** The General Business district provides suitable areas for a mix of industrial and commercial uses. The purpose of this district is to:

(1) Maintain and reinforce Chester's distinctive small-town character through quality building and site design that avoids or mitigates the undesirable impacts of strip development and franchise architecture;

(2) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area;

(3) Prevent development from diminishing highway safety and function through sound engineering, site design and access management practices;

(4) Avoid and/or mitigate water quality and flooding impacts through use of low impact development techniques and green stormwater practices; and

(5) Support and strengthen Chester's economy by providing locations for new and expanded businesses and by using previously developed commercial properties to their fullest potential.

2104.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2104.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2104.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2104.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	1 acre minimum
(2)	**Lot frontage:**	150 feet minimum
(3)	**Lot coverage:**	60% maximum
(4)	**Front setback:**	20 feet minimum
(5)	**Side setback:**	12 feet minimum[1]
(6)	**Rear setback:**	12 feet minimum[1]
(7)	**Footprint:**	6,000 square feet maximum[2]
(8)	**Height:**	36 feet maximum
(9)	**Density:**	1 principal use per 1 acre of lot area maximum

1 – Setback will be 40 feet minimum if abutting property is in another zoning district
2 – Applies only to principal buildings on lots fronting on Route103 or Route 11

2104.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development must conform to the following:

(1) The supplemental standards listed in Section 2111 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval that fronts on Route 103 or Route 11.

(2) New single- and two-family dwellings are prohibited but any single- or two-family dwellings in existence as of the effective date of this bylaw will be treated as a permitted use.

2105 RESIDENTIAL (R2)

2105.A **Purpose.** The Residential district encompasses land in proximity to existing centers that is developed or intended to be developed primarily for residential use. The purpose of this district is to:

(1) Guide residential development to land in proximity to existing centers where public facilities, services and transit already exist or can more feasibly be provided in the future;

(2) Accommodate a full range of housing options;

(3) Provide a pleasant neighborhood setting for residents; and

(4) Maintain traditional small-town neighborhood character.

2105.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2105.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2105.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2105.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	20,000 square feet minimum
(2)	**Lot frontage:**	120 feet minimum
(3)	**Lot coverage:**	50% maximum[1]
(4)	**Front setback:**	20 feet minimum
(5)	**Side setback:**	16 feet minimum
(6)	**Rear setback:**	16 feet minimum
(7)	**Footprint:**	6,000 square feet maximum[2]
(8)	**Height:**	36 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 20,000 square feet of lot area maximum

1 – Maximum coverage for any lot area in excess of 3 acres will be 5%
2 – Applies to principal buildings only

2105.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development subject to major site plan approval must conform to the development standards listed in Section 2111 as applicable for this district (✓).

2106 RURAL 3 (R3)

2106.A **Purpose.** The Rural 3 district encompasses rural lands generally served by paved state and town roads or in proximity to existing centers that are intended primarily for residential, farming and forestry uses with a mix of some business uses. The purpose of this district is to:

(1) Guide development to land in proximity to existing centers and major travel corridors that is served by existing roads and infrastructure with capacity to accommodate growth;

(2) Protect rural character by thoughtfully siting and designing new buildings and associated development to fit into the surrounding landscape;

(3) Maintain the working lands and agricultural support businesses necessary to sustain a traditional resource-based rural economy; and

(4) Minimize the amount of land converted from agricultural or forestry use.

2106.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2106.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2106.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2106.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	3 acres minimum
(2)	**Lot frontage:**	150 feet minimum
(3)	**Lot coverage:**	30% maximum[1]
(4)	**Front setback:**	40 feet minimum
(5)	**Side setback:**	20 feet minimum
(6)	**Rear setback:**	20 feet minimum
(7)	**Footprint:**	6,000 square feet maximum[2]
(8)	**Height:**	36 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 3 acres of lot area maximum

1 – Maximum coverage for any lot area in excess of 3 acres will be 5%
2 – Applies to principal buildings only

2106.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development must conform to the following:

(1) The supplemental standards listed in Section 2111 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval.

(2) Uses marked in Section 2109 as P[1] or C[1] are only allowed on lots fronting on Routes 10, 11 or 103.

2107 RURAL 6 (R6)

2107.A **Purpose.** The Rural 6 district encompasses rural lands generally served by unpaved town and private roads that are intended primarily for farming, forestry and low-density residential uses. The purpose of this district is to:

(1) Protect and preserve working lands and important natural resources;

(2) Maintain an adequate base of working land to support a traditional resource-based rural economy;

(3) Support the diversification and economic viability of farming and forestry;

(4) Maintain an overall low density of residential use by minimizing the amount of land converted from agricultural or forestry use to residential lots and by guiding residential development away from the most productive land; and

(5) Maintain open space for recreational use.

2107.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2107.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2107.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2107.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	3 acres minimum[1]
(2)	**Lot frontage:**	150 feet minimum[2]
(3)	**Lot coverage:**	20% maximum[3]
(4)	**Front setback:**	40 feet minimum
(5)	**Side setback:**	20 feet minimum
(6)	**Rear setback:**	20 feet minimum
(7)	**Footprint:**	6,000 square feet maximum[4]
(8)	**Height:**	28 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 6 acres of lot area maximum

1 – Minimum size for non-residential lots will be 6 acres
2 – Minimum frontage for non-residential lots will be 300 feet
3 – Maximum coverage for any lot area in excess of 3 acres will be 5%
4 – Applies only to principal buildings

2107.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development subject to major site plan approval must conform to the supplemental standards listed in Section 2111 as applicable for this district (✓).

2108 RURAL 18 (R18)

2108.A **Purpose.** The Rural 18 district encompasses conserved, environmentally sensitive and remote lands that are intended primarily for farming, forestry, recreation and open space uses. The purpose of this district is to:

(1) Protect and preserve working lands and important natural resources;

(2) Maintain an adequate base of working land to support a traditional resource-based rural economy;

(3) Discourage development of land with significant development constraints including, but not limited to, steep slopes, shallow soils, floodplains and wetlands;

(4) Limit residential development in remote areas not currently served by roads and infrastructure; and

(5) Maintain open space for recreation use.

2108.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2109 as permitted (P).

2108.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section *) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2109 as conditional (C).

2108.D **Site Plan Review.** An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than single- and two-family dwellings, farming and forestry (see Section *).

2108.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

(1)	**Lot size:**	3 acres minimum[1]
(2)	**Lot frontage:**	150 feet minimum[2]
(3)	**Lot coverage:**	5% maximum
(4)	**Front setback:**	40 feet minimum
(5)	**Side setback:**	20 feet minimum
(6)	**Rear setback:**	20 feet minimum
(7)	**Footprint:**	4,500 square feet maximum[3]
(8)	**Height:**	28 feet maximum
(9)	**Density:**	1 dwelling unit or principal use per 18 acres of lot area maximum

1 – Minimum size for non-residential lots will be 18 acres
2 – Minimum frontage for non-residential lots will be 450 feet
3 – Applies only to principal buildings

2108.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development must conform to the following:

(1) The supplemental standards listed in Section 2111 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval.

(2) New single-family dwellings are conditional but any single-family dwelling in existence as of the effective date of this bylaw will be treated as a permitted use.

(3) Single-family dwellings must be built within a building envelope when designated on an approved plat or must:

(a) Be located within 1,000 feet of a maintained public or private road;

(b) Not open more than 1 acre of forest canopy if on a wooded site (exclusive of roads and driveways);

(c) Be sited on the edge of fields or meadows if on farmland;

(d) Minimize disturbance of the primary and secondary conservation resources listed in Section * to the maximum extent feasible; and

(e) Not be located on ridgelines and hilltops.

(4) The conversion of a camp to a single-family dwelling will require conditional use approval in accordance with the following:

(a) The applicant must conform to the standards of Section *(access).

(b) If the building is located more than 1,000 feet from a maintained public or private road, the applicant must submit a letter from the Chester Fire Department indicating that the site will be accessible to emergency vehicles.

(c) Any land clearing, soil disturbance or construction associated with the change of use must:

(i) Not open more than 1 acre of forest canopy if on a wooded site (exclusive of roads and driveways); and

(ii) Minimize disturbance of the primary and secondary conservation resources listed in Section * to the maximum extent feasible.

2109 USE TABLE

USE & DEFINITION
RESIDENTIAL USES
Single-family dwelling Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.
Two-family dwelling Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit hav separate entrance from the outside or through a common vestibule.
Multi-family dwelling (3+ units) Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sa any dwelling unit in a mixed-use building. See Section *.
Accessory dwelling Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Sectio
Camp Use of a structure to provide short-term housing to residents who are vacationing or recreating and who have a principal residence elsewhere. See Section *
Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section *
Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section *
Family childcare home Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section *
Senior housing Use of one or more structures to primarily house people age 55 or older that: (a) Contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.
Assisted living or skilled nursing service Use of one or more structures to provide housing, board and to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. or 24-hour skilled nursing, and that operates under state license. residential care, nursing or convalescent homes, and hospice or respite care facilities.
Group home (Level 1 | Level 2) Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Sections * and *.
Bed-and-breakfast Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section *
Inn Use of one or more structures to provide short-term accommodations for travelers. May include a restaurant, bar, event facility, spa or fitness club as an accessory use. See Section *
Rooming and boarding house Accessory use of a single-family residential property to provide accommodations that will typically serve as the boarder's principal residence, and that commonly includes meals, housekeeping and/or laundry services. See
Short-term rental Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section *
Hotel or motel Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc. See Section *

Notes
1 – See zoning district standards for this use
2 - Accessory to a pre-existing dwelling

USE & DEFINITION

COMMERCIAL USES

Retail sales (up to 3,000 sf | >3,000 sf)
An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this section. It may also provide installatio maintenance services as an accessory use.

Sales lot
An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance serv accessory use. See Section *

Repair service (small goods, up to 3,000 sf | vehicles, large goods or >3,000 sf)
An establishment that maintains, services, repairs or paints goods such as appliances, vehicles, boats, equipment or machinery. See Section *

Fueling station
A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. See Section *

Carwash
A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. See Section *

Lawn, garden and farm supply sales
An establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section that sells specialized services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garde equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use. See Section *

Lumberyard and building supply sales
An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. See Section *

Open market
An establishment where goods are brought to be immediately sold to the general public for personal or household consumption from outdoor areas or open-air structures, excluding any use specifically defined in this sectio Section *

Financial establishment
An establishment that engages in financial transactions that create, liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency.

Rental and leasing (small goods, up to 3,000 sf | vehicles, large goods or >3,000 sf)
An establishment that rents or leases tangible goods such as vehicles, boats, equipment or machinery to consumer or business customers. It may also provide installation, repair or maintenance services an accessory use

Office, professional, business or administrative service (up to 3,000 sf | >3,000 sf)
An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; or (c) provide services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. This definition specifically excludes services provided by licensed medical or veterinary practitioners.

Personal service (up to 3,000 sf | >3,000 sf)
An establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor. It ma sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.

Veterinary, pet or animal service
An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, grooming, sitting and training; or (c) that breeds manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use.

Restaurant (sit-down | take-out)
An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. A restaurant will be classified as take-out if it has drive-through service. A restaurant without drive-through se has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of any outdoor dining) comprises at least 40% of the total floor area of the restaurant. This definition inc retail bakery that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. See Section *

Mobile food service
An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the street right-of-way. See

Bar
An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewpub that produces less than 15 of beer per year and sells 25% or more of its beer on the premises. See Section *

Notes
1 – See zoning district standards for this use.

USE & DEFINITION

Event facility
An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibiti
meeting rooms. See Section *

Catering or commercial kitchen
A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a
processing establishment license (such uses will be considered food or beverage manufacturing under this bylaw).

INDUSTRIAL USES

Light industry (enclosed, up to 6,000 sf | enclosed, >6,000 sf)
An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, w
typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.

Food or beverage manufacturing (enclosed, up to 6,000 sf | enclosed, >6,000 sf)
A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products prod
premises. This definition includes a microbrewery or commercial bakery.

Wood products, cabinet or furniture manufacturing (enclosed, up to 6,000 sf | enclosed, >6,000 sf)
An establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture.
Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, a
establishments that purchase sawed lumber and make primarily wood products.

Wholesale trade
An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to
merchandise being sold.

Storage and distribution services
An establishment that (a) stores, but does not sell, goods and may provide a range of services related to the distribution of goods; or (b) provides individual storage spaces for lease to either commercial or wholesale custo
storage of business goods, or to the general public for storage of household goods (see Section *). This definition specifically excludes any use specifically defined in this section.

Tank farm or fuel storage and distribution services
An establishment with one or more tanks that typically store fuels, oils and similar liquid products for sale or distribution. This definition specifically excludes retail sale and refilling of fuel tanks that are not more than 50 pou
when carried out as an accessory use. See Section *

Transportation services
An establishment that provides: (a) transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services; (b) transportation of cargo using trucks, tra
or rail; or (c) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.

Publishing, printing and sign manufacturing
An establishment that: (a) issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databa
calendars, greeting cards, maps, posters, software, sound recordings or video recordings; or (b) fabricates signs, banners or similar communication devices. This definition specifically excludes retail copy shops, which will
considered an office, professional, business or administrative service under this bylaw.

Media recording or broadcasting studio
An establishment that is used to produce, distribute and/or broadcast sound or video programs or recordings.

Communications antenna
A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower. See Section *

Communications tower
A structure used to support one or more communication antennas and related structures and equipment. See Section *

Composting services
An establishment used to transform organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. This definition specifically excludes composting activities that are limited to organic was
on the premises.

Notes
1 – See zoning district standards for this use.

USE & DEFINITION

Solid or septic waste or recycling services
An establishment that: (a) collects or hauls nonhazardous solid waste or recyclable materials generated within a local area; (c) operates as a nonhazardous solid waste transfer station; (c) identifies, sorts, treats, packages, wastes for the purposes of transport; (d) pumps septic tanks and cesspools; (e) rents or services portable toilets; (f) provides other septic waste management services; (g) collects, separates and/or recovers recyclable mat (h) prepares materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. It may include retail sales of recovered materials as an accessory use. This specifically excludes landfills, municipal wastewater treatment facilities and related essential services.

Metal fabrication shop
An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forging stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or bo

Contractor's yard or unenclosed storage
An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's ve machinery or equipment or the contractor's business office; or (b) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes See Section *

Slaughterhouse
An establishment where livestock is slaughtered and prepared for wholesale or retail distribution. It may have facilities for confining animals and for packaging, processing and storage of meat and associated waste product include a retail shop as an accessory use that primarily sells meat and related products processed or produced on the premises.

ART, ENTERTAINMENT AND RECREATION USES

Theater
An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists, or that shows movies or other recorded entertainment to an audience

Artist gallery or studio (up to 3,000 sf | >3,000 sf)
An establishment used to produce, display and/or sell works of art.

Museum
An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.

Indoor recreation (up to 3,000 sf | >3,000 sf)
An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This definition specifically excludes any use defined in this section.

Commercial outdoor recreation (passive | active)
A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building.

Public outdoor recreation or park
A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for p recreation and/or conservation purposes.

Golf course or country club
An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, rest driving range and shelters. It may provide additional recreational activities and/or retail sales of golf-related merchandise as an accessory use.

Campground or resort
An establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, (b) that provides overnight recreation camping or outdoor adventure retreats; or (c) desi operated as a recreation destination. It may provide short-term accommodations for transient guests, and facilities and services such as camping units, cabins, sanitary facilities, food services, recreational facilities, and org recreational or educational activities.

Equestrian facility
A commercial establishment used to house, train, care for, and/or ride horses.

CIVIC AND COMMUNITY USES

Government facility
A state- or town-owned or operated establishment that serves a public function and provides governmental services. See Section *

Educational institution
A state-certified public or private establishment that provides educational services. See Section *

Notes
1 – See zoning district standards for this use.

USE & DEFINITION

Specialty school (indoor and up to 6,000 sf | outdoor or >6,000 sf)
A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.

Clinic or outpatient care services
An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients. See Section *

Child day care
An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.

Religious institution
An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use. See S

Funeral services
An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.

Cemetery
A site designed to inter or otherwise store the remains of deceased people.

Social club
A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and the

NATURAL RESOURCE BASED USES

Farming or forestry
An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See Section *

Firewood processing
An establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises. This definition specifically excludes wood products manufacturing and forest

Extraction and quarrying
An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such
crushing, grinding, washing or screening. See Section *

On-farm business (Level 1 | Level 2)
An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products. See Section * and *.

Notes
1 – See zoning district standards for this use.

2110 DIMENSIONAL TABLE

	V10	V5	V3	GE
LOTS				
Minimum lot size (for residential lots | for non-residential lots) Inclusive of all land within the property boundaries, but excluding any land within a road right-of-way.	4,000 sf	8,000 sf	12,000 sf	1 ac
Minimum lot frontage (for residential lots | for non-residential lots) On a maintained public or private road, excluding any frontage on Class 4 roads or unimproved rights-of-way. See Subsection 2005.E.	30 ft	45 ft	60 ft	150
Maximum lot coverage (for first 3 acres | for all lot area in excess of 3 acres) Total amount of impervious surface as a percentage of total lot area.	90%	80%	70%	60%
SETBACKS				
Minimum front setback See Subsection 2005.F.	0 ft	8 ft	12 ft	20
Maximum front setback See Subsection 2005.F.	16 ft	20 ft	n/a	n/a
Minimum side setback (from property within the same district | from property in another district) See Subsection 2005.F.	0 ft	8 ft	8 ft	12 ft |
Minimum rear setback (from property within the same district | from property in another district) See Subsection 2005.F.	8 ft	8 ft	12 ft	12 ft |
BUILDINGS				
Maximum principal building footprint [1] Applies only to buildings on lots fronting on Routes 103 or 11.	6,000 sf	6,000 sf	4,500 sf	6,000
Minimum principal building height See Subsection 2005.G.	24 ft	24 ft	n/a	n/a
Maximum structure height See Subsection 2005.G.	48 ft	36 ft	36 ft	36
DENSITY				
Maximum density Measured as number of dwelling units or other principal uses per amount of total lot area, except that accessory dwellings in accordance with Section * will not be included.	1 per 4,000 sf	1 per 8,000 sf	1 per 12,000 sf	1 pe 1 ac

2111 SUPPLEMENTAL STANDARDS TABLE

General Standards
Drive-through service is prohibited.
Corporate or franchise architecture is prohibited.
New buildings and additions must be compatible with the architectural form, scale, massing and materials of traditional buildings found in the district.
New Buildings The applicant must site and design new buildings:
To incorporate vernacular New England architectural forms and materials typical of Chester's historic buildings (for village areas refer to *The Center of Chester*). Designs that reference the form and traditional village commercial buildings, residential buildings, barns or agricultural outbuildings (as appropriate to the subject location) are strongly encouraged. Designs that use high-quality natural stone, wood clapboards, board and batten, barn board or composite materials that are visually indistinguishable from traditional materials for exterior cladding are strongly encouraged.
To fit new buildings into the surrounding built environment in a manner that maintains the settlement pattern and scale of the neighborhood.
To fit new buildings into the surrounding natural environment in a manner that maintains scenic views and incorporates elements such as open meadows, tree lines, landmark trees, or hedgerows.
To have sloped roofs with a pitch of not less than 6:12 (this will not apply to secondary roofs over dormers, sheds, porches, etc.).
To break up the mass of the facade into sections that are not more than 40 feet wide by using ells, bays, projections or recesses with not less than a 4-foot change in the wall plane.
So that any vehicular service bay doors will be located to the side or rear of the building if the building is located less than 120 feet from the front property line.
So that drive-through service windows, fuel station pumps and similar auto-oriented features will be located to the side or rear of the building.
So that accessory structures, including but not limited to fuel station canopies, will be similar in architectural form and materials to the principal building.
New or Modified Building Facades In districts where required, the applicant must incorporate <u>all</u> of items 1-3 and at least <u>four</u> of items 4-14 into new or modified building facades:
1. A principal entrance that faces the road and with a walkway connection to the sidewalk (where existing or planned)
2. A regular fenestration pattern
3. No length of solid or blank walls between openings for windows or doors that exceeds 20 feet.
4. A functional second story with a floor area that is not less than 40% of the floor area of the ground floor
5. A storefront design with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above finished grade
6. An open porch, arcade or gallery at least 6 feet deep that extends along no less than 40% of the façade
7. Permanent awnings (vinyl or plastic awnings are prohibited), overhangs or trellises over the ground floor windows
8. One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse.
9. A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.
10. Wood-clad exterior with corner board trim
11. Stone construction
12. Shutters that are appropriately sized and hung so as to appear functional (able to be closed and cover the window opening)
13. Vertical windows (taller than they are wide), which may be combined to fill a horizontal opening
14. One or more bay windows

220 Overlay Zoning Districts

2201 AQUIFER PROTECTION OVERLAY DISTRICT

2201.A **Purpose.** The Aquifer Protection Overlay District is intended to protect public health and safety by preventing contamination, promoting recharge and maintaining the supply of the municipal drinking water sources.

2201.B **Protection Areas.** The Aquifer Protection Overlay District includes the following source protection area zones as identified in the Town of Chester water system's most recently approved Source Protection Plan:

(1) **Zone A.** Zone A, the Drinking Water Critical Impact Zone, is the area within Zones 1 and 2.

(2) **Zone B.** Zone B, the Drinking Water Potential Impact Zone, is the area within Zone 3.

2201.C **Use Standards.** The uses allowed within this overlay district will be as allowed in the underlying zoning district except that Town of Chester prohibits the following uses within Zone A, but may allow them as a conditional use within Zone B if allowed in the underlying zoning district:

(1) Funeral home or cemetery

(2) Dry cleaner

(3) Golf course

(4) Stormwater management facility

(5) Highway maintenance facility

(6) Contractor's yard

(7) Vehicle or equipment maintenance or fueling facility

(8) Machine shop or light industry

(9) Extracting, quarrying or stone cutting

(10) Salvage yard, landfill or waste management facility

(11) Composting facility

(12) Underground storage tanks

(13) Injection wells, dry wells, sumps or floor drains

(14) Bulk storage of flammable, combustible, toxic or hazardous materials (including for on-site use)

(15) Extraction or use of more than 10,000 gallons of water per day for purposes other than supplying the water system associated with the protection area

2201.D **Performance Standards.** Applicants must:

(1) Locate proposed development outside the overlay district to the maximum extent feasible if the subject lot includes land outside the overlay district.

(2) Adhere to applicable federal and state standards for the storage, handling, use and disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.

(3) Design any above ground facility (including open lagoons or ponds) involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with a secondary containment system that:

(a) Is designed to intercept any leak or spill from the primary containment vessel or structure;

(b) Is provided with an overflow recovery catchment area (sump).

(c) Is easily inspected; and

(d) Capable of containing 110% of the largest volume of storage (a larger volume of storage may be necessary if precipitation will be able to collect in the secondary containment system).

(4) Design any below ground facility (including storage tanks and pipes) containing or carrying of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with:

(a) Double walls and inspectable sumps; and

(b) A monitoring system and secondary standpipe for monitoring and recovery.

(5) Maintain an up-to-date contingency plan for preventing contamination of the drinking water supply in the event of floods, fires, other natural catastrophes, equipment failure or other releases if use involves the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment will

(6) Report all releases of materials or wastes that have the potential to contaminate the drinking water supply to the Town of Chester.

2201.E **Referral.** The Zoning Administrator must send a copy of all complete applications for development within this overlay district to the water system operator and the Vermont Agency of Natural Resources Drinking Water and Groundwater Protection Division in accordance with the provisions of Paragraph **Error! Reference source not found.**.

2202 FLOOD HAZARD OVERLAY DISTRICT

2202.A **Purpose.** The Flood Hazard Overlay District is intended to:

(1) 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;

(2) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding;

(3) Manage special flood hazard areas in accordance with state and federal law;

(4) Make the Town of Chester, its property owners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available;

(5) Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district;

(6) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains;

(7) Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability;

(8) Protect infill and redevelopment from inundation hazards; and

(9) Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

2202.B **Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply. Proposed development within this overlay district may also be subject to the provisions of Section *.

2202.C **Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

2202.D **District Boundaries.** The provisions of this section apply to all flood hazard areas identified on the most current flood insurance studies and maps published by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe. Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued after March 4, 1980 may not be used to remove lands from the jurisdiction of this section.

2202.E **Applicability.** A property owner must obtain a zoning permit for all development (as defined in Paragraph 2202.T(8)) located within this overlay district not exempted in Subsection 2203.H. The Zoning Administrator must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

2202.F **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include:

(1) A Project Review Sheet completed by a Vermont Agency of Natural Resources Permit Specialist;

(2) Base flood elevation (BFE) for:

(a) Replacement, substantially improved, or substantially damaged structures;

(b) Projects requiring elevation or dry-floodproofing above BFE; and

(c) Additions to existing historic structures.

(3) Floodway data certified by a registered professional engineer, including electronic input/output files and mapping showing cross-section locations, for any development located in the floodway that includes:

(a) Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway; and

(b) If FEMA has provided BFE data but not designated floodway areas, a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than 1 foot at any point within the town.

(4) A No Adverse Impact (NAI) volumetric analysis and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under Paragraph 2202.M(1).

2202.G **Referrals.** The Zoning Administrator must send a copy of any complete application for development within this overlay district to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with the provisions of Paragraph **Error! Reference source not found.**.

2202.H **Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

(1) Agriculture and silviculture in accordance with Section **Error! Reference s ource not found.**;

(2) Normal maintenance and repair that will not result in a change in the footprint or use of any structure;

(3) Demolition of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until finds are granted);

(4) Interior improvements to existing buildings that cost less than $500;

(5) Subdivision of land;

(6) Public water access, paths or trails that do not require active management or alteration of the river or stream;

(7) Planting projects to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;

(8) Development over or in a river or stream, or the alteration or relocation of a river or stream, permitted under a Stream Alteration Permit from the Vermont Agency of Natural Resources;

(9) Development permitted under a Certificate of Public Good from the Vermont Public Utilities Commission; and

(10) State owned and operated facilities or institutions.

2202.I **Prohibited Development.** The following development is prohibited within this overlay district:

(1) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage.

(2) Storage of materials or junk yards.

(3) New critical facilities.

(4) Within the floodway:

(a) New encroachments, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures; and

(b) Changes to existing structures where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet.

(5) Within the flood fringe outside of a designated center unless the applicant demonstrates that the proposed development cannot be reasonably accommodated on a portion of the lot outside this overlay district:

(a) New encroachments, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.

(6) Any development within Zones AE and A1-A30 where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

2202.J **Nonconforming Development.** Within this overlay district, a property owner may only:

(1) Reconstruct a nonconforming structure that has been substantially damaged or destroyed in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section;

(2) Re-occupy a nonconforming structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section; and

(3) Resume a nonconforming use that has been discontinued for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

2202.K **District Standards.** Except as prohibited in Subsection 2202.H, development is allowed within this overlay district to the same extent as in the underlying district provided that the applicant demonstrates compliance with Subsection 2202.L or Subsection 2202.M as applicable.

2202.L **Floodway Standards.** Within the floodway:

(1) New encroachments are prohibited except for the following, which must meet the requirements of Paragraph (2) below:

(a) Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;

(b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and

(c) New encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available;

(2) For new encroachments or development that will result in a change of grade allowed under Paragraph (1) above, applicants must provide either a:

(a) FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or

(b) Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the proposed development will:

(i) Not result in any increase in flood levels during the occurrence of the base flood;

(ii) Not increase base flood velocities; and

(iii) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(3) The applicant must demonstrate that any new encroachments or development allowed under Paragraph (1) above has been designed in accordance with the standards of Subsection 2202.M but not including the requirement for compensatory flood storage.

2202.M **Flood Fringe Standards.** Within the flood fringe:

(1) **Compensatory Flood Storage.** Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in Paragraph (c) below:

(a) Applicants must provide either:

(i) Volumetric analyses and supporting data prepared and certified by a qualified engineer; or

(ii) A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.

(b) Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.

(c) Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Zoning Administrator or Development Review Board may waive the compensatory flood storage requirement for:

(i) Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property;

(ii) Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer;

(iii) A replacement structure provided there is no increase in the structure's footprint or an open foundation design is used; and

(iv) Roads, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

(2) **General Standards.** Applicants must demonstrate that the proposed development will be:

(a) Reasonably safe from flooding;

(b) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;

(c) Constructed with materials resistant to flood damage;

(d) Constructed by methods and practices that minimize flood damage;

(e) 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; and

(f) Adequately drained to reduce exposure to flood hazards.

(3) **Structural Standards.** Applicants must demonstrate that:

(a) New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.

(b) New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage will:

(i) Meet the standards of Subparagraph (a) above; or

(ii) Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure is dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.

(c) New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the town's FIRM, or at least 3 feet if no depth number is specified.

(d) Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:

(i) Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher; and

(ii) Have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.

(e) For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:

(i) Any future damage to enclosures below the lowest floor must not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;

(ii) Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired;

(iii) The building foundation must be structurally sound and reinforced to withstand a base flood event;

(iv) The structure's historic designation must not be precluded;

(v) The likelihood of flood waters entering the structure during the base flood must be reduced; and

(vi) There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

(f) Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:

(i) Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits;

(ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect; and

(iii) Include a signed agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed in Subparagraph (i) above and that the Zoning Administrator will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

(4) **Small Accessory Structures.** Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the applicant locates the structure on the building site so as to offer the minimum resistance to the flow of floodwaters and meets the criteria in Subparagraph 2202.M(3)(f).

(5) **Standards for Fuel Storage Tanks.** Applicants must demonstrate that fuel storage tanks will be:

(a) Securely anchored to prevent flotation;

(b) Located on the landward or downstream side of the building;

(c) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces; and

(d) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of existing fuel lines or hook-up serving an existing building:

(i) The tank vent pipe/valve must be located at least 2 feet above BFE; or

(ii) The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

(6) **Utilities and Service Facilities.** For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

(7) **Water and Wastewater Facilities** Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(8) **Recreational Vehicles and Temporary Structures.** Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, travel trailers or other temporary or portable structures must either:

(a) Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer;

(b) Be located within this overlay district for less than 180 consecutive days; or

(c) Conform to all applicable provisions of this section for permanent structures.

(9) **Subdivisions and Planned Unit Developments (PUDs).** Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that all lots will be accessible over land located outside the flood hazard area.

2202.N **Variances.** The Development Review Board may grant variances within this overlay district as established in Section **Error! Reference source not found.**. Any variance g ranted for development within the flood hazard area must include the following statement, "The issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 in coverage."

2202.O **Substantial Improvement and Substantial Damage Determinations.** The Zoning Administrator will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:

(1) A recent building appraisal completed by a qualified professional that documents the structure's market value, excluding land value, prior to the damage or improvement;

(2) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or

(3) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA's Substantial Damage Estimator software.

2202.P **Certificate of Compliance.** The applicant must obtain a Certificate of Compliance for all development subject to the provisions of this overlay district in accordance with the provisions of Section 4207. The Zoning Administrator must not issue a Certificate of Compliance for development within this overlay district until the applicant has submitted all required as-built documentation.

2202.Q **Administrative Records.** In addition to all other applicable requirements of these regulations, the Zoning Administrator must file and maintain a record of:

(1) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and

(2) All floodproofing and other certifications required under this section.

2202.R **Violations.** In addition to all other applicable provisions of these regulations, the Zoning Administrator must:

(1) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and

(2) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.

2202.S **Appeals.** The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of Section 4402 or Section **Error! Reference source not found.**, as applicable.

2202.T **Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in Chapter **Error! Reference source not found.**.

(1) **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

(2) **Base Flood Elevation (BFE)** means the elevation of the water surface elevation resulting from the base flood. On the Flood Insurance Rate Maps, the elevation is 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.

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

(4) **Compensatory Storage** means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:

(a) Have an unrestricted hydraulic connection to the same waterway or water body; and

(b) Be provided within the same reach of the river, stream, or creek.

(5) **Construction Trailer** means a vehicle which is:

(a) Built on a single chassis;

(b) 500 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable; and

(d) Designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

(6) **Critical Facilities** mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

(7) **Designated Center** means a state designated downtown, village center, new town center, growth center, or neighborhood development area.

(8) **Development** means any human-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.

(9) **Encroachment** means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.

(10) **Fill** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

(11) **Flood** means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters,

(ii) The unusual and rapid accumulation or runoff of surface waters from any source, and

(iii) 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; or

(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:

(i) Caused by waves or currents of water exceeding anticipated cyclical levels, or

(ii) 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.

(12) **Flood Fringe** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).

(13) **Flood Hazard** means those hazards related to damage from flood-related inundation or erosion.

(14) **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. The hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

(15) **Flood Insurance Study (FIS)** 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.

(16) **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of "flood").

(17) **Floodproofing** 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.

(18) **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. Please note that flood hazard areas and floodways may be shown on a separate map panels.

(19) **Grading** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material will be considered "fill" and will not be considered grading.

(20) **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 the Vermont State Register of Historic Places; 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.

(21) **Infill** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

(22) **Letter of Map Change (LOMC)** means a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

(23) **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 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.

(24) **National Flood Insurance Program** means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

(25) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

(26) **New Construction** means structures for which the "start of construction" commenced on or after March 4, 1980 and includes any subsequent improvements to such structures.

(27) **Person** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

(28) **Public Water Access** means a public access to a water of the state and, except for toilet facilities, will not include structures as defined in this section.

(29) **Recreational Vehicle** means a vehicle that 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.

(30) **Redevelopment** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

(31) **Replacement Structure** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

(32) **Special Flood Hazard Area** means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are available for viewing in the town office or online from the FEMA Map Service Center (msc.fema.gov). FEMA has not determined base flood elevations in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Where floodways have been determined they may be shown on separate map panels from the FIRM.

(33) **Start of Construction** means the date the town issued a permit authorizing development, 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 any of the following:

(a) The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, but does not include:

(i) Land preparation, such as clearing, grading and filling

(ii) Installation of streets and/or walkways;

(iii) Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or

(iv) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(b) The placement of a manufactured home on a foundation.

(c) 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.

(34) **Storage** means the aggregation of materials, items, or objects whether natural or human-made:

(a) That is kept as a stockpile, collection, or inventory;

(b) Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials

continues to be used for the same purpose;

(c) Whether set upon the land or within a container, structure, or facility; and

(d) That would not otherwise comply with the provisions of this section.

(35) **Structure** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

(36) **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(37) **Substantial Improvement** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after [the effective date of Norwich's flood regulations], the cost of which over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% 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 previously identified by the 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."

(38) **Violation** means the failure of a structure or other development to be fully compliant with the provisions of this section. 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.

2203 RIVER CORRIDOR OVERLAY DISTRICT

2203.A **Purpose.** The River Corridor Overlay District is intended to:

(1) 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 fluvial erosion;

(2) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to fluvial erosion;

(3) Provide rivers and streams with the lateral space necessary to maintain or establish floodplain access and minimize erosion hazards through natural physical processes;

(4) Minimize potential damage to structures and development from fluvial erosion; and

(5) Limit encroachments in undeveloped river corridors.

2203.B **Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply. Proposed development within this overlay district may also be subject to the provisions of Section *.

2203.C **Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from fluvial erosion.

2203.D **District Boundaries.** The provisions of this section apply to all land identified as a river corridor on the most current Statewide River Corridor Maps published by the Vermont Agency of Natural Resources (ANR), which are adopted by reference into these regulations, including refinements to that data based on field-based assessments. They also apply to all land within 50 feet of a mapped surface water as measured from the top of bank or top of slope. Applicants may request:

(1) That ANR update the river corridor map as provided for in the most current *Flood Hazard Area and River Corridor Protection Procedure*.

(2) A letter of determination from ANR, which will constitute proof of the location of the river corridor boundary.

2203.E **Applicability.** A property owner must obtain a zoning permit for all development located within this overlay district not exempted in Subsection 2203.H. The Zoning Administrator must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

2203.F **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include a Project Review Sheet completed by a Vermont Agency of Natural Resources Permit Specialist.

2203.G **Referrals.** The Zoning Administrator must send a copy of any complete application for development within this overlay district to the Regional Floodplain Manager at the Vermont Agency of Natural Resources in accordance with the provisions of Paragraph **Error! Reference source not found.**.

2203.H **Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

(1) Agriculture and silviculture in accordance with Section **Error! Reference s ource not found.**;

(2) Septic systems and wells permitted under a state Wastewater System and Potable Water Supply Permit from the Vermont Agency of Natural Resources;

(3) Normal maintenance and repair that will not result in a change in the footprint or use of any structure;

(4) Demolition of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure;

(5) Subdivision of land;

(6) Public water access, paths or trails that do not require active management or alteration of the river or stream;

(7) Planting projects to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;

(8) Development over or in a river or stream, or the alteration or relocation of a river or stream, permitted under a Stream Alteration Permit from the Vermont Agency of Natural Resources;

(9) Development permitted under a Certificate of Public Good from the Vermont Public Utilities Commission; and

(10) State owned and operated facilities and institutions.

2203.I **District Standards.** Development is allowed within this overlay district to the same extent as in the underlying district provided:

(1) The applicant demonstrates that the proposed development cannot be reasonably accommodated on the portion of the lot outside this overlay district.

(2) For land within a designated center or within 50 feet of a natural pond, the applicant must demonstrate that the proposed development will not be any closer to the surface water than pre-existing adjacent development.

(3) For land outside a designated center and within the river corridor or 50 feet of a stream, the applicant must demonstrate that the proposed development will meet either Subparagraph (a), (b) or (c) below:

(a) Development must be located no closer to the channel than the adjacent existing primary structures with a gap that is no more than 300 feet.

(b) An addition to an existing structure or an accessory structure to an existing structure, including underground utilities, must be located:

(i) In the shadow area directly behind and further from the channel than the existing structure; or

(ii) Within 50 feet to the downstream side and no closer to the top of bank than the existing structure.

(c) A qualified engineer must certify that the proposed development will:

(i) Not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion;

(ii) Not cause the river or stream reach to depart or further depart from the channel width, depth, meander pattern and slope associated with natural river or stream processes and equilibrium conditions; and

(iii) Not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development.

(4) For land outside a designated center, the applicant demonstrates that natural woody vegetation will be maintained or established within the river corridor and surface water setback except that:

(a) Land within 15 feet of a structure may be maintained as mowed lawn (this will not be interpreted to require establishment of woody vegetation to replace existing areas of mowed lawn on single- or two-family residential properties that are more than 15 feet from a structure).

(b) Water-dependent structures or uses, public recreation facilities and public trails or walkways will be allowed to the extent allowed in the applicable zoning district.

(c) Private water access, outdoor recreation, or outdoor seating may occupy not more than 500 square feet within the vegetated buffer. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.

(d) The vegetation within the buffer may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the existing functions of naturally vegetated riparian buffers.

2203.J **Certificate of Compliance.** The applicant must obtain a Certificate of Compliance for all development subject to the provisions of this overlay district in accordance with the provisions of Section 4207.

2203.K **Violations.** In addition to all other applicable provisions of these regulations, the Zoning Administrator must send a copy of any notice of violation issued for development within this overlay district to the Regional Floodplain Manager at the Vermont Agency of Natural Resources.

2203.L **Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in Chapter **Error! Reference source not found.**.

(1) **Channel** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

(2) **Designated Center** means a state designated downtown, village center, new town center, growth center, or neighborhood development area.

(3) **Equilibrium Condition** means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

(4) **Fluvial Erosion** means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

(5) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

(6) **River** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. It does not mean constructed drainageways, including water bars, swales, and roadside ditches.

(7) **River Corridor** means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 VSA § 1422).

(8) **Top of Bank** means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

(9) **Top of Slope** means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

(10) **Watercourse** means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

3 DEVELOPMENT STANDARDS

300 General Regulations

3001 APPLICABILITY

3001.A All development must conform to the standards of this subchapter.

3002 ACCESS

3002.A **Applicability.** All land being developed must have vehicular access from a maintained public or private road in accordance with the provisions of this section except that:

(1) For pre-existing lots without frontage on a maintained public or private road, see Subsection 2005.E; and

(2) The provisions of this section will not apply to access to working lands or open space used solely for conservation, agricultural or silvicultural purposes, but such access must be brought into conformance with the provisions of this section before it may be used to access any other land use or development.

3002.B **Access Permit.** An applicant for development to be served by a new curb cut on a town road or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the town or state for the curb cut before the Zoning Administrator may issue a zoning permit.

3002.C **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.

3002.D **Curb Cuts.** New and modified curb cuts must conform to the following:

(1) **Number.** A lot must not be served by more than one curb cut except that:

(a) The Development Review Board may approve a waiver allowing more than one access on a lot if the applicant can demonstrate that it is necessary to:

(i) Accommodate unique physical conditions on the property, including inadequate space to allow turning a vehicle around;

(ii) Meet minimum standards for emergency access;

(iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act; or

(iv) Improve the safety of traffic circulation within the site.

(b) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety.

(c) The Development Review Board may require the elimination, consolidation, redesign or relocation of existing curb cuts to conform to

the standards of this section.

(2) **Width.** Curb cuts must be clearly defined through use of curbing, landscaping or other means to prevent uncontrolled access. The width of a curb cut as measured at the edge of the road right-of-way must not exceed the distance specified below unless otherwise recommended by the Chester Public Works Director or VTrans District Permit Coordinator as applicable (this will include reducing the width of existing nonconforming curb cuts if they are modified or resurfaced):

(a) 12 feet for curb cuts serving single- and two-family dwellings;

(b) 16 feet for curb cuts serving multi-family dwellings;

(c) 20 feet for curb cuts serving non-residential uses not frequently accessed by trailer trucks; or

(d) 24 feet for curb cuts serving non-residential uses frequently accessed by trailer trucks.

(3) **Sidewalks.** Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified or resurfaced).

(4) **Spacing.** Curb cuts must conform to the standards below unless otherwise recommended by the Chester Public Works Director or VTrans District Permit Coordinator as applicable:

(a) A new curb cut must be aligned with any existing curb cut on the opposite side of the road whenever feasible, and if not feasible, the centerlines must be offset by at least 30 feet.

(b) A new curb cut must be separated from existing curb cuts on the same side of the road by at least 60 feet (as measured from centerline to centerline).

(c) A new curb cut must be separated from an intersection on the same or opposite side of the road by at least 90 feet (as measured from the edge of the road right-of-way to the curb cut centerline).

3002.E **Cross Access.** Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection and access easement to abutting undeveloped, commercial or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in the Residential, Rural 6 or Rural 18 zoning districts). As a condition of site plan approval, the Zoning Administrator or Development Review Board may require an applicant to:

(1) Fully construct the cross access to the edge of his/her property;

(2) Partially construct the cross access to the edge of his/her property (ex. install the base but not the final surface); or

(3) Provide a legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property).

3002.F **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet from any curb cut or intersection. This will not be interpreted to apply to buildings constructed in accordance with district standards.

3002.G **Class 4 Roads and other Unimproved Rights-of-Way.** A Class 4 road or other unimproved right-of-way is not a maintained public road and cannot be used to meet the access requirements of this bylaw. An applicant may propose to construct, extend, upgrade and/or maintain a Class 4 road or other unimproved right-of-way to meet Class 3 road standards at his/her expense and in accordance with town policies and specifications so that it may serve to provide access to proposed development under this bylaw. No provision of this bylaw will be interpreted to require the Town of Chester to construct, extend, upgrade or maintain a Class 4 road or other unimproved right-of way so that it may serve to provide access to adjoining property.

3003 ACCESSORY STRUCTURES

3003.A **Applicability.** This section applies to any subordinate structure that is located on the same lot as the related principal structure or use and that is clearly incidental to the principal structure or use. An allowed principal structure or use includes accessory structures in accordance with this section.

3003.B **General Standards.** Accessory structures must meet the general standards of Subsection 2005.C.

3003.C **Dimensional Standards.** Figure 3-01 establishes specific siting, height and setback standards for certain common types of accessory structures that will apply in all zoning districts that take precedence over the general standards of Subsection 2005.C.

Figure 3-01. **Dimensional Standards for Accessory Structures**

Structure Type	May Encroach into District Setback			Min Setback *lesser of the following or district min setback*	Max Height *lesser of the following or district max*
	Front	Side	Rear		
Arbors	☑	☑	☑	0 ft	12 ft
Berms	☑	☑	☑	0 ft	12 ft
Driveways	☑	☑	☑	0 ft if shared 8 ft if not shared	n/a
Fences or gates (see Section 3013)	☑	☑	☑	0 ft	~~n/a~~see Section 3013
Fire escapes, handicap ramps or similar structures required to conform to the Americans with Disabilities Act or building codes	☑	☑	☑	0 ft, but minimum required to conform to ADA or code	n/a
Flag poles	☑	☑	☑	4 ft	36 ft
Stormwater infrastructure or practices (see Section 3019)	☑	☑	☑	0 ft if shared 4 ft if not shared	n/a

Structure Type	May Encroach into District Setback			Min Setback *lesser of the following or district min setback*	Max Height *lesser of the following or district max*
	Front	Side	Rear		
Mailboxes or newspaper tubes	☑	☑	☑	0 ft	n/a
Overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, window sills, chimneys, projections enclosing habitable space or similar architectural features	☑	☑	☑	3 ft beyond the exterior building wall, encroachment into or over a public right-of-way will require approval from the Selectboard	n/a
Porches (unheated space), stoops, awnings or roof overhangs for sheltering people (this does not include carports)	☑	☐	☐	8 ft beyond the exterior building wall, encroachment into or over a public right-of-way will require approval from the Selectboard	n/a
Retaining walls (see Section 3013)	☑	☑	☑	0 ft	n/a
Sidewalks	☑	☑	☑	0 ft	n/a
Sports, exercise, recreation or play structures (max 200 sf footprint each, larger structures will be subject to district standards)	☑	☑	☑	4 ft	16 ft

3004 ACCESSORY USES

3004.A **Applicability.** This section applies to any subordinate use that is located on the same lot as the related principal use and that is clearly incidental to the principal use. An allowed principal use includes accessory uses in accordance with this section. If the principal use is discontinued, all related accessory uses must terminate.

3004.B **Exemptions.** The standards of this section do not apply to accessory dwellings, home occupations, home businesses and family childcare homes.

3004.C **General Standards.** The Zoning Administrator may issue a zoning permit for an accessory use upon finding that the applicant has demonstrated that the proposed accessory use will:

(1) Support and further the purposes of the related principal use on the same lot;

(2) Be in common ownership and operation with the related principal use;

(3) Be subordinate in size and intensity to the related principal use;

(4) Meet the performance standards of Section 3105; and

(5) Meet any other standards of this bylaw applicable to the proposed use.

3005 CAMPING AND CAMPING UNITS

3005.A **Applicability.** Any parcel of land that is occupied by or designed to accommodate more than 3 camping units (tents, yurts, recreational vehicles, cabins, lean-tos, etc.) will be considered a campground and subject to all applicable provisions of this bylaw applicable to campgrounds (see Section 3226). All other camping uses and storage of camping units will be subject to the standards of this section.

3005.B **Standards for Siting and Storing Camping Units.** A zoning permit is not required to store a camping unit on a single- or two-family residential lot in accordance with the following:

(1) Camping units must be the personal property of a person residing on the lot;

(2) Camping units must not be located within required setbacks; and

~~(1)~~(3) Within the village zoning districts, camping units must be located either in the driveway, behind the frontline of the principal building or within an enclosed structure.

~~3005.B~~3005.C **Standards for Camping as an Accessory Use.** A landowner may apply for a zoning permit to ~~locate~~ occupy ~~not more than 3~~a camping unit~~s on a parcel~~ as an accessory use ~~to be used~~ in accordance with the following:

~~(1) The applicant must demonstrate that the camping unit(s) conform to the water supply and wastewater disposal standards of Section 3023;~~

(1) The camping unit must not be located within required setbacks, and if within the village zoning districts must be located either in the driveway or behind the frontline of the principal building;

(2) The camping unit(s) may be stored on the lot year-round, but occupancy of a camping unit must be limited ~~120~~ to not more than 3 consecutive weeks and ~~-~~60 days total in any calendar year;

(3) Any camping unit rented out to guests will be considered a short-term rental and must conform to the standards of Section 3211; and

(4) No camping unit may be rented out as a dwelling unit.

3005.D **Standards for Camping as a Principal Use.** A landowner may apply for a zoning permit to locate and occupy 1 camping unit on a parcel as a principal use in accordance with the following:

(1) The camping unit must meet all applicable dimensional standards for principal structures in the applicable zoning district;

(2) The camping unit may be stored on the lot year-round, but occupancy must be limited to 180 days total in any calendar year;

(3) The applicant must demonstrate that the camping unit conforms to the water supply and wastewater disposal standards of Section 3024;

(4) A camping unit rented out to guests will be considered a short-term rental and must conform to the standards of Section 3211; and

(5) No camping unit may be rented out as a dwelling unit.

3006 CONSTRUCTION-RELATED STRUCTURES AND USES

3006.A **Applicability.** Temporary construction-related structures and uses are permitted in any district on the site of permitted development or in an approved staging area in accordance with the provisions of this section. Construction-related structures and uses may include, but are not limited to, temporary dwelling units, temporary curb cuts and driveways, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, fences and signs.

3006.B **Permitting Process.** The permit for the development will include approval of any construction-related structures or uses. Construction-related structures must be removed from the property promptly upon completion of work and before the Zoning Administrator may issue a final certificate of compliance in accordance with Section 4207.

3006.C **Staging Areas.** The Zoning Administrator may issue a zoning permit for the temporary use of land in the General Business or Rural 3 zoning districts as a staging area for an off-site construction project. The Development Review Board may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.

3007 DEMOLITION

3007.A **Applicability.** All demolition must conform to the standards of this section. Any demolition, including demolition activities that do not require a zoning permit under Paragraph 1001.A(1), not conforming to the standards of this section will be considered a violation of this bylaw.

3007.B **General Standards.** Within 60 days after demolition is complete:

(1) All structural materials and debris must be removed from the site;

(2) The site must be restored to a natural grade; and

(3) Groundcover must be re-established to prevent erosion.

3007.C **Standards for Historic Structures in Village Districts.** A property owner must obtain a conditional use approval and zoning permit prior to demolishing a historic structure (see *definition) in the village districts. The applicant must demonstrate at least one of the following:

(1) The structure is unsafe and blighted to the extent that rehabilitation or relocation is not feasible and that the current condition of the structure is not due to willful neglect;

~~(2) The structure has been actively marketed for rent, sale or relocation for at least 6 months at a reasonable rate/price based on the local real estate market and the assessed value of the structure;~~

~~(3)~~(2) The structure is obsolete and not suitable for any allowed use that would provide a reasonable rate of return; or

~~(4)~~(3) The demolition is part of a redevelopment project that would have a substantial community benefit and further the purposes of the *Chester Town Plan*, *Chester Village Master Plan* and this bylaw.

3008 DRIVEWAYS

3008.A **Applicability.** New, extended or modified driveways serving proposed development must conform to the standards of this section. A driveway must not serve more than 3 lots or principal uses (a vehicular travel way proposed to serve more than 3 lots or principal uses will be considered a road and must conform to the standards of Subsection 3305.D).

3008.B **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.

3008.C **Technical Review.** The Zoning Administrator will forward all applications for new, extended or modified driveways to the Chester Public Works Director and Fire Chief for review and comment. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments.

3008.D **Design Standards.** Driveways must conform to the standards of Figure 3-02 and the following:

(1) **B-71 Standard.** The portion of the driveway with the road right-of-way must meet current VTrans B-71 standards.

(2) **Angle.** Driveways must intersect the road at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the road at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.

(3) **Width.** Driveways must not exceed a maximum paved width of 24 feet, exclusive of any turnaround area. The Development Review Board may approve a waiver to allow a wider driveway if the applicant can demonstrate that it is necessary to:

(a) Accommodate unique physical conditions on the property;

(b) Serve trailer trucks;

(c) Meet minimum standards for emergency access;

(d) Meet the minimum standards of the Americans with Disabilities Act; or

(e) Provide improved traffic circulation within the site.

(4) **Drainage.** Driveways must:

(a) Be designed to direct run-off to vegetated areas, retention areas, and/or other pervious surfaces in order to promote on-site water retention and filtration (see Section 3019);

(b) Not block the flow of drainage in gutters, ditches, catch basins or pipes;

(c) Not discharge run-off onto the traveled portion of the road;

(d) Not generate run-off that would unreasonably contribute to an accumulation of stormwater or that would exceed the capacity of downstream facilities or infrastructure; and

(e) Be installed with culverts, where necessary, designed to carry run-off

under the driveway. Such culverts must be sized to convey anticipated peak stormwater flows and be at least 18 inches in diameter, extend at least 2 feet beyond the driveway edges, and installed to minimize erosion damage at the inlet and outlet. It will be the property owner's responsibility to install and maintain such culverts.

(5) **Pull-Offs.** A driveway longer than 300 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 450 feet apart adequately sized and surfaced to accommodate emergency vehicles.

(6) **Turnarounds.** A driveway longer than 300 feet must terminate with a parking and turnaround area not more than 50 feet from the principal building that is adequately sized and surfaced to accommodate emergency vehicles.

Figure 3-02. **Driveway Design Standards**

	Minimum Paved Width	Maximum Grade
Serving 1 lot and not more than 300 ft long	9 ft	12% (average from end to end)
Serving 2-3 lots and not more than 300 ft long	12 ft	10% (average from end to end)
Serving 1 lot and more than 300 ft long	10 ft	12% (average over any 100-ft section)
Serving 2-3 lots and more than 300 ft long	14 ft	10% (average over any 100-ft section)

3009 DRIVE-THROUGH FACILITIES

3009.A When drive-through facilities are specifically allowed under this bylaw, they must be designed in accordance with the following:

(1) Stacking lanes (where vehicles queue for service) and service areas must be located to the side or rear of the building.

(2) Stacking lanes must be clearly signed, marked and separated from travel lanes.

(3) Stacking lanes must not block access to service drives, parking spaces or loading areas.

(4) Drive-through traffic must not cause congestion or other unsafe conditions within the site or on the road.

(5) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.

(6) Stacking lanes and service areas must not be located within district setbacks.

(7) Menu boards must conform to the standards of Paragraph 3107.N.

(8) Drive-through facilities must be screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

3010 DWELLING UNITS

3010.A **Applicability.** The standards of this section apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

3010.B **Minimum Unit Size.** The minimum size of a dwelling unit must not be less than:

(1) 150 square feet for a studio or efficiency unit (one open living area that includes cooking, living and sleeping quarters, as well as sanitation facilities in accordance with Subsection 3010.C);

(2) 220 square feet for a one-bedroom unit; or

(3) 220 square feet plus an additional 70 square feet for each additional bedroom (290 sf for two-bedroom, 360 sf for three-bedroom, etc.).

3010.C **Cooking and Sanitation Facilities.** All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

(1) A dwelling unit must contain permanent bathroom facilities consisting at a minimum of a toilet, sink, and shower or bathtub. The toilet and shower or bathtub must be within a room or enclosure that is fully separated from other living spaces by walls and one or more doors.

(2) A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.

(3) Any dwelling unit within a multi-family building must have utility connections for a washing machine and clothes dryer in each unit or must provide a common laundry room in the building with washing machines and clothes dryers accessible to residents.

3010.D **Parking.** All dwelling units must have parking in accordance with Section 3104.

3010.E **Water Supply and Wastewater Disposal.** All dwelling units must have safe, functioning water supply and wastewater disposal systems in accordance with Section 3024.

3010.F **Trash Disposal.** All multi-family dwelling units must have convenient access to trash, recycling and compost storage areas in accordance with Section 3108.

3011 ENERGY GENERATION FACILITIES

3011.A **Applicability.** A property owner may obtain a zoning permit for an energy generation facility not exempted in Subchapter 110 in any district in accordance with the standards of this section. The standards of Subsections A through D apply to energy generation facilities not exempted in Subchapter 110. The standards of Subsection E apply to solar electric generation facilities regulated by the Public Utilities Commission.

3011.B **Setbacks.** An energy generation apparatus must be set back a distance equal to its height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted. Any guy wires must be located outside the minimum setbacks for the applicable district.

3011.C **Height.** The height of an energy generation apparatus must conform to the following:

(1) The height of ground-mounted solar energy generating apparatus must not exceed 24 feet.

(2) The height of a ground-mounted wind energy generating apparatus (inclusive of the rotors) must not exceed the greater of 125 feet or 40 feet above any obstructions within a 500-foot radius.

(3) A ground-mounted wind energy generating apparatus must be installed so that the hub is not less than 50 feet above the ground and that the clearance between the ground and the tip of the rotor at its lowest point is not less than 30 feet.

(4) An energy generating apparatus mounted on a building wall must not extend above the lowest portion of the roof.

(5) An energy generating apparatus mounted on a building roof must not extend more than 12 feet above the roof surface.

3011.D **Removal.** A facility that has been out-of-service for more than 180 days will be considered abandoned and the owner must remove it unless he/she can demonstrate to the Zoning Administrator an intent to resume the energy generation within 12 months of the date the facility went out-of-service. It will be the facility owner's responsibility to demonstrate that a facility is not out-of-service.

3011.E **Screening Requirements.** A solar electric generation facility regulated by the Public Utilities Commission must meet the screening requirements of Subsection 3106.F for utilities and service areas.

3012 EROSION CONTROL

3012.A **Purpose.** This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.

3012.B **Applicability.** All construction activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below.

3012.C **Projects Subject to State Permitting.** Development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

3012.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.

3012.E **General Standards.** All construction or demolition activities that will disturb soil must be undertaken in accordance with the following practices (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*):

(1) Limit the size of the ~~construction~~ disturbance area to the minimum necessary to accommodate the proposed development or demolition. Unless otherwise approved in accordance with a professionally-prepared erosion prevention and sediment control plan, the disturbance area must not extend more than 30 feet beyond the footprint of the construction/demolition area.

(2) Preserve significant existing trees within the ~~construction~~ disturbance area where feasible. Trees to be preserved within the disturbance ~~construction~~ area should be protected by fencing that at a minimum encloses the area around their drip line.

(3) Mark site boundaries to identify the limits of disturbance ~~construction~~ (including storage and access areas) with flags or fencing. No soil disturbance or compaction should occur outside the delineated disturbance ~~construction~~ area.

(4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.

(5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto roads.

(6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction/demolition activities and between disturbed soil and any drainage feature, stormwater inlet or water body.

(7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or surface waters.

(8) Treat and filter any water pumped out of the disturbance ~~construction~~ area before allowing it to flow off the site or to be discharged to a storm drain or surface water.

(9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.

(10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete.

(11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.

(12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.

(13) Till any compacted soil prior to the final seeding and mulching.

(14) Stockpile the topsoil removed during construction/demolition and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it must be amended as needed.

3012.F **Erosion Control Plan Required.** Applicants for major site plan approval proposing construction or demolition activities that will disturb more than 10,000 square feet of soil must submit and implement a professionally prepared erosion control plan in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

3013 FENCES AND WALLS

3013.A **Applicability.** The provisions of this section apply to all fences and walls not exempted in Subchapter 110. For agricultural fences, see Section 1103.

3013.B **Setbacks.** Fences and walls may be located within district setbacks as specified in Figure 3-01.

3013.C **Height.** The maximum height of fences and non-retaining walls will be as follows unless otherwise approved by the Development Review Board in order to provide adequate screening or security:

(1) 4½ feet if located between the road and the principal building frontline.

(2) 6½ feet if located to the rear or side of the principal building.

(3) A fence or wall must not obscure vision above a height of 3 feet ~~at~~ within 30 feet of an intersection as measured from the nearest edge of right-of-way.

(4) The height of a fence or non-retaining will be measured as follows:

(a) If the fence or wall is designed to maintain a level elevation along its top edge, the height will be the average as measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below at the two end or corner points along the fence or wall where the finished grade is the lowest and the highest; or

(b) If the fence or wall is designed to follow the grade or otherwise not maintain a level elevation along its top edge, the height will be measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below at the point along the fence or wall where that distance is the greatest.

3013.D **Retaining Walls.** Retaining walls must be located and designed as follows:

(1) No individual retaining wall may exceed 16 feet in height except that pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.

(2) All retaining walls more than 4 feet in height must be designed by a qualified professional, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.

(3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.

(4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 8 feet.

3013.E **Materials.** Unless otherwise approved by the Development Review Board, a fence or wall:

(1) Must be constructed of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron or other materials of similar durability;

(2) Must be constructed so that any support posts are to the inside and the ‘“finished’, ‘presentation’” or ‘“good’” side faces out; and

(3) Must not be constructed of barbed wire, razor wire or similar materials or form capable of inflicting significant physical injury except as required to meet state or federal regulations.

3014 GRADING, EXCAVATION OR FILL

3014.A **Applicability.** The provisions of this section apply to all grading, excavating or filling of land not exempted in Paragraph 1101.A(5), Section 1103 or associated with an extraction operation as defined under this bylaw. A property owner must obtain a zoning permit for such grading, excavating or filling of land in accordance with the provisions of this section.

3014.B **Waterways or Wetlands.** Grading, excavation and fill is prohibited within surface waters, wetlands and any required buffers to surface waters or wetlands unless the proposed fill will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits.

3014.C **Flood Hazard Areas.** See Section * for grading, excavation and fill within the Flood Hazard Overlay District.

3014.D **Fill Material.** The use of any material other than uncontaminated natural soil for fill is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.

3014.E **General Standards.** Grading, excavation and fill must conform to the following unless otherwise approved by the Zoning Administrator or Development Review Board as an element of other proposed development including, but not limited to, construction of roads, driveways, buildings, ponds or retaining walls:

(1) Grading, excavation or fill is prohibited within side and rear setbacks;

(2) Grading, excavation or fill must not alter the pre-existing grade or elevation by more than 4 feet;

(3) Grading, excavation or fill must not result in a slope steeper than a 2:1 (horizontal-to-vertical) ratio; and

(4) Grading, excavation or fill must not affect existing drainage patterns on adjacent lots or public rights-of-way.

3015 MANUFACTURED HOUSING

3015.A **Applicability.** The provisions of this section apply to all manufactured homes, as defined in this bylaw, whether located on an individual lot or in a manufactured home park.

3015.B ~~**Foundation**~~**Installation.** All manufactured homes to be used as a dwelling unit must be ~~attached to a permanent foundation system~~installed by a licensed installer in compliance with ~~the~~ HUD's *Model Manufactured Home Installation Standards* ~~International Conference of Building Officials (ICBO) *Guidelines for Manufactured Housing Installation*~~ and the following:

(1) All wheels, hitches, axles, transporting lights and removable towing apparatus must be removed prior to installation of the manufactured home.

(2) The foundation must ~~be excavated and must~~ have continuous skirting or backfill, leaving no uncovered open areas except for access to vents and crawl spaces. ~~The foundation must be located below grade or must include masonry skirting.~~

(3) ~~All manufactured homes must be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof.~~ If the home will be located within the Flood Hazard Overlay District, see Section *.

~~(3)~~(4) The applicant must provide the ZA with a copy of the certification signed by the licensed installer prior to occupying the home.

3015.C **Individual Lots.** A manufactured home on an individual lot will be treated the same as any other type of single-family dwelling under this bylaw.

3015.D **Pre-Existing Manufactured Home Parks.** The following standards apply to manufactured home parks in existence as of the effective date of this bylaw:

(1) The manufactured home park, and any proposed development within it, will be subject to all applicable provisions of this bylaw;

~~(2) If the park or a portion of the park is within the Flood Hazard Overlay District, see Section *;~~

~~(3)~~(2) All manufactured homes within the park must conform to the standards of Section 3010;

~~(4)~~(3) A lawfully-existing site within a manufactured home park that is vacant or unoccupied will not be considered abandoned or discontinued under this bylaw;

~~(5)~~(4) The following will apply when a manufactured home within the park is replaced:

~~(a) If the replacement home will be located within the Flood Hazard Overlay District, see Section *;~~

~~(b)~~(a) The replacement manufactured home must be ~~attached to a permanent foundation~~installed in accordance with Paragraph 3015.B; and

~~(c)~~(b) The replacement manufactured home must not be located closer than 20 feet to any other home within the park. If this standard cannot be met because of the pre-existing configuration of homes within the park, the replacement home must not have a footprint in excess of the previous home occupying the site or 400 square feet, whichever is greater.

3015.E **New, Expanded or Converted Manufactured Home Parks.** The following standards apply to new, expanded or converted manufactured home parks:

(1) New manufactured home parks will be allowed in all districts where multi-family dwellings are allowed;

(2) Manufactured home parks must conform to the residential density standards of the zoning district in which they are located and Section *planned unit development;

(3) A mobile home park or park expansion or conversion must be designed, reviewed and approved as a *planned unit development in accordance with Section *;

(4) Manufactured homes may be replaced with other forms of housing provided that there will be no increase in the total number of units and that the new housing will be:

(a) Affordable, as defined in Section * ~~except based on median household income within the park rather than within Windsor County or Vermont~~;

(b) Made available to park residents prior to being offered for rent or sale to the general public; and

(c) Subject to covenants or restrictions that will preserve their affordability in perpetuity.

(5) Each manufactured home must be located on a delineated site not less than 4,000 square feet in area;

(6) A manufactured home must not be located closer than 20 feet to any other home within the park; and

(7) All the homes within a manufactured home park must be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or improve traffic safety.

3016 PONDS

3016.A **Applicability.** The provisions of this section apply to any constructed pond with a surface area of more than ~~200~~ 1,000 square feet or a maximum depth of more than 4 feet. A landowner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of this section.

3016.B **Waterways or Wetlands.** Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that he/she has obtained all required state permits.

3016.C **General Standards.** Ponds must conform to the following unless otherwise approved by the Development Review Board as an element of proposed development subject to a development approval:

(1) Ponds are prohibited within zoning district setbacks;

(2) Ponds must have a grassed spillway system capable of handling stormwater overflow from the pond;

(3) Stormwater overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters; and

(4) Landowners must manage and maintain ponds so as to not create a nuisance or hazard.

3017 PORTABLE OR TEMPORARY STRUCTURES

3017.A Landowners must obtain a zoning permit to locate portable or temporary structures on their property to the same extent as comparable permanent structures (see Subchapter 110 for a list of structures that do not require a zoning permit). This specifically includes, but is not limited to:

(1) Trailers, containers or unregistered vehicles used for storage;

~~(2) Tiny houses, yurts, tents or similar habitable structures; and~~

~~(3)~~(2) Canopies, portable garages or greenhouses or similar shelter structures.

3017.B A structure permitted for temporary use must be removed from the property within 1 year of the effective date of the permit. The Zoning Administrator may renew a permit for a temporary structure for 1 additional year.

3018 RIPARIAN BUFFERS

3018.A **Purpose.** This section is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface water resources by mitigating the impact of development within riparian areas.

3018.B **Applicability.** The provisions of this section apply to all land (as measured from the top of bank) within 50 feet of mapped surface waters. Where this land is also within the Flood Hazard Overlay District, the provisions of Section * will take precedence over the provisions of this section.

3018.C **General Standards.** Development is prohibited and natural woody vegetation must be maintained or established within riparian buffers except that:

(1) Water-dependent structures or uses, public recreation facilities and public trails or walkways will be allowed to the extent allowed in the applicable zoning district.

(2) Private water access, outdoor recreation, or outdoor seating may occupy not more than 1,000 square feet within the riparian buffer. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.

(3) The vegetation within the riparian buffer may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the existing functions of naturally vegetated riparian buffers.

3018.D **Nonconforming Sites.** Pre-existing development within riparian buffers will be regulated in accordance with the following:

(1) The pre-existing development within the buffer may continue.

(2) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no exterior modifications within the buffer.

(3) Exterior modification, redevelopment or replacement of structures or developed areas within the buffer may be allowed as a conditional use (see Subsection 3018.E).

(4) On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer being maintained as lawns or gardens.

3018.E **Conditional Use Criteria.** In addition to all other applicable criteria of this bylaw, an applicant seeking conditional use approval for redevelopment within the riparian buffer must demonstrate that:

(1) The proposed redevelopment cannot reasonably be accommodated on any portion of the lot outside the riparian buffer;

(2) The proposed redevelopment will not have new or greater (as compared to existing conditions) adverse impact on the natural functions of the surface water and land within the riparian buffer; and

(3) The site will be brought into conformance with the purpose and standards of this section to the maximum extent feasible, which may include re-planting any open space areas with suitable woody, riparian vegetation.

3019 STEEP SLOPES

3019.A **Purpose.** This section is intended to avoid property damage, personal injury and infrastructure damage, and minimize the potential for erosion, slope failure, sedimentation of surface waters, increased runoff, flooding and contamination of surface waters resulting from development on steep slopes.

3019.B **Applicability.** The provisions of this section apply to any development requiring a permit under this bylaw that will clear or disturb steep slopes except for de minimus clearing or disturbance associated with recreational trails and paths.

3019.C **Definition and Measurement.** For the purposes of this bylaw, steep slopes will be defined as ~~2,500 square feet or~~ more than 20,000 square feet of contiguous land area with a slope of 20% or greater (including land beyond the parcel or project site). The Steep Slope Advisory Map will be used to identify areas that may meet this definition. If an applicant is proposing to clear or disturb land within the mapped areas, it will be his/her responsibility to show the presence and extent of steep slopes within the project area using either ~~Slope will be measured using~~ the most recent lidar data available from the Vermont Center for Geographic Information or ~~the applicant may provide~~ a topographic survey stamped by a licensed Vermont surveyor ~~that delineates all steep slopes within the project area~~.

3019.D **General Standards.** A landowner must obtain a conditional use approval for any development that will clear or disturb steep slopes. In addition to all other applicable criteria, the applicant must demonstrate that the proposed development:

(1) Cannot reasonably be accommodated on a portion of the lot not characterized by steep slopes (siting in order to capture a view will not be considered a valid reason to develop steep slopes);

(2) Has been sited and designed to avoid and minimize impacts to steep slopes to the maximum extent feasible;

(3) Has been designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts (see Sections 3012 and 3020);

(4) Conforms to the standards of Section 3014; and

(5) Has been designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles (see Sections 3002, 3008 and 3305 as applicable).

3020 STORMWATER MANAGEMENT

3020.A **Purpose.** This section is intended to:

(1) Minimize and/or control the quantity and quality of stormwater run-off;

(2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible;

(3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation;

(4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development;

(5) Protect surface waters and other natural resources from degradation as a result of development;

(6) Minimize hazards from flooding and streambank erosion; and

(7) Prevent damage to, and reduce public expenditures associated with maintaining municipal infrastructure resulting from inadequate stormwater controls.

3020.B **Applicability.** The provisions of this section apply to any development that will increase the amount of impervious surface on a lot.

3020.C **Projects Subject to State Permitting.** Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

3020.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.

3020.E **General Standards.** All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.

3020.F **Design and Engineering Requirements.** Applicants must design and engineer proposed development in accordance with low-impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given the site specific conditions including, but not limited to, soil characteristics and slope as follows:~~.~~

~~3020.F~~ Applicants proposing development that is not subject to major site plan approval and that will increase the amount of impervious surface on a lot by 2,500 square feet or more ~~:~~

(1) ~~2,500 square feet to 10,000 square feet~~ must demonstrate that appropriate stormwater best management practices will be implemented based on the *GSI Simplified Sizing Spreadsheet*.

(2) Applicants proposing development that is subject to major site plan approval and that will increase the amount of impervious surface on a lot by 2,500 to 10,000 square feet must demonstrate that appropriate stormwater best management practices will be implemented either:

(a) Based on the *GSI Simplified Sizing Spreadsheet;*

(b) By submitting and implementing a professionally prepared stormwater management plan in accordance with the *Vermont Stormwater Management Manual.*

~~(2)~~(3) Applicants proposing development that is subject to major site plan approval and that will increase the amount of impervious surface on a lot by more than 10,000 square feet ~~or more~~ must submit and implement a professionally prepared stormwater management plan in accordance with the *Vermont Stormwater Management Manual*.

3020.G **Best Management Practices.** Development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater management best management practices (BMPs) in accordance with the following:

(1) BMPs must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall. (See the *Simplified GSI Sizing Tool* for methods and calculations.)

(2) Stormwater from on-site impervious surfaces including, but not limited to, roofs, roads, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, and/or other pervious surfaces in order to promote on-site water retention and filtration.

(3) Applicants must demonstrate that the proposed width of all roads and driveways is the narrowest possible to provide safe access and circulation in accordance with the provisions of this bylaw.

(4) Applicants must demonstrate that the proposed amount of on-site parking is the minimum necessary to meet anticipated parking demand in accordance with the provisions of this bylaw.

(5) Applicants must demonstrate that the area to be disturbed during construction is the smallest area necessary to accommodate the activity. Unless otherwise approved in accordance with a professionally prepared erosion prevention and sediment control plan, the disturbance area must not extend more than 30 feet beyond the footprint of the construction area.

~~(4)~~(6) Pervious paving will not be allowed as a BMP unless the applicant provides a professionally prepared stormwater management plan that includes maintenance protocols for the pervious paving.

3020.H **Post-Construction Soil Depth and Quality.** All disturbed areas on a site not covered by impervious surface, incorporated into a structural stormwater treatment practice, or engineered as structural fill or slope once development is complete, must conform to the following:

(1) The duff layer and topsoil in areas to be disturbed during construction must be removed and stockpiled onsite in a designated, controlled area that is not adjacent to surface waters, wetlands, floodplains, or river corridors. The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete.

(2) At project completion, soil within the disturbance area must be treated and/or amended as necessary to repair construction-related damage and compaction. At a minimum, the soil in disturbed areas must:

(a) Include a topsoil layer with a minimum depth of 8 inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.

(b) Have had the subsoils below the topsoil layer scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.

(3) If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import and establish a minimum 8-inch topsoil layer with subsoils below scarified to at least 4 inches to allow for some incorporation of the topsoil layer.

(4) The resulting soil must be capable of supporting healthy vegetation and infiltrating stormwater.

3021 SWIMMING POOLS

3021.A **Applicability.** The standards of this section apply to swimming pools not exempted in Subchapter 110.

3021.B **General Standards.** A landowner may apply for a zoning permit to install a swimming pool in accordance with the following:

(1) A swimming pool must be completely enclosed ~~to prevent unauthorized access~~ by a wall, fence or other structure not less than 4 feet in height with a self-closing and self-latching gate to prevent unauthorized access.

(2) An above-ground pool will be considered completely enclosed if its exterior walls are smooth and at least 4 feet in height above grade around its entire perimeter, and if either:

(a) The ladder access will be enclosed by a wall, fence, or other structure not less than 4 feet in height with a self-closing and self-latching gate; or

(b) Entrance to the pool will be possible only through the use of portable steps or stairs that are removed when the pool is not in use.

(3) A swimming pool must not be located between the principal building and the road unless the applicant can demonstrate that there is no other feasible location on the property.

3022 UNREGISTERED OR UNINSPECTED VEHICLES

3022.A Within the *village districts, a landowner must not store any unregistered or uninspected vehicles in a location outside an enclosed structure that is visible from public vantage points or adjoining properties.

~~3022~~3023 UTILITY FACILITIES

~~3022.A~~3023.A **Applicability.** The standards of this section apply to utility facilities not exempted in Subchapter 110~~110~~.

~~3022.B~~3023.B **District Standards.** Minimum lot size and frontage requirements will not apply to lots housing utility facilities.

~~3022.C~~3023.C **Site Security.** Utility facilities must be designed and maintained to prevent unauthorized access ~~and~~ as necessary to protect public safety.

~~3022.D~~3023.D **Screening Requirements.** A site housing a utility facility must meet the screening requirements of Subsection 3106.F for utilities and service areas.

~~3023~~3024 WATER SUPPLY AND WASTEWATER DISPOSAL

~~3023.A~~3024.A All proposed development requiring a zoning permit under this bylaw must conform to applicable state regulations regarding the provision of potable water and disposal of wastewater.

~~3024~~3025 WETLANDS

~~3024.A~~3025.A **Purpose.** This section is intended to protect and enhance the overall quality, function and ecological health of the town's natural environment by mitigating the impact of development within wetlands and wetland buffers.

~~3024.B~~3025.B **Applicability.** The provisions of this section apply to all mapped wetlands and land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands and 25 feet of all other wetlands. Mapped wetlands will be interpreted as those shown on the most recent Vermont Significant Wetlands Inventory or as determined through a field delineation by a qualified wetland scientist.

~~3024.C~~3025.C **General Standards.** Development is prohibited and natural vegetation must be maintained or established within wetlands and wetland buffers except that:

(1) Water-dependent structures or uses, public recreation facilities and public trails or paths will be allowed to the extent allowed in the applicable zoning district.

(2) The vegetation within wetland buffers may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the existing functions of naturally vegetated wetland buffers.

~~3024.D~~3025.D **Nonconforming Sites.** Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:

(1) The pre-existing development may continue.

(2) A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district provided that there will be no ~~exterior modifications~~ extension of the development footprint within the wetland or wetland buffer.

(3) Redevelopment within wetlands or wetland buffers ~~and new development within wetland buffers~~ may be allowed as a conditional use (see Subsection 3025.E).

~~(3)~~(4) New development associated with pre-existing development within wetlands or wetland buffers may be allowed as a conditional use (see Subsection 3025.E).

~~3024.E~~3025.E **Conditional Use Criteria.** In addition to all other applicable criteria of this bylaw, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:

(1) The proposed development or redevelopment cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer;

(2) The proposed development or redevelopment will not have new or greater (as compared to existing conditions) undue adverse impacts on the natural functions of the wetland and wetland buffer; and

(3) He/she has contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required, and has obtained or intends to obtain a state permit if required. If a state permit is required but has not been obtained, the Development Review Board must condition any approval on the applicant providing a copy of the state permit prior to the Zoning Administrator issuing a zoning permit for the proposed development.

310 Site Design and Performance Standards

3101 LANDSCAPING

3101.A **Purpose.** The provisions of this section are intended to:

(1) Enhance the appearance and quality of development in Chester;

(2) Provide shade, and reduce heat and glare;

(3) Avoid unnecessarily reducing solar access;

~~(3)~~(4) Control soil erosion and stormwater runoff;

~~(4)~~(5) Screen potentially incompatible land uses and utilitarian site features; and

~~(5)~~(6) Calm traffic, and improve pedestrian safety and comfort.

3101.B **Applicability.** Proposed development subject to major site plan (see Subsection 4304.C) or subdivision approval, including planned unit developments, must provide landscaping in accordance with the provisions of this section.

3101.C **General Standards.** All landscaping required under this bylaw must conform to the following:

(1) **Landscape Plan.** Applicants for major site plan approval must submit a landscape plan prepared by a licensed landscape architect or a certified horticulturist if landscaping will be installed. Landscape plans must consist of mixed, layered plantings of trees, shrubs and ornamental plants selected based on site conditions and plant function.

(2) **Plant Materials.** Plant materials must meet the specifications in Figure 3-03. Chester strongly encourages use of native species and prohibits use of invasive or potentially invasive species as identified in the Vermont Agency of Agriculture's list of *Invasive and Noxious Weeds* and in *.

(3) **Performance Bond.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the applicant may install the landscaping within 6 months of the end of construction. The applicant must submit a performance bond to ensure that landscaping will be installed in accordance with the approved plans. The performance bond will be held until the landscaping is completed.

(4) **Planting and Maintenance.** Landscaping must be:

(a) Installed in accordance with accepted nursery and horticultural standards;

(b) Watered as necessary for at least ~~one~~ 3 growing seasons after installation;

(c) Mulched as appropriate to retain soil moisture and prevent soil erosion or compaction, but not to a depth greater than 3 inches;

(d) Maintained in an attractive, healthy condition and as shown on the approved plans as follows:

(i) Dead or dying plants must be replaced within one growing season with

a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-03.

(ii) Invasive and other "volunteer" plants or weeds must be removed.

(iii) Trash and debris must not be allowed to accumulate in landscaped areas.

(iv) Plants must be pruned or cut back as called for in the approved plans and in accordance with accepted nursery and horticultural standards.

(5) **Inspection.** The Development Review Board may require that the Zoning Administrator inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after several growing seasons as a condition of approval. An inspection is recommended when landscaping is integral to ensuring that the proposed development performs as approved (such as within green stormwater infrastructure or riparian buffers, or where there is a specific screening or aesthetic concern, for example).

Figure 3-03. **Planting Specifications**

Plant Material	**Maximum Crown/Spread** (at maturity)	**Maximum Height** (at maturity)	**Minimum Caliper** (at planting)	**Minimum Height** (at planting)	**Minimum Soil Volume** (per plant)	**Equivalent Planting Units**
Large Tree	40 ft or more	50 ft or more	2.5 inches for single-trunk trees (measured at 6" above grade)	6 ft for multi-trunk trees	1,000 cf	1.0
Medium Tree	<40 ft	30 ft or more			500 cf	0.8
Small Tree	<30 ft	<30 ft			250 cf	0.6
Large Shrub	9 ft or more	8 ft or more	n/a	30 in	120 cf	0.5
Medium Shrub	<9 ft	4 to <8 ft	n/a	18 in	60 cf	0.3
Small Shrub	<6 ft	<4 ft	n/a	12 in	15 cf	0.1

Notes

Minimum soil volume will not include any soil below 4 feet in depth (ex. 1,000 cf could equal an area 20' wide by 25' long by 2' deep or an area 10' wide by 25' long by 4' deep).

Minimum soil volume per plant may be reduced by 40% for planting areas landscaped with multiple plants that are not less than 10 ft in any dimension.

Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units.

Perennial ornamental plants may be substituted for not more than 30% of the total number of required plants at a rate of 0.1 equivalent planting units. Minimum size at planting must be a #1 container or equivalent.

3101.D **Front Yard Standards.** Proposed development requiring major site plan approval (see Subsection 4304.C) must provide landscaping within the minimum front setback unless the principal building is or will be constructed to or within 4 feet from the edge of the sidewalk in accordance with the following:

(1) **Location.** Front yard landscaping must be provided between the edge of the road right-of-way and the frontline of the principal building to:

(a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;

(b) Provide direction to and enhance building entrances;

(c) Provide visual breaks along blank building facades;

(d) Enhance and shade sidewalks and walkways;

(e) Screen parking areas or other utilitarian site elements; and/or

(f) Intercept and filter stormwater runoff.

(2) **Specifications.** Front yard landscaping must conform to the planting specifications in Figure 3-03.

(3) **Quantity.** Front yards that are 20 feet or more deep must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 30 feet of lot frontage (exclusive of street trees). Front yards that are less than 20 feet deep must be landscaped with not less than 1.0 equivalent planting unit (EPU) for every 60 feet of lot frontage (exclusive of street trees).

(4) **Green Stormwater BMPs.** Chester strongly encourages front yard landscaping to also function as green stormwater best management practices (BMPs).

3101.E **Streetscape Standards.** Proposed development must provide street trees along existing and proposed roads in accordance with the following:

(1) **Location.** Street trees must be planted as follows:

(a) Within 5 feet of the edge of the road right-of-way unless otherwise recommended by the Public Works Director or VTrans District Permit Coordinator as applicable; and

(b) In a planting strip or a tree well that is not less than 5 feet in any dimension unless otherwise recommended by the Public Works Director or VTrans District Permit Coordinator as applicable.

(2) **Specification, Size and Spacing.** Street trees must conform to the planting specifications in Figure 3-03, and be sized and spaced as follows:

(a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.

(b) Where there are existing or proposed overhead utility lines with at least 35 feet of vertical clearance, street trees must be medium trees.

(c) Where there are existing or proposed overhead utility lines with less than 35 feet of vertical clearance, street trees must be small trees.

(d) Street trees must be planted with a reasonably even, linear spacing as specified below:

(i) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.

(ii) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.

(e) The Development Review Board may modify the above requirements and allow the applicant to:

(i) Plant medium or small trees if buildings or other obstructions will conflict with large trees as they mature;

(ii) Shift the spacing and/or size of street trees to accommodate site features, underground utilities or maintain sight distance.

(3) **Preservation of Existing Trees.** Chester strongly encourages preservation of existing, healthy, mature trees. The Development Review Board may waive the location, spacing and alignment standards above to allow existing trees within 15 feet of the edge of the road right-of-way to meet street tree requirements.

3101.F **Parking Area Standards.** Proposed development requiring major site plan approval (see Subsection 4304.C) must landscape existing and proposed off-street surface parking areas in accordance with the following:

(1) **Small Parking Lots.** Single-loaded parking areas with up to 10 spaces and double-loaded parking areas with up to 20 spaces may be landscaped solely along the perimeter of the parking area provided that the planting area is not less than 8 feet in any dimension.

(2) **Large Parking Lots.** Single-loaded parking areas with more than 10 spaces and double-loaded parking areas with more than 20 spaces must incorporate landscaped planting islands within the parking area. Parking lot landscaping must be located to:

(a) Provide visual breaks within or along rows of parking;

(b) Shade parking spaces, sidewalks and walkways;

(c) Screen parked vehicles from view at the road and from adjoining properties; and/or

(d) Intercept and filter stormwater runoff.

(3) **Planting Islands.** Planting islands must:

(a) Be not less than 8 feet in any dimension; and

(b) Equal an area that is not less than 15% of the total area of parking spaces (excluding access aisles).

(4) **Specifications.** Parking area landscaping must conform to the planting specifications in Figure 3-03.

(5) **Quantity.** Parking areas located in front of buildings or otherwise visible from public view must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 5 parking spaces. Parking areas located behind buildings or otherwise screened from public view must be landscaped with not less 1.0 EPU for every 10 parking spaces.

(6) **Expansion of Pre-Existing Parking Areas.** Parking areas that are being expanded must conform to the landscaping requirements of this section as follows:

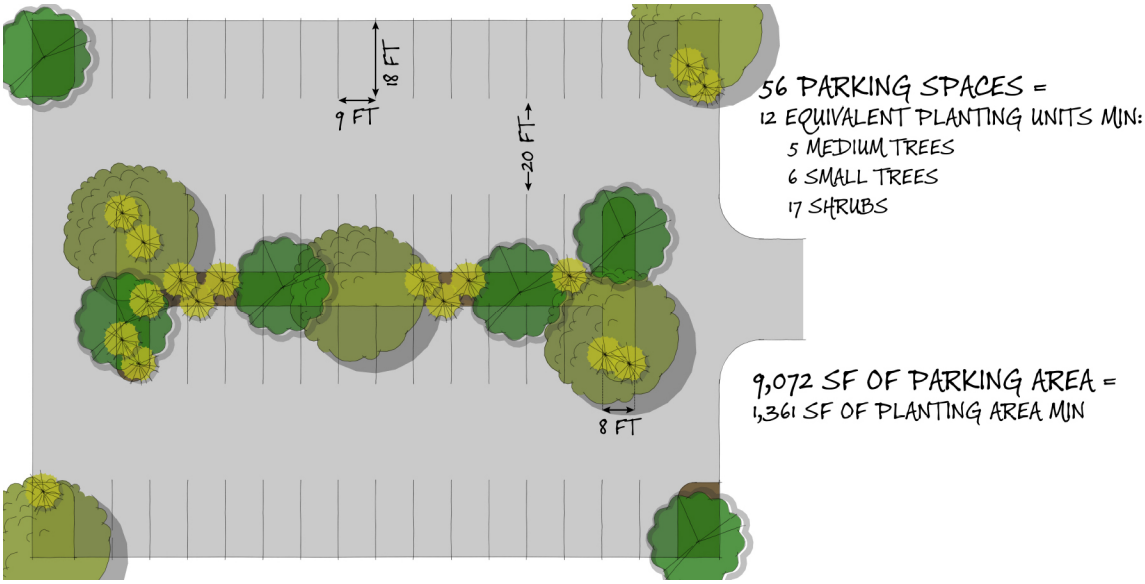
(a) If the increase in the number of spaces and impervious surface will be not more than 30% from what existed prior to [EFFECTIVE DATE], the quantity of landscaping required will be based on the number of new spaces.

(b) If the increase in the number of spaces or impervious surface will be more than 30% from what existed prior to [EFFECTIVE DATE], the quantity of landscaping required will be based on total number of

spaces (new + existing).

(7) **Green Stormwater BMPs.** Chester strongly encourages parking area landscaping to also function as green stormwater best management practices (BMPs).

Figure 3-04. **Illustrated Parking and Parking Lot Landscaping Standards**



3102 OUTDOOR LIGHTING

3102.A **Purpose.** The provisions of this section are intended to:

(1) Ensure that outdoor lighting is designed to maintain safety and security;

(2) Minimize the obtrusive and disruptive aspects of outdoor lighting;

(3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and

(4) Prevent light trespass and glare by requiring light fixtures to be shielded and properly aimed.

3102.B **Applicability.** All outdoor lighting must be installed in accordance with the provisions of this section except for public street lights located within rights-of-way.

3102.C **General Standards.** All outdoor lighting must conform to the following:

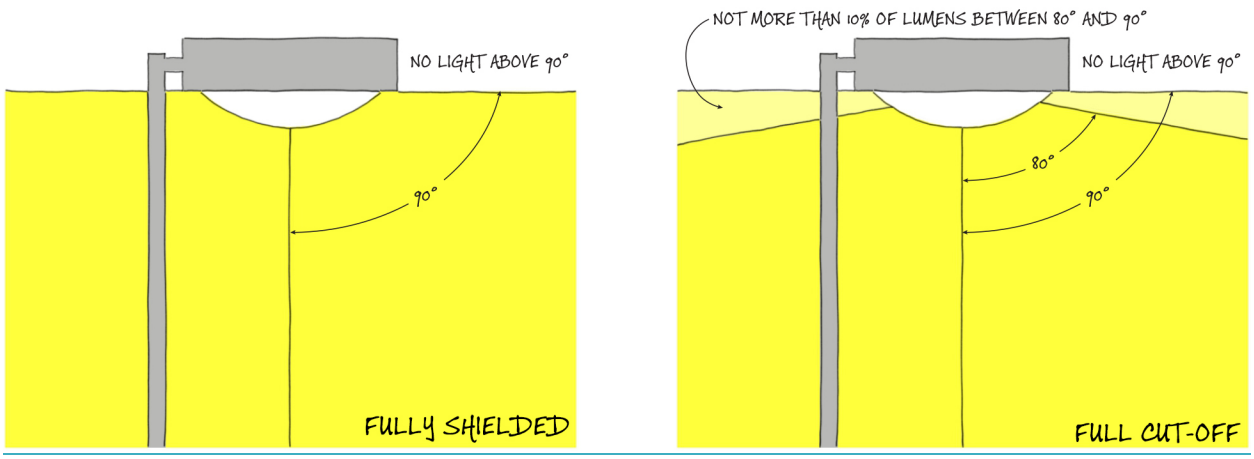
(1) **Lighting Plan.** Applicants for major site plan approval (see Subsection 4304.C) must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.

(2) **Shielding.** All outdoor light fixtures not exempted in Paragraph 1101.A(18) or Paragraph 1101.A(19) must be shielded as specified below. All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.

(a) Light fixtures with an initial output greater than 2,000 lumens must be both fully -shielded and full cut-off; and

(b) Light fixtures with an initial output of 2,000 lumens or less must be fully shielded but do not have to be full cut-off.

Figure 3-05. **Fully Shielded and Full Cut-Off Fixtures**



~~(b)~~ ÷

~~(i) In the Village Business, General Business and Rural Business districts, may be fully or partially shielded; or~~

~~(ii) In all other districts, must be fully shielded.~~

(3) **Total Output.** Total output from:

~~(a) Partially shielded light fixtures on a site must not exceed:~~

~~(i) 0.25 lumens per square foot of developed lot area max in the Village Business, General Business and Rural Business districts; or~~

~~(ii) 0.125 lumens per square foot of developed lot area in all other districts.~~

~~(b)~~(a) All light fixtures ~~(partially + fully shielded)~~ on a site must not exceed:

(i) 2.5 lumens per square foot of developed lot area max in the Village Business, General Business and Rural Business districts; or

(ii) 1.25 lumens per square foot of developed lot area in all other districts.

~~(c)~~(b) For lots not more than 2 acres in area, total lot area may be substituted for developed lot area.

(4) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.

(5) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. ~~When aimed straight down, such light fixtures will be considered fully shielded; when aimed above straight down, they will be considered partially shielded.~~ Use of flood or similar high-intensity lighting is discouraged.

(6) **Freestanding Lights.** Freestanding light fixtures must not exceed 30 feet in height in the General and Rural Business districts and 24 feet in height in all other districts. Freestanding light fixtures may be located within setbacks. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.

(7) **Glare and Light Trespass.** Outdoor light fixtures must be located, oriented and shielded as necessary to prevent glare and light trespass over adjacent property or rights-of-way.

(8) **Internally Illuminated Architecture.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated will be ~~considered partially shielded lighting~~included in the calculation of lumens per square foot on the site.

~~(9) **Luminous Tube Lighting.** Luminous tube lighting does not require shielding, but it will be considered partially shielded lighting for the purposes of calculating total outdoor light output for the site.~~

~~(10)~~(a) **Time Limits.** Outdoor lighting must be extinguished by 10 p.m. unless otherwise approved by the Development Review Board upon finding the lighting necessary to accommodate a use occurring after 10 p.m., protect public safety or secure the property. To achieve the purposes of this section and protect the character of the area, t~~T~~he Development Review Board may further limit when outdoor lighting may be used ~~as deemed necessary to achieve the purposes of this section and protect the character of the area~~and may require use of timers or sensors.~~.~~

3102.D **Special Use Lighting.** There are additional lighting standards for the following uses:

(1) **Recreation Facilities.** Lighting for outdoor recreation facilities must conform to the following:

(a) Lighting for outdoor recreation facilities will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(3).

(b) The facility lighting must be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

(c) Light fixtures must be fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.

(d) Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal. *[*note PC asked whether fully shielded lighting can be used and my review of lighting guidelines for sport facilities indicates that they typically range from 5-10% above the horizontal and it appears necessary to have lighting above the horizontal for "aerial activity"]*

(e) All field lighting must be extinguished within 30 minutes of the cessation of play. Events must be scheduled so as to complete activity before 10 p.m. Illumination of the facility will be permitted after 10 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.

(2) **Sales Lots.** Lighting for the frontage row display area of a sales lot must conform to the following:

(a) All frontage row lighting must use fully-shielded light fixtures, but is not required to use full cut-off fixtures.

(b) The total outdoor light output used for illuminating the frontage row display area must not exceed 60 lumens per square foot of the frontage row display area.

(c) Lighting for the frontage row will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(3).

(d) Any frontage row lighting that exceeds the lumens per square foot limit specified in Paragraph 3102.C(3) or that is not full cut-off must only be turned on when the business is open.

(3) **Fueling Station Canopies.** Lighting for fueling station canopies must conform to the following:

(a) All light fixtures mounted on or recessed into the lower surface of the canopy must be fully shielded and use flat lenses.

(b) The total light output used for illuminating fueling station canopies must not exceed 60 lumens per square foot of canopy.

(c) The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per square foot limit as specified in Paragraph 3102.C(3).

3102.E **Pre-Existing Outdoor Lighting.** Existing light fixtures must be included in the calculation of total light output on a site. Applicants seeking major site plan approval who are proposing to add additional fixtures must bring all existing outdoor lighting into conformance with the provisions of this section.

3103 OUTDOOR USE AREAS

3103.A **Applicability.** Outdoor service, work, display, storage, eating or gathering areas associated with land uses subject to site plan approval must conform to the standards of this section.

3103.B **General Standards.** Outdoor use areas must:

(1) Be shown on the site plan and must not be expanded beyond the area depicted unless the site plan is amended in accordance with this bylaw;

(2) Not be located on or extend into public rights-of-way or property except as approved by the Chester Selectboard;

(3) Not be located within required setbacks except as provided for in Subsection 3103.C; and

(4) Be screened with a fence in accordance with Subsection 3106.G and a vegetated buffer in accordance with Subsection 3106.E. if located within 20 feet of a property line with a residential lot.

3103.C **Front Yard Standards.** Within the village districts, the Development Review Board may allow use of land between the building frontline and the edge of the sidewalk for outdoor eating, gathering and display areas that will reinforce the pedestrian-oriented, small-town character of the village areas.

3103.D **Conditions of Approval.** The general standards of Subsection 3103.B are minimum requirements. The Development Review Board may place limits or conditions on activities and uses outside an enclosed structure, including but not limited to, hours of operation, lighting, noise, screening and storage, as necessary to maintain the character of the area and further the purposes of this bylaw.

3104 PARKING AND LOADING AREAS

3104.A **Purpose.** The provisions of this section are intended to:

(1) Ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding roads;

(2) Avoid creating excess parking and loading areas that result in increased flooding and land consumption, and decreased water quality and pedestrian-friendliness;

(3) Promote greening and quality design of parking and loading areas to improve stormwater performance and enhance the character of streetscapes and property frontages in Chester.

3104.B **Applicability.** All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section.

3104.C **Amount of Parking and Loading Space.** All development must provide an adequate amount of off-street parking and loading areas to fully meet the needs of the proposed use(s) in accordance with the following:

(1) **Minimum Number of Parking Spaces.** The minimum number of parking spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:

(a) **Residential Uses:** 2 spaces per detached single-family dwelling, two-family dwelling or manufactured home and 1 per accessory dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).

(b) **Lodging Uses:** 1.2 spaces per guest room.

(c) **Commercial Uses:** 1 space per 500 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.

(d) **Industrial Uses:** 1 space per 1,000 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.

(e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 space per 5 seats or 1 space per 500 square feet of gross floor area if no seats (does not include outdoor use areas). For uses that entirely or primarily occur

outdoors or for uses that do not involve public assembly, see (f) below.

(f) **All Other Uses.** The Zoning Administrator will establish the minimum number of spaces for any use that does not fit into a category above based on consideration of parking demand and requirements for the proposed use or a functionally similar use in Chester or elsewhere in Vermont.

(2) **Maximum Number of Parking Spaces.** The maximum number of parking spaces will be twice the minimum number of spaces based on the applicable ratio in Paragraph (1), above, unless the applicant submits a professionally prepared parking study establishing that a greater amount of parking is needed.

(3) **Calculation of Number of Parking Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.

(4) **Modification of Number of Parking Spaces.** The Development Review Board may increase or decrease the amount of off-street parking required if:

(a) The applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;

(b) The applicant meets the requirements for shared parking in Subsection (D) below; or

(c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet of the proposed development (as measured along the sidewalk or walkway) to meet all or a portion of the demand.

(5) **Loading Areas.** All development that generates regular deliveries/shipments by truck or that serves customers/guests who arrive/depart by bus must provide adequate off-street loading areas. The Development Review Board may waive the requirement for on-site loading areas in the village districts upon the applicant demonstrating that delivery vehicles or busses can serve the proposed use by parking safely and legally in the road right-of-way in a location that is not more than 500 feet from the proposed use.

(6) **Bicycle Parking.** All non-residential uses in the *village and *business districts must provide bicycle parking as follows (bicycle storage requirements for multi-family residential uses are specified in Subsection 3202.D):

(a) Bicycle racks must be provided at a ratio of 1 bicycle parking space per 20 vehicular parking spaces with a minimum requirement for 2 bicycle parking spaces for each principal non-residential use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number.

(b) Bicycle racks must be located within 50 feet of the entrance or no further from the entrance than the nearest vehicular parking space, whichever is greater.

(c) The Development Review Board may:

(i) Modify the requirements of this paragraph to allow for bicycle lockers or similar enclosed bicycle storage.

(ii) Waive the requirements of this paragraph for industrial uses that have no more than 10 vehicular parking spaces and do not include direct retail sales or other activities that would generate customer traffic.

3104.D **Shared or Off-Site Parking.** The Development Review Board may approve a cooperative parking and/or loading plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:

(1) Calculate the total amount of shared parking required by:

(a) Determining the minimum parking requirements for each use as if it were a separate use in accordance with Subsection (C) above.

(b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in Figure 3-06. The Zoning Administrator will establish percentages for any unlisted use.

(c) Calculate the total for each time period.

(d) Select the highest total as the required minimum number of shared parking spaces.

(2) Unless shuttle service is provided:

(a) The parking area and building(s) served must be connected by a sidewalk and/or pedestrian walkway; and

(b) Any shared or off-site parking must be located within 1,000 feet of the associated use (as measured along the sidewalk or walkway).

(3) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 20 years, in the town's land records. Should the use(s), parties involved, and/or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement must be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of this bylaw unless replacement parking is provided in accordance with this section.

(4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

~~Figure 3-05.~~Figure 3-06. **Shared Parking Percentages**

Land Use	WEEKDAY		WEEKEND		
	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	Nighttime (12 am – 6 am)
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	50%	100%	50%	100%	100%
Dining	60%	100%	70%	100%	5%
Other Commercial	60%	80%	100%	90%	5%
Residential	50%	90%	80%	90%	100%

3104.E **Location Standards.** Off-street surface parking and loading areas must be located as follows:

(1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with Subsection (D) above.

(2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.

(3) Required parking and loading areas must be located on the lot in accordance with the following:

(a) Parking areas must meet district minimum setback requirements except that:

(i) Shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Subsection (D) above.

(b) The portion of the lot between the frontline of the principal building and the road may only be used for parking as follows:

(i) In the village districts and on properties in the General Business district fronting on Route 11 or Route 103, no additional front parking will be allowed. Existing front parking areas may be repaired, maintained, redesigned and/or reconstructed provided that there is no net increase in the number of parking spaces or amount of impervious surface.

~~(ii) In the General Business district on properties not fronting on Route 11 or Route 103, front parking will be allowed with no restriction outside of the district setbacks.~~

(ii) In all other locations, 1 row of front parking not exceeding ~~20~~ 10 spaces will be allowed. Existing front parking areas may be repaired, maintained, redesigned and/or reconstructed provided that there is no net increase in the number of parking spaces or amount of impervious surface.

(iii) The Development Review Board may waive or modify the standards of this subparagraph upon the applicant demonstrating that adequate parking cannot be located to the rear or side of the building due to either physical constraints on the property or functional requirements of

the business.

(c) No provisions of this bylaw will be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.

(d) Loading areas must be located to the side or rear of building they serve, except this provision will not apply to:

(i) Lots in the General Business District that do not front on Route 11 or Route 103; and

(ii) Passenger loading/unloading areas.

3104.F **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

(1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:

(a) Spaces serving a single-family or two-family home; or

(b) Tandem parking (a double-depth parking space with one vehicle blocking the other) approved by the Development Review Board.

(2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be not less than 16 feet wide.

(3) **Loading Areas.** Loading areas:

(a) Serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.

(b) Serving tractor trailer trucks or busses must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.

(c) Located within 100 feet of a dwelling unit must not be used between the hours of 8 p.m. and 7 a.m. unless located in the General Business District or otherwise approved by the Development Review Board.

(4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a road right-of-way except for parking that serves a single-family or two-family home.

3104.G **Design, Construction and Maintenance Standards.** Off-street surface parking and loading areas must conform to the following:

(1) **Surface.** Off-street parking and loading areas must provide a level hard surface appropriate for the anticipated level of use in all seasons. New parking areas for more than 10 vehicles, drive-through lanes and loading areas must be surfaced with asphalt or concrete. Existing gravel parking areas with more than 10 spaces may be maintained provided the number of parking spaces will not increase (the applicant must pave the entire parking area if expanding the number of spaces). The Development Review Board may modify the surfacing requirements:

(a) To accommodate green stormwater management practices; or

(b) For overflow or special event parking that is not frequently used.

(2) **Layout.** Perpendicular (90 degree) parking is required unless the applicant demonstrates that due to site-specific conditions angled parking will allow for more efficient site design and compact development footprint. The Development Review Board may modify the dimensional requirements for angled parking spaces and associated aisles.

(3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion in accordance with the provisions of Sections 3012 and 3019. Run-off and/or eroded surface materials must not flow onto adjacent roads or properties.

(4) **Markings.** Parking areas with more than 10 spaces must demarcate the parking spaces. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.

(5) **Screening.** Off-street parking areas and loading areas must be screened as follows:

(a) Parking areas located within 20 feet of a property line with a residential lot must be screened with a fence in accordance with Subsection 3106.G and a vegetated buffer in accordance with Subsection 3106.E.

(b) Loading areas must be screened in accordance with Subsection 3106.F.

(6) **Landscaping.** Off-street parking areas must be landscaped in accordance with Subsection 3101.F.

(7) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:

(a) Applicants must demonstrate that adequate area is available on the site for snow storage or, if an adequate area does not exist, that snow will be removed from the site.

(b) Snow must not be stored within buffers, landscaped areas or stormwater infrastructure unless those features are specifically designed for that purpose.

(c) If the parking area has more parking spaces than the minimum required for the use under this section, snow may be stored on the excess spaces.

(8) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.

(9) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.

(10) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.

(11) **Resurfacing of Pre-Existing Parking Areas.** Parking areas that are being resurfaced must meet the following:

(a) The number and width of existing curb cuts must be brought into conformance with Section 3002 unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would result in a loss of parking spaces below the number required under Subsection 3104.C or would adversely impact traffic circulation on the site.

(b) Parking areas with no stormwater management (i.e., sheet flow to the road or off-site) or with failed stormwater management (i.e., catch basins no longer at proper grade to function as designed) must be brought into conformance with Section 3019 unless waived or modified by the Development Review Board upon the applicant demonstrating that he/she is proposing the best fix feasible given pre-existing site conditions.

(c) Front parking areas (between the front line of the building and the road) with no or less landscaping than required under Subsection 3101.F must be brought into conformance with landscaping requirements unless waived or modified by the Development Review Board upon the applicant demonstrating that providing landscaping would result in a loss of parking spaces below the number required under Subsection 3104.C or would adversely impact traffic circulation on the site.

3105 PERFORMANCE STANDARDS

3105.A **Purpose.** The provisions of this section are intended to protect the character of and quality of life in Chester by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.

3105.B **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the area. Unless otherwise approved by the Development Review Board, noise levels must not exceed the following as measured at the property line:

(1) ~~80~~ 70 dBA for continuous time weighted average noise over any one-hour period; and

(2) 120 dBA for impulse or impact noise.

3105.C **Glare.** Lighting must not be used in such a manner that it produces glare on roads or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.

3105.D **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited. This will not apply to heating systems serving singe- or two-family homes.

3105.E **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited. This will not apply to heating systems serving singe- or two-family homes.

3105.F **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.

3105.G **Electrical or Radio Interference.** No use or process must create interference with the operation of electrical or radio apparatus beyond the property line.

3105.H **Junk and Junk Vehicles.** Except as specifically authorized as part of an approved use under this bylaw, accumulation of junk or storage of more than 3 junk motor vehicles (see Paragraph * and **definitions*) outside an enclosed structure is prohibited. Applicants must show the location of any proposed junk or junk motor vehicle storage areas on the site plan and must screen such facilities in accordance with Subsection 3106.F. Also see Section **Error! Reference source not found.**.

3105.I **Waste and Material Storage.** Storage of wastes or materials that attract insects or rodents, or otherwise create a health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with Subsection 3106.F.

3105.J **Underground Storage Tanks.** Underground storage tanks must be installed, maintained, decommissioned and removed in accordance with state and federal regulations, including reporting of leaks and spills. Underground storage tanks must not be located within district setbacks, riparian buffers, wetlands or wetland buffers. Applicants for site plan approval must show the location of any proposed underground storage tanks on the site plan.

3105.K **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. See Section 3223 for specific use standards for tank farms or fuel storage and distribution.

3106 SCREENING

3106.A **Purpose.** The provisions of this section are intended to maintain and improve the character and quality of life in Chester by providing:

(1) A landscaped buffer between incompatible land uses; and

(2) Attractive screening of proposed development and site elements that would create or contribute to visual clutter and distraction.

3106.B **Applicability.** The provisions of this section apply to any development that requires major site plan approval (see Subsection 4304.C) and are minimum requirements for screening. The Development Review Board may require additional screening as deemed necessary to protect the character of the area and mitigate the impact of incompatible land uses.

3106.C **General Standards.** All landscaping required under this section must also conform to the general standards in Subsection 3101.C and the specifications of Figure 3-03.

3106.D **Parking Areas.** Off-street parking areas must be screened in accordance with Paragraph 3104.G(5).

3106.E **Side and Rear Yards.** Applicants must maintain or establish a vegetated buffer along any side and rear lot lines that abut a residential lot or a residential or rural zoning district, except that no buffer will be required if the abutting property is under common ownership with the subject lot, as follows:

(1) The buffer must not be less than 8 feet in any dimension.

(2) The buffer must be landscaped with (see Figure 3-03):

(a) Not less than 1.0 equivalent planting unit (EPU) for every 10 feet, if no fence.

(b) Not less than 1.0 EPU for every 15 feet, if combined with a fence or berm.

3106.F **Utilities and Service Areas.** Except within those portions of the General Business district not fronting on Route 11 or Route 103, all utility boxes, pump stations, substations, off-street loading areas, trash storage and recycling areas, outdoor storage areas, antennas and satellite dishes, mechanical equipment, and similar above ground utility or service site elements that will be visible from the road or abutting properties must be screened from view with a vegetated buffer as follows:

(1) The buffer must not be less than 8 feet in any dimension.

(2) The buffer must be landscaped with (see Figure 3-03):

(a) Not less than 1.0 equivalent planting unit (EPU) for every 10 feet, if no fence.

(b) Not less than 1.0 EPU for every 15 feet, if combined with a fence or berm.

3106.G **Fences.** Fences used for screening must conform to Section 3013 and also must:

(1) Be completely opaque between a height of 1 and 5 feet above the ground;

(2) Be made of wood, concrete, masonry, stone or metal; and

(3) Not be made of corrugated or galvanized steel or metal sheets, or be chain link fencing with inserts.

3106.H **Berms.** Berms used for screening must conform to Section 3014 and also must:

(1) Berms must be organically shaped and compatible with the surrounding topography;

(2) Berms must not be located or designed in a manner that would damage existing vegetation;

(3) The top width of a berm must not be less than ½ of the height of the berm; and

(4) Berms must be vegetated with groundcover and other plant materials.

3106.I **Waiver.** An applicant may request that the Development Review Board waive or modify screening requirements upon demonstrating that physical characteristics of the subject property (e.g. change in grade between development site and neighboring properties or distance between the development site and neighboring properties) are adequate to achieve the purposes of this section.

3107 SIGNS

3107.A **Purpose.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

(1) Protect public safety, including but not limited to, safe pedestrian and vehicular travel;

(2) Encourage the use of street graphics that are compatible with the community's rural, small town character;

(3) Promote effective identification, communication and wayfinding; and

(4) Maintain and enhance an attractive visual environment that fosters a healthy economy.

3107.B **Applicability.** All signs must be designed and installed in accordance with the provisions of this section. The Zoning Administrator must issue a permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in Subsection 3107.C.

3107.C **Exempt Signs.** The following signs are not subject to this bylaw and do not require a zoning permit provided that they are not designed or installed in a manner that would cause them to be prohibited under Subsection 3107.D:

(1) Public signs or notices erected or required by a government entity.

(2) Signs that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).

(3) Temporary banners installed within the public right-of-way as approved by the Chester Selectboard.

(4) Political campaign signs that are not:

(a) Displayed more than 1 month prior to or more than 1 week following an election or vote;

(b) Located within a public right-of-way or mounted on a utility pole;

(c) More than 6 square feet in area; and

(d) More than 4 feet in height.

(5) Historic markers approved under Vermont's State Historic Site Marker program.

(6) Noncommercial signs memorializing the names of buildings and when they were constructed that are:

(a) An integral architectural element of the building; and

(b) Cut into masonry or constructed of bronze or a material of comparable durability and attached to the wall.

(7) Noncommercial property identification signs (such as street address, mailbox number, building number, or resident's name) that are not:

(a) Free-standing (must be mounted on the building or a related accessory structure such as a mailbox);

(b) Located within a public right-of-way or mounted on a utility pole; and

(c) More than 2 square feet in area.

(8) Noncommercial directional, traffic control, parking, instructional or warning signs that are not:

(a) Located within a public right-of-way or mounted on a utility pole;

(b) More than 4 square feet in area; and

(c) More than 6 feet in height.

(9) Not more than one temporary, unlit, noncommercial sign per lot that is not:

(a) Displayed for more than 2 weeks;

(b) Located within a public right-of-way or mounted on a utility pole;

(c) More than 6 square feet in area; and

(d) More than 4 feet in height.

(10) Not more than one "open" flag or window sign per business establishment that is not:

(a) Displayed when the business is closed (flags must be brought in or window signs must be turned off);

(b) Located so that it would project into the public right-of-way or sidewalk within a height of 8 feet from the ground or sidewalk surface if a flag; and

(c) More than 15 square feet in area if a flag or more than 6 square feet in area if a window sign.

(11) Not more than one unlit sign per lot advertising the sale or lease of real estate by the owner or an agent that is not:

(a) Located within a public right-of-way or mounted on a utility pole;

(b) More than 6 square feet in area; and

(c) More than 4 feet in height.

(12) Signs incorporated into machinery or equipment by a manufacturer or distributor, which provide instruction or identify only the product or service dispensed by the machine or equipment (such as signs customarily affixed to vending machines, newspaper racks, ATMs or fuel pumps).

(13) Flags and insignia of any government, religious, charitable, fraternal or similar organization (see Section 3003 if installing a flagpole).

3107.D **Prohibited Signs.** The following signs are prohibited:

(1) Off-premise signs, except for signs on a common scheme premises in conformance with this section or signs that are exempt from state regulation under 10 V.S.A § 494.

(2) Abandoned signs (see Paragraph **definition*).

(3) Signs applied or attached to trees, utility poles, public benches, streetlights or similar public infrastructure.

(4) Signs placed on any public property or in any public right-of-way, except for sandwich board signs in conformance with this section.

(5) Signs that obstruct pedestrian traffic or visibility.

(6) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly district drivers' attention, or that otherwise impair public safety.

(7) Internally illuminated signs.

~~(6)~~(8) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights, except for electronic message signs in conformance with this section.

~~(7)~~(9) Signs that are ~~comprised~~ composed of or incorporate laser source lights, searchlights or other high intensity lights.

~~(8)~~(10) Signs containing neon gas.

~~(9)~~(11) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device, including but not limited to feather or whip signs.

~~(10)~~(12) Signs that make noise or emit sound.

~~(11)~~(13) Signs that use obscene, lewd, vulgar or indecent words or images not suitable for a general audience.

~~(12)~~(14) Signs more than 150 square feet in area.

~~(13)~~(15) Signs more than 24 feet in height or, if building mounted, above the building's roofline except as specifically authorized in this section.

(16) Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign. In determining whether a vehicle or trailer is functioning primarily as a sign, the Zoning Administrator will consider factors including, but not limited to, whether:

(a) The vehicle or trailer is registered and capable of being legally driven.

(b) The sign interferes with the functional use of the vehicle or trailer.

(c) The vehicle or trailer is located in a lawful or approved parking space.

(d) Less visible parking spaces are available on the subject property where the vehicle could reasonably be parked.

~~(14)~~(e) The vehicle or trailer is regularly moved or driven.

3107.E **General Standards.** All signs must conform to the following:

(1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.

(2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete footings or other permanent foundation.

(3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.

(4) Signs must be constructed of durable, all-weather materials.

(5) Signs must be limited to not more than three colors and use of fluorescent colors is prohibited. The color(s) of building-mounted signs must complement the color scheme of the associated building. Designs that feature light colored lettering and graphics on a dark background are strongly encouraged for better legibility.

~~(5)~~(6) Signs must not be designed or located in a manner that would obstruct access to any fire escape, window or door.

~~(6)~~(7) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.

3107.F **Wall Signs.** A maximum of 1 wall sign is allowed per establishment as follows:

(1) Externally illuminated and backlit wall signs are allowed in all zoning districts in conformance with the provisions of Paragraph 3107.O.

~~(2) Internally illuminated wall signs are only allowed in the General Business and Rural 3 districts in conformance with the provisions of Paragraph 3107.Q.~~

~~(3)~~(2) A wall sign must not exceed a sign area of 1 square foot multiplied by the width of the building facade to which it will be attached up to a maximum of 40 square feet for ground floor uses and 20 square feet for upper floor uses. If the use occupies only a portion of the building, the sign area will be based on the width of the façade associated with the establishment being advertised.

~~(4)~~(3) A wall sign must have a signable area that is at least 12 inches and not more than 36 inches in height.

~~(5)~~(4) A wall sign must not project more than 8 inches from the wall and must not extend above or beyond the wall on which it will be mounted.

3107.G **Awning Signs.** Signs may be painted, printed or appliqued on any awning over a window or door as follows:

(1) Awning signs are allowed in all zoning districts.

(2) Awning signs must not be illuminated.

(3) Not more than 25% of the sloping plane or 75% of the valence of an awning may be used as signable area.

(4) Awning sign content must be limited to the business name, logo and/or address.

(5) Awnings must be mounted so that no portion is less than ~~8~~ 9 feet above the ground or sidewalk surface below.

3107.H **Window Signs.** Signs may be painted, applied or placed on the inside of windows or doors as follows:

(1) Window signs are allowed in all zoning districts.

(2) Window signs must not be illuminated.

(3) No window sign may exceed 12 square feet in signable area.

(4) Not more than 20% of the glass surface of a window or door may be used for or obscured by signage.

3107.I **Free-Standing Pole or Monument Signs.** A maximum of 1 free-standing pole or monument sign is allowed per lot as follows:

(1) Free-standing pole or monument signs are allowed in all zoning districts ~~except for the village districts~~.

(2) Externally illuminated signs are allowed in conformance with the provisions of Paragraph 3107.O.

~~(3) Internally illuminated and electronic message signs are only allowed in the General Business district in conformance with the provisions of Paragraph 3107.Q and Paragraph 3107.P.~~

(3) No free-standing pole or monument sign may exceed 24 square feet in signable area or 6 feet in height in the *village districts or 12 feet in height in all other districts.

(4) Free-standing pole or monument signs may be located within minimum front setbacks, but they must be set back a distance equal to at least their height from the edge of the right-of-way.

3107.J **Projecting or Hanging Signs.** A maximum of 1 projecting or hanging sign is allowed per establishment as follows:

(1) Projecting or hanging signs are allowed in all zoning districts.

(2) Externally illuminated signs are allowed in conformance with the provisions of Paragraph 3107.O.

~~(3) Internally illuminated and electronic message signs are only allowed in the General Business district in conformance with the provisions of Paragraph 3107.Q and Paragraph 3107.P.~~

~~(4)~~(3) No projecting or hanging sign may exceed 12 square feet in signable area.

~~(5)~~(4) Signs must be mounted so that no portion projects more than 4 feet from the building wall to which it is attached.

(5) Signs must be mounted so that no portion is less than ~~8~~ 9 feet above the ground or sidewalk surface below.

(6) Signs that will project over a public right-of-way will also require approval from the Chester Selectboard.

3107.K **Sandwich Board Signs.** A maximum of 1 sandwich board sign is allowed per establishment as follows:

(1) Sandwich board signs are allowed only in the village zoning districts.

(2) Sandwich board signs must not be illuminated.

(3) No sandwich board sign may exceed 6 square feet in signable area or 3 feet in height.

(4) Sandwich board signs must not be placed within public rights-of-way, and must not interfere with pedestrian travel or encroach upon the required accessible path.

(5) Sandwich board signs may only be displayed during business hours and must be removed when the business is closed.

3107.L **Common Scheme Premises Signs.** Signage for a single development site that consists of multiple uses, buildings or lots sharing a common entrance from the road must be designed and located in a comprehensive and coordinated manner as set forth in an approved signage master plan in accordance with the following:

(1) A common scheme premises may use free-standing signs that advertise multiple uses irrespective of whether the advertised uses are located on the same lot as the sign or the ownership of the lots.

(2) All signs located on a common scheme premises must be consistent with the site's approved signage master plan. The master plan must include proposed sign locations, sign types, and schematic design concepts for each sign type.

(3) A zoning permit will not be required to replace a panel or reword the message portion of a common scheme premises sign provided that there is only a change in content and there are no changes to the approved sign location, size, type or design.

3107.M **Fuel Pricing Signs.** ~~In addition to the signs otherwise allowed under this section, a~~A fueling station may have ~~pricing signs as follows~~either:

(1) A pricing sign at each pump not to exceed 1 square foot in area; or

~~(1)~~(2) A pricing sign incorporated into the free-standing sign allowed under Paragraph 3107.I.~~Each pump may have a pricing sign mounted on it that is not more than 2 square feet in area~~.

~~(2) A canopy may have not more than 2 pricing signs mounted on it, each of which is not more than 6 square feet in area. If pricing signs are mounted on the canopy, the station cannot also have a free-standing pole or monument sign or any other type of building-mounted sign that includes pricing~~

~~(3) Pricing signs may be single-color changeable-copy electronic message signs in conformance with Paragraph 3107.P and will not be subject to the limitation in number of electronic message signs provided that the message does not change more than once per hour.~~

~~(4)~~(3) Pricing signs must not be illuminated when the station is not open for business.

3107.N **Menu Signs.** In addition to the signs otherwise allowed under this section, a restaurant may have menu signs as follows:

(1) One menu sign may be mounted on the building near each public entrance that is not more than 2 square feet in area~~. Such signs must not be internally illuminated or electronic message signs~~.

(2) One menu sign may be mounted near each service window for restaurants with drive-through or walk-up service that is not more than 24 square feet in area and, if free-standing, 6 feet in height.~~ Such signs may be internally illuminated~~.

(3) Menu signs must not be illuminated when the restaurant is not open for business.

3107.O **Sign Lighting.** External lighting of signs must be designed and located to avoid light trespass and glare, and must conform to the following unless otherwise specified in this section:

(1) The total light output of external fixtures illuminating a sign must not exceed 5 lumens per square foot of sign area.

(2) Fixtures used to illuminate signs must be ~~fully-shielded~~full cut-off, and located and aimed so that the light falls entirely on the sign except as specified in Paragraph (3) below.

(3) Signs must be lit from above, except that wall signs may be ~~lit from below or be~~ backlit provided that the light falls entirely on the building wall.

(4) Sign lighting must be turned off by 10 p.m., or the close of business if later and must not be turned back on until the start of business. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the area.

~~3107.P **Electronic Message Signs.** Electronic message signs where allowed must conform to the following unless otherwise specified in this section:~~

~~(1) There must not be more than one electronic message sign per lot.~~

~~(2) Electronic message commercial signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.~~

~~(3) Electronic message noncommercial signs must not exceed the maximum sign area specified for the applicable sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.~~

~~(4) Electronic message signs must be turned when the associated business is closed.~~

~~(5) Electronic message signs must not flash, scroll, fade, brighten, dim, display video or otherwise be animated or create the effect of movement.~~

~~(6) The sign message must not change more than once every 15 minutes.~~

~~(7) Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The total light output of the sign must not exceed 20 lumens per square foot of sign area after dark. The Development Review Board may further limit the intensity of the sign's illumination as deemed necessary to achieve the purposes of this section and protect the character of the area.~~

~~(8) Electronic message signs must be programmed so that in the event of a malfunction, the screen goes black and is not illuminated.~~

~~3107.Q **Internally Illuminated Signs.** Internally illuminated signs where allowed must conform to the following unless otherwise specified in this section:~~

~~(1) There must not be more than one internally illuminated sign per establishment.~~

~~(2) The total light output of fixtures illuminating the sign must not exceed 10 lumens per square foot of sign area.~~

~~(3) The sign must not be illuminated when the business is closed.~~

~~(4) Internally illuminated commercial signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.~~

~~(5) Internally illuminated noncommercial signs must not exceed the maximum sign area specified for the applicable sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.~~

~~(6) Internally illuminated wall signs must be designed as channel letter signs. All other internally illuminated signs must be constructed with either: an opaque background and translucent text and symbols; or a colored background that is darker than the text and symbols~~

~~(7) Internally illuminated signs must not flash, brighten, dim, change color or otherwise be designed to appear animated.~~

~~(8)~~(5) ~~Not more than 30% of the area of an internally illuminated sign may be used for advertising a product(s) available at the establishment.~~

~~3107.R~~3107.P **Temporary Signs.** Temporary signs are allowed to advertise openings, sales or special events in accordance with the following:

(1) Property or business owners may purchase annual licenses to display temporary signs in accordance with Figure 3-07.

(2) The Zoning Administrator may only issue one license per establishment in a calendar year.

(3) The license for a temporary sign authorizes the holder to display one or more signs provided that the total sign area does not exceed the maximum amount allowed.

(4) The license holder must:

(a) Securely attach a temporary sign to a permanent structure (i.e. building or a permanent ground-mounted sign).

(b) Not install permanent footings, posts or similar structures to support a temporary sign.

(c) Not illuminate a temporary sign.

~~(c)~~(5) Signs prohibited in Paragraph 3107.D must not be used as temporary signs.

~~(5)~~(6) Chester will consider temporary signs that are not readily movable to be permanent signs subject to all applicable provisions of this section.

~~Figure 3-06.~~Figure 3-07. **Temporary Sign Fee Schedule**

DURATION OF DISPLAY	TOTAL SIGN AREA		
	12 sf max	24 sf max	48 sf max
Not to exceed 14 days in the 12-month period	$50	$100	$200
Not to exceed 14 days in any 6-month period	$100	$200	$400
Not to exceed 14 days in any 3-month period	$200	$400	N/A
Seasonal use not to exceed 120 days in the 12-month period	$400	$800	N/A

~~3107.S~~3107.Q **Sign Area.** Sign area will be determined in accordance with the following:

(1) The sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message, it will be included in the calculation of sign area.

(2) The area of a sign will be calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.

(3) Sign area will only include one side of a double-sided sign. The Zoning Administrator or Development Review Board may waive or modify the sign area requirements for three-dimensional signs.

(4) The calculated signable area of a non-rectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle as follows:

(a) No adjustment if the amount of negative space within the sign area rectangle is less than 30%;

(b) A 15% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 30% and less than 50%;

(c) A 30% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 50% and less than 70%; or

(d) A 45% reduction in the calculated area if the amount of negative space within the sign area rectangle is 70% or greater.

~~3107.T~~3107.R **Sign Removal.** A sign must be removed within 90 days of its associated use being changed or terminated as follows:

(1) For conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered, and the support components may remain.

(2) For nonconforming signs, both the message and support components of the sign associated with the changed or terminated use must be removed.

~~3107.U~~3107.S **Nonconforming Signs.** Nonconforming signs will be regulated as follows:

(1) A nonconforming sign must not be relocated unless the relocation will bring the sign into greater conformance with this bylaw.

(2) The support components of a nonconforming sign may be repaired or maintained provided that there is no change in materials, dimensions or location except if the alteration will bring the sign into greater conformance with this bylaw.

(3) The message components of a nonconforming sign may be repaired or maintained by replacing or repainting a sign panel, individual letters or graphics within the same sign area provided that there is no change in the sign's primary content except if:

(a) The alteration will bring the sign into greater conformance with this bylaw;

(b) A business with a nonconforming sign undergoes a name change with no other changes in operation of the business, in which case the sign may be altered, modified or reconstructed to update the business name by replacing or repainting a sign panel, individual letters or graphics within the same sign area; or

(c) A business with a nonconforming sign undergoes a change in affiliation with no other changes in operation of the business, in which case the sign may be altered, modified or reconstructed to update the affiliation by replacing or repainting a sign panel, individual letters or graphics within the same sign area.

(4) A nonconforming sign must be brought into conformance with this bylaw when:

(a) There is a change in the primary content of the sign, except as authorized in Paragraph (3) above;

(b) An applicant proposes development that requires major site plan approval (see Subsection 4304.C); or

(c) The sign is damaged or deteriorated to the extent that the cost of repair or restoration will exceed 50% of the replacement value of the sign immediately prior to the damage.

3108 TRASH, COMPOSTING AND RECYCLING STORAGE AREAS

3108.A **General Standards.** All proposed development subject to site plan review must provide trash, composting and recycling storage areas as follows:

(1) No provision of this section will be interpreted to apply to areas or containers used to compost waste generated on-site.

~~(1)~~(2) Trash, compost and recycling storage areas must be located:

(a) Within the principal or an accessory building or inside an enclosure located to the side or rear of the building; and

(b) Outside required setbacks as shown on the approved site plan.

~~(2)~~(3) All outdoor storage areas for trash, compost and recycling must be located on a hard surface (i.e., asphalt or concrete).

~~(3)~~(4) Trash, compost and recycling storage areas must provide adequate space for the maintenance and servicing of containers.

~~(4)~~(5) Enclosures must be at least 5 feet in height and must obscure all materials and/or containers stored inside. Also see screening standards in Paragraph 3106.F.

~~(5)~~(6) Enclosures must be constructed of the same or visually compatible exterior materials as the buildings they are intended to serve.

~~(6)~~(7) Any doors or gates to trash, compost and recycling storage areas must remain closed and latched except when being accessed for deposit, maintenance, service or collection.

~~(7)~~(8) Trash, compost and recycling storage areas must be accessible and convenient for building residents/tenants and for collection vehicles.

~~(8)~~(1) ~~No provision of this section will be interpreted to apply to areas or containers used to compost waste generated on-site.~~

320 Specific Use Standards

3201 APPLICABILITY

3201.A The standards of this section apply to the specified uses in addition to all other applicable provisions of this bylaw. The Development Review Board may establish more restrictive standards as a conditional of approval in accordance with the development review procedures of Chapter 430.

3202 MULTI-FAMILY DWELLINGS

3202.A **Applicability.** The provisions of this section apply to:

(1) New buildings that will contain 5 or more dwelling units;

(2) Multi-building developments that will contain 10 or more dwelling units; and

(3) Existing buildings that will increase the number of dwelling units and result in 5 or more units in the building.

3202.B **Open Space.** Multi-unit residential buildings must provide residents with outdoor space as follows:

(1) There must be at least 400 square feet of common open space per dwelling unit that meets the standards below. Common open space must:

(a) Be located in one or more areas conveniently accessible to building residents, and no area may be less than 30 feet in any dimension;

(b) Be designed with seating areas and other passive recreation facilities to be shared by all residents;

(c) Be landscaped with trees, shrubs, groundcover and/or ornamental plants; and

(d) Include a children's play area if 30% or more of the units have three or more bedrooms.

(2) At least 50% of the units must include a private or semi-private outdoor living space (ex. patio, courtyard, porch, balcony) to be accessed from the dwelling unit for the exclusive use of unit residents that is at least 60 square feet in area and not less than 6 feet in any dimension.

3202.C **Bulk Storage.** Each dwelling unit must include a secured, enclosed bulk storage area at least 60 square feet in area and not less than 6 feet in any dimension for the exclusive use of unit residents as follows:

(1) The storage area may be located within or separate from the dwelling unit.

(2) The storage area may be located within the building or within an accessory building.

(3) If the storage area will be located within a private garage, it must be in addition to the area necessary to accommodate any required parking.

3202.D **Bicycle Parking.** The development must include: ~~with~~

(1) A~~a~~t least one, conveniently accessible, secure and covered bicycle parking or storage space per dwelling unit. Applicants may demonstrate that this requirement will be met by providing bulk storage or structured parking that is adequately sized and configured to accommodate a bicycle.

~~3202.D~~(2) At least one bicycle rack that meets the requirements of Paragraph 3104.C(6).

3202.E **Pedestrian Access.** Multi-unit residential buildings must be designed with pedestrian access from:

(1) The public sidewalk or road to any street-facing ground-level residential entrances;

(2) Vehicular and bicycle p~~P~~arking areas to residential entrances; and

(3) Residential entrances to service areas (ex. trash or recycling areas) and common open space areas.

3202.F **Mixed-Use Buildings.** Multi-unit, mixed-use buildings must be designed so that the:

(1) Non-residential space will not be located above residential space;

(2) Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed as necessary to maintain a maximum sound level of 30 dBA from 10 p.m. to 6 a.m. within the residential unit(s);

(3) Private entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;

(4) Impact on building residents of service and waste collection areas (noise, light, odors, etc.) serving non-residential uses will be minimized; and

(5) Common open space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

3203 ACCESSORY DWELLING

3203.A An accessory dwelling unit (ADU) must:

(1) Be located within or associated with an owner-occupied, single-family dwelling;

(2) Be clearly subordinate to the primary dwelling;

(3) Share a driveway with the primary dwelling;

(4) Have provisions for independent living, including sleeping, food preparation and sanitation in accordance with Section 3010;

(5) Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater;

(6) Not have more than 2 bedrooms;

(7) Meet the minimum parking requirements for residential uses of Section 3104;

(8) Meet the applicable dimensional standards of the zoning district; and

(9) Meet the water supply and wastewater disposal standards of Section 3024.

3203.B A lot must not have more than one ADU.

3203.C The homeowner must retain the ADU in common ownership with the primary dwelling.

3203.D The homeowner must reside on the property, but may live in either the primary or accessory dwelling unit.

3203.E An ADU will be considered an accessory use of residential property and will not require site plan approval.

3203.F An ADU will not be included in the calculation of residential density.

3203.G Any change in use, configuration, occupancy or ownership of an ADU that does not conform to the provisions of this section is prohibited unless the homeowner obtains a permit to convert the dwelling unit to another allowed use (e.g. single- or two-family dwelling) in conformance with all applicable provisions of these bylaws.

3204 HOME OCCUPATION

3204.A A home occupation must:

(1) Not have an adverse effect on the character of the area;

(2) Not generate regular traffic in excess of what is typical of other uses in the area;

(3) Meet the performance standards of Section 3105;

(4) Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday;

(5) Not be primarily retail in nature, except that retail sales of goods manufactured on the premises, ancillary sales of products directly related to the provision of a personal service (e.g. sales of hair care products by a hair stylist) and internet / mail-order businesses that do not generate customer traffic will be allowed;

(6) Not provide repair services for vehicles, equipment or other large goods;

(7) Not occupy more than 50% of the habitable floor area of the dwelling and/or more than 1,000 square feet in one or more accessory buildings;

(8) Not employ more than 2 people who do not live in the associated dwelling and who work on-site;

(9) Provide employee and/or customer parking when necessary (in addition to the parking required for the dwelling unit) in accordance with Section 3104 as follows:

(i) If there will not be regular customer traffic, 1 parking space for each non-resident employee; or

(ii) If there will be regular customer traffic, the number of spaces required under Subsection 3104.C based on the floor area devoted to the home occupation; and

(10) Not have any outdoor storage or use areas, including product display or parking of heavy vehicles or heavy equipment outside an enclosed structure.

3204.B A home occupation may have not more than 1 sign not to exceed 6 square feet in area and must conform to all applicable standards of Section 3107 ~~3106~~.

3204.C A home occupation will be considered an accessory use of residential property and will not require site plan approval.

3204.D Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home occupation that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home occupation to another allowed use in conformance with all applicable provisions of these bylaws.

3205 HOME BUSINESS

3205.A A home business must:

(1) Not have an adverse effect on the character of the area;

(2) Meet the performance standards of Section 3105;

(3) Operate only between the hours of 7 a.m. to 7 p.m. unless otherwise established as a condition of approval;

(4) Not occupy more than 50% of the habitable floor area of the dwelling, but may occupy any amount of space in one or more accessory buildings;

(5) Not employ more than 8 people who work on-site (including those residing in the associated dwelling);

(6) Provide parking in accordance with Section 3104; and

(7) Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these bylaws and any conditions of approval (see Section 3103).

3205.B A home business ~~may~~:

(1) May have signage as allowed in Section 3107 if located in the *business district;

(2) May have not more than 1 sign not to exceed 6 square feet in area in all other districts; and

~~3205.B~~(3) Must conform to all applicable standards of Section 3107.

3205.C The business owner or operator must live in the associated dwelling.

3205.D A home business will require site plan approval.

3205.E Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home business that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home business to another allowed use in conformance with all applicable provisions of these bylaws.

3206 FAMILY CHILDCARE HOME

3206.A A family childcare home must:

(1) Be operated by a resident of the dwelling;

(2) Be registered by the state; and

(3) Not care for more than 6 children on a full-time basis (more than 4 hours per day) and 4 children on a part-time basis (not more than 4 hours per day), not including any children who live in the home.

3206.B A family childcare home may have not more than 1 sign not to exceed 6 square feet in area and must conform to all applicable standards of Section 3107~~may have not more than 1 sign and must conform to all applicable standards of Section 3106~~.

3206.C A family childcare home will be considered an accessory use of residential property and will not require site plan approval.

3206.D Any change in use, intensity or ownership of a family childcare home that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the family childcare home to another allowed use (e.g. daycare) in conformance with all applicable provisions of these bylaws.

3206.E For larger facilities, see Section 3227.

3207 RESIDENTIAL CARE OR GROUP HOME

3207.A A residential care or group home must:

(1) Be licensed by the state;

(2) Not be occupied by more than 8 people with a disability; and

(3) Not be located within 1,000 feet of another residential care or group home (as measured between the two closest points along the property lines).

3207.B A residential care or group home will be considered a by-right use of residential property and will require permits to the same extent as a single-family dwelling under these bylaws.

3207.C For larger facilities, see Section 3227.

3208 BED AND BREAKFAST

3208.A A bed and breakfast must:

(1) Be located within a single-family dwelling and/or accessory building(s) to a single-family dwelling;

(2) Be operated by a resident of the dwelling;

(3) Be licensed by the state;

(4) Not have more than 5 guest rooms;

(5) Not house any guest for a continuous period of 30 days or more; and

(6) Not offer meals to the general public.

3208.B A bed and breakfast must provide guest vehicular and bicycle parking in accordance with Section 3104, including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway and must conform to the standards of Section 3104.

3208.C A bed and breakfast may have not more than 1 sign not to exceed 6 square feet in area and must conform to all applicable standards of Section 3107~~may have a not more than 1 sign and must conform to all applicable standards of Section 3106~~.

3208.D A bed and breakfast will be considered an accessory use of residential property and will not require site plan approval.

3209 INN

3209.A An inn must:

(1) Be located within a single-family dwelling and/or accessory building(s) to a single-family dwelling;

(2) Have a resident manager;

(3) Be licensed by the state;

(4) Not have more than 20 guest rooms; and

(5) Not house any guest for a continuous period of more than 30 days.

3209.B An inn may offer meals or other services (spa, fitness center, meeting rooms, etc.) to the general public as a conditional use.

3209.C An inn must provide guest vehicular and bicycle parking in accordance with Section 3104, including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway or between the road and the ~~dwelling~~principal building.

3209.D An inn may have signage as allowed in Section 3107~~Section 3106~~ for the applicable zoning district.

3209.E An inn will require site plan approval.

3210 ROOMING AND BOARDING HOUSE

3210.A A rooming and board house must:

(1) Be located within a single-family dwelling and/or accessory building(s) to a single-family dwelling;

(2) Be operated by a resident of the dwelling;

(3) Not have more than 10 rental rooms;

(4) Provide all tenants with a private, secured bedroom for their exclusive use;

(5) Not house more than two unrelated adults per rental room;

(6) Rent rooms for a fixed period of not less than 30 days; and

(7) Provide 2 parking spaces for the single-family dwelling and 1 parking space for each rental room in accordance with Section 3104.

3210.B A rooming and boarding house may have not more than 1 sign not to exceed 6 square feet in area and must conform to all applicable standards of Section 3107~~may have a not more than 1 sign and must conform to all applicable standards of Section 3106~~.

3210.C A rooming and boarding house will require site plan approval.

3210.D A rooming and boarding house will be considered a multi-family dwelling under these bylaws if the rental rooms have provisions for independent living, including sleeping, food preparation and sanitation in accordance with Section 3010.

3211 SHORT-TERM RENTAL

3211.A A short-term rental must:

(1) Be located within a dwelling and/or accessory building(s) to a dwelling that is occupied by an owner or a tenant with a lease agreement for a period of not less than 12 months;

(2) ~~Have the owner or tenant living in the dwelling for not less than 180 days within any calendar year~~If the owner or tenant will not be in residence on the property when it is rented to short-term guests, the short-term rental use will be limited to a maximum of 180 days in any calendar year;

(3) Not house any guest for a continuous period of 30 days or more; and

(4) Be limited to a maximum number of guests that does not exceed ~~twice~~ three times the number of bedrooms in the dwelling.

3211.B A short-term rental must not have a commercial sign.

3211.C A short-term rental will be considered an accessory use of residential property and will not require site plan approval.

3211.D A dwelling that is being used as a short-term rental that does not meet the owner/tenant occupancy requirement above will be considered a hotel or motel under these bylaws. If a complaint is filed with the Zoning Administrator, it will be the operator's responsibility to demonstrate that requirements above and any other conditional of approval are being met.

3212 HOTEL OR MOTEL

3212.A A hotel or motel must:

(1) Be limited to a maximum number of guestrooms that does not exceed 1 per 400 square feet of gross floor area;

(2) Be licensed by the state;

(3) Not house any guest/tenant for a continuous period of 30 days or more except in an extended stay room that meets the standards below; and

(4) Provide at least 50 square feet of common open space for each standard guestroom and 100 square feet for each extended stay room that will be:

(a) Located in one or more areas conveniently accessible to guests/tenants with no area being less than 30 feet in any dimension;

(b) Designed with seating areas and other passive recreation facilities to be available to all guests/tenants; and

(c) Landscaped with trees, shrubs, groundcover and/or ornamental plants.

3212.B Extended stay rooms must:

(1) Provide guests/tenants with a private, secured space for their exclusive use;

(2) Not house more than two unrelated adults; and

(3) Meet the minimum requirements for independent living of Section 3010.

3212.C A hotel or motel may include accessory uses such as restaurants, event facilities, meeting spaces, fitness centers or spas that are open to the general public.

3213 SALES LOT

3213.A The provisions of this section apply to:

(1) New sales lots; and

(2) Existing sales lots that will be modified, resulting in the expansion, redesign or relocation of the display area (this will not be interpreted to include resurfacing of display areas).

3213.B A sales lot must:

(1) Only display or store merchandise in designated display or storage areas as shown on the approved site plan;

(2) Not locate display or storage areas within minimum setbacks for the applicable zoning district;

(3) Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces;

(4) Screen display or storage areas that are located within 20 feet of a property line with a residential lot ~~with a fence/berm and vegetated buffer~~ in accordance with Section 3106;

(5) Display all merchandise in a static position at ground level (no raised, moving or~~,~~ revolving platforms, pedestals, ramps, mounds, etc.);

(6) Provide a ~~buffer~~ greenspace at least 16 feet deep between the edge of the right-of-way and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see Section 3101) that conforms to the planting specifications in Figure 3-03;

(7) Not locate any merchandise or signs within the required buffer except as specifically allowed below:

(a) One permanent sign that meets the applicable standards of Section 3106 may be located within the buffer; and

(b) One display area not more than 200 square feet in area that meets the minimum front setback requirement for the applicable zoning district may be located within the buffer and may be hard surfaced.

3213.C Any area used for the display or storage of merchandise must be paved. The Development Review Board may waive this requirement upon the applicant demonstrating that a non-paved surface will be suitable to accommodate the type and amount of goods, type, amount and frequency of traffic, and/or time of the year or length of time that the area will be used without causing erosion or other damage. This will include allowing for surfaces designed to function as a green stormwater practices (see Section 3019).

3213.D Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see Section 3019).

3213.E Any area used for the display or storage of vehicles being offered for sale will not be considered a parking lot and will not be subject to the provisions of Section 3104.

3213.F See special lighting standards for sales lots in Paragraph 3102.D(2).

3213.G Existing display areas that are being modified must meet the following:

(1) The number and width of existing curb cuts must be brought into conformance with Section 3002 unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would adversely impact traffic circulation on the site.

(2) Display areas with no stormwater management (i.e., sheet flow to the road or off-site) or with failed stormwater management (i.e., catch basins no longer at proper grade to function as designed) must be brought into conformance with Section 3019 unless waived or modified by the Development Review Board upon the applicant demonstrating that he/she is proposing the best fix feasible given pre-existing site conditions.

(3) Display areas with no or less buffers and landscaping than required under Subsection 3213.B must be brought into conformance with those requirements unless waived or modified by the Development Review Board upon the applicant demonstrating that the display area cannot reasonably be relocated outside the required buffers and that the resulting reduction in display area would adversely impact business operations.

3214 REPAIR SERVICE

3214.A A repair service must:

(1) Carry out all repair or service activities within an enclosed building unless otherwise approved by the Development Review Board;

(2) Carry out any body work, painting or other activities that will produce dust, fumes or odors within a building with a properly functioning ventilation system that meets state and federal requirements; and

(3) Locate any washing, lubrication, hydraulic or similar equipment within a building with a properly functioning system for collecting and preventing release of oils or other hazardous materials that meets state and federal requirements.

3214.B Vehicles or other goods, including those awaiting repair or pick-up, must not be parked or stored within minimum required setbacks for the applicable zoning district.

3214.C All outdoor storage associated with the repair service must meet the standards of Section 3103.

3215 FUELING STATION

3215.A The provisions of this section apply to:

(1) New fueling stations;

(2) Existing fueling stations being modified, resulting in the relocation of the fuel storage tanks and/or fuel pumps;

(3) Existing fueling stations being modified, resulting in a new building or an addition to an existing building of 1,000 square feet or more; and

(4) Existing fueling stations being expanded, resulting in an increase in the number of fuel pumps.

3215.B Fueling stations must:

(1) Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point (this will apply only to new fueling stations);

(2) Be located on a lot that has at least 150 feet of frontage and is at least 20,000 square feet in area;

(3) Locate all fuel pumps and islands at least 30 feet from side and rear lot lines; and

(4) Not locate new fuel pumps and islands between the frontline of the principal building and the road (this provision will not apply to redesign/redevelopment of existing fueling stations provided that the number of pumps will not increase);

(5) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district and within 20 feet of the property line with a residential lot; and

(6) Screen fueling areas that are located within 20 feet of a property line with a residential lot with a fence/berm and vegetated buffer in accordance with Section 3106.

3215.C New or replacement fuel station canopies must:

(1) Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way;

(2) Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;

(3) Not incorporate franchise designs or corporate identification elements;

(4) Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;

(5) Have illumination only on the underside (illuminated fascia are prohibited) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches in accordance with Paragraph 3102.D(3).

3215.D Fueling station~~s may have~~ pricing signs ~~in accordance~~must conform ~~with~~ to Subsection 3107.M.

3215.E Electric car charging stations located within a parking lot, structure or public right-of-way will not be considered a fueling station and will not be subject to the provisions of this section.

3216 CARWASH

3216.A The provisions of this section apply to any carwash established as a permanent use. They do not apply to any temporary car-washing events or the washing of vehicles on the vehicle owner's property.

3216.B A carwash must:

(1) Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides;

(2) Not operate between the hours of 9 p.m. and 7 a.m. unless otherwise approved by the Development Review Board;

(3) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district or within 20 feet of the property line with a residential lot;

(4) Screen vehicular use areas that are located within 20 feet of a property line with a residential lot with a fence/berm and vegetated buffer in accordance with Section 3106;

(5) Contain all wastewater on-site and prevent it from running off the property or into municipal storm drains or roadside ditches; and

(6) Have a properly functioning wastewater capture and recycling system.

3217 LAWN, GARDEN, FARM SUPPLY, BUILDING SUPPLY SALES AND LUMBERYARDS

3217.A Lawn, garden, farm, building supply sales and lumberyards must:

(1) Only display or store merchandise outside an enclosed structure in designated display or storage areas as shown on the approved site plan;

(2) Not locate outdoor display or storage areas within minimum setbacks for the applicable zoning district;

(3) Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces;

(4) Screen display or storage areas that are located within 20 feet of a property line with a residential lot with a fence/berm and vegetated buffer in accordance with Section 3106; and

(5) Provide ~~a buffer~~ at least 16 feet ~~deep~~ of greenspace between the edge of the right-of-way and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see Section 3101) that conforms to the planting specifications in Figure 3-03.

3217.B Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see Section 3019).

3218 OPEN MARKET OR AUCTION HOUSE

3218.A The provisions of this section do ~~not~~ apply to temporary sales or auctions of goods on any property that occur for ~~not~~ more than 3 contiguous days ~~and~~ or more than a total of 12 days in any calendar year in accordance with all other applicable provisions of these bylaws.

3218.B Unless otherwise approved by the Development Review Board, an open market or auction house must:

(1) Indicate all structures (permanent and temporary) and open areas intended to be used for the display or storage of goods being offered for sale on the approved site plan;

(2) Not store goods being offered for sale outside an enclosed structure when the business is closed to patrons;

(3) Not use an outdoor amplified sound system that will be audible off the premises; and

(4) Be limited to operating between the hours of 8 a.m. and 9 p.m.

3218.C Open markets or auction houses that will operate on a seasonal basis must remove all goods stored outside an enclosed building, temporary structures, and signs (message component only, support structure may remain in place) during the off-season.

3218.D The Development Review Board may modify the parking requirements of Section 3104 for an open market or auction house that will be operated on a seasonal or limited basis.

3218.E If an applicant requests a modification from the requirements above, the Development Review Board must find that the use as proposed will not result in adverse off-site impacts.

3219 VETERINARY, PET OR ANIMAL SERVICE

3219.A A veterinary, pet or animal service (including but not limited to, kennels, animal boarding facilities, animal shelters, animal daycare facilities, pet shops and pet dealers) must:

(1) Must operate in accordance with state animal welfare regulations and be licensed by the state when applicable;

(2) Not have outdoor areas for animal use except as specifically shown on an approved site plan;

(3) Enclose all outdoor areas for animal use with fencing of a suitable height and design to secure the animals;

(4) Have adequate provisions for waste disposal to prevent vermin infestation, odors and disease;

(5) Not use any structure located closer than 200 feet to an existing dwelling not in common ownership with the business for housing animals unless otherwise approved by the Development Review Board; and

(6) Not have any animals kept outside an enclosed structure between 8 p.m. and 7 a.m. unless otherwise approved by the Development Review Board.

3219.B Any person who engages in the selling or exchanging of cats, dogs, wolf-hybrids or any combination from three or more litters in any 12-month period will be considered a pet dealer and must obtain a zoning permit to operate a pet or animal service in conformance with the provisions of this section.

3220 RESTAURANT, BAR, NIGHTCLUB OR EVENT FACILITY

3220.A A restaurant, bar, nightclub or event facility must:

(1) Be licensed by the state and/or town as applicable;

(2) Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved site plan;

(3) Not have amplified music playing from outside an enclosed building or from within an open-air structure unless otherwise approved by the Development Review Board; and

(4) Provide sound-proofing for any wall, ceiling or floor that is shared with a ~~residential use~~dwelling unit not occupied by an owner or employee of the business as necessary to maintain a maximum sound level of 30 dBA from 10 p.m. to 6 a.m. within the residential unit(s).

3220.B Restaurants may have menu signs in accordance with Subsection 3107.N.

3221 MOBILE FOOD SERVICE

3221.A Mobile food service must:

(1) Be licensed by the state;

(2) Not be located within any minimum required setback, buffer or right-of-way unless the Town of Chester Selectboard approves a location within a public right-of-way;

(3) Be located entirely on private property unless the Town of Chester Selectboard approves a location on public property;

(4) Not interfere with pedestrian or vehicular access or circulation, or with sight distance at any intersection; and

(5) Provide appropriate receptacles for trash, recyclables and food waste.

3221.B A mobile food service unit or vehicle must be capable of being moved and remain registered, inspected and insured (if a motor vehicle) otherwise the use will be considered a restaurant (see Section 3220).

3221.C Mobile food service may be located within an off-street parking area provided that it will not reduce the number of parking spaces below the minimum amount needed to accommodate the use(s) intended to be served by the parking.

3221.D There will be no minimum parking requirements for mobile food service. Any parking provided must meet the standards of Section 3104.

3221.E Signs must not be illuminated, must meet the standards of Section 3107 and will be limited to:

(1) One or more signs painted or mounted on the vending unit not to exceed a total sign area of 20 square feet, exclusive any menu sign;

(2) Menu signs in accordance with Subsection 3107.N;

(3) Awning signs in accordance with Subsection 3107.G; and

(4) Sandwich board signs in accordance with Subsection 3107.K.

3222 SELF-STORAGE SERVICES

3222.A Self-storage services must:

(1) Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the standards of Section 3103;

(2) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil;

(3) Not have any stored goods displayed for sale except in accordance with Subsection 3222.C;

(4) Not allow a storage unit renter to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises; and

(5) Install screening along any property line abutting a residential lot with a fence/berm in accordance with Section 3106.

3222.B Mini-storage buildings must:

~~(1) Have sloped roofs with a pitch of not less than 4:12;~~

~~(2)~~(1) Be oriented with their short side facing the road unless the Development Review Board waives this requirement upon the applicant demonstrating that it is not feasible due to site specific conditions (grade, lot depth, etc.);

~~(3)~~(2) Be compatible in design, materials and colors with one another when there will be multiple buildings on a site; and

~~(4)~~(3) Use dark, muted and/or neutral exterior colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant exterior colors or patterns that would call attention to the buildings.

3222.C Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 3 contiguous days and a total of 12 days in any calendar year.

3223 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES

3223.A Tank farm or fuel storage and distribution services must:

(1) Be registered with the state and in compliance with all applicable state and federal regulations;

(2) Not be located within 500 feet of an existing school, daycare facility, skilled nursing facility, hospital, park or other place of public assembly (measured at the closest point between the property lines);

(3) Not be located within 500 feet of an existing dwelling (measured at the closest point between the property lines) excluding any dwelling in common ownership with the business;

(4) Meet the performance standards of Section 3105;

(5) Locate all aboveground tanks on a hard, level surface;

(6) Provide a containment system for any aboveground tank that is:

(a) Capable of holding at least 125% of the volume of the tank, and

(b) Designed to appropriately treat and release any rainwater that accumulates within the containment area;

(7) Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and

(8) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

3223.B Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any lot line unless all the standards of Subsection 3223.A will be met.

3223.C The provisions of this section do not apply to storage of fuels or other materials for on-site use.

3224 COMMUNICATIONS ANTENNAS AND TOWERS

3224.A **Purpose.** The purpose of this subsection is to:

(1) Minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;

(2) Accommodate the need and demand for communications facilities;

(3) Encourage the location and collocation of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers;

(4) Provide for the replacement and/or removal of nonconforming or discontinued antennas and towers; and

(5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Chester.

3224.B **Applicability.** Except as specifically exempted in Subchapter 110, the standards of this subsection apply to the installation, construction or modification of the following communications facilities:

(1) Existing and proposed antennas and towers;

(2) Replacement antennas and towers;

(3) Broadcast antennas and towers;

(4) Collocated and combined antennas on existing towers;

(5) Roof-mounted antennas and supporting structures;

(6) Surface-mounted antennas;

(7) Antennas mounted on utility poles, including utility poles located within public rights-of-way;

(8) Stealth wireless communications facilities; and

(9) Amateur radio antennas and towers with an overall height greater than 50 feet.

3224.C **De Minimis Impact.** The Zoning Administrator may approve and issue a zoning permit for an application for a communication facility if he/she determines that it conforms to all applicable provisions of these bylaws and imposes no or de minimis impact on any criteria established in these bylaws. The Zoning Administrator will only consider an application to have a de minimis impact if it meets all of the following:

(1) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase;

(2) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet;

(3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured; and

(4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.

3224.D **Application Requirements.** In addition to all other requirements, applicants must submit the following to demonstrate compliance with the provisions of this section:

(1) A signed statement from the facility's owner or owner's agent stating that the radio frequency emissions will comply with Federal Communications Commission (FCC) standards;

(2) Proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph;

(3) Proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located;

(4) An FCC license, and construction development approval if applicable, to transmit radio signals in Town of Chester;

(5) The name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change;

(6) A stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower;

(7) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace;

(8) A description of the coverage area planned for the cell to be served by the proposed facility;

(9) A description of the search area used to locate the proposed facility;

(10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility; and

(11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.

3224.E **Siting Priorities.** The Development Review Board will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility. In order to justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

(1) Collocated or combined antennas;

(2) Surface-mounted antennas;

(3) Roof-mounted antennas; and

(4) Stealth wireless communications facility.

3224.F **Prohibited Locations.** A new tower must not be located:

(1) Closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, railroad rights-of-way, surface waters and aboveground utility line rights-of-way; and

(2) Within 1,000 feet from any historic district, historic structure or scenic road.

3224.G **Antenna Types.** Antennas must be designed and configured in a manner that minimizes adverse visual impacts as follows:

(1) Antennas must be one of the types below (listed in order of preference):

(a) Flush-mounted;

(b) Panel;

(c) Whip; or

(d) Dish.

(2) In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

3224.H **Surface-Mounted Antennas.** Surface-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

(1) Maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible;

(2) Be placed at least 15 feet above the ground; and

(3) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

3224.I **Roof-Mounted Antennas.** Roof-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

(1) Be placed only on commercial, industrial or non-residential institutional buildings that are at least 30 feet in height;

(2) Be placed as near to the center of the roof as possible;

(3) Not extend above the roof line of the building to which they are attached by more than 20 feet;

(4) Have a monopole-type construction;

(5) Maintain a galvanized gray or brown finish unless the Development Review Board finds that another color will be more contextually compatible;

(6) Be screened by a parapet or other structure in order to minimize their visual impact as viewed from the road; and

(7) Not have signs.

3224.J **Stealth Wireless Communications Facilities.** A stealth facility must:

(1) Not have antennas or ancillary equipment that are readily identifiable from a public vantage point as wireless communications equipment; and

(2) Be designed so that they are reasonably consistent with the scale and character of nearby structures in the built or surrounding vegetation in the natural environment.

3224.K **Towers.** Communication towers must:

(1) Have a monopole-type construction except that:

(a) Broadcast structures taller than 200 feet, amateur radio antennas and AM broadcast antennas may have a lattice-type construction;

(2) Maintain a galvanized gray or brown finish or other contextually-compatible color as determined by the Development Review Board (this includes ancillary appurtenances), except if otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC);

(3) Not have lights, signals or other illumination unless the applicant demonstrates that lighting is required by the FAA or FCC; and

(4) Not have signs except for hazard notification signs as required by state or federal regulations.

3225 CONTRACTOR'S YARD OR UNENCLOSED STORAGE

3225.A Contractor's yard or unenclosed storage must:

(1) Not locate storage areas within minimum setbacks for the applicable zoning district;

(2) Install screening along the front lot line if the outdoor storage would otherwise be visible from the road in accordance with Section 3106;

(3) Install screening along the side and/or rear property lines if outdoor storage would otherwise be visible from abutting properties with a fence/berm in accordance with Section 3106.;

(4) Control erosion and sediment transport from any materials stored outdoors in accordance with Section 3012;

(5) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage); and

(6) Allow equipment or vehicle maintenance or repair activities to occur only within an enclosed building and in accordance with the provisions of Section 3214.

3225.B The screening requirements in Subsection A above will not apply to:

(1) Property lines between lots in common ownership;

(2) Property lines between lots if both lots are located in the General Business district; and

(3) Front lot lines of properties within the General Business district not located on Route 11 or Route 103.

3226 CAMPGROUND

3226.A Campgrounds must:

(1) Be licensed by the state;

(2) Be located on a parcel at least 5 acres in size;

(3) Not operate from ~~October~~ December ~~15~~ 1 to April 15;

(4) Not exceed a maximum density of 8 campsites for each acre of land within the campground (including common and day use areas);

(5) Be designed so that no campsite is less than 2,500 square feet in area or 25 feet in width;

(6) Be designed so that each campsite is accessed via the internal drive(s) and not directly from a public road;

(7) Not have any campsite closer than 75 feet to a property line;

(8) Not have any campsite located within riparian buffers (see Section 3018);

(9) Not house any campers for a continuous period of 30 or more days except on a seasonal campsite;

(10) Not have more than 40% of the total number of campsites within the campground designated and used as seasonal campsites;

(11) Not allow unregistered recreational vehicles or manufactured homes to be occupied or stored on the property;

(12) Provide lavatory, shower, toilet, trash and recycling facilities in accordance with these bylaws and state regulations; and

(13) Provide at least 1,000 square feet of common open space for each campsite that will be improved and maintained with recreation facilities to be available to all campers.

3226.B The Development Review Board may waive one or more provisions in Subsection 3226.A for designated primitive campsites (tents or lean-tos, no recreational vehicles).

3226.C The provisions of this section will not apply to backcountry camping on land without designated campsites.

3227 RESIDENTIAL TREATMENT FACILITY

3227.A A residential treatment facility must:

(1) Operate under state licensing;

(2) Be limited to a maximum number of residents that does not exceed 1 per 400 square feet of gross floor area in the facility;

(3) Not house more than two unrelated residents per room;

(4) Provide a minimum of 200 square feet of common open space per resident that is designed with seating areas and other passive recreation facilities to be shared by all residents; and

(5) Not be located within 1,000 feet of another residential treatment facility or group home (measured as the closest distance between the property lines).

3228 FIREWOOD PROCESSING

3228.A Firewood processing must:

(1) Be located on a parcel at least ~~5~~ 2 acres in size;

(2) Not have outdoor use and storage areas except as specifically shown on an approved site plan in accordance with Section 3103;

(3) Not locate outdoor storage areas within minimum setbacks for the applicable zoning district;

(4) Not locate processing equipment closer than 200 feet to an existing dwelling that is not in common ownership with the business;

(5) Operate only between the hours of 8 a.m. and 6 p.m., including all trucking operations; and

(6) Meet the performance standards of Section 3105.

3229 EXTRACTION AND QUARRYING

3229.A Extraction and quarrying must:

(1) Be located on a parcel at least 5 acres in size;

(2) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands;

(3) Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation;

(4) Submit and implement professionally prepared erosion control and stormwater management plans;

(5) Not cause the permanent lowering of the water table on surrounding properties;

(6) Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier);

(7) Install warning signs and fencing as necessary to protect public safety;

(8) Meet the performance standards of Section 3105;

(9) Obtain all necessary town and state permits; and

(10) Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:

(a) Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort;

(b) Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth;

(c) Maintain or establish a final slope that does not exceed a grade of ~~3~~2:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas excluding any areas of exposed ledge;

(d) Evenly spread at least 4 inches of topsoil capable of sustaining vegetation on all disturbed areas excluding any areas of exposed ledge;

(e) Stabilize and seed disturbed areas with Vermont conservation mix at the earliest possible time following completion of extraction or quarrying operations in an area;

(f) Replant disturbed areas with ~~groundcover~~ Vermont conservation mix and not less than 4.0 EPUs per acre disturbed (see Figure 3-03); and

(g) Keep erosion control measures in place until permanent vegetation has been established.

~~(g)~~3229.B The provisions of this section do not apply to removal of earth resources associated with approved land development.

3230 CHILD DAY CARE

3230.A A child day care must:

(1) Be registered or licensed by the state;

(2) Not have outdoor play areas except as specifically shown on an approved site plan;

(3) Enclose all outdoor play areas with fencing of a suitable height and design unless otherwise approved by the Development Review Board; and

(4) Set all outdoor play areas back at least 50 feet from any adjoining residential lot unless otherwise approved by the Development Review Board.

3231 ON-FARM BUSINESS

3231.A An on-farm business must:

(1) Be a small business that forms as a natural extension of the farm (as defined in these bylaws) and the ongoing, active agricultural use of the property;

(2) Be subordinate to and integrated with the agricultural operation;

(3) Be sited and designed to maintain a rural and agricultural character, and not have a commercial or industrial character;

(4) Be located within or adjacent to other developed areas or activity centers on the farm, except that the Development Review Board may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from agricultural activities or residential areas;

(5) Locate associated development (buildings, parking, etc.) off primary agricultural soils to the maximum extent feasible;

(6) Be appropriate in scale and intensity given the location;

(7) Not generate traffic in excess of what would be typical of other commercial, industrial or public assembly uses allowed in the zoning district;

(8) Meet the performance standards of Section 3105;

(9) Conform to the standards of Section 3220 if providing meals or hosting events;

(10) Conform to the standards of Section 3209 or Section 3226, as applicable, if providing lodging.

3231.B The following will require review and approval as a Level 2 on-farm business:

(1) A business that will host events or otherwise generate customer/visitor traffic that brings more than:

(a) 10 vehicles to a farm accessed from a town or private road, or

(b) 40 vehicles to a farm accessed from a state highway.

(2) A business that will host outdoor events between the hours of 8 p.m. and 8 a.m.

~~3231.B~~3231.C In addition to the signs allowed under Section -3107~~3106~~, an on-farm business may:

(1) Display not more than 6 temporary signs advertising products or activities currently in season as follows:

(a) A temporary sign may be mounted on a permanent support structure;

(b) Each temporary sign must not be more than ~~8~~ 6 square feet in area or more than ~~8~~ 6 feet in height;

(c) An individual temporary sign must not be displayed for more than 90 days in any calendar year; and

(d) Temporary signs may be located on any land farmed by the operator of the on-farm business.

(2) The provisions of Paragraph 3107.P will not apply to temporary signs that meet the requirements above.

3231.D An on-farm business will require site plan approval.

~~(3)~~

330 Subdivision Standards

3301 APPLICABILITY

3301.A All subdivision of land must conform to the standards of this chapter.

3302 SUITABILITY OF THE LAND

3302.A The applicant must demonstrate that the land to be subdivided is suitable for development without:

(1) Endangering public health or safety; and

(2) Adversely impacting the environment, adjoining properties or the character of the area.

3302.B Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

3302.C Grading, excavating and/or filling of land to create developable lots must meet the standards of Section 3014.

3303 CAPABILITY OF COMMUNITY FACILITIES AND UTILITIES

3303.A The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure including, but not limited to:

(1) School facilities and educational services;

(2) Police, fire protection and ambulance services;

(3) Road infrastructure and maintenance;

(4) Parks and recreation facilities; and

(5) Water supply, sewage disposal and stormwater systems and infrastructure.

3304 LOT DESIGN AND CONFIGURATION

3304.A **Lot Arrangement.** The applicant must design the subdivision:

(1) To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features;

(2) To connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features;

(3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of this bylaw (this will not apply to lots intended for conservation purposes);

(4) So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for conservation purposes);

(5) To minimize the number of new curb cuts along arterial streets or state highways;

(6) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with Section 3020;

(7) So that there will be no privately-owned reserve strips (a strip of land located between a subdivision and other property that is not dedicated to public use); and

(8) To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

3304.B **Lot Dimensions.** The applicant must design the subdivision:

(1) So that all lots front on a road in accordance with the standards of Subsection 2005.E and Section 3002 (this will not apply to lots intended for conservation purposes);

(2) So that lot dimensions meet the minimum standards for the zoning district;

(3) So that side lot lines are at right angles to straight roads or radial to curved roads, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;

(4) So that rear lot lines are parallel to front lot lines, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;

(5) So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;

(6) To avoid flag and other irregularly shaped lots, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features or to allow for shared driveways (also see Subsection 2005.E);

(7) To minimize the number of lots with frontage on more than one road; and

(8) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.

3304.C **Building Envelopes.** The applicant must designate a building envelope on each lot that is more than 2 acres in size within the subdivision in accordance with the following:

(1) Building envelopes must not include any unbuildable land including, but not limited to setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas, river corridors and steep slopes;

(2) Building envelopes for lots intended for single-family residential development must not be more than 30,000 square feet in area;

(3) Building envelopes must be sited and configured to accommodate ~~passive~~ solar development practices to the maximum extent feasible given the orientation, physical characteristics and land cover on the site;

(4) All principal buildings and non-agricultural accessory structures with a footprint in excess of 400 square feet must be located within a designated building envelope;

(5) Driveways, utilities, water, wastewater and stormwater infrastructure, fences, agricultural structures and ~~small~~ accessory structures with a footprint of 400 square feet or less may be located outside a designated building envelope;

(6) The Development Review Board may limit clearing of healthy, mature trees on all or a portion of the lot outside the designated building lot to protect significant wildlife habitat, forest blocks or scenic resources; and

(7) The Development Review Board may require maintenance of open fields or meadows on all or a portion of the lot outside the designated building lot to protect significant wildlife habitat, farmland or scenic resources.

3304.D **Waiver of Building Envelope Requirement.** The Development Review Board may waive the building envelope requirement if the applicant obtains an exemption from the state Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry or open space purposes without amending the approved subdivision plat to establish a building envelope.

3304.E **Screening and Buffers.** The applicant must design the subdivision to maintain existing mature vegetation and/or install additional landscaping as necessary to:

(1) Preserve existing specimen trees, tree lines or wooded areas of significant ecological or aesthetic value;

(2) Provide a buffer between developed and undeveloped portions of the site, or between incompatible uses; and

(3) Provide screening to protect privacy and mitigate off-site impacts on/from adjacent properties both within the subdivision and between the subdivision and abutting parcels.

3305 DESIGN AND LAYOUT OF NECESSARY IMPROVEMENTS

3305.A **Public Works Specifications.** Applicants must construct new or extended roads, utilities and other improvements in accordance with any public works specifications duly adopted by the Town of Chester. In the case of a conflict between a provision of this bylaw and a provision of the public works specifications, the public works specifications will take precedence.

3305.B **Technical Review.** The Zoning Administrator will forward all subdivision applications to the Public Works Director, Fire Chief, Water Superintendent and Town Manager, as applicable, for review and comment upon receipt of a complete application. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments.

3305.C **Engineering Requirements.** A professional engineer must certify that all new or extended roads, utilities and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of this bylaw and any conditions of approval prior to the Zoning Administrator granting a final certificate of compliance.

3305.D **Roads.** Applicants must design and construct all new or extended roads within a subdivision in accordance with this subsection.

(1) **Applicability.** Any vehicular way that will be used to provide access to more than 3 lots or principal buildings will be considered a road and must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides access to not more than 3 lots or principal buildings is a driveway and must conform to the standards of Section 3008.)

(2) **General Standards.** Applicants must design and construct all new or extended roads within a subdivision to:

(a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic);

(b) Calm traffic and discourage travel speeds in excess of the posted speed limit;

(c) Avoid congestion on existing roads;

(d) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles;

(e) Logically extend and improve the connectivity of the town's existing road network;

(f) Provide efficient access to property;

(g) Minimize the amount of impervious surface necessary to provide convenient and safe access to property;

(h) Be graded and laid out to conform as closely as possible to the pre-existing topography;

(i) Provide adequate drainage in accordance with Paragraph (9) below;

(j) Be located the maximum distance feasible from surface waters (at least 150 feet is preferred and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of Section 3018 as applicable; and

(k) Minimize the number of stream crossings.

(3) **Connectivity.** New cul-de-sac or dead-end roads:

(a) Must not ~~to~~ exceed 600 feet in length (this will not include stubs);

(b) Must terminate in a cul-de-sac or hammerhead turnaround adequately sized to accommodate emergency and service vehicles; and

(c) Will only be approved if the applicant demonstrates one of the following applies:

(i) The proposed road includes a stub designed to be extended or interconnected when adjacent property is subdivided or developed;

(ii) Pre-existing development patterns on adjacent property, topography or other physical conditions make construction of a through street impractical or undesirable; or

(iii) The proposed road will serve not more than 6 lots or principal buildings.

(4) **Access Management.** Applicants must implement proper access management techniques in the design of new or extended roads and driveways. All accesses must be designed to:

(a) Have sight distances that are not less than 150 feet unless otherwise recommended by the Public Works Director or VTrans District Permit Coordinator;

(b) Restrict access to the permitted location and prevent uncontrolled access along the property frontage;

(c) Facilitate the movement of vehicles off the road and to prevent vehicles from queuing on the road;

(d) Not require backing maneuvers within the road right-of-way;

(e) Provide facilities for safe crossing and use by pedestrians and bicyclists, including meeting Americans with Disabilities Act standards;

(f) Not cause water to enter onto intersecting roads;

(g) Not interfere with the drainage system of any intersecting roads; and

(h) Meet the standards of Section 3002 and Section 3008 as applicable.

(5) **Design Speed.** Applicants must design new or extended roads for a speed of 25 miles per hour or less.

(6) **Right-of-Way.** A road must:

(a) Have a right-of-way at least 60 feet in width if new;

(b) Have a right-of-way at least 50 feet in width if an extension of an existing road with less than a 60-foot right-of-way; and

(c) Be located in the center of the right-of-way.

(7) **Design and Construction Standards.** Applicants must design and construct new or extended roads in accordance with the Town of Chester Road and Bridge Specifications as most recently adopted.

(8) **Intersections.** Applicants must design new or extended roads in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:

(a) To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees;

(b) With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet);

(c) With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road; and

(d) With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Development Review Board upon the recommendation of the Public Works Director or VTrans District Permit Coordinator may approve a curb radius of up to 40 feet for roads designed to accommodate significant truck traffic.

(9) **Drainage.** Applicants must design new or extended roads:

(a) With green stormwater practices consistent with the *Vermont Stormwater Manual* to the maximum extent feasible given the physical characteristics of the property (ex., soils and slopes);

(b) To not block or restrict the flow of drainage in existing ditches, swales or gutters;

(c) To not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure;

(d) With culverts that are sized to convey anticipated peak~~s~~ stormwater flows; and

(e) With culverts that are installed to minimize erosion damage at the inlet and outlet.

(10) **Grade.** New or extended roads must generally conform to the topography and must not exceed a maximum grade of 10% as measured over any 100-foot section. The Development Review Board may allow segments less than 100 linear feet in length to exceed the maximum grade to respond to the site's topography and natural features when recommended by the Public Works Director and Fire Chief.

(11) **Cross-Slope.** All new or extended roads must have a cross-slope of at least 1% and not more than 3%.

(12) **Road Names and Signs.** The applicant must name new or extended roads and install road signs in accordance with state and town requirements.

3305.E **Pedestrian and Bicycle Facilities.** The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

(1) **Public Sidewalks.** The applicant must install sidewalks along both sides of a new or extended road in the village districts and along one side of a new or extended road in the residential district.

(2) **Sidewalk Design and Construction.** Public sidewalks must:

(a) Be at least 5 feet wide;

(b) Be surfaced with concrete if along a public road (otherwise may be surfaced with asphalt);

(c) Meet Americans with Disabilities Act standards, including provision of curb ramps with a tactile warning surface;

(d) Be separated from the street either vertically with at least a 6-inch curb or horizontally with at least a 5-foot tree belt;

(e) Terminate at a crosswalk when there is a connecting sidewalk on the other side of the road.

3305.F **Street Trees.** The applicant must install street trees in accordance with Subsection 3101.E.

3305.G **Firefighting Facilities.** The applicant must provide water for fire protection. The applicant must install fire hydrants if the subdivision will be connected to municipal water unless otherwise recommended by the Town of Chester Water Department or Fire Chief.

3305.H **Public and Private Utilities.** The applicant must design the subdivision to provide utility service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

(1) All utilities must be located underground unless prevented by ledge or other physical conditions that make burying lines impractical;

(2) Utilities must be located within road rights-of-way to the maximum extent feasible; and

(3) The applicant must provide the town with a maintenance and access easement for any utilities not located within a public right-of-way.

3305.I **Water and Wastewater.** The applicant must design the subdivision to provide water and wastewater service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

(1) All lots created within the municipal water and/or wastewater system service areas must be connected to the municipal service and the applicant must install connections to the property line of each lot;

(2) For lots served by municipal infrastructure, the applicant must demonstrate that the proposed subdivision conforms to the Town of Chester Water Department Regulations and/or Town of Chester Sewer Ordinance as applicable;

(3) For lots not served by municipal infrastructure, the applicant must demonstrate that the proposed subdivision conforms to the Vermont Wastewater System and Potable Water Supply Rules (see Section 3024).

3305.J **Erosion Control.** The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 3012.

3305.K **Soil Preservation.** The applicant must:

(1) Stockpile any topsoil removed during the course of construction on-site;

(2) Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted;

(3) ~~Make reasonable efforts to r~~Repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments in accordance with Paragraph 3020.H; and

(4) Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

3305.L **Debris Removal.** The applicant must remove any debris generated during the course of construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited.

3305.M **Stormwater Management.** The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with Section 3020 ~~3019~~.

3305.N **Monuments and Lot Corner Markers.** The applicant must:

(1) Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat;

(2) Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules; and

(3) Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

3305.O **Construction and Maintenance of Necessary Improvements.** The applicant must:

(1) Construct the necessary improvements in accordance with all conditions of approval under this bylaw and the town's public works specifications before the Zoning Administrator may issue any zoning permits for further development within the subdivision.

(2) Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.

(3) Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.

(4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements, easements or other legal documents for review prior to final approval of the subdivision and to record such documents with the town along with the final plat.

3305.P **Acceptance of Roads or Other Necessary Improvements.** No provision of this bylaw will be interpreted to require the Town of Chester to accept new or extended roads or other necessary improvements serving a subdivision. Acceptance is subject to the approval of the Chester Selectboard.

340 Planned Unit Development Standards

3401 APPLICABILITY

3401.A Applicants may propose development that deviates from the standards of the base zoning district(s) in accordance with the provisions of this chapter.

3401.B Applicants may propose a single planned unit development (PUD) on one or more parcels and may transfer development rights/density from one parcel or portion of a parcel to another provided that development rights/density are not transferred from land in a higher density zoning district to land in a lower density district. The applicant must place a conservation easement in accordance with Paragraph 3404.F(4) on any land within the PUD from which development rights/density are removed.

3402 CAMPUS DEVELOPMENT

3402.A **Purpose.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of multi-lot, multi-building and/or multi-use sites.

3402.B **Applicability.** Campus developments are permitted in all zoning districts. For the purposes of this section, a campus is a self-contained development that includes multiple buildings and/or lots that:

(1) Are commonly owned and/or managed;

(2) Are located in proximity to and related to one another;

(3) Share common facilities, amenities and/or infrastructure; and

(4) Are connected with pedestrian walkways.

3402.C **Dimensional Standards.** The following will apply to campus developments:

(1) The development must meet all setback requirements of the base zoning district (see Section 2110) around the perimeter of the campus;

(2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see Section 2110) will not apply internally within the campus; and

(3) The lot coverage for the campus as a whole must not exceed 60% in the village and business districts and 30% in the rural districts.

3402.D **Residential Density.** The maximum residential density within a campus development will be 200% of the residential density allowed in the base zoning district. Multi-family residential development within a campus must conform to the standards of Section 3202.

3402.E **Use.** The uses allowed within a campus development will be as established in the base zoning district and as follows:

(1) Any institutional, office, light industrial or residential use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use;

(2) Residential uses must not occupy more than 40% of the total floor area within the campus;

(3) Retail uses must not occupy more than 40% of the total floor area within the campus; and

(4) The Development Review Board may approve uses not otherwise allowed in the base zoning district within a campus development as a conditional use upon determining that:

(a) Such uses are incidental to or supportive of the principal purpose of the campus; and

(b) Such uses will not exceed 20% of the total floor area within the campus.

3402.F **Common Open Space.** At least 20% of the total lot area of the campus must be reserved as common open space in accordance with the following:

(1) A common open space must not be less than 20 feet in any dimension;

(2) A common open space must be landscaped and designed with amenities that will make the space suitable for passive recreational use or community gardening;

(3) Outdoor areas developed for active recreation use (ex. sports courts or fields) must not be included in the calculation of common open space;

(4) A common open space must not be used for parking, utility, trash collection or other service functions; and

(5) Green stormwater and renewable energy infrastructure may be located within a common open space provided that such functions will not prevent the space from being used for passive recreation.

3402.G **Pedestrian Access.** All principal buildings within a campus must be connected with a system of sidewalks or multi-use paths. The Development Review Board may require the applicant to extend sidewalks along nearby public roads into the campus.

3402.H **Vehicular Access and Parking.** The campus must provide vehicular access and parking in accordance with the following:

(1) Vehicular access and on-site parking will not be required to each principal building or on each lot if the campus provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served;

(2) Vehicular access and surface parking must be located around the perimeter of the campus to the maximum extent feasible; and

(3) Vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of this bylaw.

3402.I **Signs.** The campus must have an approved common scheme signage plan in accordance with Subsection 3107.L and the following:

(1) The campus may have an entrance sign not more than 40 square feet in area and 18 feet in height at its principal road entrance;

(2) Any secondary entrance may have a sign that is not more than 20 square feet in area and 12 feet in height; and

(3) All other signage must be designed and located in accordance with the standards of with Section 3107 and so as to be primarily visible from within the campus.

3403 CLUSTER HOUSING

3403.A **Purpose.** The purpose of this section is to address the need for smaller and more affordable housing choices in response to changing household demographics and living preferences. The intent is to encourage development of pocket neighborhoods composed of small footprint homes sited around common open space.

3403.B **Applicability.** Cluster housing is permitted in all zoning districts where single-family dwellings are a permitted use except for the Rural 6 and Rural 18 districts (conservation subdivisions are allowed in those districts, see Section 3404).

3403.C **Density.** The maximum density for cluster housing will be 200% of the residential density allowed in the base zoning district.

3403.D **Dimensional Standards.** The following will apply to cluster housing:

(1) The development must meet all setback requirements of the base zoning district (see Section 2110) around the perimeter of the development site;

(2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see Section 2110) will not apply internally within the development site; and

(3) The lot coverage for the development as a whole must not exceed 60%.

3403.E **Use.** Nonresidential principal uses are prohibited within a cluster housing development.

3403.F **Cluster Size.** Cluster housing must consist of at least 3 and not more than 18 buildings arranged around a common open space.

3403.G **Number of Clusters.** Multiple clusters may be located on a single site provided that they are separated by a landscaped buffer not less than 80 feet in any dimension.

3403.H **Dwelling Unit Standards.** Cluster housing must consist of either:

(1) Single- or two-family detached dwellings that:

(a) Have a footprint of not more than 1,200 square feet if single-family or 1,600 square feet if two-family (attached garages will be included in the footprint calculation);

(b) Are not more than 24 feet in height and have all portions of the building more than 18 feet above ground within the roof pitch;

(c) Have at least 400 square feet of private, contiguous, usable yard area per unit abutting the building with no dimension less than 10 feet; and

(d) Meet the minimum requirements for a dwelling unit of Section 3010.

(2) Single-family attached dwellings (townhomes) or multi-family dwellings that:

(a) Have units with 1,200 square feet or less of habitable floor space;

(b) Have a footprint of not more than 4,800 square feet (attached garages will be included in the footprint calculation);

(c) Are not more than 32 feet in height and have all portions of the building more than 24 feet above the ground within the roof pitch;

(d) Have at least 400 square feet of private, contiguous, usable yard area per unit abutting the building with no dimension less than 10 feet; and

(e) Meet the minimum requirements for a dwelling unit of Section 3010.

3403.I **Common Open Space.** Cluster housing must be arranged around a common open space in accordance with the following:

(1) A minimum of 400 square feet of common open space suitable for community gardens and/or passive outdoor recreation is required per dwelling unit;

(2) The common open space must have buildings abutting on at least two sides;

(3) Each principal building must face and have direct access to the common open space (the building must not be separated from the open space by a road or driveway);

(4) The common open space must be landscaped and must not be used for parking, utility, trash collection or other service functions; and

(5) Green stormwater and renewable energy infrastructure may be located within the common open space provided that such functions will not prevent residents from using the common open space for passive recreation.

3403.J **Accessory Structures.** Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 600 square feet and a height of not more than 18 feet. Shared or common accessory structures must have a footprint of not more than 2,400 square feet and a height of not more than 24 feet.

3403.K **Community Buildings.** The development may include one or more community buildings that are clearly incidental to the homes and that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. A community building must be:

(1) Commonly-owned by the residents; and

(2) Compatible in scale, design and height to the residential structures.

3403.L **Vehicular Access and Parking.** The development must provide vehicular access and parking in accordance with the following:

(1) Vehicular access and on-site parking will not be required to each unit or on each lot if the development provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the dwelling units;

(2) Vehicular access and parking must not be located within front yards, the common open space, or between dwelling units and the common open space;

(3) Vehicular access and parking must be located around the perimeter of the housing cluster to the maximum extent feasible; and

(4) Vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of this bylaw.

3404 CONSERVATION SUBDIVISION

3404.A **Purpose.** The purpose of this section is to provide flexibility in site design for rural residential subdivisions in order to preserve natural resources and open space.

3404.B **Applicability.** Conservation subdivisions are allowed in the rural zoning districts.

3404.C **Density.** The density of a conservation subdivision must not exceed the maximum density as determined based on the applicable zoning district standards (total area to be subdivided divided by the residential density).

3404.D **Dimensional Standards.** The following will apply to conservation subdivisions:

(1) The development must meet all setback requirements of the base zoning district (see Section 2110) around the perimeter of the development site;

(2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see Section 2110) will not apply internally within the development site;

(3) The footprint of any residential building within the development must not exceed 4,800 square feet (attached garages will be included in the footprint calculation);

(4) The height of any residential building within the development must not exceed 32 feet; and

(5) The lot coverage for the development as a whole must not exceed 30%.

3404.E **Use.** All single-family, two-family and multi-family dwellings will be permitted uses within a conservation subdivision.

3404.F **Conservation Areas.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:

(1) The following will be considered primary conservation resources and must be included in the conservation area:

(a) Wetlands;

(b) Mapped flood hazard and river corridor areas; and

(c) Steep slopes (20% or greater);

(2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:

(a) Primary agricultural soils;

(b) Riparian buffers (see Section 3018);

(c) Moderate slopes (15% to <20%); and

(d) Woodlands that are part of a contiguous forest block at least 50 acres in size.

(3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.

(4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement:

(a) Held by the town, state and/or a land trust or conservancy; and

(b) That prohibits further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources.

(5) Conservation areas must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:

(a) The Development Review Board may allow roads and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the site to be developed provided that disturbance of the conservation will be the minimum necessary to provide adequate access;

(b) Underground utilities may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area;

(c) Community gardens, trails and passive recreation amenities may be developed within conservation areas;

(d) Green stormwater and renewable energy infrastructure may be allowed within conservation areas; and

(e) Required agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use.

3404.G **Development Areas.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:

(1) The development must be designed as one or more clusters composed of 3 to 18 lots or buildings separated by open space;

(2) All lots or buildings must have direct pedestrian access to conservation area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails;

(3) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources; and

(4) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads).

3404.H **Community Buildings.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.

4 ADMINISTRATION

400 Roles and Responsibilities

4001 ZONING ADMINISTRATOR

4001.A The Planning Commission will nominate and the Selectboard will appoint a Zoning Administrator in accordance with state statute. The Selectboard may appoint an Acting or Assistant Zoning Administrator to act under the supervision of the Zoning Administrator, in the Zoning Administrator's absence, and/or if the Zoning Administrator has a conflict of interest.

4001.B The Zoning Administrator will:

(1) Assist applicants in determining whether and which town permits and/or approvals will be needed for a project;

(2) Provide applicants with application forms;

(3) Inspect projects during construction as necessary;

(4) Maintain records;

(5) Respond to complaints and violations; and

(6) Perform all other tasks necessary to administer this bylaw.

4001.C The Zoning Administrator must enforce the provisions of this bylaw strictly and may only issue zoning permits for development that conforms to this bylaw.

4001.D The Zoning Administrator will refer applications to the Development Review Board as required under this bylaw.

4002 PLANNING COMMISSION

4002.A The Selectboard appoints members to the Planning Commission in accordance with state statute.

4002.B The Planning Commission may prepare amendments to this bylaw and make recommendations to the Selectboard on the amendment of this bylaw.

4002.C The Planning Commission does not perform any development review functions under this bylaw, but may make recommendations on planning and development issues in Chester generally.

4003 DEVELOPMENT REVIEW BOARD

4003.A The Selectboard appoints members to the Development Review Board in accordance with state statute.

4003.B The Development Review Board performs development review functions as specified in this bylaw, state statute and its adopted rules of procedure.

410 Fees and Filing Requirements

4101 PERMIT FEES

4101.A The Selectboard will establish reasonable fees for the Zoning Administrator or other town employees to charge for administering this bylaw. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections during construction.

4101.B An applicant must pay the applicable permit fee(s) when submitting an application. The Zoning Administrator must not deem an application complete until all applicable permit fee(s) are paid in full.

4102 IMPACT FEES

4102.A The Town of Chester may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance and state statute.

4102.B An applicant must pay the applicable impact fee(s) in full prior to obtaining a zoning permit or filing a subdivision plat.

4103 TECHNICAL OR LEGAL REVIEW COSTS

4103.A The Zoning Administrator or Development Review Board may hire qualified professionals to provide an independent technical and/or legal review of an application when deemed necessary to ensure compliance with this bylaw.

4103.B The Zoning Administrator or Development Review Board must notify the applicant prior to hiring a consultant to conduct a technical or legal review.

4103.C The applicant must pay the reasonable cost of any required technical or legal review prior to obtaining a zoning permit or filing a subdivision plat.

4104 PERFORMANCE BONDS OR SURETIES

4104.A The Zoning Administrator or Development Review Board may require an applicant to provide a performance bond or similar surety in a form acceptable to the Selectboard as a condition of approval to insure the completion of proposed development in accordance with approved plans and the protection of public facilities that may be affected by proposed development in accordance with applicable town or state specifications.

4104.B The Zoning Administrator or Development Review Board may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote.

4104.C The Town of Chester will only release a required bond or surety after certification by the applicant and determination by the Zoning Administrator that the proposed development has been satisfactorily completed.

4105 MONITORING OR INSPECTION COSTS

4105.A The Zoning Administrator or Development Review Board may condition approval upon monitoring and inspection during construction or once the use has commenced when deemed necessary to ensure compliance with this bylaw, the reasonable cost of which will be paid the applicant.

4106 AS-BUILT DRAWINGS

4106.A The Zoning Administrator or Development Review Board may require an applicant to file as-built drawings as a condition of approval.

4106.B The Town of Chester will require as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.

4106.C The Zoning Administrator may require an applicant to file as-built drawings when approved plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

4107 OTHER PERMITS, APPROVALS AND CERTIFICATIONS

4107.A The Zoning Administrator or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by the Town of Chester, the state or other regulatory entities prior to the issuance of a zoning permit, the start of construction, and/or the issuance of a certificate of compliance.

420 Zoning Permits

4201 SUBMITTING A ZONING PERMIT APPLICATION

4201.A **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

(1) Determining whether a project will require a zoning permit, and any associated development approvals, under this bylaw;

(2) Providing applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s);

(3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development;

(4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the regional permit specialist; and

(5) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable.

4201.B **Applicant.** The applicant must:

(1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a zoning permit, and any associated development approval, under this bylaw;

(2) Provide all the information necessary to demonstrate compliance with this bylaw; and

(3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4201.C **Application Requirements.** The Zoning Administrator:

(1) May waive an application requirement upon finding the information is not necessary to determine compliance with this bylaw;

(2) May require an applicant to provide additional information as necessary to demonstrate compliance with this bylaw; and

(3) Must keep written documentation of any application requirement waived or additional information requested as part of his/her office records.

4201.D **Determination of Completeness.** The Zoning Administrator must:

(1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it; and

(2) Inform the applicant of his/her determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

4201.E **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION

4202.A **Time to Act.** Once the Zoning Administrator determines that an application for a zoning permit is complete, he/she must act within 30 days to approve, deny or refer it to the Development Review Board except that the time period within which the Zoning Administrator must act will not commence for a zoning permit application that requires:

(1) One or more development approvals under this bylaw until the applicant has obtained all those necessary approvals for the proposed development; or

(2) Notification of a state agency until the agency comments or the comment period elapses, whichever occurs first.

4202.B **Deemed Approval.** If the Zoning Administrator does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4202.C **Decisions.** The Zoning Administrator must approve or deny applications in writing and specifically provide the following information:

(1) When approving an application, the Zoning Administrator must inform the applicant that he/she must:

(a) Post a notice of the zoning permit (to be provided by the Zoning Administrator) in a visible location on the subject property throughout the 15-day appeal period and until the development authorized by the permit is complete; and

(b) Not commence the development authorized by the permit until the appeal period has ended and he/she provides the Zoning Administrator with copies of any state permits or approvals as per Subsection 4202.D.

(2) When denying an application, the Zoning Administrator must:

(a) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and

(b) Include a copy of Section 4402, which explains the appeal process.

4202.D **Permit Issuance.** The Zoning Administrator:

(1) **Conditions of Approval.** May issue a zoning permit with conditions as necessary to ensure compliance with this bylaw;

(2) **Temporary Permits.** May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 3 years with conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit;

(3) **Notification Prior to Use or Occupancy.** Must condition any zoning permit on the applicant notifying the Zoning Administrator when construction is completed and/or the use will be commencing (some proposed development will require a Certificate of Compliance see Section 4207);

(4) **Energy Certificates.** Must condition any zoning permit for proposed development that is subject to the state's residential or commercial building energy standards on the applicant providing the Zoning Administrator with a copy of an energy certificate for the building when construction is completed;

(5) **Wastewater Permits.** Must condition any zoning permit for proposed development that requires the construction, modification or replacement of a potable water supply or wastewater system, or that increases the design flow or modifies the operational requirements of a potable water supply or wastewater system on the applicant obtaining and providing the Zoning Administrator with a copy of that permit prior to the start of construction;

(6) **Stormwater Permits.** Must condition any zoning permit for proposed development that requires a state stormwater permit on the applicant obtaining and providing the Zoning Administrator with a copy of that permit prior to the start of construction; and

(7) **Highway Access Permits.** Must condition any zoning permit for proposed development that requires a new or modified curb cut on the applicant obtaining and providing the Zoning Administrator with a copy of the state or town highway access permit, as applicable, prior to the start of construction.

4202.E **Posting Requirements.** The Zoning Administrator must post a copy of the zoning permit in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

4202.F **Filing Requirements.** The Zoning Administrator must:

(1) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the Town Clerk for recording within 30 days after it becomes effective;

(2) File a copy of the permit as part of his/her office records; and

(3) Provide a copy of the permit to the Listers.

4202.G **Bylaw Amendments.** The Zoning Administrator must act on any application submitted when Selectboard is considering amendments to this bylaw in accordance with the provisions of 24 V.S.A. § 4449(d).

4203 OBTAINING A ZONING PERMIT

4203.A **Permit Takes Effect.** A zoning permit takes effect on the 16th day after the Zoning Administrator issues it provided that no appeal is filed during the previous 15 days (see Section 4402) or that the applicant has not requested a delay (see Subsection 4203.B). If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.

4203.B **Delay in Effect.** The applicant may request that a zoning permit and any associated development approvals not take effect until he/she has obtained all permits and approvals necessary to commence the development in accordance with the following:

(1) The Zoning Administrator may delay the effective date of a permit and any associated development approvals for no more than 18 months unless the Development Review Board approves a longer delay due to factors beyond the applicant's control (e.g., extended or contested Act 250 proceedings or litigation).

~~(2)~~ It will be the applicant's responsibility to notify the Zoning Administrator when he/she is ready to commence the development and request that the zoning permit and any associated development approvals take effect.

4203.C **Permit Timeframe and Extension.** Zoning permits and any associated development approvals expire ~~3~~ 2 years from the date the permit takes effect unless:

(1) The Development Review Board specifies otherwise as a condition of approval;

(2) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration; or

(3) Prior to the zoning permit's expiration, the applicant requests and receives from the Zoning Administrator an extension of not more than 2 years. The Zoning Administrator may only grant one such extension upon the applicant demonstrating that:

(a) Any improvements completed to date conform to the conditions of the permit and any associated development approvals; and

(b) There have been no amendments to this bylaw or change in external circumstances that would have caused a material change in the decision(s) on the original application(s).

~~(b)~~4203.D **Phased Development.** If the Development Review Board approves a project to be developed in phases, the Zoning Administrator will issue zoning permits for that project in accordance with the approved phasing plan and schedule. Each zoning permit will be separately issued and administered in accordance with the provisions of this section.

~~4203.D~~4203.E **Transfer of Permit.** Zoning permits and any associated development approval remain in effect as specified in this bylaw irrespective of any change in change in ownership or tenancy of the subject property. All subsequent property owners or tenants are subject to the requirements and conditions of any zoning permit and associated development approvals.

~~4203.E~~4203.F **Expired Permits.** If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under this bylaw.

4204 AMENDING PERMITS OR APPROVALS

4204.A An applicant may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to the permit's expiration. The applicant must demonstrate that the proposed changes to the development are in conformance with the dimensional standards for the district and:

(1) Are minor modifications that conform to all applicable provisions of this bylaw;

(2) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals; and

(3) Do not change the scale, location, type, character or intensity of the approved development or use to a greater extent than specified below:

(a) Any proposed increase in structure height must not exceed 5 feet;

(b) Any proposed decrease in setback from the road and property lines resulting from a change in the structure's footprint or location must not exceed the lesser of 10 feet or 50%;

(c) Any proposed increase in building footprint must not exceed the lesser of 250 feet or 50%;

(d) Any proposed increase in the total amount of impervious surface on the lot must not exceed the lesser of 500 square feet or 50%;

(e) Any proposed modification must not result in an increased requirement for parking or loading spaces; and

(f) Any proposed substitution of plant materials must not change the overall landscape design concept and function.

4204.B The scope of the review will be limited to those aspects of the development affected by the proposed changes.

4204.C The Zoning Administrator may decline to amend a permit, and any associated development approval, and refer the request to the Development Review Board for review under Section 4309.

4204.D The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

4205 REVOKING PERMITS OR APPROVALS

4205.A The Zoning Administrator may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant omitted or misrepresented a material fact on an application or at a hearing.

4206 INSPECTING DEVELOPMENT DURING CONSTRUCTION

4206.A The Zoning Administrator may inspect any development during construction as necessary to ensure compliance with this bylaw and any permit or approval conditions.

4207 OBTAINING A CERTIFICATE OF COMPLIANCE

4207.A **When Required.** An applicant must request a certificate of compliance from the Zoning Administrator before he/she occupies or commences the use of any development subject to site plan or conditional use approval.

4207.B **Application.** The Zoning Administrator will provide applicants with the necessary form to apply for a certificate of compliance. The applicant must submit the completed form prior to the expiration of the associated zoning permit.

4207.C **Time to Act.** The Zoning Administrator must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Zoning Administrator may:

(1) Require the applicant to submit documentation from a qualified professional certifying that the development as constructed conforms to the approved plans; and/or

(2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance.

4207.D **Deemed Approval.** If the Zoning Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4207.E **Criteria.** Before receiving a final certificate of compliance, the applicant must certify and demonstrate to the Zoning Administrator that:

(1) The development is substantially complete and conforms to the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of this bylaw;

(2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town or state specifications, the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of this bylaw;

(3) The applicant has recorded all required documents with the town including, but not limited to, as-built drawings, energy certificate, wastewater and potable water supply permit, access permit, and stormwater permit; and

(4) The applicant has paid all required fees.

4207.F **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:

(1) The Zoning Administrator may require the applicant to submit a performance bond in accordance with Section 4104 to insure full completion of the outstanding work;

(2) The Zoning Administrator will require the applicant to submit a performance bond in accordance with Section 4104 if any commonly-owned or shared improvements or infrastructure connections remain incomplete; and

(3) The applicant must apply for a final certificate of compliance prior to the expiration of the temporary certificate.

4207.G **Phased Development.** If the development will be phased, Zoning Administrator may issue certificates of compliance for individual phases as they are completed in accordance with the permit and associated conditions of approval.

4207.H **Decisions.** The Zoning Administrator must approve or deny applications for a certificate of compliance in writing as follows:

(1) When approving an application, the Zoning Administrator must inform the applicant that the issuance of a certificate of compliance will not preclude the Town of Chester taking enforcement action in accordance with Subchapter 460 for any violation of the zoning permit or associated development approvals.

(2) When denying an application, the Zoning Administrator must:

(a) State the reasons for the denial;

(b) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and

(c) Include a copy of Section 4402, which explains the appeal process.

4207.I **Denials.** If the Zoning Administrator denies an application for a certificate of compliance:

(1) The Zoning Administrator must commence appropriate enforcement action under Subchapter 460 if he/she finds a violation of this bylaw.

(2) The applicant may re-apply after remedying any conditions identified as the reason for the denial.

4207.J **Filing Requirements.** The Zoning Administrator must:

(1) Deliver an original, signed copy of the certificate of compliance or the notice of certificate of compliance to the Town Clerk for recording within 30 days after it is issued;

(2) File a copy of the certificate as part of his/her office records; and

(3) Provide a copy of the certificate to the Listers.

430 Development Approvals

4301 APPLICATION PROCESS

4301.A **Pre-Application Conference.** A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant, but will not be deemed binding in the preparation or review of any subsequent application for development approval.

4301.B **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

(1) Determining whether a project will require one or more development approvals, including design review, under this bylaw;

(2) Providing applicants with the necessary form(s) to apply for the required approval(s); and

(3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development.

4301.C **Applicant.** The applicant must:

(1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a development approval under this bylaw;

(2) Provide all the information necessary to demonstrate compliance with this bylaw; and

(3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4301.D **Determination of Completeness.** The Zoning Administrator must:

(1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it; and

(2) Inform the applicant of his/her determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

4301.E **Waiver of Application Requirements.** The Zoning Administrator:

(1) Will waive requirements for site plan drawings (Subsection 4302.A) for minor site plan applications that do not involve physical changes to the exterior of a structure or to the site;

(2) Will waive requirements for site plan drawings (Subsection 4302.A) for sign applications;

(3) Will waive the requirement for submitting a full boundary survey of a lot subject to a lot line adjustment or lot merger if the lot is more than 10 acres in size;

(4) Will waive the requirement for submitting a full boundary survey of a parent parcel provided that the retained portion is more than 10 acres in size and is not less than 70% of the total acreage before subdivision.

(5) May waive an application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with this bylaw;

(6) May require an applicant to provide additional information as necessary to determine compliance with this bylaw; and

(7) Must keep written documentation of any application requirement waived or additional material requested as part of his/her office records and submit that information to the Development Review Board with the application. The Development Review Board may require an applicant to provide additional information, including an application requirement waived by the Zoning Administrator, if necessary to determine compliance with this bylaw (see Subsection 4503.F).

4301.F **Referral to Development Review Board.** Once the Zoning Administrator determines that an application is complete, he/she must warn a public hearing on the application by the Development Review Board at their next available regularly scheduled meeting following the warning period required under Section 4501.

4301.G **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4302 APPLICATION REQUIREMENTS

4302.A **Site or Subdivision Plan.** Applicants must submit a site or subdivision plan with any application for a development approval that at a minimum conforms to the specifications below and any application checklist(s) provided by the Zoning Administrator unless a specific requirement is waived in accordance with Subsection 4301.E. It is the applicant's responsibility to provide the information necessary to demonstrate compliance with this bylaw. As per Section 4301 and Subsection 4503.F, the Zoning Administrator or Development Review Board may require an applicant to provide additional materials.

(1) **Scale.** All plan drawings must be to scale. Site plan drawings should be at a scale of 1" = 30' or less whenever possible.

(2) **Project Narrative.** The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of this bylaw by listing the facts and reasons why the application meets each of the applicable criteria of Figure 4-01.

(3) **Site or Subdivision Plan Drawing(s).** The applicant must submit a site or subdivision plan drawing(s) that includes the following information:

(a) **Drawing Details.** Drawing details must include:

(i) The location of all existing and proposed lot lines, building envelopes, setbacks, easements or rights-of-way, monuments or survey pins;

(ii) The location of significant natural, historic or archeological resources including but not limited to: watercourses, wetlands, flood hazard areas, fluvial erosion hazard areas, steep slopes, critical wildlife habitat and rare, threatened or endangered species;

(iii) The location, height, footprint and use of all structures and impervious surfaces;

(iv) The location and use of all greenspace, open space and green stormwater infrastructure;

(v) The location and use of all existing and proposed utilities and associated easements; and

(vi) The location and dimensions of all existing and proposed roads, sidewalks and walkways, bikeways and paths, driveways, parking facilities, loading spaces, dumpster locations, snow storage locations, points of access to surrounding roads, points of access to surrounding bike and sidewalk network, and associated easements.

(4) **Landscape and Lighting Plan Drawing(s).** When landscaping and/or outdoor lighting will be installed or modified, the applicant must submit a landscape and/or a lighting plan drawing(s) that includes the following information:

(a) **Landscaping Details.** Landscaping details must include:

(i) Location and species of all plant materials that will be used to meet landscaping or screening requirements under this bylaw;

(ii) Existing and proposed amenities associated with the landscape plan (hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).

(b) **Lighting Details.** Lighting details must include:

(i) Location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and

(ii) Specifications of all proposed light fixtures including any shields, mounting hardware, poles or bases demonstrating compliance with the requirements of Section *.

(5) **Architectural Drawing(s).** For new principal buildings or exterior modifications to existing principal buildings in the village districts, building elevations and other architectural drawings as necessary to demonstrate compliance with the applicable standards of this bylaw.

(6) **Erosion Control and Stormwater Management Plan Drawing(s).** When the provisions of Section * and/or Section * apply to proposed development, the applicant must submit erosion control and/or stormwater management plan drawing(s) that demonstrate compliance with Section * and/or Section * as applicable.

4302.B **Signage.** Applicants must submit a signage plan with any application for a development approval that involves the installation or modification of a sign that includes all required elements listed below unless a specific requirement is waived in accordance with Subsection 4301.E:

(1) Type, location, height and area of all existing and proposed signs;

(2) Design, materials and colors of all existing and proposed signs; and

(3) Location, type and initial output (measured in lumens) of all existing and proposed sign lighting.

4302.C **State Highways.** The applicant must submit a letter of intent from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway.

4302.D **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4303 SIGN REVIEW

4303.A **Applicability.** The provisions of this section will apply to any application for a new or modified sign associated with an existing use or with a use not subject to site plan review. All other signs will be reviewed as part of the site plan review for the proposed development (see Section 4304).

4303.B **Review Process.** The Zoning Administrator:

(1) May approve, deny or refer sign applications to the Development Review Board;

(2) Must act on a complete sign application within 30 days in accordance with Subchapter 420;

(3) Must find that the proposed sign conforms to the standards of Section * before approving a sign application; and

(4) May approve a sign application with conditions as necessary to ensure compliance with this bylaw.

4303.C **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4304 SITE PLAN REVIEW

4304.A **Applicability.** All proposed development other than a single-family or two-family dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval before the Zoning Administrator may issue a zoning permit.

4304.B **Purpose.** The purpose of site plan review is to ensure that:

(1) The physical aspects of proposed development comply to all applicable provisions of this bylaw;

(2) Proposed development is of high quality and designed with landscaping, screening, outdoor lighting, signage, building form and mass, and architectural details that will be compatible with and enhance its setting;

(3) Proposed development is appropriately sited, and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible;

(4) Curb cuts, driveways, parking facilities, emergency access, utilities and other infrastructure are adequate and available to support the proposed development; and

(5) Proposed development is energy efficient and avoids, mitigates and/or minimizes (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4304.C **Classification.** The Zoning Administrator will classify a site plan application for proposed development as follows:

(1) **Minor Site Plan.** Proposed development that not meet the definition of a major site plan will be a minor site plan that may be reviewed by the Zoning Administrator (see Subsection 4304.D); and

(2) **Major Site Plan.** Proposed development that includes any of the following will be a major site plan that must be reviewed by the Development Review Board (see Subsection 4304.E):

(a) Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use);

(b) Construction or major renovation of a principal building or of an accessory building with a footprint greater than 625 square feet;

(c) Any increase in the number of units within a dwelling resulting in the total number of units in the building being 3 or more;

(d) Construction of a new curb cut (this will not be interpreted to include modification of existing curb cuts); or

(e) Any increase of 1~~2~~,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).

4304.D **Minor Site Plans.** The Zoning Administrator:

(1) Must act on a complete minor site plan application within 30 days in accordance with Subchapter 420;

(2) May approve, deny or refer minor site plan applications to the Development Review Board;

(3) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-01 before approving a site plan application; and

(4) May approve a minor site plan application with conditions as necessary to ensure compliance with this bylaw.

4304.E **Major Site Plans.** The Development Review Board:

(1) Must hold a public hearing and issue a decision on a site plan application in accordance with Subchapter 450;

(2) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-01 before approving a site plan application; and

(3) May approve a site plan application with conditions as necessary to ensure compliance with this bylaw.

4304.F **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4305 CONDITIONAL USE REVIEW

4305.A **Applicability.** The commencement of or major change to a conditional use requires approval from the Development Review Board before the Zoning Administrator may issue a zoning permit. Proposed development that includes any of the following will be considered a major change of an existing conditional use that must be reviewed by the Development Review Board:

(1) Modification of any conditions of approval;

(2) Construction or major renovation of a principal building or of an accessory building with a footprint greater than 625 square feet;

(3) Increase in the number of dwelling units (this will not be interpreted to include accessory dwellings in accordance with Section *);

(4) New or expanded drive-through service;

(5) More than 25% increase in daily truck trips or in peak hour traffic; or

(6) Construction of additional parking spaces or loading areas (this will not be interpreted to include construction of previously approved reserve parking or loading spaces).

4305.B **Purpose.** The purpose of conditional use review is to ensure that proposed development will not have undue adverse effects on the neighborhood, environment, and public infrastructure, facilities or services.

4305.C **Acting on a Conditional Use Application.** The Development Review Board must hold a public hearing and issue a decision on a conditional use application in accordance with Subpart 450.

4305.D **Review Criteria.** To approve a conditional use application, the Development Review Board must find that the applicant has demonstrated that the proposed development meets all of the applicable standards specified in Figure 4-01.

4305.E **Conditions of Approval.** The Development Review Board may approve a conditional use application with conditions as necessary to ensure compliance with this bylaw.

4306 PLANNED UNIT DEVELOPMENT REVIEW

4306.A A planned unit development (PUD) will require subdivision approval under this bylaw.

4306.B If proposed development within a PUD also requires site plan and/or conditional use approval under this bylaw, the Development Review Board will conduct those reviews concurrently with subdivision review in accordance with Section 4308.

4307 SUBDIVISION REVIEW

4307.A **Applicability**

(1) Without first recording an approved subdivision plat in the town's land records in full conformance with this bylaw, a property owner must not:

(a) Commence any clearing, site preparation, construction or land development on land to be subdivided; or

(b) Subdivide, sell, transfer or lease land, except that he/she may:

(i) Lease land for agricultural or forestry purposes;

(ii) Sell or grant rights-of-way or easements that do not result in the subdivision of land; or

(iii) File boundary surveys and/or corrective deeds in the town's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries.

(2) The Zoning Administrator must not issue any permits for land development on a lot created by subdivision until the property owner has recorded a subdivision plat in the town's land records in conformance with this bylaw.

4307.B **Purpose.** The purpose of subdivision review is to ensure that:

(1) Subdivided lots are suitable for development without endangering public health, safety or welfare;

(2) Appropriate provisions are made for necessary improvements including, but not limited to, water supply, sewage disposal, stormwater management, fire and emergency protection and access, and utilities;

(3) Proposed subdivisions are complimentary to and functionally integrated with surrounding development and the town's road network to the greatest extent feasible; and

(4) Proposed subdivisions are energy efficient and avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4307.C **Lot Line Adjustment and Lot Merger**

(1) The Zoning Administrator may approve the realignment, relocation or elimination of a boundary line between adjoining lots in accordance with the procedures of Subchapter 420 provided that the proposed change:

(a) Will not result in an increase in the number of lots;

(b) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity);

(c) Will not substantially increase the degree of nonconformity of a pre-existing nonconforming lot or structure; and

(d) Will not violate any conditions of a prior permit or approval.

(2) The Zoning Administrator may refer applications to the Development Review Board for review as a minor subdivision.

(3) Within 180 days after the Zoning Administrator approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with Subsection 4307.H.

4307.D **Sketch Plan Review**

(1) The applicant must file a complete application and sketch plan for review by the Zoning Administrator.

(2) The Zoning Administrator must notify the owners of all properties adjoining the subject property (including those across the road) in writing of the applicant's intent to subdivide the subject property. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information.

(3) The Zoning Administrator must send the applicant a written response to a complete sketch plan application within 30 days of its filing that:

(a) Indicates whether the subdivision as proposed generally conforms to the standards of this bylaw.

(b) Makes recommendations to guide the applicant in preparation of more detailed plans.

(c) Requests any additional application materials deemed necessary to determine compliance with this bylaw.

(d) Determines whether the applicant will be required to file a preliminary plan or may file a final plan for review by the Development Review Board in accordance with Subsection 4307.E.

(4) After the Zoning Administrator determines that the applicant is ready to move forward, the applicant will have 6 months to file the materials required for the next step of the subdivision review process.

(5) The Zoning Administrator's actions under this section will not constitute a formal decision on the subdivision plan.

(6) The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4307.E **Classification.** The Zoning Administrator will classify an application for a proposed subdivision as follows:

(1) **Major Subdivision.** An applicant for a major subdivision approval must submit a preliminary and final plan for review and approval by the Development Review Board in accordance with the provisions of this section. A subdivision that includes any of the following will be a major subdivision:

(a) The creation of 4 or more lots from a parent parcel in any 4-year period (inclusive of the parent parcel);

(b) The re-subdivision of a lot within 4 years (will not be interpreted to include lot line adjustments or lot mergers); or

(c) The construction of a new, extended or upgraded road.

(2) **Minor Subdivision.** An applicant for a minor subdivision approval may skip the preliminary approval process and submit a final plan for review and approval by the Development Review Board in accordance with the provisions of this section. A subdivision that not meet the definition of a major subdivision will be a minor subdivision.

4307.F **Preliminary Plan Review**

(1) An applicant for major subdivision approval must file a complete application and preliminary subdivision plan for consideration by the Development Review Board.

(2) The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with Subchapter 450.

(3) The Development Review Board must issue a written response to the preliminary plan that includes:

(a) Findings of fact that address each of the applicable criteria in Figure 4-05;

(b) Any proposed conditions of approval to be placed on the final plan;

(c) Any specific changes requested in the final subdivision plan;

(d) The issues to be analyzed and addressed in the final subdivision plan review;

(e) Any modification or waiver of application requirements for final plan review. The Development Review Board may:

(i) Request any additional application materials deemed necessary to determine compliance with this bylaw; and

(ii) Modify or waive application requirements deemed unnecessary to determine compliance with this bylaw.

(4) Following the Development Review Board issuing a written response, the applicant will have 6 months to file the final subdivision plan.

(5) The written response to a preliminary subdivision plan is intended to provide direction to the applicant in preparing the final subdivision plan. It is not a binding decision on the subdivision application that can be appealed under Section 4403.

4307.G **Final Plan Review**

(1) The applicant must file a complete application and final subdivision plan for consideration by the Development Review Board.

(2) The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of this bylaw and to assure that the applicant has addressed the issues raised in the preliminary plan review.

(3) The Development Review Board must hold a public hearing and act on a final subdivision plan in accordance with Subchapter 450. If a proposed subdivision will be located within 500 feet of the town line, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.

(4) The Development Review Board's approval of a final plan will not constitute the town's acceptance of any road, easement, open space or other feature shown on the plan. Action by the Selectboard is required to accept any road, easement, open space or other feature.

4307.H **Filing Requirements**

(1) If the Development Review Board approves the final plan, the applicant will have 180 days to submit a final subdivision plat for recording in the town's land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.

(2) The Zoning Administrator may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.

(3) The final subdivision plat must meet all state requirements (see 27 VSA § 1403).

(4) The Zoning Administrator or the Chair of the Development Review Board must sign the final subdivision plat before it is recorded in the town land records.

(5) No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed.

(6) Once lawfully filed, a final subdivision plat will not expire.

~~(6)~~(7) Applicants are advised to file new or revised deeds in accordance with state law for all lots created by or subject to a subdivision approval when filing a plat to ensure the affected properties have marketable titles.

4307.I **Modification of Approved Subdivisions**

(1) Except for lot line adjustments or lot mergers approved under Subsection 4307.C, the Development Review Board must review any request to amend an approved subdivision plat.

(2) The process for applying for an amendment will be the same as for the original approval.

(3) The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.

(4) The applicant must file an approved, amended plat in accordance with the provisions of Subsection 4307.H.

4308 COMBINED REVIEW

4308.A When proposed development requires more than one approval, the Development Review Board must warn and hold a single hearing for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each approval.

4308.B The Zoning Administrator will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.

4308.C The Development Review Board must hold a public hearing and act on an application for combined review in accordance with Subchapter 450. In addition, the hearing notice must:

(1) Include a statement that the hearing will be a combined review of the proposed development; and

(2) List each type of review the Development Review Board will conduct.

4308.D All hearing and decision requirements and deadlines applicable to each review process will apply.

4308.E The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.

4309 AMENDING APPROVED PLANS

4309.A The Development Review Board must review any request to amend an approved plan that the Zoning Administrator cannot approve under Section 4204.

4309.B The process for applying for an amendment will be the same as for the original approval.

4309.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the approved development affected by the proposed amendment.

4309.D The applicant must demonstrate that the proposed amendment is justified due to changes:

(1) In factual or regulatory circumstances that were beyond the applicant's control;

(2) In the construction or operation of the proposed development that were not reasonably foreseeable at the time of the original application; or

(3) In technology.

4309.E The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application, and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated development approvals.

4309.F The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

Figure 4-01. **Development Review Criteria**

	CRITERIA	SITE PLAN	CONDITIONAL USE	PUD OR SUBDIVISION
1	The dimensional standards of the proposed development conform to the standards of the applicable district or of Subchapter **Error! Reference source not found.** if a p re-existing nonconformity.	✓	✓	✓
2	The off-site impacts of the proposed development will not exceed the levels established in Section 3105.	✓	✓	–
3	The proposed development will provide safe and adequate access and circulation that conforms to the standards of Sections 3002 and 3008.	✓	✓	✓
4	The proposed development will provide sufficient parking and loading areas that conform to the standards of Section 3104.	✓	✓	–
5	The proposed development will provide exterior lighting where necessary for public safety and to facilitate nighttime use that conforms to the standards of Section 3102.	✓	✓	✓
6	The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate off-site impacts that conform to the standards of Sections 3018 and 3101.	✓	✓	✓
7	The proposed development will implement appropriate erosion control and stormwater management practices that conform to the standards of Sections 3012 and 3019.	✓	✓	✓
8	Signs for the proposed development will conform to the standards of Section 3106.	✓	✓	✓
9	The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements (roads, sidewalks, driveways, utilities, etc.), building codes, and standards for emergency service access.	✓	✓	✓
10	The demand for water supply, wastewater, educational and municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned community facilities.	–	✓	✓
11	The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in Paragraph 5003.C(1).	–	✓	✓
12	Traffic generated by the proposed development will not exceed the capacity of or create congestion or unsafe conditions on roads, highways and intersections in the vicinity.	–	✓	✓
13	The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and environmental quality.	–	✓	✓
14	The proposed development will logically extend existing settlement patterns and create interconnected road networks to the maximum extent feasible given the terrain and other characteristics of the land.	–	–	✓
15	The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of roads and other infrastructure necessary to serve the lots.	–	–	✓
16	Lots within the proposed development will vary in size and frontage, and buildings will vary in design (form, style, color, materials, etc.) and placement, to replicate rural or village settlement patterns (i.e., not a 'cookie-cutter' subdivision).	–	–	✓

440 Appeals

4401 WHO MAY APPEAL

4401.A An applicant or other interested person may appeal an action taken or decision made under this bylaw as specified in this subchapter.

4401.B For the purposes of this bylaw, an interested person is:

(1) An applicant who alleges that this bylaw impose unreasonable or inappropriate restrictions on the existing or future use of his/her property.

(2) The Town of Chester or any adjoining municipality.

(3) A person owning or occupying property in the immediate area of proposed development who can demonstrate:

(a) A physical or environmental impact on his/her interests; and

(b) That the action taken or decision made under this bylaw is not in accord with the policies, purposes, or terms of this bylaw or the *Chester Town Plan*, as most recently adopted.

(4) Any combination of at least 10 voters or landowners in Chester who by signed petition allege that the relief an applicant is requesting under this subchapter is not in accord with the policies, purposes, or terms of this bylaw or the *Chester Town Plan*, as most recently adopted.

(5) Any department or administrative subdivision of the state that owns property or interest in property in Chester, and the Vermont Agency of Commerce and Community Development.

4402 APPEALS OF ZONING ADMINISTRATOR DECISIONS

4402.A An interested person may appeal any action or decision of the Zoning Administrator to the Development Review Board by filing two copies of a notice of appeal and any applicable fees with the Chester Town Clerk within 15 days of the date of the Zoning Administrator's action or decision.

4402.B The Town Clerk will forward one copy of the notice of appeal to the Development Review Board and the other to the Zoning Administrator.

4402.C A notice of appeal must be in writing and must include all of the following information:

(1) The name and address of the appellant (the person filing the appeal);

(2) A copy of the Zoning Administrator's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);

(3) A brief description of the subject property;

(4) A reference to the section(s) of this bylaw that the appellant alleges the Zoning Administrator has not properly followed or applied; and

(5) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.

4402.D If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.

4402.E The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.

4402.F Upon receipt of a complete notice of appeal, the Development Review Board must either:

(1) Hold a public hearing and act on the appeal in accordance with Chapter 450; or

(2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that it decided the issues in an earlier appeal.

4402.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator.

4402.H If no interested person appeals the Zoning Administrator's action or decision to the Development Review Board within 15 days, the action or decision will not be able to be contested at a later time.

4403 APPEALS OF DEVELOPMENT REVIEW BOARD DECISIONS

4403.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.

4403.B The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Zoning Administrator must provide a prospective appellant with the interested person list upon request.

4403.C If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of Section 4402 to appeal the Zoning Administrator's issuance of a zoning permit implementing a Development Review Board approval.

4403.D An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.

4403.E If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

4404 WAIVERS

4404.A The Development Review Board:

(1) May approve waivers that authorize an adjustment of up to 25% to a dimensional standard (as established for the applicable zoning district) of this bylaw;

(2) Must not approve waivers within the Flood Hazard Overlay District;

(3) Must not approve waivers to reduce any riparian or wetland setback or buffer required under this bylaw; and

(4) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this bylaw.

4404.B The applicant must file a complete zoning permit application and a written request for a waiver with the Zoning Administrator that includes all of the following:

(1) A brief description of the subject property and proposed development;

(2) A reference to the dimensional standard(s) of this bylaw that the applicant is requesting a waiver from;

(3) The specific modification(s) that the applicant is requesting; and

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver (see Figure 4-02).

4404.C The Development Review Board must hold a public hearing and act on the waiver request in accordance with Chapter 450. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4404.D To approve a waiver, the Development Review Board must find that all of the applicable criteria specified in Figure 4-02 have been met.

4405 VARIANCES

4405.A The Development Review Board:

(1) May approve variances that authorize adjustments to the dimensional standards of this bylaw under the specific circumstances described in this section.

(2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this bylaw.

4405.B The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:

(1) A brief description of the subject property and proposed development;

(2) A reference to specific provision(s) of this bylaw that the applicant is requesting a variance from;

(3) The specific modification(s) that the applicant is requesting; and

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see Figure 4-02).

4405.C The Development Review Board must hold a public hearing and act on the variance request in accordance with Chapter 450. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4405.D To approve a variance, the Development Review Board must find that all of the applicable criteria specified in Figure 4-02 have been met as follows:

(1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply;

(2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply; or

(3) For all other variances, the general variance criteria apply.

Figure 4-02. **Waiver and Variance Review Criteria**

CRITERIA	**WAIVER**	GENERAL **VARIANCE**	RENEWABLE ENERGY **VARIANCE**	FLOOD HAZARD **VARIANCE**
1 The proposed development will not alter the essential character of the area in which the property is located.	✓	✓	✓	✓
2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.	✓	✓	✓	✓
3 The proposed development will not be detrimental to public health, safety or welfare.	✓	✓	✓	✓
4 The proposed development is beneficial or necessary for the continued reasonable use of the property.	✓	–	–	–
5 The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	✓	–	–	–
6 The applicant has not created the unnecessary hardship.	–	✓	✓	✓
7 The applicant is proposing the least deviation possible from this bylaw that will afford relief.	–	✓	✓	✓
8 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of this bylaw in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with this bylaw and a variance is necessary to enable reasonable use of the property.	–	✓	–	✓
9 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with this bylaw.	–	–	✓	–
10 The proposed development will not reduce access to renewable energy resources on adjacent property.	–	–	✓	–
11 The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	–	–	–	✓

450 Notice, Hearings and Decisions

4501 NOTICE OF HEARING

4501.A The Zoning Administrator must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision or planned unit development applications by all of the following:

(1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Chester.

(2) Posting the date, place and purpose of the hearing at the Town Office and at least one other public place within Chester.

(3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted on the subject property within public view.

(a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.

(4) Notifying the owners of all properties adjoining the subject property (including those across the road) in writing.

(a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

4501.B The Zoning Administrator must notify the public at least ~~7~~ 15 days before a hearing for all other Development Review Board actions by all of the following:

(1) Posting the date, place and purpose of the hearing at the Town Office and at least two other public places within Chester.

(2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing. The notification must:

(a) Include a description of the proposed project;

(b) Identify where the recipient can obtain additional information; and

(c) Explain that the recipient must participate in the hearing in order to have the right to any subsequent appeal.

4501.C A defect in the form or substance of the public notice requirements will not invalidate any action or decision under this bylaw when a reasonable effort has been made to provide adequate posting and notice.

4502 SITE VISITS

4502.A The Zoning Administrator or Development Review Board may require an applicant to grant them access to a site prior to making a decision on an application when deemed necessary to ensure compliance with this bylaw.

4502.B A site visit must be warned as a public meeting in accordance with Section 4501 and open to the public if a quorum of Development Review Board members will be present.

4503 CONDUCTING A HEARING AND TAKING EVIDENCE

4503.A The Development Review Board must hold a public hearing within 60 days of the Zoning Administrator determining that an application is complete unless otherwise specified in this bylaw or the applicant agrees to a later hearing date.

4503.B The Development Review Board must conduct public hearings, hear testimony and take evidence according to its adopted rules of procedures.

4503.C All hearings must be open to the public as follows:

(1) Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel, or may submit written testimony in advance of the hearing.

(2) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding. Only an interested person (as defined in Section 4401) who has participated in a hearing by presenting oral or written testimony will have a right to appeal the resulting Development Review Board decision under Section 4403.

4503.D The applicant or an authorized representative must be present at any public hearing when the Development Review Board will be considering his/her application.

(1) The Development Review Board will recess or continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.

(2) In the case of such a recess or continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.

4503.E Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed hearing.

~~4503.E~~4503.F It is the applicant's responsibility to demonstrate compliance with the applicable standards and review criteria of this bylaw. The Development Review Board may recess or continue a hearing and require an applicant to provide additional information as necessary to determine compliance with this bylaw.

4504 RECESSING OR CONTINUING A HEARING

4504.A The Development Review Board may recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with this bylaw or upon the applicant's request.

4504.B If the Development Review Board recesses or continues a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

4505 DECISIONS

4505.A **Deliberations.** The Development Review Board must deliberate and make a decision on an application in a closed deliberative session.

4505.B **Time to Act.** Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application.

4505.C **Deemed Approval.** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.

4505.D **Findings.** The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of this bylaw.

4505.E **Conditions of Approval.** The Development Review Board:

(1) May attach any conditions it deems necessary to an approval to achieve the purposes of this bylaw including, but not limited to:

(a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;

(b) Required improvements to public facilities or infrastructure to serve the proposed development;

(c) Schedule or phasing of development;

(d) Inspection or monitoring; and/or

(e) Performance bonds.

(2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered part of any subsequent zoning permit issued by the Zoning Administrator for the approved development.

4505.F **Submittal of Revised Plans.** If the Development Review Board attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Zoning Administrator issuing a zoning permit for the proposed development.

4505.G **Notification and Filing.** The Development Review Board must:

(1) Send a copy of the decision to applicant by certified mail;

(2) Send a copy of the decision to all others who participated in the hearing; and

(3) File a copy of the decision with the Zoning Administrator.

4505.H **Effect and Expiration.** If the approved development is:

(1) Not substantially completed or commenced before the zoning permit expires as established in Section 4203, the development approval will expire with the zoning permit.

(2) Substantially completed or commenced before the zoning permit expires as established in Section 4203, the development approval will remain in effect unless the use is abandoned or discontinued as established in Section **Error! Reference source not found.**. Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

460 Violations and Penalties

4601 APPLICABILITY

4601.A The Zoning Administrator must act to enforce this bylaw in accordance with state law and the provisions of this chapter.

4601.B A violation of this bylaw will constitute a civil offense enforced in accordance with the provisions of 24 VSA §1974(a) or 24 VSA §4451.

4601.C Nothing in this chapter will prevent the Town of Chester from exercising its authority to abate or remove public health risks or hazards.

4602 INVESTIGATION AND ACTION BY THE ZONING ADMINISTRATOR

4602.A **Investigation.** The Zoning Administrator must investigate alleged violations of this bylaw. Violations include, but are not limited to:

(1) Commencing land development for which zoning permit or development approval is required without first obtaining such an approval or permit;

(2) Failing to comply with all requirements, representations and conditions of any approved plan or permit;

(3) Commencing or continuing land development if the permit or approval authorizing the work has expired;

(4) Commencing clearing, site preparation or other land development prior to subdivision approval; and

(5) Selling, transferring or offering to sell or transfer land unless a subdivision plat has been approved and filed in full compliance with this bylaw.

4602.B **Action.** Upon determining that a violation exists, the Zoning Administrator must take appropriate action in an effort to enforce this bylaw including, but not limited to any combination of the following:

(1) Issuing a municipal civil complaint ticket (see Section 4604) or a notice of violation (see Section 4605);

(2) Issuing a stop work order;

(3) Requiring the property owner to apply for a curative zoning permit;

(4) Requiring the immediate removal of a violating structure or cessation of a violating use;

(5) Denying a certificate of compliance; and/or

(6) Imposing fines and penalties to the maximum extent allowed under state law until the property owner remedies the violation.

4602.C **Limitations on Enforcement.** The Zoning Administrator must not enforce any violation:

(1) That has existed for more than 15 years; or

(2) Of a zoning permit that was issued after July 1, 1998 and was not filed in the town's land records.

4603 LIABILITIES AND PENALTIES

4603.A The property owner will be held responsible for any violation and be subject to any penalties imposed under this bylaw.

4603.B Each day that a violation exists constitutes a separate offense and may be separately ticketed under Section 4604.

4603.C If any enforcement action results in the need for a new or amended zoning permit or development approval, Chester may impose penalties in addition to the standard permit fees.

4604 MUNICIPAL CIVIL COMPLAINT TICKET

4604.A The Zoning Administrator or other authorized town staff may issue a municipal complaint ticket for any violation of this bylaw in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

4604.B A violation ticketed under this section will be punishable by a fine of:

(1) $150 for a first offense, with a waiver fee of $50.

(2) $450 for a second offense ticketed for the same violation within 1 year, with a waiver fee of $200.

(3) $800 for a third and any subsequent offense ticketed for the same violation within one year, with a waiver fee of $400.

4604.C Upon the fourth offense, the Town of Chester may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

4605 NOTICE OF VIOLATION

4605.A The Zoning Administrator may issue a notice of violation for any violation of this bylaw. Prior to issuing a notice of violation in accordance with Subsection 4605.B, the Zoning Administrator may seek to resolve a violation informally.

4605.B The Zoning Administrator must:

(1) Send a notice of violation to the property owner by certified mail that:

(a) Describes the violation;

(b) Identifies the specific provision(s) of this bylaw being violated;

(c) States the specific action required to cure the violation (see Subsection 4602.B);

(d) States that if the property owner has 7 days to cure the~~violation is not cured within 7 days~~, after which time the town may institute court

proceedings to obtain a court order directing compliance with this bylaw and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;

(e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and

(f) States that the notice of violation may be appealed as per Section 4402.

(2) Deliver a copy of a notice of violation to the Town Clerk for recording in the town's land records.

(3) Upon failure of the property owner to cure a violation of this bylaw, the Town of Chester may institute appropriate court action.

5 DEFINITIONS

500 General

5001 INTERPRETATION

5001.A The words used in this bylaw have their normal dictionary meaning unless they are specifically defined in this chapter or elsewhere within this bylaw. The Zoning Administrator or Development Review Board, as applicable, will interpret the meaning of any term used in this bylaw. That interpretation may be appealed in accordance with the provisions in Section 4402 or Section 4403.

5001.B The words defined in this bylaw have the specific meaning stated unless the context clearly indicates that they have another meaning.

5001.C The definitions identified as being from state statute are intended to be consistent with that statute.

5001.D This bylaw uses:

(1) "Must" and "will" to express that something is required;

(2) "Must not" and "will not" to express that something is prohibited;

(3) "May" and "may not" for discretionary actions; and

(4) "Should" and "should not" when something is encouraged or discouraged.

5001.E This bylaw uses:

(1) "Parcel" and "lot" interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed;

(2) "Site" or "property" to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;

(3) "Property owner", "landowner", "applicant", "subdivider" or "developer" to refer to the party responsible or authorized to act under this bylaw and those terms may include any individual designated to act on behalf of the responsible party;

(4) "Business" to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and

(5) "Home", "residence" or "dwelling" to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

5001.F There are illustrations provided throughout this bylaw that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of this bylaw, the written provision will take precedence.

5001.G Unless specifically stated otherwise, the calculation of time periods defined this bylaw:

(1) As a specific number of days will be based on calendar days;

(2) As a specific number of months will be based on calendar months (ex. January 1 to June 1 is 6 months);

(3) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year); and

(4) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

5002 USE AND DIMENSIONAL STANDARDS

5002.A All uses allowed in one or more zoning districts are defined in Section 2109.

5002.B Dimensional standards and their method of measurement are defined in Section 2005.

5003 DEFINED TERMS

5003.A

(1) **ABANDONED DEVELOPMENT** means any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement.

(2) **ACCESS** means a defined area designed to allow vehicles to enter/exit property from/to a road. Also referred to as a curb cut. See Section 3002.

(3) **ADVERSE EFFECT OR IMPACT** means that proposed development will result in a substantial and material negative effect or impact that will prevent or diminish the reasonable use of property in the area, cause environmental damage or pollution, not conform to the performance standards of Section 3105, or damage or exceed the capacity of public infrastructure, services or facilities.

(4) **AFFORDABLE HOUSING** as defined in state statute means:

(a) Ownership housing with a total housing cost (principal, interest, taxes, insurance and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 120% of the median income in Washington County or Vermont, whichever is greater; or

(b) Rental housing with a total housing cost (rent, utilities and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 80% of the median income in Windsor County or Vermont, whichever is greater; and

(c) That is subject to covenants or restrictions that will preserve that affordability for at least 15 years.

(5) **ALTERATION** means any addition or structural change to, or relocation of, a structure including, but not limited to, any change in the structure's dimensions or the number of units (residential or non-residential), or an increase in number of bedrooms in a dwelling unit. This definition specifically excludes normal repair and maintenance.

(6) **APPLICANT** means the owner of land to be developed under this bylaw or a representative who has been duly authorized in writing by the owner to act as an authorized agent on the owner's behalf. Any other party with an interest in the proposed development may only apply for a permit or approval jointly with the property owner or authorized agent.

5003.B

(1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.

~~(1)~~(2) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, allows the bicycles to be locked to the frame with standard user-supplied locks, and is sufficiently separated from vehicular use areas to protect parked bicycles from damage.

~~(2)~~(3) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.

~~(3)~~(4) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.

~~(4)~~(5) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.

~~(5)~~(6) **BUILDING ENVELOPE** means a specific area of a lot that is delineated on a subdivision plat and in accordance with the standards of Subsection 3304.C.

5003.C

(1) **CHARACTER OF THE AREA** means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Chester Town Plan and the zoning district purpose statements) elements including, but not limited to:

(a) The pattern, type, scale and intensity of land use;

(b) Traffic conditions, street design, streetscaping and walkability;

(c) The bulk, form, size, scale, placement and arrangement of buildings;

(d) Historic resources, landmarks, views and scenic resources;

(e) The type, size, arrangement, use and accessibility of open space; and

(f) Noise, light, odors, vibration and other impacts perceptible off-site.

(2) **CLEARING** means the removal of existing woody vegetation from land for purposes other than farming or forestry in accordance with state regulations.

(3) **CONVERSION** means a change of use (see Section 1203).

(4) **CURB CUT.** See definition of ACCESS.

5003.D

(1) **DAMAGED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.

(2) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.

(3) **DEGREE OF NONCONFORMITY** means the extent to which a structure or portion of a structure encroaches over a minimum setback or above a maximum height, exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of this bylaw. An increase in the degree of nonconformity will be interpreted as shown in the illustration below: *to be added

(4) **DEMOLITION** means the destruction and physical removal of a structure or portion of a structure from a lot.

(5) **DESTROYED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.

(6) **DEVELOPMENT.** See definition of LAND DEVELOPMENT.

(7) **DRIVEWAY** means a vehicular travel way that provides access to not more 3 lots or principal uses.

(8) **DWELLING UNIT** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation and meets the minimum requirements of Section 3010.

(9) **DWELLING UNIT, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See Section 3203.

5003.E

(1) **ENLARGEMENT** means any increase in the footprint or height of a structure.

(2) **ESSENTIAL SERVICES** means the infrastructure ~~that is necessary~~used to provide a single lot or customer ~~provide or distribute~~with a utility service such as electricity, gas, telephone, cable, water or sewer~~ to customers~~. This definition specifically excludes utility facilities.

5003.F

(1) **FACADE** means the front of a building or any of its sides facing a road or other public space.

(2) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).

(3) **FLOOR AREA** means the sum total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.

(4) **FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.

(5) **FRANCHISE OR CORPORATE DESIGN** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.

(6) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.

(7) **FRONTLINE** means a line extending parallel from the exterior front wall of a building.

5003.G

(1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

(2) **GRADE, FINISHED** means the completed, post-construction surface elevation of land disturbed by development.

(3) **GRADE, NATURAL** means the original, pre-construction surface elevation of land prior to its being disturbed by development.

5003.H

(1) **HANDICAP OR DISABILITY** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.

(2) **HARD SURFACE** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.

(3) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined by the state or federal government as a hazardous material.

(4) **HAZARDOUS WASTE** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serous irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.

~~(4)~~(5) **HEAVY VEHICLE OR EQUIPMENT** means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more, or machinery such as excavators, loaders, bulldozers, backhoes, cranes or forklifts.

~~(5)~~(6) **HISTORIC STRUCTURE** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.

~~(6)~~(7) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the property, including all of the living and cooking facilities.

5003.I

(1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition excludes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see Section 3019).

(2) **INTERESTED PERSON** as defined in state statute means:

(a) The applicant;

(b) The Town of Chester or any adjoining municipality;

(c) A person owning or occupying property in the immediate neighborhood

who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under this ordinance is not or will not be in accord with the Chester Town Plan or this bylaw.

(d) Any 10 people, who may be any combination of Chester voters or landowners, who allege that a decision or act made under this ordinance is not or will not be in accord with the Chester Town Plan or this bylaw by a signed petition. The petition must designate one person to serve as the group's representative.

(e) Any department and administrative subdivision of the state owning property or any interest in property in Chester; or

(f) The Vermont Agency of Commerce and Community Development.

5003.J

(1) **JUNK** as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.

(2) **JUNK MOTOR VEHICLE** as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5003.K

5003.L

(1) **LAND DEVELOPMENT** as defined in state statute means:

(a) The division of a parcel into two or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;

(c) Mining, excavating or filling; or

(d) Any change in, or extension of, the use of land or a structure.

(2) **LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.

(3) **LIGHT FIXTURE, FULLY SHEILDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.

(4) **LIGHT FIXTURE, PARTIALLY SHEILDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.

(5) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state roads or road rights-of-way, the Williams River, Williams Middle Branch, Williams South Branch or Williams Andover Branch will be considered separate lots for the purposes of this bylaw.

~~(5)~~(6) **LOT, PREVIOUSLY DEVELOPED** means a lot that has been altered by paving, construction or land use that if undertaken currently would require a permit or approval under this bylaw, and specifically excludes land that has been cleared or altered for agricultural or forestry use.

~~(6)~~(7) **LUMINOUS TUBE LIGHT** means a light fixture:

(a) Created by or containing gas discharge tubes that emit light or glow when electric voltage is applied;

(b) Replicates the appearance of gas discharge tubes using LED tubes or other technology.

5003.M

(1) **MAJOR RENOVATION** means:

(a) Any structural alteration to the foundation, roof, floor, exterior or load-bearing walls of a building;

(b) Constructing an addition to increase the floor area of a building; or

(c) Extensive alteration of a building in order to significantly change its function and use.

(2) **MANUFACTURED HOME** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.

(3) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.

(4) **MINI-STORAGE BUILDING** means a single-story building divided into individual, self-contained units each of which is accessed solely from outside the building and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.

(5) **MIXED-USE BUILDING** means a building that includes at least one dwelling unit and one principal nonresidential use.

(6) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.

(7) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

5003.N

(1) **NOISE** means an unwanted sound that may disturb or annoy the average person.

(2) **NONCONFORMITY** means a lot, structure or use that lawfully existed prior to the adoption or revision of this bylaw, but now does not conform to one or more standards of this bylaw (see Subchapter 130).

(3) **NORMAL MAINTENANCE AND REPAIR** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5003.O

(1) **OPEN SPACE** means land not occupied by structures, including but not limited to buildings, roads, driveways and parking areas, and not actively managed for farming or forestry.

(2) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.

(3) **OUTDOOR RECREATION, ACTIVE** means a recreational activity that:

(a) Requires specialized facilities, fields, courts, ranges and/or related structures;

(b) Involves use of motorized vehicles or firearms; or

(c) Has potential adverse off-site impacts (such as noise or light).

(4) **OUTDOOR RECREATION, PASSIVE** means a recreational activity (such as: trails for walking, biking, cross-country skiing or snowshoeing; sledding; hunting and fishing; rustic picnic areas; wildlife observation; frisbee; kite-flying; etc.) that:

(a) Can be conducted in a minimally developed open space;

(b) Requires little to no specialized facilities; and

(c) Does not have adverse environmental or off-site impacts.

(5) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5003.P

(1) **PARCEL.** See definition of LOT.

(2) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, brick, tile, wood, or other impervious materials used to cover the ground in order to make a firm, level surface suitable for vehicular or pedestrian use.

(3) **PATIO** means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.

(4) **PERMANENT FOUNDATION** means a slab, walls and/or footings constructed of concrete, masonry or similar materials that extend below the frost line and that form a secure, stable base to which a structure may be attached.

(5) **PRINCIPAL ENTRANCE** means an entry that is intended to provide the general public with direct access to one or more principal uses within a building. This definition does not include entrances intended to access dwelling units, service areas or other portions of a building not open to the general public.

(6) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that is:

(a) Visible from public vantage points;

(b) Intended for the enjoyment of the general public; and

(c) Not designed or located to identify or draw attention to a business and the type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.

(7) **PUBLIC PARK** means an area of land made available to the general public for active or passive recreation use. This definition does not include private property that a landowner has made available for public recreation use (i.e., for hunting, fishing, use of trails, etc.) unless it has been dedicated to such a purpose through a legally binding means.

5003.Q

5003.R

(1) **REASONABLE USE** means a use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest or best use.

(2) **RECONSTRUCT** means to rebuild a structure that was damaged, destroyed or demolished in accordance with this bylaw.

(3) **RECREATIONAL VEHICLE** means a registered motor vehicle or trailer designed and used for recreational travel and camping that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers. A recreational vehicle will be considered a dwelling unit if it is made immobile in any way that prevents it from being readily driven or towed off the site on which it is located.

(4) **REDEVELOPMENT** means new development, including but not limited to new construction and additions to, or reconstruction of, existing structures, on a previously developed lot.

~~(4)~~(5) **ROAD** means a vehicular travel way that provides the principal means of access to abutting property.

~~(5)~~(6) **ROAD, MAINTAINED** means a road that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis.

~~(6)~~(7) **ROAD, PRIVATE** means a road that is not owned by the state or town.

~~(7)~~(8) **ROAD, PUBLIC** means a road that is owned by the state or town.

5003.S

(1) **SIGN** means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from off the premises. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under this bylaw, and public art.

(2) **SIGN, ABANONDED** means:

(a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;

(b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or

(c) A sign that has not been maintained in accordance with this bylaw.

(3) **SIGN, COMMERCIAL** means a sign that functions as commercial speech in that it:

(a) Is meant to be an advertisement visible from public vantage points;

(b) References a particular product, service, company or business location; and

(c) Is displayed with an economic motivation.

(4) **SIGN, ELECTRONIC MESSAGE** means a sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.

(5) **SIGN, INTERNALLY ILLUMINATED** means a sign with an interior light source that shines through a transparent or translucent surface material.

(6) **SIGNIFICANT WILDLIFE HABITAT** means deer wintering areas, wetlands, habitat for rare or endangered species, and black bear habitat as mapped by the Vermont Agency of Natural Resources.

(7) **SMART GROWTH PRINCIPLES** as defined in state statute means growth that:

(a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;

(b) Develops compact mixed-use centers at a scale appropriate for the community and the region;

(c) Enables choice in modes of transportation;

(d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;

(e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;

(f) Balances growth with the availability of economic and efficient public utilities and services;

(g) Supports a diversity of viable businesses in downtowns and villages;

(h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and

(i) Reflects a settlement pattern that, at full build-out, is not characterized by:

(i) Scattered development located outside compact urban and village centers that is excessively land consumptive;

(ii) Development that limits transportation options, especially for pedestrians;

(iii) The fragmentation of farmland and forestland;

(iv) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and

(v) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.

(8) **STREAM** See definition of SURFACE WATER.

(9) **STREET** See definition of ROAD.

(10) **STREET, ARTERIAL** means a state highway, Class 1 or Class 2 town highway as shown on the most recent Vermont Agency of Transportation General Highway Map for Chester.

(11) **STRIP DEVELOPMENT** as defined in statute means linear commercial development along a road that includes three or more of the following characteristics:

(a) Broad road frontage;

(b) Predominance of single-story buildings;

(c) Limited reliance on shared access;

(d) Lack of connection to any existing settlement except by road;

(e) Lack of connection to surrounding land uses except by road;

(f) Lack of coordination with surrounding land uses; and

(g) Limited accessibility for pedestrians.

(12) **STRUCTURE** as defined in state statute means assembly of materials for occupancy or use, including but not limited to, a building, sign, wall, or fence.

(13) **STRUCTURE, ACCESSORY** means a structure that is clearly incidental and subordinate to the principal structure on the lot.

(14) **STRUCTURE, PRINCIPAL** means the main or predominate structure associated with the principal use on the lot.

(15) **STRUCTURE, TEMPORARY** means a structure that is not attached to a permanent foundation and that can be easily relocated after which there will be no evidence remaining of the structure. See Section 3017.

(16) **SUBSTANTIALLY COMPLETE** means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.

(17) **SURFACE WATER** means a river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.

(18) **SURVEY** means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way or easement.

5003.T

(1) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.

(2) **TOP OF BANK** as defined by state regulation means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.

(3) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.

(4) **TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.

(5) **TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

5003.U

(1) **USE** means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.

(2) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.

(3) **USE, PRINCIPAL** means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-family dwelling will be considered residential.

~~(3)~~(4) **UTILITY FACILITY** means sites, structures and infrastructure used to produce, transmit or distribute a utility service such as electricity, gas, telephone, cable, water or sewer, which directly or indirectly serves the public. This definition specifically excludes essential services.

~~(4)~~

5003.V

5003.W

(1) **WETLAND** as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends 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.

(2) **WORKING LANDS** mean land actively managed for farming or forestry.

5003.X

5003.Y

(1) **YARD** means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under this bylaw.

(2) **YARD, FRONT** means the yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.

(3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.

(4) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.

5003.Z