

## **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 12 (V12)
- (2) Village 6 (V6)
- (3) Village 4 (V4)
- (4) Mixed Use (MU)
- (5) General Business (GB)
- (6) Residential 2 (RES 2)
- (7) Rural 3 (R3)
- (8) Rural 6 (R6)
- (9) 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) River Corridor Overlay (RCO)

#### **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

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- (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 2111) 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 2111) 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 2111) 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 3004.

**2005 DIMENSIONAL STANDARDS**

2005.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district (see Section 2112) unless:

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- (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 4404) or variance (Section 4405) 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 3003.

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:

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- (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 2112) unless otherwise specified in this bylaw (also see Section 3003).
- (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 2112) for each zoning district.
- (2) Accessory structures must not exceed the maximum height specified in Section 3003 or 24 feet if no maximum height specified in Section 3003.
- (3) Height limits do not apply to:
  - (a) Belfries, spires, steeples, cupolas, domes or similar architectural

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- 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 4404 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 3203 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 12 (V12)

2101.A **Purpose.** The Village 12 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 2111 as permitted (P).

2101.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2101.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	3,600 square feet minimum
(2)	<b>Lot frontage:</b>	30 feet minimum
(3)	<b>Lot coverage:</b>	90% maximum
(4)	<b>Front setback:</b>	0 feet minimum to 16 feet maximum <sup>1</sup>
(5)	<b>Side setback:</b>	0 feet minimum
(6)	<b>Rear setback:</b>	8 feet minimum
(7)	<b>Footprint:</b>	6,000 square feet maximum <sup>1</sup>
(8)	<b>Height:</b>	24 feet minimum <sup>1</sup> to 48 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 3,600 square feet of lot area maximum

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*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 2113 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.

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**2102 VILLAGE 6 (V6)**

2102.A **Purpose.** The Village 6 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 2111 as permitted (P).

2102.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2102.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	7,200 square feet minimum
(2)	<b>Lot frontage:</b>	45 feet minimum
(3)	<b>Lot coverage:</b>	80% maximum
(4)	<b>Front setback:</b>	8 feet minimum to 20 feet maximum <sup>1</sup>
(5)	<b>Side setback:</b>	8 feet minimum
(6)	<b>Rear setback:</b>	8 feet minimum
(7)	<b>Footprint:</b>	6,000 square feet maximum <sup>1</sup>
(8)	<b>Height:</b>	24 feet minimum <sup>1</sup> to 36 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 7,200 square feet of lot area maximum

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*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 2113 as applicable for this district (✓).

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**2103 VILLAGE 4 (V4)**

2103.A **Purpose.** The Village 4 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 2111 as permitted (P).

2103.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2103.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	10,000 square feet minimum
(2)	<b>Lot frontage:</b>	60 feet minimum
(3)	<b>Lot coverage:</b>	70% maximum
(4)	<b>Front setback:</b>	12 feet minimum
(5)	<b>Side setback:</b>	8 feet minimum
(6)	<b>Rear setback:</b>	12 feet minimum
(7)	<b>Footprint:</b>	4,500 square feet maximum <sup>1</sup>
(8)	<b>Height:</b>	36 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 10,000 square feet of lot area maximum

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*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 2113 as applicable for this district (✓).

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**2104 MIXED USE (MU)**

2104.A **Purpose.** The Mixed Use district provides suitable areas for a mix of business and multi-unit residential uses. The purpose of this district is to:

- (1) Guide 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) 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;
- (3) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area;
- (4) Prevent development from diminishing highway safety and function through sound engineering, site design and access management practices;
- (5) Avoid and/or mitigate water quality and flooding impacts through use of low impact development techniques and green stormwater practices;
- (6) Accommodate a full range of housing options; and
- (7) 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 2111 as permitted (P).

2104.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2104.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	1 acre minimum
(2)	<b>Lot frontage:</b>	150 feet minimum
(3)	<b>Lot coverage:</b>	60% maximum
(4)	<b>Front setback:</b>	20 feet minimum
(5)	<b>Side setback:</b>	12 feet minimum <sup>1</sup>
(6)	<b>Rear setback:</b>	12 feet minimum <sup>1</sup>
(7)	<b>Footprint:</b>	6,000 square feet maximum
(8)	<b>Height:</b>	36 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 10,000 square feet of lot area maximum

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*1 – Setback will be 40 feet minimum if abutting property is in a residential or rural zoning district*

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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 2113 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval.
- (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 GENERAL BUSINESS (GB)**

2105.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) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area;
- (2) Prevent development from diminishing highway safety and function through sound engineering, site design and access management practices;
- (3) Avoid and/or mitigate water quality and flooding impacts through use of low impact development techniques and green stormwater practices; and
- (4) 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.

2105.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2105.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2105.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	1 acre minimum
(2)	<b>Lot frontage:</b>	150 feet minimum
(3)	<b>Lot coverage:</b>	60% maximum
(4)	<b>Front setback:</b>	20 feet minimum
(5)	<b>Side setback:</b>	12 feet minimum <sup>1</sup>
(6)	<b>Rear setback:</b>	12 feet minimum <sup>1</sup>
(7)	<b>Height:</b>	36 feet maximum
(8)	<b>Density:</b>	1 principal use per 1 acre of lot area maximum

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*1 – Setback will be 40 feet minimum if abutting property is in a residential or rural zoning district*

2105.F **Other District Standards.** In addition to all the applicable standards in Article 3, proposed development must conform to the following:

- (1) 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.

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**2106 RESIDENTIAL 4 (RES4)**

2106.A **Purpose.** The Residential 4 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.

2106.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2106.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2106.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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(1)	<b>Lot size:</b>	10,000 square feet minimum
(2)	<b>Lot frontage:</b>	60 feet minimum
(3)	<b>Lot coverage:</b>	60% maximum <sup>1</sup>
(4)	<b>Front setback:</b>	20 feet minimum
(5)	<b>Side setback:</b>	12 feet minimum
(6)	<b>Rear setback:</b>	12 feet minimum
(7)	<b>Footprint:</b>	6,000 square feet maximum <sup>2</sup>
(8)	<b>Height:</b>	36 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 10,000 square feet of lot area maximum

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*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 subject to major site plan approval must conform to the development standards listed in Section 2113 as applicable for this district (✓).

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**2107 RESIDENTIAL 2 (RES2)**

2107.A **Purpose.** The Residential 2 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.

2107.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2107.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2107.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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

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*1 – Maximum coverage for any lot area in excess of 3 acres will be 5%*

*2 – Applies to principal buildings only*

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 development standards listed in Section 2113 as applicable for this district (✓).

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**2108 RURAL 3 (R3)**

2108.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.

2108.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2108.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 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 4304).

2108.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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

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*1 – Maximum coverage for any lot area in excess of 3 acres will be 5%*

*2 – Applies to principal buildings only*

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 2113 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval.
- (2) Uses marked in Section 2111 as P<sup>1</sup> or C<sup>1</sup> are only allowed on lots fronting on Routes 10, 11 or 103.

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**2109 RURAL 6 (R6)**

2109.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.

2109.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2109.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 as conditional (C).

2109.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 4304).

2109.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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

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*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*

2109.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 2113 as applicable for this district (✓).

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**2110 RURAL 18 (R18)**

2110.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.

2110.B **Permitted Uses.** The Zoning Administrator may issue a permit for the uses listed in Section 2111 as permitted (P).

2110.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section 4305) from the Development Review Board before the Zoning Administrator may issue a permit for the uses listed in Section 2111 as conditional (C).

2110.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 4304).

2110.E **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2112):

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

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*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*

2110.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 2113 as applicable for this district (✓) will apply to any proposed development subject to major site plan approval.

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- (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 3002.
  - (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 Subsection 3404.F to the maximum extent feasible.



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**2111 USE TABLE**

<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>RESIDENTIAL USES</b>										
<b>Single-family dwelling</b> 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.	X <sup>1</sup>	P	P	X <sup>1</sup>	X <sup>1</sup>	P	P	P	P	C <sup>1</sup>
<b>Two-family dwelling</b> 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 having a separate entrance from the outside or through a common vestibule.	X <sup>1</sup>	P	P	X <sup>1</sup>	X <sup>1</sup>	P	P	P	P	X
<b>Multi-family dwelling (3+ units)</b> 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 sanitation, or any dwelling unit in a mixed-use building. See Section *.	P	P	P	P	X <sup>1</sup>	P	P	P	X	X
<b>Accessory dwelling</b> 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 Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P <sup>2</sup>
<b>Camp</b> 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 *	X	X	X	X	X	X	X	P	P	P
<b>Home occupation</b> Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P <sup>2</sup>
<b>Home business</b> Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	C	C	P	C	X

**P = Permitted**                      **C = Conditional**                      **X = Prohibited**  
All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>Family childcare home</b> Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P <sup>2</sup>
<b>Senior housing</b> 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 permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.	P	P	P	P	X	P	P	P	X	X
<b>Assisted living or skilled nursing service</b> 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. Includes residential care, nursing or convalescent homes, and hospice or respite care facilities.	P	P	P	P	X	C	C	C	X	X
<b>Group home (Level 1   Level 2)</b> 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 *.	P <sup>2</sup>   C	P   C	P   C	P <sup>2</sup>   C	P <sup>2</sup>   X	P   C	P   C	P   C	P   X	P <sup>2</sup>   X
<b>LODGING USES</b>										
<b>Bed-and-breakfast</b> Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	C <sup>2</sup>
<b>Inn</b> 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 *	P	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	C	C	C <sup>2</sup>
<b>Rooming and boarding house</b> 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 Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	C	X	X
<b>Short-term rental</b> Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section *	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P <sup>2</sup>

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All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>Hotel or motel</b> 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 *	X	X	C	P	P	X	X	X	X	X
<b>COMMERCIAL USES</b>										
<b>Retail sales</b> (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 installation, repair or maintenance services as an accessory use.	P C	P C	P X	P C	P C	X X	X X	C <sup>1</sup>  X	X X	X X
<b>Sales lot</b> 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 services as an accessory use. See Section *	X	X	X	C	C	X	X	X	X	X
<b>Repair service</b> (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 *	P X	P X	C X	P C	P P	X X	X X	C <sup>1</sup>  C <sup>1</sup>	X X	X X
<b>Fueling station</b> 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 *	X	X	X	C	C	X	X	X	X	X
<b>Carwash</b> A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. See Section *	X	X	X	C	C	X	X	C <sup>1</sup>	X	X
<b>Lawn, garden and farm supply sales</b> 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 products and 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, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use. See Section *	X	C	C	P	P	X	X	C <sup>1</sup>	C	X

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**Notes**

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>Lumberyard and building supply sales</b> 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 *	X	X	X	C	P	X	X	C <sup>1</sup>	C	X
<b>Open market</b> 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 section. See Section *	P	P	X	P	P	X	X	C <sup>1</sup>	X	X
<b>Financial establishment</b> 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.	P	P	C	P	P	X	X	X	X	X
<b>Rental and leasing</b> (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.	P   X	P   X	C   X	P   C	P   P	X   X	X   X	C <sup>1</sup>   C <sup>1</sup>	X   X	X   X
<b>Office, professional, business or administrative service</b> (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) provides support 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.	P   C	P   C	P   X	P   P	P   P	X   X	X   X	C <sup>1</sup>   X	X   X	X   X
<b>Personal service</b> (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 may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	P   C	P   C	P   X	P   P	P   P	X   X	X   X	C <sup>1</sup>   X	X   X	X   X
<b>Veterinary, pet or animal service</b> 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, sells or 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.	X	C	C	P	P	X	X	C	C	X   X

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All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<p><b>Restaurant (sit-down   take-out)</b> 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 service that 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 includes a retail bakery that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. See Section *</p>	P   C	P   C	P   X	P   P	P   P	X   X	X   X	C <sup>1</sup>   C <sup>1</sup>	X   X	X   X
<p><b>Mobile food service</b> 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 Section *</p>	C	C	C	P	P	X	X	C <sup>1</sup>	X	X
<p><b>Bar</b> 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 15,000 barrels of beer per year and sells 25% or more of its beer on the premises. See Section *</p>	C	C	X	C	C	X	X	X	X	X
<p><b>Event facility</b> 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, exhibition halls and meeting rooms. See Section *</p>	C	C	C	P	P	X	X	C	C	C
<p><b>Catering or commercial kitchen</b> 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 state food processing establishment license (such uses will be considered food or beverage manufacturing under this bylaw).</p>	X	P	P	P	P	X	X	C	C	X

**P = Permitted**                      **C = Conditional**                      **X = Prohibited**  
All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>INDUSTRIAL USES</b>										
<b>Light industry</b> (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, which is 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.	X   X	X   X	X   X	P   C	P   C	X   X	X   X	C <sup>1</sup>   C <sup>1</sup>	X   X	X   X
<b>Food or beverage manufacturing</b> (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 produced on the premises. This definition includes a microbrewery or commercial bakery.	C   X	C   X	C   X	P   C	P   C	X   X	X   X	C   X	C   X	X   X
<b>Wood products, cabinet or furniture manufacturing</b> (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, and establishments that purchase sawed lumber and make primarily wood products.	X   X	C   X	C   X	P   C	P   C	X   X	X   X	C   X	C   X	C   X
<b>Wholesale trade</b> 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 the primary merchandise being sold.	X	C	C	P	P	X	X	C <sup>1</sup>	X	X
<b>Storage and distribution services</b> 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 customers for 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.	X	X	X	X	P	X	X	C	X	X

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All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<p><b>Tank farm or fuel storage and distribution services</b> 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 pounds in size when carried out as an accessory use. See Section *</p>	X	X	X	X	C	X	X	X	X	X
<p><b>Transportation services</b> 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, tractor trailers or rail; or (c) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.</p>	X	X	X	C	C	X	X	C <sup>1</sup>	X	X
<p><b>Publishing, printing and sign manufacturing</b> 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, databases, 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 be considered an office, professional, business or administrative service under this bylaw.</p>	X	C	C	P	P	X	X	X	X	X
<p><b>Media recording or broadcasting studio</b> An establishment that is used to produce, distribute and/or broadcast sound or video programs or recordings.</p>	P	P	P	P	P	C	C	P	C	X
<p><b>Communications antenna</b> 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 *</p>	P	P	P	P	P	P	P	P	P	P
<p><b>Communications tower</b> A structure used to support one or more communication antennas and related structures and equipment. See Section *</p>	X	X	X	X	C	X	X	C	C	C
<p><b>Composting services</b> 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 waste produced on the premises.</p>	X	X	X	X	C	X	X	C	C	X

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All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

<b>Solid or septic waste or recycling services</b>	X	X	X	X	C	X	X	X	X	X
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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
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, or labels 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 materials; and/or (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 definition specifically excludes landfills, municipal wastewater treatment facilities and related essential services.										
<b>Metal fabrication shop</b> 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, forgings and 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 boiler shops.	X	X	X	C	P	X	X	X	X	X
<b>Contractor's yard or unenclosed storage</b> 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 vehicles, 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 junkyards. See Section *	X	X	X	X	C	X	X	C	C	X
<b>Slaughterhouse</b> 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 products. It may include a retail shop as an accessory use that primarily sells meat and related products processed or produced on the premises.	X	X	X	X	C	X	X	C <sup>1</sup>	X	X
<b>ART, ENTERTAINMENT AND RECREATION USES</b>										
<b>Theater</b> 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.	P	P	P	P	P	X	X	X	X	X

**P = Permitted**                      **C = Conditional**                      **X = Prohibited**  
All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

1 – See zoning district standards for this use.

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>Artist gallery or studio</b> (up to 3,000 sf   >3,000 sf) An establishment used to produce, display and/or sell works of art.	P   C	P   C	P   X	P   P	P   P	C   X	C   X	C   X	X   X	X   X
<b>Museum</b> An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.	P	P	P	P	P	X	X	C	C	C
<b>Indoor recreation</b> (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.	P   C	P   C	P   X	P   P	P   P	X   X	X   X	C   X	X   X	X   X
<b>Commercial outdoor recreation</b> (passive   active) A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building.	X   X	X   X	X   X	P   C	P   C	X   X	X   X	C   X	C   C	C   C
<b>Public outdoor recreation or park</b> 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 passive recreation and/or conservation purposes.	P	P	P	P	P	P	P	P	P	P
<b>Golf course or country club</b> 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, restrooms, driving range and shelters. It may provide additional recreational activities and/or retail sales of golf-related merchandise as an accessory use.	X	X	X	X	X	X	X	P	P	X
<b>Campground or resort</b> 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) designed and 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 organized recreational or educational activities.	X	X	X	X	X	X	X	C	C	C
<b>Equestrian facility</b> A commercial establishment used to house, train, care for, and/or ride horses.	X	X	X	X	X	X	C	P	P	C

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**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>CIVIC AND COMMUNITY USES</b>										
<b>Government facility</b> A state- or town-owned or operated establishment that serves a public function and provides governmental services. See Section *	P	P	P	P	P	X	X	P	X	X
<b>Educational institution</b> A state-certified public or private establishment that provides educational services. See Section *	P	P	P	P	P	X	X	P	X	X
<b>Specialty school</b> (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.	P   X	P   X	P   X	P   P	P   P	X   X	X   X	C   C	C   C	C   C
<b>Clinic or outpatient care services</b> An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients. See Section *	P	P	C	P	P	X	X	C <sup>1</sup>	X	X
<b>Child day care</b> An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.	P	P	P	P	P	C	C	C	X	X
<b>Religious institution</b> 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 Section *	P	P	P	P	P	C	C	P	X	X
<b>Funeral services</b> An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.	C	P	P	P	P	C	C	P	X	X
<b>Cemetery</b> A site designed to inter or otherwise store the remains of deceased people.	X	X	P	P	P	P	P	P	P	X
<b>Social club</b> 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 their guests.	P	P	C	P	P	C	C	C	C	C

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All uses other than single- & two-family dwellings, farming & forestry require site plan approval.

**Notes**

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

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<b>USE &amp; DEFINITION</b>	<b>V12</b>	<b>V6</b>	<b>V4</b>	<b>MU</b>	<b>GB</b>	<b>RES4</b>	<b>RES2</b>	<b>R3</b>	<b>R6</b>	<b>R18</b>
<b>NATURAL RESOURCE BASED USES</b>										
<b>Farming or forestry</b> An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See Section *	P	P	P	P	P	P	P	P	P	P
<b>Firewood processing</b> 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 forestry.	X	X	X	X	P	X	X	C	C	C
<b>Extraction and quarrying</b> 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 as crushing, grinding, washing or screening. See Section *	X	X	X	X	C	X	X	X	C	C
<b>On-farm business</b> (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 *.	P   X	P   C	P   C	P   C	P   P	P   C	P   C	P   C	P   C	P   C

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**Notes**

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

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**2112 DIMENSIONAL TABLE**

	V112	V6	V4	MU	GB	RES4	RES2	R3	R6	R18
<b>LOTS</b>										
<b>Minimum lot size</b> ( <sup>1</sup> 3 acres min for residential lots) Inclusive of all land within the property boundaries, but excluding any land within a road right-of-way.	3,600 sf	7,200 sf	10,000 sf	1 acre	1 acre	10,000 sf	20,000 sf	3 acres	6 acres <sup>1</sup>	18 acres <sup>1</sup>
<b>Minimum lot frontage</b> ( <sup>1</sup> 150 ft min for 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 ft	150 ft	60 ft	120 ft	150 ft	300 ft <sup>1</sup>	450 ft <sup>1</sup>
<b>Maximum lot coverage</b> ( <sup>1</sup> 5% max 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%	60%	60% <sup>1</sup>	50% <sup>1</sup>	30% <sup>1</sup>	20% <sup>1</sup>	5%
<b>SETBACKS</b>										
<b>Minimum front setback</b> See Subsection 2005.F.	0 ft	8 ft	12 ft	20 ft	20 ft	20 ft	20 ft	40 ft	40 ft	40 ft
<b>Maximum front setback</b> See Subsection 2005.F.	16 ft	20 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Minimum side setback</b> ( <sup>1</sup> 40 ft min from rural and residential districts) See Subsection 2005.F.	0 ft	8 ft	8 ft	12 ft <sup>1</sup>	12 ft <sup>1</sup>	12 ft	16 ft	20 ft	20 ft	20 ft
<b>Minimum rear setback</b> ( <sup>1</sup> 40 ft min from rural and residential districts) See Subsection 2005.F.	8 ft	8 ft	12 ft	12 ft <sup>1</sup>	12 ft <sup>1</sup>	12 ft	16 ft	20 ft	20 ft	20 ft
<b>BUILDINGS</b>										
<b>Maximum principal building footprint</b>	6,000 sf	6,000 sf	4,500 sf	6,000 sf	n/a	6,000 sf	6,000 sf	6,000 sf	6,000 sf	4,500 sf
<b>Minimum principal building height</b> See Subsection 2005.G.	24 ft	24 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Maximum structure height</b> See Subsection 2005.G.	48 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	28 ft	24 ft
<b>DENSITY</b>										
<b>Maximum density</b> 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 3,600 sf	1 per 7,200 sf	1 per 10,000 sf	1 per 10,000 sf	1 per 1 acre	1 per 10,000 sf	1 per 20,000 sf	1 per 3 acres	1 per 6 acres	1 per 18 acres

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**2113 SUPPLEMENTAL STANDARDS TABLE**

	V12	V6	V4	MU	GB	RES4	RES2	R3	R6	R18
<b>General Standards</b>										
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.	✓	✓	✓	✓		✓	✓	✓	✓	✓
<b>New Buildings</b>										
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 <i>The Center of Chester</i> ). Designs that reference the form and materials of 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 materials such as 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.				✓				✓		

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	V12	V6	V4	MU	GB	RES4	RES2	R3	R6	R18
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.		✓	✓	✓				✓		
<b>New or Modified Building Facades</b> 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	✓	✓	✓	✓		✓	✓	✓		

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	V12	V6	V4	MU	GB	RES4	RES2	R3	R6	R18
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

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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.**

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**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.

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

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- (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 funds 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.

2202.1

**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.

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- (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;

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- (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;

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- (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;

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- (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.

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- (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 granted 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

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- (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

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- (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:

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- (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;

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- (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](http://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

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- 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.

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**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.

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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 source 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:

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- (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.

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- (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.