

3. The use of native and natural materials (wood, stone, brick) or other materials with a similar appearance (glaring or reflective materials shall not be used on any portion of the building).

4. Inclusion of design features such as cornices, trims, columns, or accent bands to prevent large areas of unbroken color;

5. Screening of rooftop mechanical equipment, telecommunications infrastructure and similar devices.

b. Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure, or site and environment. The removal or alteration of any historic material or architectural features should be avoided where possible.

c. Contemporary design for new structures or sites, alterations or additions to existing properties shall not be discouraged when such new development, alterations and additions are compatible with the design character of the surrounding environment and any original structure(s).

d. Architectural designs for new structures shall relate to and incorporate elements of the scale, materials, motifs, colors and design of significant buildings of architectural merit in adjacent districts. Generic designs shall be avoided or modified to relate to local architectural styles.

e. All exterior elevations shall be submitted as part of the Conditional Use Review.

Section 4.21 Waterstoves

(A) An outdoor waterstove shall be considered an accessory to a principal structure which requires a zoning permit issued by the Administrative Officer in accordance with the requirements of Section 9.1, and the following provisions:

- (1) No outdoor waterstove shall be located within 200 feet of any residence other than the residence to be served by the waterstove.
- (2) Outdoor waterstoves shall have an attached permanent stack extending higher than the roof line of the structure(s) being served by the waterstove, if the structure is located more than 200 feet but less than 500 feet from any residence other than the residence to be served by the waterstove.
- (3) Outdoor waterstoves shall meet applicable performance standards under Section 3.11; no stove shall be sited or operated in such a manner that it creates a nuisance or public health hazard.
- (4) Only natural wood shall be burned in the waterstove.

Section 4.22 Two Family Dwellings and Multi-Family Dwellings

(A) Two Family Dwellings and Multi-Family Dwellings may be permitted in the Moderate Density Residential (R3) District, Residential (R5) District, Neighborhood Commercial, Neighborhood Commercial Light District, Central Business District, Southern Growth District, and Southern Growth District- Core Overlay District subject to conditional use review in accordance with Section 5.4 and the following provisions:

- (1) The maximum building coverage for all buildings shall not exceed 30%.
- (2) The maximum height shall not exceed 3 stories or 45 feet in the Residential (R5), Central Business and Neighborhood Commercial Light Districts.
- (3) The maximum parking coverage shall not exceed 20%.
- (4) A minimum of 35% of the lot shall be dedicated to lawns/landscaping consistent with the character of the neighborhood.
- (5) The maximum number of housing units shall not exceed 10 per acre or equivalent portion thereof.
- (6) All buildings must conform to district setbacks.
- (7) Building Façades
 - a. The portion of any building visible from the road shall be given special detailing and architectural consideration. This includes:
 1. An adequate number and arrangement of openings and windows, avoiding either a cluttered appearance or blank façade;
 2. Clearly defined entry doors with added detail;

(B) In addition to the application requirements set forth in Article 5, applications for new towers shall also include the following:

- (1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;
- (2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.
- (3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration;
- (5) Any additional information needed to determine compliance with the provisions of these regulations.

(C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, silos, steeples or other existing structures may be permitted by the Administrative Officer without conditional use or site plan review provided that:

- (1) no changes are made to the height or appearance of such structure except as required for mounting;
- (2) the height of the antenna as mounted does not exceed maximum district height requirements under Article 2;
- (3) no panel antenna shall exceed 72 inches in height or 24 inches in width;
- (4) no dish antenna shall exceed 3 feet in diameter; and
- (5) any accompanying equipment shall be screened from view.

(D) The following are specifically exempted from the provisions of this Section:

- (1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 40 feet in height above the lowest grade at ground level.
- (2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

(E) Communication facilities for use by municipal, state or federal agencies may be allowed in any district subject to site plan approval in accordance with Section 5.3, conditional use review in accordance with Section 5.4 and all provisions of Telecommunications Facility, Section 4.20.

designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.

- (3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
- (4) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Planning Commission or Board of Adjustment:
 - a. if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
 - b. to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
- (5) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.
- (6) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.
- (7) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.
- (8) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.
- (9) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.
- (10) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.
- (11) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.

- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Section 4.18 Roadside Stand

(A) Roadside stands for the sale of agricultural products may be permitted in designated zoning districts subject to conditional use review under Section 5.4 and the following standards:

- (1) Stands shall be located not less than 20 feet from all road rights-of-way.
- (2) Stands shall be used exclusively for the sale of agricultural products raised locally. For the purposes of this section, locally produced agricultural products shall include those products raised in the Town and Village of Swanton and/or in municipalities contiguous to the Town and Village of Swanton.
- (3) Products sold in roadside stands shall be limited to unprocessed or minimally-processed and value added agricultural commodities (e.g., raw vegetables, locally produced cheese, maple syrup, apple cider, jellies and jams, baked goods, cured meats).
- (4) A minimum of three off-street parking spaces shall be required.

Section 4.19 Swimming Pool

(A) A permanent above-ground or in-ground swimming pool may be allowed as an accessory structure to a residential use in all districts in which residential uses are allowed, with approval of the Administrative Officer in accordance with Section 9.1, and the following standards:

- (1) The edge of the pool shall be not less than 20 feet from side and rear lot boundaries and not less than 60 feet from road rights-of-way.
- (2) An in-ground pool, or any above-ground pool with an edge that extends less than 4 feet above grade, shall be surrounded by a suitable fence of not less than 4 feet above grade to deny access to unauthorized persons. Access to the pool area shall be by a gate that can be adequately secured.

(B) All other permanent public or private swimming pools shall be considered recreational facilities as allowed within designated districts, subject to site plan review under Section 5.3 and conditional use review under Section 5.4.

Section 4.20 Telecommunications Facility

(A) New or expanded telecommunication facilities, including but not limited to towers and accessory structures, may be allowed in designated zoning districts subject to site plan approval in accordance with Section 5.3, conditional use review in accordance with Section 5.4 and the following provisions:

- (1) A proposal for a new tower shall not be permitted unless it is determined by the Board of Adjustment that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure.
- (2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be

- (4) No exterior storage or display of goods or materials shall be permitted.
- (5) Parking shall be provided in accordance with Section 3.10.
- (6) Signs shall meet the requirements of Section 3.12.
- (7) All outdoor lighting shall be installed and/or shielded in such a manner to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be illuminated.
- (8) All structures shall comply with setback and dimensional standards for the district in which they are located, as set forth in Article 2.

Section 4.16 Outdoor Market

(A) Outdoor markets, including flea markets and farmers markets, may be allowed in designated zoning districts subject to site plan in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards:

- (1) In approving an application for an Outdoor Market, the Board of Adjustment shall specify the frequency and duration of operation.
- (2) Structures related to the display and/or storage of products offered for sale shall be of a temporary nature and shall be removed when the market is not in operation, unless specific provision for the storage of structures has been approved by the Board of Adjustment.
- (3) In addition to the site plan review standards set forth in Section 5.3, a traffic and parking management plan shall be reviewed and approved by the Planning Commission as a condition of approval.

(B) Farmers markets, flea markets and other temporary or seasonal outdoor sales may be take place on the Swanton Village Green with the express permission of the Swanton Village Trustees. Such approved markets shall not require a permit under these regulations.

(C) Garage sales are exempted from the provisions of these regulations in accordance with the standards set forth in Section 9.1.

Section 4.17 Public Facility

(A) In accordance with the Act [§4413], the following uses may be regulated, subject to site plan review under 5.3, and conditional use review under Section 5.4, only with respect to size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities, traffic, noise, lighting, landscaping or screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- State or community owned and operated institution and facilities.
- Public and private schools and educational institutions certified by the State Department of Education.
- Churches and other places of worship, convents and parish houses
- Public and private hospitals
- Regional solid waste management facilities certified under 10 V.S.A. Chapter 159

- (5) All mobile homes within an approved Mobile Home Park shall be located not less than 75 feet from any road right-of-way and not less than 100 feet from any property boundary. A landscaped buffer not less than 10 feet wide shall be provided along the perimeter of the property boundary.
- (6) All mobile homes shall be located:
 - a. not less than 25 feet from the edge of the travel-way of any interior road or driveway (excluding driveways serving individual mobile homes);
 - b. not less than 25 feet from any common areas; and
 - c. not less than 20 feet from other mobile homes.
- (7) An area of not less than 10% of the total gross area, calculated in accordance with Subsection (4) above, shall be provided for open space and recreation purposes. Such area shall be conveniently located and accessible to all mobile home sites within the park. recreation.
- (8) Adequate provision shall be made for the collection, disposal and storage of garbage and refuse.
- (9) Provision shall be made for fire protection, including the installation of adequate water supply and fire hydrants, access roads and driveways, fire alarms and public telephones.
- (10) All access shall be designed and constructed in accordance with the standards set forth in Section 3.2.
- (11) Parking shall be provided in accordance with Section 3.10.
- (12) Water supply and wastewater disposal systems shall be provided to each mobile home in accordance with state regulations and the standards set forth in Section 3.15.
- (13) Signs shall meet the standards set forth in Section 3.12.
- (14) The approval of a mobile home park may stipulate that future building permits for accessory structures, porches, decks and other structures attached to a mobile home on an approved site may be permitted with the approval of the Administrative Officer in accordance with Section 9.1, provided the cumulative total area (footprint) of all accessory structures does not exceed 100% of the floor area (footprint) of the mobile home.

Section 4.15 Neighborhood Store

- (A) A neighborhood store may be allowed in designated districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards:
- (1) A neighborhood store may occupy a lot, or a portion of a dwelling in accordance with these standards and the standards for Mixed Use under Section 4.13.
 - (2) The total area occupied by the neighborhood store shall not exceed 1,200 square feet in floor area.
 - (3) Gasoline sales may be allowed only subject to review as a Mixed Use in districts in which both Mixed Use and Automobile Service Station are also allowed uses, in accordance with the standards set forth in Section 4.13.

- (6) not adversely impact natural, cultural, and/or scenic resources on-site or within the vicinity of the marina; and
- (7) not prevent the use of adjacent shoreland property or lake access.

(B) Customary marina accessory uses and structures may include boat launches, docks and moorings; boat fueling, storage and repair facilities; the sale or rental of boating equipment; and water taxi, cruise, fishing charter or similar off-shore services. Other uses may be allowed as a mixed use (Section 4.13) subject to conditional use review.

Section 4.13 Mixed Use

(A) In designated districts, more than one use may be permitted within a single building or on a single lot subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following provisions:

- (1) Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.
- (2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.
- (3) The mixed use meets all applicable general provisions contained in Article 3, including parking requirements under Section 3.10 based on the cumulative parking demand for the various proposed uses.

Section 4.14 Mobile Home Park

(A) A mobile home park may be approved in a designated zoning district subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following provisions.

- (1) A mobile home parks shall comply with the requirements of 10 V.S.A. Chapter 153.
- (2) The minimum total lot area shall be 10 acres.
- (3) Each mobile home site shall be at least 5,400 square feet in area, and not less than 45 feet in width at the building setback line, exclusive of easements.
- (4) The maximum number of mobile homes shall be determined by subtracting from the total gross area not less than 20% of the parcel, and allowing a maximum of one unit per every 5,400 square feet of the remaining 80% of the gross area (e.g. 64 units per 10 acre parcel). In addition to the 20% of the land to be subtracted from the density calculation, all lands located within the 100 year floodplain, subject to public utility easements or rights-of-way, or that are characterized by severe development limitations, including wetlands and slopes in excess of 25%, shall be excluded from the calculation of total gross area.

- (7) Adequate water supply and wastewater disposal systems shall be provided in accordance with Section 3.15.
- (8) The cottage industry shall conform to all performance standards under Section 3.11.
- (9) Hours of operation may be limited by the Board of Adjustment to minimize impacts to neighboring properties and residents.
- (10) There shall be no storage of hazardous waste or materials; fuel storage shall be limited to that needed for heating.
- (11) The cottage industry shall be visually compatible with neighboring lots and uses; landscaping and screening may be required as appropriate. In addition, any outdoor storage of materials, including building or construction materials, unregistered vehicles or heavy equipment, must be completely screened year-round from the road and from neighboring properties.
- (12) On-site wholesale and/or retail sales shall be limited to products produced on the premises.
- (13) Cottage industries shall not be permitted in a planned unit development (PUD), but shall be allowed in the Southern Growth District Core Overlay District.
- (14) The permit for a cottage industry shall clearly state that the industry is a home business which is accessory to the principal residential use, and shall be retained in common ownership and management. A home based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

Section 4.12 Marina

(A) Marinas may be permitted in designated zoning districts subject to site plan review under Section 5.3, conditional use review under Section 5.4, state agency referral requirements as applicable under Section 9.1, and the following additional provisions. A marina, whether intended for public or private use, shall:

- (1) in addition to meeting all zoning district requirements, have a minimum continuous shoreline or river frontage of 300 feet;
- (2) provide, in addition to parking requirements under Section 3.10, at least one off-street parking space for each rental boat, mooring, and/or berth; parking areas shall be set back at least 100 feet from the shoreline;
- (3) provide screened garbage collection and toilet facilities; and, for a marina accommodating boats with sleeping berths, a facility for the pump-out of waste to be disposed of in accordance with municipal and state regulations;
- (4) meet performance standards under Section 3.11;
- (5) meet setback requirements under Section 3.14, and not result in erosion or water pollution;

Section 4.11 Home Based Businesses [Home Occupations, Cottage Industries]

(A) **Home Occupation.** In accordance with the Act [§4412(4)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and which does not change the character of the surrounding area or neighborhood. A permit application shall be submitted to the Administrative Officer for a determination as to whether the proposed use is a home occupation as defined by these regulations. Home occupations, as distinguished from cottage industries under Subsection (B), are permitted as an accessory use in all districts where residential uses are permitted in accordance with the following provisions:

- (1) The home occupation shall be carried on fully within the primary dwelling and shall not occupy greater than 30% of the total floor area of one floor of the dwelling.
- (2) The home occupation shall be incidental to the residential use of the property and shall comply with the performance standards set forth in Section 3.11 at all times.
- (3) The home occupation shall be conducted on-site by residents of the dwelling.
- (4) Exterior displays of goods and wares, the exterior storage of materials that are not customarily associated with a residential use, or other exterior indications of the home occupation, including window displays, shall not be permitted.
- (5) A sign shall be permitted in accordance with Section 3.12.
- (6) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use in the neighborhood.
- (7) Off street parking shall be provided as required under Section 3.10.

(B) **Cottage Industry.** Home-based cottage industries, as distinguished from home occupations under Subsection (A), may be permitted in designated zoning districts subject to conditional use review in accordance with Section 5.4 and the following additional provisions:

- (1) The owner and operator of the cottage industry shall reside on the lot.
- (2) The cottage industry shall be carried on within the principal dwelling and/or accessory structure(s) providing the use of such space does not change the character of the property or neighborhood, or change the outward appearance of the dwelling unit or accessory structures on the lot.
- (3) The residents of the dwelling unit, and no more than 12 nonresident employees, may be employed on-site at any one time.
- (4) The cottage industry shall not generate traffic, including but not limited to delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.
- (5) Adequate off-street parking shall be provided for all residents, nonresident employees, and customers in accordance with Section 3.10.
- (6) A sign shall be permitted in accordance with Section 3.12.

- whichever is less, unless otherwise permitted by the Commission;
- c. any access road or driveway located within 100 feet of an adjacent parcel occupied by a dwelling shall be provided with a dust-free surface and maintained in a dust free condition; and
 - d. adequate stormwater management shall be provided at all stages of the operation to prevent the stagnation of water, soil erosion, sedimentation of surface waters and an increase in the discharge of stormwater onto adjacent parcels.
- (2) All processing of earth resources, including screening, sifting, washing, crushing and related activities shall only be conducted on the premises with the explicit approval of the Planning Commission. Such processing shall only be permitted for materials extracted on the site, unless otherwise approved by the Commission. Measures to control noise, dust and flying rock shall be specified and approved by the Commission. Such measures may include limitations on the stockpiling of excavated materials, limitations on blasting, or the creation of a landscaped buffer, of a suitable width, surrounding the site.
 - (3) The top of the bank for any excavation shall be located not less than 50 feet from any property boundary; all operations shall be suitably screened, with fencing and/or landscaping, from adjacent properties.
 - (4) Any excavation with a depth of 10 feet or more and/or a slope of 30 degrees or more shall be surrounded with a suitable fence and gates, the size and materials of which shall be approved by the Commission, to prevent unauthorized access to the extraction operation. Such fence shall be located not less than 50 feet from the edge of the excavation, and not less than 25 feet from property boundaries.
 - (5) In accordance with the Act [§4464(b)] a performance bond, escrow account, or other surety acceptable to the Legislative Body shall be required to ensure site reclamation upon completion of excavation projects, to include any regrading, reseeding, reforestation or other activities that may be required. Per statute, this provision specifically does not apply to mining or quarrying operations; however upon failure of the permit holder, their successors or assigns to complete site reclamation as required, the municipality may take legal action as appropriate to ensure site reclamation and cost recovery.
- (C) In granting conditional use approval, the Board of Adjustment shall, in addition to the standards set forth in Section 5.4, find that the proposed extraction meets the following standards:
- (1) The extraction shall not cause any hazard to public health and safety.
 - (2) The extraction shall not adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features. The Board shall consider, and may place limitations on, the type of machinery to be used in the operation to minimize impacts on adjacent properties.
 - (3) The extraction shall not operate on Sundays or legal federal holidays and, if the operation is located within 1,000 feet of a dwelling, shall not operate between the hours of 7:00 p.m. and 7:00 a.m. The Board may place additional restrictions on the hours of operation to address concerns specific to the site.

Section 4.9 Day Care Facility

(A) In accordance with the Act [§4412(5)], a state registered or licensed child care home serving 6 or fewer children on a full time basis and up to 4 additional children on a part time basis, conducted within a single family dwelling by a resident of that dwelling, shall be considered by right to constitute a permitted single family residential use of the property. Such uses that meet these requirements shall not require a permit issued by the Administrative Officer.

(B) Nonresidential child and adult day care facilities, and such facilities operated from a dwelling which do not meet the requirements of Subsection (A), may be permitted in designated zoning districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with section 5.4, and the following conditions:

- (1) The facility shall be operated in compliance with the performance standards set forth in Section 3.11, including standards for noise.
- (2) All equipment, including toys, shall remain within the boundaries of the property so as not to create a nuisance for neighboring property owners. Designated play areas shall be located not less than 10 feet from side and rear lot boundaries, and 20 feet from any road right-of-way. The Board of Adjustment may waive this standard based upon unique site conditions, and may impose play area setbacks to minimize impacts on adjacent properties and to ensure the safety of children occupying the facility.
- (3) Hours of operation shall be limited to 12 hours per day and 5 days per week, unless otherwise approved by the Board of Adjustment.
- (4) Screening may be required to avoid adverse visual impacts to neighboring properties.
- (5) Parking, loading and service area requirements shall be met in accordance with Section 3.10.

Section 4.10 Extraction & Quarrying

(A) The extraction or removal of topsoil, sand, or gravel, rock or other similar material for commercial purposes, including sand, gravel, mining and quarrying operations, except where incidental to any development lawfully undertaken in accordance with these regulations, may be allowed in designated districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards.

(B) In granting site plan approval, the Planning Commission, in addition to the standards set forth in Section 5.3, shall find that the proposed extraction meets the following standards:

- (1) In addition to application requirements under Section 5.3, the applicant shall submit two copies of proposed erosion control and site restoration plans, prepared by a licensed engineer, showing existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and finished grades at the conclusion of the operation. Such plan shall address the following:
 - a. specific measures to control erosion shall be specified for each stage of the operation;
 - b. the slope of material in any excavation shall not exceed the normal angle of repose or 45 degrees,

- (8) Adequate provision for the safe, sanitary disposal of trash shall be provided on site.
- (9) Customary accessory uses and structures to campgrounds include equipment and supply stores, playground and athletic fields, recreation and dining halls, snackbars, laundry and shower facilities and similar facilities intended solely for the use of campground residents and guests.

(B) For substantially undeveloped, primitive camping areas (e.g., tenting areas) located on public or private lands, the Planning Commission or Board of Adjustment may waive any or all of the requirements under Subsection (A) if it is demonstrated to their satisfaction that access, total lot area, camp site area, and setback distances are sufficient to:

- (1) support the proposed level of use, and
- (2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 4.8 Contractor's Yard

(A) Contractor's yards may be allowed in designated zoning districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and conformance with the following provisions:

- (1) Outdoor storage of materials, including building or construction materials, vehicles and heavy equipment, shall be limited to a designated area, approved by the Planning Commission subject to site plan review under Section 5.3. Such area must be completely screened year-round from the road and from neighboring properties with a stockade fence not less than 6' high, installed so that all supports face inward toward the yard. Activities associated with the operation of the contractors yard are not permitted outside of the designated area, with the exception of driveway and pedestrian access.
- (2) The area designated for the outdoor storage of materials shall be set back a minimum of 100' from road rights-of-way, surface waters, wetlands. All other setback and dimensional standards for the district in which the contractors yard is located shall apply, although the Planning Commission may, as a condition of site plan approval, require greater setbacks as appropriate based on specific site conditions to protect water quality and neighboring properties.
- (3) The maintenance and repair of vehicles and equipment shall be limited to inside of an enclosed building. The storage of equipment shall be screened in accordance with Subsection (1). Dead iron (e.g., inoperable, unused, unregistered equipment) shall not be stored on the premises.
- (4) The operation of the contractor's yard shall meet all performance standards set forth in Section 3.11.
- (5) There shall be no storage of hazardous waste or materials on the premises; fuel storage shall be limited to that needed for heating, and the operation of equipment and vehicles associated with the business.
- (6) The Board of Adjustment may, as a condition of conditional use approval, place conditions on the hours of operation as appropriate.

(C) A camper or temporary shelter, including a fishing shanty, may be stored at the owners’ place of residence providing it is parked or stored in a location which meets all setback standards for the district within which it is located, and occupancy is limited to occasional use which does not exceed 48 consecutive hours within any one week.

Section 4.7 Campgrounds

(A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be permitted in designated zoning districts subject to site plan review under Section 5.3, conditional use review under Section 5.4, state agency referral as applicable under Section 9.1, and the following requirements:

- (1) The parcel of land for a campground shall be no less than five acres in area, with at least 20% of the total campground area set aside for conservation, recreation and open space.
- (2) A campground shall provide sufficient access and parking for each camp site. The total number of camp sites in any campground may not exceed 10 sites per acre; each camp site shall be at least 2,800 square feet in area.
- (3) All campgrounds shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 100 feet in width along property boundaries, and 75 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (1). No building, camp site, parking or service area shall be located in buffer areas.
- (4) The campground shall operate for a period not to exceed 6 months (180 days) during any calendar year. Recreational vehicles may only be stored on the property if they are properly registered for highway use.
- (5) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.
- (6) Roads within the campground shall meet the following minimum standards and be properly maintained:

| Table 4.1 Campground Road Standards | | |
|--|----------------------|----------------------|
| | One-way Roads | Two-way Roads |
| Right-of-Way Width | 18 feet | 33 feet |
| Gravel Depth | 12 inches | 12 inches |
| Gravel Width | 10 feet | 20 feet |

(7) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all camp sites. Water and wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations, including the Vermont Environmental Protection Rules as most recently amended for campgrounds.

- (6) No vehicle may be parked or stored within the setback areas for the district in which the repair shop is located.

(C) **Automobile Service Stations.** Automobile or motor vehicle service stations which include the retail sale of gasoline and other motor vehicle products, may be allowed within in designated districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards:

- (1) Entrance and exist driveways shall have an unrestricted width of not less than 20 feet and not greater than 25 feet; shall not be located less than 15 feet from and property boundary; shall be located not less than 25 feet from another intersection; and shall not be configured to allow any vehicle to back onto the road right-of-way.
- (2) Gasoline pumps shall be located not less than 15 feet from any road right-of-way.
- (3) No vehicle may be parked or stored within the setback areas for the district in which the service station is located; parking requirements shall be met in accordance with Section 3.10.
- (4) Performance standards shall be met in accordance with Section 3.11.
- (5) Signs shall comply with the standards set forth in Section 3.12.
- (6) Service stations which include retail sales unrelated to motor vehicle service, maintenance or repair (e.g., food services, convenience items, etc.) shall be reviewed as a mixed use, and as such are required to meet all zoning provisions pertaining to retail uses for the district in which they are located, including but not limited to additional sign, lot size and/or parking requirements.

Section 4.6 Campers & Temporary Shelters

(A) No camping or other use of a temporary shelter shall be allowed without a zoning permit issued by the Administrative Officer under Section 9.1.

(B) A single camper, recreational vehicle, travel trailer, tent, fishing shanty, primitive hunting camp not exceeding 400 square feet, or other similar temporary shelter may be placed on a legally designated lot in the same ownership for occasional recreational use in accordance with the following standards:

- (1) use of the lot for camping is restricted to one camper or other temporary shelter per lot;
- (2) the camper or temporary shelter shall meet all lot area and setback requirements for the district in which it is located;
- (3) the camper or temporary shelter is not used for more than 120 days within any one year period; and
- (4) any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations. Owners of lots are responsible for the sanitary disposal of sewage either through an on-site system constructed in accordance with Section 3.15 or, with the approval of the Administrative Officer, by the use of a holding tank or chemical toilet. Procedures for dumping the holding tank or chemical toilet, and disposing of the waste shall be specified in the permit.

(1) If the building is a noncomplying structure, the adaptive reuse shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 3.8.

(2) The proposed adaptive reuse shall not significantly alter the façade, footprint, character or immediate context (e.g., yard) of the Historic Buildings. In reviewing proposals for an adaptive reuse of a Historic Building, the Board of Adjustment shall determine that the historic character of the buildings will be retained to the extent practical.

(E) A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and may shall not be re-established if the structure is substantially modified, destroyed or demolished, except in accordance with the requirements of these regulations. All applicable municipal permits and approvals shall be required prior to the re-establishment of such use in a substantially modified or new structure.

Section 4.5 Automobile Sales, Repair, and Service

(A) **Automobile Sales.** The sale of a personal automobile by its owner on a residential property is not subject to the provisions of these regulations. Automobile and other motor vehicle sales and rentals may be allowed in designated districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards:

- (1) No vehicle may be parked or displayed within the setback areas for the district in which the use is located.
- (2) Repair services and facilities may be included as an accessory to sales and rentals in accordance with the requirements of Subsection (B).
- (3) Performance standards shall be met in accordance with Section 3.11.
- (4) Signs shall comply with the standards set forth in Section 3.12.

(B) **Automobile Repair.** The repair of an automobile by its owner for personal use on residential property is not subject the provisions of these regulations. Automobile and motor vehicle repair shops may be allowed within in designated districts subject to site plan review in accordance with Section 5.3, conditional use review in accordance with Section 5.4, and the following standards:

- (1) Entrance and exist driveways shall have an unrestricted width of not less than 20 feet and not greater than 25 feet; shall not be located less than 15 feet from and property boundary; shall be located not less than 25 feet from another intersection; and shall not be configured to allow any vehicle to back onto the road right-of-way.
- (2) Vehicle lifts and pits, disabled or disabled automobiles and all parts and/or supplies shall be located within an enclosed building or otherwise screened from all public roads and adjacent properties.
- (3) The service and/or repair of motor vehicles shall be conducted within an enclosed structure.
- (4) Performance standards shall be met in accordance with Section 3.11.
- (5) Signs shall comply with the standards set forth in Section 3.12.

(C) A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and may shall not be re-established if the structure is substantially modified, destroyed or demolished, except in accordance with the requirements of these regulations. All applicable municipal permits and approvals shall be required prior to the re-establishment of such use in a substantially modified or new structure.

Section 4.4 Adaptive Reuse of a Historic Building

(A) Purpose. To encourage the viability, reuse, restoration and rehabilitation of Historic Buildings by allowing for uses, including uses not otherwise allowed in the district in which they are located, within the current dimensions of such Historic Buildings. Any changes associated with the adaptive reuse shall not significantly alter the façade of the building, and shall be in keeping with the essential character of the neighborhood.

(B) Applicability. All adaptive reuse, and associated restoration and/or rehabilitation of Historic Buildings shall be considered a conditional use subject to review by the Board of Adjustment under **Section 5.4** and the provisions of this Section. Historic Buildings, for the purposes of these regulations, shall include all buildings which are 50 years old, and/or are listed or eligible for listing on the state register of historic sites and structures.

(C) Allowed Uses.

(1) Permitted and conditional uses allowed in the district in which the Historic Building is located.

(2) The following uses, if not otherwise allowed in the district subject to conditional use review:

- a. Community Center
- b. Community Care Facility
- c. Conference Center
- d. Cultural Facility
- e. Destination Spa
- f. Educational Facility
- g. Senior Housing
- h. Health Clinic
- i. Lodging Facility
- j. Night Club
- k. Office
- l. Private Club
- m. Recreation/Indoor
- n. Recreation/Outdoor
- o. Restaurant

(3) Special events, not to exceed 4 consecutive weeks in duration, or 12 weeks within any 12 month period.

(4) A combination of the above listed uses.

(D) Special Requirements. All adaptive reuse, restoration and rehabilitation of Historic Buildings shall also meet the following requirements:

Section 4.3 Adaptive Reuse of an Historic Barn

(A) **Purpose.** To encourage the viability, reuse, restoration and rehabilitation of historic barns which are no longer associated with an agricultural use, by allowing for uses, including uses not otherwise allowed in the district in which they are located, within the current dimensions of such barns. Any changes associated with the adaptive reuse shall not significantly alter the facade of the building, and shall be in keeping with the essential character of the neighborhood.

(B) **Applicability.** All adaptive reuse, and associated restoration and/or rehabilitation, of historic barns shall be considered a conditional use subject to review by the Board of Adjustment under Section 5.4 and the provisions of this Section. Historic barns, for the purposes of these regulations, shall include all barns which are 25 years old, and/or are listed or eligible for listing on the state register of historic sites and structures.

(C) **Allowed Uses.** The following uses may be allowed, subject to conditional use review:

- (1) Permitted and conditional uses allowed in the district in which the barn is located.
- (2) The following uses, if not otherwise allowed in the district:
 - a. Agribusiness (including the sale of agricultural products)
 - b. Arts and Crafts Shop, Studio or Gallery
 - c. Antique Shop
 - d. Automobile Repair Shop
 - e. Boat Storage & Repair
 - f. Community Center
 - g. Cultural Facility
 - h. Day Care Facility
 - i. Garden Center
 - j. Office
 - k. Private Club
 - l. Storage Facility
 - l. Woodworking Shop.
- (3) Special events, not to exceed 4 consecutive weeks in duration, or 12 weeks within any 12 month period.
- (4) A combination of the above listed uses.

(D) **Special Requirements.** All adaptive reuse, restoration and rehabilitation of historic barns shall also meet the following requirements:

- (1) If the barn is a noncomplying structure, the adaptive reuse shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 3.8.
- (2) The proposed adaptive reuse shall not significantly alter the facade, footprint, character or immediate context (e.g., barnyard) of the historic barn. In reviewing proposals for an adaptive reuse of an historic barn, the Board of Adjustment shall determine that the historic character of the barn will be retained to the extent practical.

ARTICLE 4. SPECIFIC USE STANDARDS

Section 4.1 Applicability

The following standards shall apply to the specified uses in all zoning districts in which such uses are allowed. Specified uses may be subject to site plan review in accordance with Section 5.3 and/or conditional use review in accordance with Section 5.4. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

Section 4.2 Accessory Dwelling

(A) A dwelling unit that is located within or appurtenant to an owner occupied single family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with the following:

- (1) the property has sufficient wastewater capacity.
- (2) and the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- (3) applicable setback, coverage and parking requirements specified in the bylaws are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one of more of the following is involved:

- (1) A new accessory structure, constructed after the enactment of these bylaws.
- (2) An increase in height or floor area of the existing dwelling, or
- (3) An increase in the dimensions of the parking areas.

(B) Up to two dwelling units which are accessory to an operating farm may be permitted by the Administrative Officer, subject to the following standards:

- (1) the accessory dwellings are occupied by employees working on said farm, and their immediate family;
- (2) the accessory dwellings are limited to a mobile home, as defined in Section 10.2;
- (3) the accessory dwellings occupy a maximum area of one acre per dwelling unit;
- (4) the accessory dwellings are each located not less than 50 feet from any existing dwelling, public highway, or abutting property boundary; and
- (5) the accessory dwellings are removed from the premises if the parcel ceases to be an operating farm.

(C) A zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted only as an accessory to the principal residential or agricultural use of the property and as such shall be retained in common ownership. Such a dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to the subdivision, conversion, or conveyance as a principal dwelling.