



# TOWN OF WATERBURY UNIFIED DEVELOPMENT BYLAWS PHASE #1

## Article XVI UNIFIED DEVELOPMENT BYLAW – PHASE #1

### Section 1600 Enactment and Authority

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The Town of Waterbury has adopted these Unified Development Bylaws – Phase #1 (“UDB-P1” or “Bylaws”) in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, §4442, Adoption of bylaws and related regulatory tools; amendment or repeal.

### Section 1601 Purpose

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The purpose of these Bylaws is to implement the *Waterbury Municipal Plan* and the *Vermont Municipal and Regional Planning and Development Act* by regulating the use and development of land within the Town of Waterbury. These Bylaws are intended to:

1. Provide for orderly and coordinated development;
2. Ensure that land use and development will not adversely impact public health, safety and welfare;
3. Guide land use and development in a manner that is consistent with smart growth principles as defined in 24 V.S.A § 4302;
4. Promote land use and development that maintains or enhances quality of life and community character;
5. Protect natural, cultural and historic resources;
6. Allow for residential land uses and development as necessary to meet the housing needs of residents; and
7. Allow for a diverse mix of uses, including combined uses on the same parcel and in the same building, and a diversity of higher density housing in the downtown.

## Section 1602      **Applicability**

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These Bylaws supersede the Town and Village of Waterbury Zoning Regulations as Amended Through May 16, 2016 (the “2016 Zoning Regulations”) only in the Downtown, Mixed Use, Neighborhood, Campus, Commercial-Industrial, Residential 1, and Conservation Floodplain Zoning Districts depicted on the Zoning District Map, attached at Section 1611 **revised October 4th, 2023**. The Zoning Districts in Phase 1 (UDB-P1) are bound to the south of I-89, north of the Winooski River and the east/west by the town boundaries of Bolton and Middlesex.

All other requirements of the 2016 Zoning Regulations with respect to application processing, review procedures, including but not limited to zoning permit issuance and design, conditional use, site plan and subdivision review, continue to apply in the UDB-P1 Zoning Districts. Any development, including that requiring Site Plan Review and Approval, shall meet in addition to Section 301, the Standards and Requirements of these Bylaws. These Bylaws supersede the Interim Bylaws for the Downtown Zoning District adopted April 26, 2021.

In the event of a conflict between the 2016 Zoning Regulations and the UDB-P1 Bylaws, the provisions of the Bylaws shall apply.

## Section 1603      **Effective Date**

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These Bylaws will be in effect 21 days from the date of adoption by the Select Board that is \_\_\_\_\_, pursuant to 24 V.S.A. § 4442.

## Section 1604 Zoning Districts: General Provisions

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### A. Zoning Districts

These Bylaws establish the following Zoning Districts as shown on the Zoning District Map for UDB-P1 located in Section 1611 and in the Waterbury Zoning and Planning Department and the Town of Waterbury website:

1. Downtown (DWN)
2. Mixed Use (MU)
3. Neighborhood (NH)
4. Residential 1 (R-1)
5. Campus (CAM)
6. Commercial-Industrial (CI)
7. Conservation Floodplain (CFP)

### B. Establishment of Zoning Districts

1. The map delineating the boundaries of the various Zoning Districts established in this chapter are incorporated by reference and adopted as part of these Bylaws, and they constitute Waterbury's Official Zoning District Map.
2. The Zoning District Map is on file in the Waterbury Zoning and Planning Department office. The Zoning District Map shall be used for all measurements and interpretations of the Zoning District and Overlay District boundaries.

### C. Interpretation of Zoning District Boundaries

If a specific distance or measurement is not shown on the Zoning District Map, the Zoning Administrator shall interpret the map boundaries in accordance with the following:

1. Boundaries indicated as approximately following roads, railroad lines, power lines or rights-of-way shall be assumed to follow the centerlines of such roads, railroad lines, power lines or rights-of-way;
2. Boundaries indicated as approximately following lot lines or municipal boundaries shall be assumed to follow those lines or boundaries;
3. Boundaries indicated as approximately following rivers, streams, or water bodies shall be assumed to follow the centerlines of such rivers, streams, or water bodies;
4. Zoning Districts shall include any land under rivers, streams, or water bodies lying within them; and
5. The Zoning Administrator shall interpret any of the features depicted 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 Zoning District Map except that a lot merger, boundary line adjustment, or subdivision that changes the location of a lot line shall not change the location of any Zoning District boundary indicated as following that lot line.

## D. Types of Uses

1. **Allowed Uses.** A list of permitted and conditional uses allowed within each Zoning District.
2. **Prohibited Uses.** A use not specifically listed as permitted or conditional in a Zoning District is prohibited in that Zoning District.
3. **Nonconforming Lots and Uses.** A use of land that does not conform to these Bylaws or the 2016 Zoning Regulations, but did conform to all applicable laws, ordinances, and bylaws prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.
4. **Multiple and Mixed Uses.** A structure used for one or any combination of uses allowed in the applicable Zoning District upon obtaining all necessary permits or approvals under these Bylaws for each use.
5. **Accessory Use.** An Accessory Use shall be a permitted or conditional use in the applicable Zoning District, and shall require all applicable permits.

## E. Dimensional Requirements

(see Dimensional Standards, Dimensional Table, and Dimensional Definitions)

1. **Applicability.** Development shall conform to the dimensional requirements for the applicable Zoning District provided that any permanent right-of-way or easement shall not be included when determining the area of a given lot.
2. **Buildings and Accessory Structures.** Landowners may locate more than one building on a lot in accordance with the standards below and upon obtaining all necessary permits or approvals under these Bylaws:
  - a. Each building shall meet the applicable dimensional requirement of the Zoning District in accordance with these Bylaws;
  - b. Approval of multiple buildings on a lot will not constitute a right to separately convey those structures unless the subject lot will be lawfully subdivided in accordance with the provisions of these 2016 Zoning Regulations; and
  - c. An accessory structure may be located on a lot in accordance with the provisions of these Bylaws and meets the setback and height requirements in the zoning bylaws along with the requirements set forth in Sec. 1. 24 V.S.A. § 4412.
3. **Lot Frontage.** All lots shall have the minimum frontage on a public or private road required for the applicable Zoning District in accordance with the following:
  - a. *Pre-Existing Lots.* An existing lot without the minimum required frontage on a maintained public or private road shall have access to such a road over a permanent easement or right-of-way not less than 30 feet wide for single-family and two-family residential lots and 50 feet wide for all other lots;
  - b. *Corner Lots.* Lots that front on the intersection of at least two roads forming a corner lot, will only be required to meet minimum frontage requirements on the road from which the lot will be accessed;
  - c. *New Lots.* All new lots created under these Bylaws shall have the minimum frontage on a maintained public or private road unless the Development Review Board:
    - i) Approves a lot with less frontage as part of a planned unit development;

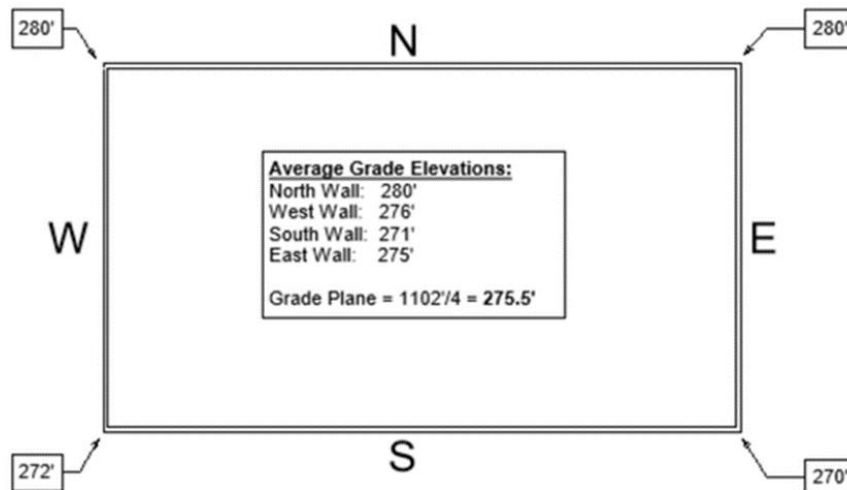
- ii) Approves a waiver to reduce the frontage requirement to not less than 30 feet for irregularly shaped lots or lots accessed by a shared driveway; or
- iii) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry, or open spaces uses through a legally enforceable and permanent means such as a conservation easement.

4. **Setbacks.** Development shall meet applicable setback requirements as follows:

- a. All development and structures subject to these Bylaws shall be setback from roads and property lines as required for the applicable Zoning District;
- b. Lots with frontage on more than one road shall meet front setback requirements on each road and shall meet side setback requirements on the remaining sides;
- c. Setback requirements shall apply to lots in common ownership to the same extent as if the lots were not in common ownership; and
- d. Front setbacks shall be measured from the edge of the right-of-way except if the right-of-way is less than 50 feet or if the location of the right-of-way is uncertain, the front setback shall be measured from a line 25 feet from and parallel with the centerline of the road.

5. **Height.**

- a. No building or structure shall exceed the height limit applicable to the Zoning District where it is located. This limit shall not apply to farm buildings, flagpoles, radio or television antenna, or similar features such as spires, cupolas, chimneys, ventilators, mechanical equipment, tanks, or similar parts of a building provided that they occupy not more than ten (10) percent of the floor area of such a building and are not used for any human occupancy.
- b. Building or structure height shall be measured from the average pre-construction elevations at each corner measured to the highest point of the building or structure. See example below.



6. **Lot Coverage.**

- a. Total amount of impervious surface as a percentage of total lot area; and
- b. “Impervious surface” means those man-made surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates. Section 10 V.S.A 1264

## Section 1605 Zoning Districts

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### A. Downtown Zoning District (DWN)

#### 1. Zoning District Purpose

The Downtown Zoning District provides concentrated retail, service, office, housing, and other compatible mixed uses in Waterbury’s historic downtown. It is the intent of this district to maintain or enhance the traditional pattern, scale, massing, pedestrian orientation and quality of the built environment in downtown Waterbury.

#### 2. Permitted Uses

The following are permitted uses in the Downtown Zoning District

##### RESIDENTIAL

- Accessory Dwelling Unit
- Assisted or Supported Living
- Family Childcare Home
- Home Business
- Home Office
- Multi-Family Dwelling (5+ Units)
- Residential Care and Group home
- Single-Family Dwelling
- Three- or Four-Family Dwelling
- Two-Family Dwelling

##### LODGING

- Bed and Breakfast
- Inn
- Short-Term Rental

##### COMMERCIAL

- Auto or Equipment Repair Service, up to 4,000 sf
- Catering or Commercial Kitchen
- Office, Professional, Business or Administrative Service, up to 4,000 sf
- Open Market or Auction House, up to 4,000 sf
- Personal Services, up to 4,000 sf
- Restaurant or Bar, up to 4,000 sf
- Retail Sales, up to 4,000 sf

##### ARTS, ENTERTAINMENT, AND RECREATION

- Artist Gallery or Studio, up to 4,000 sf
- Museum, up to 4,000 sf
- Performance or Movie Theater, up to 4,000 sf
- Recreation, Indoor, up to 4,000 sf

##### CIVIC AND COMMUNITY

- Child Daycare
- Clinic or Outpatient Care Services, up to 4,000 sf
- Educational institution
- Farmers’ Market
- Funeral and Cremation Services, up to 10,000 sf
- Government Facility
- Recreation or Park, Public Outdoor
- Religious Institution
- Social Assistance and Charitable Services

### 3. Conditional Uses

The following are conditional uses in the Downtown Zoning District:

#### RESIDENTIAL

- Skilled Nursing Facility

#### LODGING

- Hotel or Motel

#### COMMERCIAL

- Auto or Equipment Repair Service, greater than 4,000 sf
- Event facility / Nightclub
- Office, Professional, Business or Administrative Service, greater than 4,000 sf
- Open Market or Auction House, greater than 4,000 sf
- Personal Services, up to 4,000 sf
- Restaurant or Bar, greater than 4,000 sf
- Retail Sales, greater than 4,000 sf

#### INDUSTRIAL

- Food or Beverage Manufacturing, up to 10,000 sf
- Information Services
- Light Industry, up to 10,000 sf
- Passenger Transportation Facility

#### ARTS, ENTERTAINMENT, AND RECREATION

- Artist Gallery or Studio, greater than 4,000 sf
- Museum, greater than 4,000 sf
- Performance or Movie Theater, greater than 4,000 sf
- Recreation, Indoor, greater than 4,000 sf

#### CIVIC AND COMMUNITY

- Clinic or Outpatient Care Services, greater than 4,000 sf
- Funeral and Cremation Services, greater than 10,000 sf

### 4. Dimensional Standards

The following standards apply in the Downtown Zoning District:

DIMENSIONAL STANDARDS	DWN
<b>LOTS</b>	
Minimum Lot Size	4,000 sf
Minimum Lot Frontage	30 ft
Maximum Lot Coverage	100%
<b>SETBACKS</b>	
Minimum Front Setback	0 ft
Maximum Front Setback	10 ft
Minimum Side Setback	0 ft
Minimum Rear Setback	0 ft
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	60%
Maximum Building Footprint	10,000 sf
Minimum Building or Structure Height	24 ft
Maximum Building or Structure Height	60 ft

## B. Mixed Use Zoning District (MU)

### 1. Zoning District Purpose.

The Mixed Use Zoning District is a focal point for development in the community that accommodates a variety of housing opportunities with a mix of small-scale commercial, service and other compatible uses. It is the intent of this district to maintain or enhance a traditional village character, pattern, scale, massing and pedestrian-friendly setting.

### 2. Permitted Uses.

The following are permitted uses in the Mixed Use Zoning District:

#### RESIDENTIAL

- Accessory Dwelling Unit
- Family Childcare Home
- Home Business
- Home Office
- Multi-Family Dwelling (5+ Units)
- Residential Care and Group home
- Three- or Four-Family Dwelling
- Two-Family Dwelling

#### LODGING

- Bed and Breakfast
- Inn
- Short-Term Rental

#### COMMERCIAL

- Auto or Equipment Repair Service, up to 4,000 sf
- Personal Services, up to 4,000 sf
- Restaurant or Bar, up to 4,000 sf
- Retail Sales, up to 4,000 sf

#### ARTS, ENTERTAINMENT, AND RECREATION

- Recreation, indoor, up to 4,000 sf

#### CIVIC AND COMMUNITY

- Child Daycare
- Clinic or Outpatient Care Services, up to 4,000 sf
- Educational institution
- Farmers' Market
- Government Facility
- Recreation or Park, Public Outdoor
- Religious Institution
- Social Assistance and Charitable Services



### 3. Conditional Uses.

The following are conditional uses in the Mixed Use Zoning District:

#### RESIDENTIAL

- Assisted or Supported Living
- Skilled Nursing Facility

#### LODGING

- Hotel or Motel

#### COMMERCIAL

- Catering or Commercial Kitchen, up to 2,500 sf
- Office, Professional, Business or Administrative Service
- Restaurant or Bar, greater than 4,000 sf

#### INDUSTRIAL

- Food or Beverage Manufacturing, up to 10,000 sf

- Information Services
- Light Industry, up to 10,000 sf
- Passenger Transportation Facility

#### ARTS, ENTERTAINMENT, AND RECREATION

- Artist Gallery or Studio, greater than 4,000 sf
- Museum, greater than 4,000 sf
- Performance or Movie Theater, greater than 4,000 sf
- Recreation, Indoor, greater than 4,000 sf

#### CIVIC AND COMMUNITY

- Clinic or Outpatient Care Services, greater than 4,000 sf
- Funeral and Cremation Services, up to 2,500 sf

### 4. Dimensional Standards.

The following standards apply in the Mixed Use Zoning District:

DIMENSIONAL STANDARDS	MU
<b>LOTS</b>	
Minimum Lot Size	4,000 sf
Minimum Lot Frontage	30 ft
Maximum Lot Coverage	80%
<b>SETBACKS</b>	
Minimum Front Setback	0 ft
Maximum Front Setback	n/a
Minimum Side Setback	4 ft
Minimum Rear Setback	8 ft
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	60%
Maximum Building Footprint	8,000 sf
Minimum Building or Structure Height	18 ft
Maximum Building or Structure Height	48 ft

## C. Neighborhood (NH)

### 1. Zoning District Purpose.

The Neighborhood Zoning District provides for residential uses in areas near public services and infrastructure. It is the intent of this Zoning District to promote higher density housing and the option for future neighborhood - compatible commercial uses in proximity to the locally designated growth centers and the state Designated Downtown

### 2. Permitted Uses.

The following are permitted uses in the Neighborhood Zoning District:

#### RESIDENTIAL

- Accessory Dwelling Unit
- Family Childcare Home
- Home Office
- Multi-Family Dwelling (5+ Units)
- Residential Care and Group home
- Single-Family Dwelling
- Three- or Four-Family Dwelling
- Two-Family Dwelling

#### LODGING

- Bed and Breakfast
- Short-Term Rental

#### CIVIC AND COMMUNITY

- Farmers' Market
- Recreation or Park, Public Outdoor

### 3. Conditional Uses.

The following are conditional uses in the Neighborhood Zoning District:

#### RESIDENTIAL

- Assisted or Supported Living
- Home Business
- Skilled Nursing Facility

#### COMMERCIAL

- Catering or Commercial Kitchen
- Open Market or Auction House

#### CIVIC AND COMMUNITY

- Child Daycare
- Educational institution
- Government Facility
- Religious Institution
- Social Assistance and Charitable Services

**4. Dimensional Standards.**

The following standards apply in the Neighborhood Zoning District:

DIMENSIONAL STANDARDS	NH
<b>LOTS</b>	
Minimum Lot Size	4,000 sf
Minimum Lot Frontage	45 ft
Maximum Lot Coverage	80%
<b>SETBACKS</b>	
Minimum Front Setback	12 ft
Maximum Front Setback	n/a
Minimum Side Setback	8 ft
Minimum Rear Setback	12 ft
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	n/a
Maximum Building Footprint	6,000 sf
Minimum Building or Structure Height	n/a
Maximum Building or Structure Height	48 ft

**D. Campus (CAM)**

**1. Zoning District Purpose.**

The Campus Zoning District is established to protect and enhance architectural and historic resources within the Zoning District; protect and enhance the character of the area as described in the Municipal Plan; encourage a consistently high standard of design in new construction and renovations to support a pedestrian-oriented area; maintain and enhance property values; and strengthen the community’s economic vitality and the Zoning District’s historic function as a center for commerce, government, and housing.

**2. Permitted Uses.**

The following are permitted uses in the Campus Zoning District:

**RESIDENTIAL**

- Home Office
- Skilled Nursing Facility

**COMMERCIAL**

- Event facility / Nightclub
- Office, Professional, Business or Administrative Service

**ARTS, ENTERTAINMENT, AND RECREATION**

- Museum

**CIVIC AND COMMUNITY**

- Child Daycare
- Clinic or Outpatient Care Services
- Educational institution
- Farmers’ Market
- Government Facility
- Recreation or Park, Public Outdoor
- Religious Institution
- Social Assistance and Charitable Services

**3. Conditional Uses.**

The following are conditional uses in the Campus Zoning District:

**RESIDENTIAL**

- Assisted or Supported Living
- Multi-Family Dwelling (5+ Units)

**COMMERCIAL**

- Personal Services
- Retail Sales

**CIVIC AND COMMUNITY**

- Hospital or Inpatient Care Services

**4. Dimensional Standards.**

The following standards apply in the Campus Zoning District:

DIMENSIONAL STANDARDS	CAM
<b>LOTS</b>	
Minimum Lot Size	n/a
Minimum Lot Frontage	n/a
Maximum Lot Coverage	60% for campus as a whole
<b>SETBACKS</b>	
Minimum Front Setback	0 ft interior lot lines min 20 ft exterior lot lines min
Maximum Front Setback	n/a
Minimum Side Setback	0 ft interior lot lines min 20 ft exterior lot lines min
Minimum Rear Setback	0 ft interior lot lines min 20 ft exterior lot lines min
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	n/a
Maximum Building Footprint	n/a
Minimum Building or Structure Height	24 ft
Maximum Building or Structure Height	50 ft

## E. Commercial-Industrial (CI)

### 1. Zoning District Purpose.

The Commercial-Industrial Zoning District promotes the growth and diversification of Waterbury’s economy by offering suitable locations for new or expanded businesses in areas served by existing or planned infrastructure, including manufacturing and multi-family housing.

### 2. Permitted Uses.

The following are permitted uses in the Commercial-Industrial Zoning District:

#### RESIDENTIAL

- Home Office

#### COMMERCIAL

- Catering or Commercial Kitchen
- Lawn, Garden, Farm and Building Supply Store
- Office, Professional, Business or Administrative Service
- Open Market or Auction House
- Outdoor Sales, Rental or Leasing
- Veterinary, Pet or Animal Service

#### INDUSTRIAL

- Food or Beverage Manufacturing, up to 10,000 sf
- Information Services
- Light Industry, up to 10,000 sf
- Metal Fabrication Shop
- Passenger Transportation Facility
- Self-Storage Services
- Wholesale Trade / Storage and Distribution Services (enclosed)

#### ARTS, ENTERTAINMENT, AND RECREATION

- Artist Gallery or Studio
- Recreation, Indoor

#### CIVIC AND COMMUNITY

- Clinic or Outpatient Care Services
- Farmers’ Market
- Government Facility
- Recreation or Park, Public Outdoor

### 3. Conditional Uses.

The following are conditional uses in the Commercial-Industrial Zoning District:

#### RESIDENTIAL

- Home Business
- Multi-Family Dwelling (5+ Units)

#### ARTS, ENTERTAINMENT, AND RECREATION

- Performance or Movie Theater
- Recreation, Outdoor

#### COMMERCIAL

- Auto or Equipment Repair Service
- Fueling Station and Carwash
- Personal Services
- Restaurant or Bar
- Retail Sales

#### CIVIC AND COMMUNITY

- Educational institution
- Funeral and Cremation Services
- Hospital or Inpatient Care Services
- Religious Institution
- Social Assistance and Charitable Services

#### INDUSTRIAL

- Composting Services
- Food or Beverage Manufacturing, greater than 10,000 sf
- Freight Transportation Services
- Light Industry, greater than 10,000 sf
- Lumber, Landscaping or Construction Yard
- Recycling Services

### 4. Dimensional Standards.

The following standards apply in the Commercial-Industrial Zoning District:

DIMENSIONAL STANDARDS	CI
<b>LOTS</b>	
Minimum Lot Size	10,000 sf
Minimum Lot Frontage	60 ft
Maximum Lot Coverage	80%
<b>SETBACKS</b>	
Minimum Front Setback	16 ft
Maximum Front Setback	n/a
Minimum Side Setback	12 ft or 20 ft if abutting a residential lot or district
Minimum Rear Setback	12 ft or 20 ft if abutting a residential lot or district
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	n/a
Maximum Building Footprint	n/a
Minimum Building or Structure Height	n/a

## F. Residential 1 (R-1)

### 1. Zoning District Purpose.

The Residential 1 Zoning District provides for residential uses in a rural setting. It is the intent of this district to accommodate housing that will meet the needs of current and future residents while minimizing adverse impacts on environmental quality.

### 2. Permitted Uses.

The following are permitted uses in the Residential 1 Zoning District:

#### RESIDENTIAL

- Accessory Dwelling Unit
- Assisted or Supported Living
- Family Childcare Home
- Home Business
- Home Office
- Residential Care and Group home
- Single-Family Dwelling
- Three- or Four-Family Dwelling
- Two-Family Dwelling

#### LODGING

- Bed and Breakfast
- Short-Term Rental

#### CIVIC AND COMMUNITY

- Farmers' Market
- Recreation or Park, Public Outdoor

### 3. Conditional Uses.

The following are conditional uses in the Residential 1 Zoning District:

#### RESIDENTIAL

- Home Industry
- Multi-Family Dwelling (5+ Units)
- Skilled Nursing Facility

#### ARTS, ENTERTAINMENT, AND RECREATION

- Campground

#### CIVIC AND COMMUNITY

- Child Daycare
- Religious Institution

#### LODGING

- Inn

**4. Dimensional Standards.**

The following standards apply in the Residential 1 Zoning District:

DIMENSIONAL STANDARDS	R-1
<b>LOTS</b>	
Minimum Lot Size	1 acre
Minimum Lot Frontage	120 ft
Maximum Lot Coverage	80 %
<b>SETBACKS</b>	
Minimum Front Setback	20 ft
Maximum Front Setback	n/a
Minimum Side Setback	8 ft
Minimum Rear Setback	12 ft
<b>BUILDINGS</b>	
Minimum Lot Frontage Coverage	n/a
Maximum Building Footprint	8,000 sf
Minimum Building or Structure Height	n/a
Maximum Building or Structure Height	48 ft

**G. Conservation Floodplain (CFP)**

**1. Zoning District Purpose.**

The Conservation Floodplain Zoning District protects Waterbury’s environmental quality and rural character. This district provides for and conserves land that is maintained in a primarily unimproved natural state.

**2. Permitted Uses.**

The following are permitted uses in the Conservation Floodplain Zoning District:

- None

**3. Conditional Uses.**

The following are conditional uses in the Conservation Floodplain Zoning District:

**ARTS, ENTERTAINMENT, AND RECREATION**

- Recreation or Park, Public Outdoor

**4. Dimensional Standards.**

No structures are allowed in the Conservation Floodplain Zoning District.



## Section 1606 Specific Use Standards

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### A. Accessory Dwelling Unit (ADU)

1. An ADU shall:
  - a. Be located within or appurtenant to a single-family dwelling, or two-family dwelling on an owner-occupied lot;
  - b. Be customarily subordinate and incidental to the primary dwelling;
  - c. Be located on the same lot as the primary dwelling. It may be located in a structure that is separate from the primary dwelling;
  - d. Have provisions for independent living, including sleeping, food preparation and sanitation; and
  - e. Have sufficient wastewater capacity in compliance with state bylaws.
2. An ADU shall not exceed 1,400 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU) up to a maximum of 1,400 square feet, whichever is greater; and meet the applicable dimensional standards of the Zoning District.
3. No more than one ADU can be associated with and appurtenant to a Single-Family Dwelling, or Two-Family Dwelling.
4. The landowner shall reside on the property, but may occupy either the primary dwelling or the ADU.
5. An ADU will be considered an Accessory Use of a residential property.

### B. Auto or Equipment Repair Service

1. An Auto or Equipment Repair Service shall:
  - c. Carry out all repair or service activities within an enclosed building;
  - d. Carry out any body work, painting or other activities that will produce dust, fumes or odors within an enclosed building with a properly functioning ventilation system that meets state and federal requirements; and
  - e. Locate any washing, lubrication, hydraulic or similar equipment within a building with a properly functioning system for collecting and preventing release of oils or other hazardous materials that meets state and federal requirements.
2. Vehicles or other goods, including those awaiting repair or pick-up, shall not be parked or stored within minimum required setbacks for the applicable Zoning District; and
3. All outdoor storage associated with the Auto or Equipment Repair Service shall meet all Development Standards in these Bylaws.

### C. Bed and Breakfast

1. A Bed and Breakfast shall:
  - f. Be located within a Single-Family Dwelling or an accessory structure to a Single-Family Dwelling;
  - g. Be operated by a resident of the dwelling;
  - h. Be licensed by the State;
  - i. Not have more than 5 bedrooms that are used to house guests;

- j. Not house any guest for a continuous period of more than 30 days; and
  - k. Not offer meals to the general public.
2. A Bed and Breakfast shall provide guest parking in accordance with Section 414 of the 2016 Zoning Regulations, including meeting the minimum parking requirements for lodging uses. Guest parking shall not be located within the driveway or between the front lot line and the dwelling; and
  3. A Bed and Breakfast may have a sign that shall have no more than two (2) faces and shall not exceed four (4) square feet.

#### D. Event Facility/Nightclub

1. An event facility/nightclub shall require Site Plan Review and Approval.
2. An event facility or nightclub shall:
  - a. Be licensed by the State;
  - b. Not have outdoor seating or other outdoor areas for patron or guest use except as specifically shown on an approved Site Plan;
  - c. Not have an amplified sound system playing from outside an enclosed building or from within an open-air structure unless otherwise approved by the Development Review Board. Any live music occurring on the site of the restaurant or bar, inside or outside of the building, requires the issuance of a separate permit under the Town Entertainment Ordinance; and
  - d. Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use if within a mixed-use building.

#### E. Fueling Station and Carwash

1. The provisions of this section apply to new fueling stations and existing fueling stations being modified or expanded.
2. Fueling stations shall:
  - a. Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point;
  - b. Locate all fuel pumps and islands at least 35 feet from side and rear lot lines;
  - c. Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable Zoning District and within 20 feet of the property line with a residential lot; and
  - d. Meet all Development Standards of these Bylaws.
3. New or replacement fuel station canopies shall:
  - a. Not extend over minimum required setbacks for the applicable Zoning District or public rights-of-way;
  - b. Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;
  - c. Not incorporate franchise designs or corporate identification elements; and
  - d. Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features.
4. An electric vehicle charging station located within a parking lot or structure will not be considered a fueling station and shall not be subject to the provisions of this section.

5. A Carwash shall:
  - e. Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides;
  - f. Not operate between the hours of 9 p.m. and 7 a.m.;
  - g. Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable Zoning District or within 20 feet of the property line with a residential use;
  - h. Meet all Development Standards in these Bylaws; and
  - i. Have a properly functioning wastewater capture and recycling system.
6. The provisions of this section apply to any Carwash established as a permanent use. They do not apply to any temporary car-washing events or the washing of vehicles on the vehicle owner's property.

## F. Home Occupations

These standards apply to the following three uses: Home Office, Home Business and Home Industry. These Bylaws do not infringe on the right of any resident to use a minor portion of a residential property for an occupation which is customary in a residential area and which does not have an undue adverse effect on the character of the area in which it is located. These standards also provide guidance for Home Business and Home Industry uses to allow modest uses of one's dwelling provided the neighborhood is protected from undue adverse effect.

1. **Home Office.** No zoning permit shall be required for a Home Office provided:
  - a. All activities occur inside of the dwelling unit;
  - j. The activity does not involve signs, public access, or any outdoor storage or display; and
  - k. The Home Office only employs residents of the dwelling.
2. **Home Business.**
  - a. A Home Business shall be considered an Accessory Use of residential property;
  - b. A Home Business must be subordinate to the residential use of the property;
  - c. No traffic shall be generated in volumes than would normally be expected from a residential use in the neighborhood;
  - d. The Home Business shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties;
  - e. A Home Business shall not be primarily retail in nature, except that the sales of goods on line will be allowed;
  - f. The size of the Home Business shall meet both of the following: occupy not more than a total of 1,400 square feet and be less than 50% of the habitable floor area of the dwelling;
  - g. Additional Conditions for a Home Business require the following:
    - i) Be conducted by the residents of the residential property and up to two non-resident employees on-site at any time;
    - ii) Not have commercial vehicles other than passenger vehicles (e.g. cars, vans, pick-up trucks) associated with the business parked on the premises; and
    - iii) Not allow outdoor storage or display.
  - h. A Home Business may have a sign that shall have no more than two (2) faces and shall not exceed two (2) square feet.
3. **Home Industry.**

- a. A Home Industry shall require Site Plan Review and Approval with notices to abutting properties and all dwelling units on the lot;
- b. The Home Industry shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties and meet the Development Standards;
- c. Hours of operation will be established by the DRB as condition of approval, however shall not operate earlier than 7 a.m. or later than 7 p.m.;
- d. Not be primarily retail in nature, except for online sales of goods;
- e. Additional Conditions for a Home Industry require the following:
  - i) It may not occupy more than 50% of the habitable floor area of the dwelling, but may occupy any amount of space in one or more accessory buildings;
  - ii) It shall be conducted on-site by residents of the dwelling, and up to four non-resident employees on-site at any one time;
  - iii) A Home Industry may have one sign that shall have no more than two (2) faces and shall not exceed four (4) square feet;
  - iv) Any exterior storage of materials and equipment associated with the Home Industry shall be limited to a clearly designated area approved by the Development Review Board. The area shall meet all applicable setbacks and avoid adverse impacts to neighboring properties or the public right-of-way;
  - v) The Development Review Board may require greater setbacks or require screening as a condition of approval; and
  - vi) The applicant shall demonstrate that the volume of traffic generated by the commercial activity does not alter the essential character of the neighborhood or impair the use of other properties.
- f. A Home Industry shall not include any use prohibited in the Zoning District where it is located. A Home Industry may include businesses such as landscaping, property maintenance, and firewood processing.

## G. Hotel or Motel

1. A Hotel or Motel shall require Site Plan Review and Approval and shall:
  - a. Be licensed by the State;
  - b. Be limited to a maximum number of guestrooms that does not exceed 1 per 400 square feet of gross floor area;
  - c. Not house any guest or tenant for a continuous period of more than 30 days except in an extended stay room that meets the standards below; and
  - d. Provide common open space that is:
    - i) Located in one or more areas conveniently accessible to guests/tenants with no area being less than 30 feet in any dimension;
    - ii) Be designed with seating areas and other passive recreation facilities to be available to all guests/tenants; and
    - iii) Be landscaped with trees, shrubs, groundcover and/or ornamental plants.
2. Extended stay rooms shall:
  - i) Provide guests/tenants with a private, secured space for their exclusive use; and
  - ii) Meet the minimum requirements for independent living, including sleeping, food preparation and sanitation.

3. A hotel or motel may include uses such as restaurants, event facilities, meeting spaces, indoor recreation or spas that are open to the general public; however, those uses shall be reviewed as separate uses (not accessory uses) under all the applicable zoning and other applicable bylaws.

## H. Inn

1. An Inn will require Site Plan Review and Approval and shall:
  - a. Be licensed by the State;
  - b. Not have more than 14 bedrooms that are used to house guests; and
  - c. Not house any guest for a continuous period of more than 30 days.
2. An Inn may offer meals or other services (e.g., spa, fitness center, meeting rooms) to the guests as allowed Accessory Uses. If these services are offered to the general public they shall be reviewed as separate uses under the applicable review;
3. An Inn shall provide guest parking in accordance with Section 414 of the 2016 Zoning Regulations, including meeting the minimum parking requirements for lodging uses. Guest parking shall not be located within the driveway or between the front lot line and the dwelling; and
4. An Inn may have a sign that shall have no more than two (2) faces and shall not exceed twenty-five (25) square feet.

## I. Lawn, Garden, Farm, and Building Supply Store

1. A Lawn, Garden, Farm, and Building Supply Store shall:
  - a. Only display or store merchandise outside an enclosed structure in designated display or storage areas as shown on the approved site plan;
  - b. Not locate outdoor display or storage areas within minimum setbacks for the applicable Zoning District;
  - c. Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer or employee parking spaces;
  - d. Meet all Development Standards in these Bylaws; and
  - e. Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices as outlined in the current Vermont Stormwater Management Manual Rule and Design Guidance.

## J. Lumber, Landscaping, or Construction Yard

1. Not locate storage areas within minimum setbacks for the applicable Zoning District;
2. Install screening along the front lot line if the outdoor storage would otherwise be visible from the road;
3. Install screening along the side and/or rear property lines if outdoor storage would otherwise be visible from abutting properties with a fence in accordance with Landscaping Standards in these Bylaws;
4. Control erosion and sediment transport from any materials stored outdoors in accordance with the current Vermont Stormwater Management Manual Rule and Design Guidance;
5. Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil; and
6. Not allow equipment or vehicle maintenance or repair activities to occur outside an enclosed building and will be limited to the business owner's vehicles and equipment.

## K. Mixed-Use Buildings

Multi-unit, mixed-use buildings shall be designed so that the:

1. Walls and/or floors that separate residential and non-residential portions of the building shall be sound-proofed;
2. Entrance(s) to the dwelling units shall be separated from the public and service entrance(s) to the non-residential portions of the building; and
3. Common open space, as required above, shall be separated and screened from areas of the property accessible to the general public and from service areas.

## L. Multi-Family Dwelling (5+ Units)

1. **Applicability.** The provision of this section apply to:
  - a. New buildings that will contain 5 or more dwelling units;
  - b. Multi-building developments that will contain 10 or more dwelling units; and
  - c. Existing buildings undergoing a renovation that will increase the number of dwelling units and result in 5 or more units in the building.
2. Multi-unit residential buildings shall provide residents with usable outdoor space unless the applicant can demonstrate that the building is located within ½ mile walk of a public recreation area that will be accessible to residents via sidewalks or multi-use paths. If not, common open space shall:
  - a. Be located in one or more areas accessible to building residents,
  - b. Be configured so that the space is not less than 30 feet in any dimension;
  - c. Be landscaped with trees, shrubs, groundcover and/or ornamental plants; and
  - d. At least 30% of the units shall include a private or semi-private outdoor living space (ex. patio, courtyard, porch, balcony) to be accessed from the dwelling unit for the exclusive use of unit residents that is at least 50 square feet in area.

3. **Storage.** Each dwelling unit shall include a secured, enclosed bulk storage area at least 20 square feet in area for the exclusive use of unit residents as follows:
  - a. The storage area may be attached to or separate from the dwelling unit;
  - b. The storage area may be located within the building or within an accessory building(s); and
  - c. If the storage area will be located within a private garage, it shall be in addition to the area necessary to accommodate any required parking.
4. **Pedestrian Access.** Multi-unit residential buildings shall be designed with pedestrian access from:
  - d. The public sidewalk or street to any street-facing ground-level residential entrances;
  - e. Parking areas to residential entrances; and
  - f. Residential entrances to service areas (ex. trash or recycling areas) and common open space areas.

## M. Open Market or Auction House

1. An Open Market or Auction House shall require Site Plan Review and Approval.
2. The provisions of this section do not apply to temporary sales or auctions of goods on any property that occur for not more than four contiguous days and a total of 28 days in any calendar year in accordance with all other applicable provisions of these bylaws.
3. An Open Market or Auction House shall:
  - a. Indicate all structures (permanent and temporary) and open areas intended to be used for the display or storage of goods being offered for sale on the approved site plan;
  - b. Not store goods being offered for sale outside an enclosed structure when the business is closed to patrons;
  - c. Not use an amplified sound system that will be audible beyond the property line; and
  - d. Be limited to operating between the hours of 8 a.m. and 9 p.m.
4. An Open Market or Auction House operating on a seasonal basis shall remove all goods stored outside an enclosed building, temporary structures, and signs (message component only, support structure may remain in place) during the off-season.

## N. Outdoor Sales, Rental, or Leasing

1. Outdoor Sales, Rental or Leasing uses shall require Site Plan Review and Approval.
2. The provisions of this section apply to:
  - a. New Outdoor Sales, Rental or Leasing site;
  - b. Existing Outdoor Sales, Rental or Leasing sites that will be expanded, resulting in 4,000 square feet or more of additional impervious surface; and
  - c. Existing Outdoor Sales, Rental or Leasing sites that will be modified, resulting in the redesign or relocation of the display area.
3. An Outdoor Sales, Rental or Leasing site shall:
  - a. Only display or store merchandise in designated display or storage areas as shown on the approved site plan;
  - b. Not locate display or storage areas within minimum setbacks for the applicable Zoning District;

- c. Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces;
- d. Meet all Development Standards within these Bylaws;
- e. Display all merchandise in a static position at ground level (no raised, moving, revolving platforms, pedestals, ramps, mounds);
- f. Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage; and
- g. Any area used for the display or storage of vehicles being offered for sale will not be considered a parking lot.

## O. Restaurant or Bar

1. A restaurant or bar shall require Site Plan Review and Approval.
2. A Restaurant or Bar shall:
  - a. Be licensed by the State;
  - b. Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved Site Plan;
  - c. Not have amplified music playing from outside an enclosed structure or from within an open-air structure unless otherwise approved by the Development Review Board. Any live music occurring on the site of the restaurant or bar, inside or outside of the building, requires the issuance of a separate permit under the Town Entertainment Ordinance; and
  - d. Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use if located within a mixed-use building.

## P. Self-Storage Services

1. Self-Storage Services shall:
  - a. Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the Development Standards in the Bylaws;
  - b. Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil;
  - c. Not have any stored goods displayed for sale;
  - d. Not allow a storage unit renter to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises;
  - e. Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 4 contiguous days and a total of 28 days in any calendar year;
  - f. Install screening along the front lot line if the outdoor storage would otherwise be visible from the road; and
  - g. Install screening along the side and/or rear property lines if outdoor storage would otherwise be visible from abutting properties with a fence in accordance with Landscaping Standards in these Bylaws.



## Section 1607 Development Standards

### A. Purpose

The provision of this section are intended to protect the character of the area and quality of life by preventing proposed development from creating or contributing to adverse off-site impacts.

### B. Noise

1. Noise emanating off-site shall be muffled, shall not be distinct from the background sound level beyond the property line, and shall not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the area.
2. No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary, unreasonably loud noise or disturbance, which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, or other noise source is plainly audible from the receiving property Boundary line.

Time Period	Receiving Property	One Hour Average dBA	Instantaneous Maximum dBA
7:00 am to 9:00 pm	CI	75	90
7:00 am to 9:00 pm	DWN, MU, NH, R-1, CAM, CFP	55 to 65	80
9:00 pm to 7:00 am	CI	60	70
9:00 pm to 7:00 am	DWN, MU, NH, R-1, CAM, CFP	45	60

### C. Outdoor Lighting and Glare

1. The provisions of this section are intended to:
  - a. Ensure that outdoor lighting is designed to maintain safety and security;
  - b. Minimize the obtrusive and disruptive aspects of outdoor lighting using the minimum light level needed for the task;
  - c. Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and
  - d. Consider the color of the light and limit the use of lighting that provides unnatural color.
2. All outdoor lighting shall be installed in accordance with the provisions of this section except for public street lights located within rights-of-way.
3. Outdoor lighting shall conform to the following:
  - a. *Lighting Plan.* Applicants for Site Plan Review and Approval shall submit a lighting plan if outdoor lighting will be altered or installed. Whenever building elevations are submitted, show exterior fixtures and the provisions of the walls to be illuminated.
  - b. *Shielding.* All outdoor light fixtures shall be downcast and shielded. All fixtures are required to be fully shielded and maintained in such a manner that the shielding is effective.
  - c. *Sensors.* Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.
  - d. *Spot Light Aiming.* Light fixtures containing spot or flood lamps shall be downcast and shielded. Use of flood or similar high-intensity lighting is discouraged.

- e. *Freestanding and Mounted Lights*. Freestanding and mounted light fixtures may be located within setbacks and shall not be more than 15 feet in height.
  - f. *Light Trespass*. Outdoor light fixtures shall be oriented and shielded as necessary to prevent light trespass over adjacent property or rights-of-way. Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture. Prevent light trespass and glare by requiring light fixtures to be shielded and properly aimed.
  - g. *Height*. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture.
  - h. *Underground*. Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on existing utility poles.
  - i. *Arc welding*. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be visible from any point beyond the property line.
  - j. *Time Limits*. The Development Review Board may limit when outdoor lighting may be used as deemed necessary to achieve the general standards of this section and the general standards of the zoning district.
  - k. *Glare*. Lighting shall not be used in such a manner that it produces excessive brightness on streets or nearby property.
  - l. Building facades and roofs shall not be illuminated.
4. **Parking Lot & Security Lighting.**
- a. *Parking Lots*. Parking lot lighting shall be downcast and shielded, designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination on adjacent properties or roads or highways.
  - b. *Security Lighting*. The purpose of and need for security lighting, i.e., lighting for safety of persons and property, is allowed when part of an overall lighting plan. Security lighting shall be downcast and shielded.
5. Illuminated signs shall meet the requirements set forth in the signs section of the 2016 Zoning Regulations.
6. **Lighting of Gasoline Station Aprons and Canopies.** Lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Lights shall not be mounted on the top or sides of the canopy, and the sides (fascias) of the canopy shall not be illuminated.
7. Lighting shall comply with the provisions in following Table:

Lighting	NH, R-1	DWN, MU	CI, CAM
Maximum Height	20'	20'	25'
Minimum Illumination Level	No less than 0.2 foot candles (fc)	No less than 0.2 foot candles (fc)	No less than 0.2 foot candles (fc)
Uniformity Ratio*	4 to 1	4 to 1	4 to 1
Avg. Illumination Level of Vertical Surface	No more than 0.3	No more than 0.5	No more than 0.3
Minimum CRI**	70	70	60
*Uniformity Ratio is the average illumination to minimum illumination **CRI = Color Rendering Index			

## D. Landscaping

1. **Purpose.** The provisions of this section are intended to:
  - a. Provide shade, and reduce heat and glare on adjacent properties;
  - b. Ensure landscaping materials meet seasonal, soil, and topographical conditions, control soil erosion and manage stormwater runoff;
  - c. Screen potentially incompatible land uses, utilitarian site features and service areas;
  - d. Calm traffic and improve pedestrian safety and comfort; and
  - e. Preserve native and functional existing vegetation and prevent non-native invasive species.
2. **Applicability.** Proposed development subject to Site Plan Review and Approval shall provide landscaping in accordance with the provisions of this section.
3. **General Standards.**
  - a. *Preservation of Landscape:* Finished site contours shall depart only minimally from the natural site and the surrounding properties. Areas disturbed through construction shall be revegetated by the applicant. Where vegetation does not exist or has been removed, new plantings may be required.
  - b. *Screening and Buffering Requirements:* Screen potentially incompatible land uses, utilitarian site features and service areas. All parking areas for five (5) or more cars, and all non-residential and non-lodging uses shall be screened from any adjacent residential or lodging use. Screening shall include a mixture of vegetation that creates a visual buffer. The introduction of fencing, integrated with the vegetation, can be used to define the buffer.
  - c. *Streetscape and Shade Vegetation:* Proposed development requiring Site Plan Review and Approval shall provide landscaping within the minimum front yard setback. Waterbury strongly encourages front yard landscaping to function as shade vegetation and as well as follow green stormwater best management practices (BMPs). The Development Review Board may modify the standards of this section to accommodate green stormwater BMPs. The applicant may refer to the Vermont Green Streets Guide, published by the Vermont Urban and Community Forestry Program.
  - d. *Parking Lot Landscaping:* All off-street parking lots containing twenty (20) or more spaces shall be landscaped internally with trees, shrubs, and other plants. At least one deciduous tree per ten (10) spaces shall be planted in a bed of not less than forty (40) square feet. The Development Review Board may approve uncurbed planting areas in order to provide for stormwater run-off into vegetated areas for treatment.
  - e. *Protection of Natural Resources:* In addition to other landscaping requirements above, the applicant shall demonstrate that the project does not adversely affect wildlife habitat, wetlands, stream banks or river corridors.
  - f. *Planting Specifications:* Plants shall be hardy for the climatic and other conditions in which they will be used (salt, air pollution, etc.). The applicant should refer to “Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees,” published by the Vermont Urban and Community Forestry program.

## E. Odors

Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the health, safety, and or the reasonable use and enjoyment of nearby property is prohibited. Odors and other air pollutants, especially those associated with manufacturing and industrial uses, shall meet state emission standards for air and water quality.

## F. Vibration

Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This shall not apply to vibration caused by motor vehicle, train or aircraft traffic. The Development Review Board may require the applicant to provide evidence in the form of a report that shall provide level of vibration at all property lines.

## G. Electrical or Radio Interference

No use or process shall create interference with electrical or radio apparatus beyond the property line. The Development Review Board may require the applicant to provide evidence in the form of a report that shall provide level of interference at all property lines.

## H. Waste and Discarded Material

Accumulation of waste to the degree that it attracts insects or rodents, or otherwise creates a health hazard is prohibited. Food scraps, yard debris and other organic matter will be stored in enclosed containers. Applicants shall show the location of waste receptacles (including, but not limited to dumpsters) on a Site Plan.

## I. Particulate Matter and Airborne Solids

Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited.

## J. Flammable, Toxic, or Hazardous Substances and Wastes

Flammable, combustible or explosive materials shall be stored and handled in conformance with state and federal laws. Such materials shall be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes shall not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources.

## Section 1608 Definitions

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### A. Applicability

These definitions apply only to these following base Zoning Districts as described and mapped in this UDB-P1: Downtown, Mixed Use, Neighborhood, R-1, Campus, Commercial Industrial and Conservation Floodplain. These definitions supersede any matching definition in the 2016 Zoning Regulations. If a term is not defined herein, then the definition in the 2016 Zoning Regulations applies or the common language definition applies.

### B. Use Definitions

#### **Accessory Dwelling Unit (ADU)**

Accessory Use of single-family or two-family residential property for an additional dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Specific Use Standard - Accessory Dwelling Unit.

#### **Accessory On-Farm Business (AOFB)**

An establishment as defined by the State that is an Accessory Use to a farm engaging 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.

#### **Accessory Use**

See Zoning Districts General Provisions: Types of Uses.

#### **Artist Gallery or Studio**

An establishment used to produce, display and/or sell works of art. This use includes craft production such as pottery, textiles, crafted wood products and jewelry making.

#### **Assisted or Supported Living**

Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under a State license.

#### **Auto or Equipment Repair Service**

See Specific Use Standard - Auto or Equipment Repair Service.

#### **Bed and Breakfast**

See Specific Use Standard - Bed and Breakfast.

#### **Camp**

A dwelling unit of 800 square feet or less, occupied and/or used on a temporary basis for no more than five months per year. Such structures, consistent with their short-term occupancy, shall not be connected to public utility services.

#### **Campground**

An area of land upon which two or more campsites are located, established, or maintained for occupancy by Camping Units of the general public as temporary living quarters for recreation, education, or vacation purposes.

**Camping Unit**

Any tent, trailer, recreational vehicle, cabin, lean-to or similar structure established or maintained and operated as temporary living quarters for recreation, education, or vacation purposes. Such units are not permitted as year-round dwellings.

**Catering or Commercial Kitchen**

A State-licensed establishment that prepares meals, snacks or beverages to be served at off-premise events. Such an establishment that prepares 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 these Bylaws).

**Cemetery**

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

**Child Daycare**

A State-licensed establishment that cares for infants and preschool-age children, as well as older children when school is not in session.

**Clinic or Outpatient Care Services**

An establishment from which one or more licensed practitioners provide healthcare services to people as outpatients.

**Communications Antenna**

A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a Communication Tower.

**Communications Tower**

A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure, or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

**Composting Services**

A State-licensed 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.

**Educational Institution**

A State-certified public or private establishment that provides educational services.

**Event Facility/Nightclub**

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. This use also includes an establishment that operates as a place of entertainment with music, dancing, or similar live or recorded performances, and where food and drink are served for immediate consumption on the premises. See Specific Use Standard - Event Facility/Nightclub.

**Family Childcare Home**

A Family Childcare Home shall be an Accessory Use of a Single-Family Dwelling for a daycare business that operates under State license or registration.

**Farmers’ Market**

A multi-vendor operation for the retail sale of agricultural and horticultural products, prepared food and beverages, arts and crafts. Any tents or structures which are used for the sale of these items and in place for three or less consecutive days shall be exempt from requiring a zoning permit.

**Food or Beverage Manufacturing**

A State-licensed Food Processing establishment that produces food or beverage products that are sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an Accessory Use that sells products produced on the premises. This definition includes a microbrewery, distillery, or bakery or any operation that must procure a local water and sewer allocation permit.

**Freight Transportation Services**

An establishment that provides transportation of cargo using trucks, tractor trailers or rail; or that provides services such as storage, maintenance, repair or fuel primarily for its vehicles.

**Fueling Station and Carwash**

An 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 Specific Use Standard - Fueling Station and Carwash.

**Funeral and Cremation Services**

An establishment that prepares deceased people for burial, cremation or natural organic reduction, or undertakes cremation or natural organic reduction of the remains of deceased people, or holds funeral services.

**Government Facility**

A State- or municipal-owned or operated establishment that serves a public function and provides governmental services.

**Home Occupations**

Accessory Use of a residential property for a Home Office, Home Business, or Home Industry. See Specific Use Standard - Home Occupations.

**Hospital or Inpatient Care Services**

An establishment from which one or more licensed practitioners provide healthcare services to people as inpatients.

**Hotel or Motel**

See Specific Use Standard - Hotel or Motel.

**Information Services**

An establishment operating within an enclosed structure used to house computer systems and associated components such as telecommunications and storage systems that typically includes redundant or back-up power supplies and communications connections, environmental controls and security devices; or provide electronic data processing services or that supply information including, but not limited to, internet access or service providers, and electronic library or archive services.

**Inn**

See Specific Use Standard - Inn.

**Lawn, Garden, Farm, and Building Supply Store**

An establishment that sells lawn, garden, farm and/or building supplies. It may sell lawn, garden or farm equipment or machinery as an Accessory Use. It may also provide installation, repair or maintenance services as an Accessory Use. See Specific Use Standard - Lawn, Garden, Farm and Building Supply Store.

**Light Industry**

An establishment that produces products, materials or parts in a facility that does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations shall occur within an enclosed building, which is 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.

**Lumber, Landscaping, or Construction Yard**

An establishment that 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; landscape or tree/arborist service; or leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards. See also Specific Use Standard - Lumber, Landscaping or Construction Yard.

**Metal Fabrication Shop**

An establishment that produces, assembles or repairs metal products or parts from an enclosed structure. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine or boiler shops.

**Multi-Family Dwelling (5+ units)**

Use of a structure for habitation by five 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 Specific Use Standard - Multi-Family Dwelling.

**Museum**

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

**Office, Professional, Business, or Administrative Service**

An establishment that is used to conduct the affairs of a business, organization or profession; provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing; or provides financial services such as a bank or credit union. This definition specifically excludes services provided by licensed medical or veterinary practitioners.

**Open Market or Auction House**

An establishment where goods are brought to be immediately sold to the general public for personal or household consumption often from outdoor areas or open-air structures. See Specific Use Standard - Open Market or Auction House.



**Outdoor Sales, Rental, and Leasing**

An establishment that sells, rents, or leases large items such as vehicles, boats, equipment, machinery, manufactured homes, or prefabricated buildings primarily from an open lot. It may also provide installation, Auto, or Equipment Repair Services as an Accessory Use.

**Passenger Transportation Facility**

An establishment that provides transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services.

**Performance or Movie Theater**

An establishment that presents live entertainment or an establishment that shows movies or other recorded entertainment. Performance or Movie Theater establishments may engage in Retail Sales if they are only conducted during performances or movies and consumed on-site.

**Personal Services**

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, 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.

**Recreation, Indoor**

An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This use can include Retail Sales as an Accessory Use. This definition specifically excludes Equestrian Facilities.

**Recreation, Outdoor**

A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed structure. This use also includes establishments that may serve food or beverages or have retail sales of merchandise, have restrooms and shelter as Accessory Uses.

**Recreation or Park, Public Outdoor**

A non-commercial establishment that offers physical fitness, 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. This use includes facilities such as restrooms and shelter for daily activities.

**Recycling Services**

An establishment used to collect, separate or recover recyclable materials. It may include the preparation of materials for 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.

**Religious Institution**

An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services, or other uses associated with religious exercise as an Accessory Use.

**Residential Care and Group Home**

A State-licensed establishment operating from a residential property that provides housing to people with a handicap or disability.

**Restaurant or Bar**

An establishment that prepares and serves meals, snacks, and beverages (including alcoholic) for immediate consumption with seating on premises. This definition includes the retail food and beverage sale for off-site consumption. This use specifically excludes mobile food and Catering or Commercial Kitchen. This use shall also exclude any service directly to customers in automobiles, such as drive-up or drive-through service. The following will be considered Accessory Uses: live entertainment or a brewing and distilling operation that requires a local water and sewer allocation permit. See Specific Use Standard - Restaurant or Bar.

**Retail Sales**

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 Accessory Use. It can be an establishment that sells food or beverage items primarily not for immediate consumption to the general public. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an Accessory Use.

**Sawmill**

[missing definition]

**Self-Storage Services**

An establishment that 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 also Specific Use Standards - Self-Storage Services.

**Short-Term Rental**

Accessory Use of residential property to provide short term guest accommodations per V.S.A. 4301(a)(14) definition.

**Single-Family Dwelling**

Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Skilled Nursing Facility**

A State-licensed establishment that provides housing and 24-hour skilled nursing care to residents and that operates under State license. This includes nursing or convalescent homes, and hospice or respite care facilities.

**Social Assistance and Charitable Services**

An establishment that provides social assistance services directly to individuals, and that does not offer residential services. May include services to groups of individuals and gatherings of individuals.

**Three- or Four-Family Dwelling**

Use of a structure for habitation by three or four 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.

**Two-Family Dwelling**

Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and

sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.

**Veterinary, Pet, or Animal Service**

An establishment where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; that may provide animal and pet care services such as boarding, grooming, sitting and training; or that breeds, sells or manages adoption of pets. It may include sales of pet food, medicines or supplies as an Accessory Use.

**Wholesale Trade or Storage and Distribution Services**

An establishment that sells or arranges the purchase of goods primarily to other businesses from an enclosed structure 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. This use includes an establishment that stores, but does not sell goods and may provide a range of services related to the distribution of goods.

**C. Dimensional Definitions**

**LOTS**

**Minimum Lot Size**

Inclusive of all land within the property boundaries, but excluding any land within a road right-of-way.

**Minimum Lot Frontage**

Measured on a maintained public or private street, excluding any frontage on limited access highways or unimproved rights-of-way.

**Maximum Lot Coverage**

Total amount of impervious surface as a percentage of total lot area.

**SETBACKS**

**Minimum Front Setback**

Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.

**Maximum Front Setback**

Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.

**Minimum Side Setback**

Measured from the side lot lines.

**Minimum Rear Setback**

Measured from the rear lot line.

**BUILDINGS**

**Minimum Lot Frontage Coverage**

Percentage of the lot frontage that shall be covered by the front of a building.

**Maximum Building Footprint**

Area of ground covered by all buildings as measured around the exterior building walls or eaves.

**Minimum Building or Structure Height**

Building or structure height shall be measured from the average pre-construction elevations at each corner measured to the highest point of the building or structure. Maximum Building or Structure

**Height**

Building or structure height shall be measured from the average pre-construction elevations at each corner measured to the highest point of the building or structure.

**Appendix: Section 1609 Use Table**

P= Permitted Use C = Conditional Use X = Prohibited Use

DISTRICT	DWN	MU	NH	R-1	CAM	CI	CFP
<b>RESIDENTIAL</b>							
Accessory Dwelling Unit	P	P	P	P	X	X	X
Assisted or Supported Living	P	C	C	P	C	X	X
Family Childcare Home	P	P	P	P	X	X	X
Home Business	P	P	C	P	X	C	X
Home Industry	X	X	X	C	X	X	X
Home Office	P	P	P	P	P	P	X
Multi-Family Dwelling (5+ Units)	P	P	P	C	C	C	X
Residential Care and Group home	P	P	P	P	X	X	X
Single-Family Dwelling	P	X	P	P	X	X	X
Skilled Nursing Facility	C	C	C	C	P	X	X
Three- or Four-Family Dwelling	P	P	P	P	X	X	X
Two-Family Dwelling	P	P	P	P	X	X	X
<b>LODGING</b>							
Bed and Breakfast	P	P	P	P	X	X	X
Hotel or Motel	C	C	X	X	X	X	X
Inn	P	P	C	C	X	X	X
Short-Term Rental	P	P	P	P	X	X	X
<b>COMMERCIAL</b>							
Accessory On-farm Business	X	X	X	X	X	X	X
Auto or Equipment Repair Service	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf P   X	X	X	X	C	X
Catering or Commercial Kitchen	P	< 2,500 sf C	X	C	X	P	X
Event facility / Nightclub	C	X	X	X	P	X	X
Fueling Station and Carwash	X	X	X	X	X	C	X
Lawn, Garden, Farm and Building Supply Store	X	X	X	X	X	P	X
Office, Professional, Business or Administrative Service	< 4,000 sf   >=4,000 sf P   C	C	X	X	P	P	X
Open Market or Auction House	< 4,000 sf   >=4,000 sf P   C	X	X	C	X	P	X
Outdoor Sales, Rental or Leasing	X	X	X	X	X	P	X
Personal Services	< 4,000 sf	< 4,000 sf	X	X	C	C	X

DISTRICT	DWN	MU	NH	R-1	CAM	CI	CFP
	>=4,000 sf P   C	>=4,000 sf P   X					
Restaurant or Bar	< 4,000 sf   >=4,000 sf P   C	< 2,500 sf   <=4,000 sf P   C	X	X	X	C	X
Retail Sales	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf P   X	X	X	C	C	X
Veterinary, Pet or Animal Service	X	X	X	X	X	P	X
<b>INDUSTRIAL</b>							
Communications Tower	X	X	X	X	X	X	X
Composting Services	X	X	X	X	X	C	X
Food or Beverage Manufacturing	< 10,000 sf   >=10,000 sf C   X	< 1,400 sf   >=1,400 sf C   X	X	X	X	< 10,000 sf   >= 10,000 sf P   C	X
Freight Transportation Services	X	X	X	X	X	C	X
Information Services	C	C	X	X	X	P	X
Light Industry	< 10,000 sf C   X	< 2,500 sf   >=2,501 sf C   X	X	X	X	< 10,000 sf   >=10,000 sf P   C	X
Lumber, Landscaping or Construction Yard	X	X	X	X	X	C	X
Metal Fabrication Shop	X	X	X	X	X	P	X
Passenger Transportation Facility	C	C	X	X	X	P	X
Recycling Services	X	X	X	X	X	C	X
Sawmill	X	X	X	X	X	X	X
Self-Storage Services	X	X	X	X	X	P	X
Wholesale Trade / Storage and Distribution Services (enclosed)	X	X	X	X	X	P	X
<b>ART, ENTERTAINMENT, AND RECREATION</b>							
Artist Gallery or Studio	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf C   X	X	X	X	P	X
Campground	X	X	X	C	X	X	X
Museum	< 10,000 sf   >=10,000 sf P   C	< 4,000 sf   >=4,000 sf C   X	X	X	P	X	X
Performance or Movie Theater	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf C   X	X	X	X	C	X

DISTRICT	DWN	MU	NH	R-1	CAM	CI	CFP
Recreation, Indoor	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf P   C	X	X	X	P	X
Recreation, Outdoor	X	X	X	X	X	C	X
<b>CIVIC AND COMMUNITY</b>							
Cemetery	X	X	X	X	X	X	X
Child Daycare	P	P	C	C	P	X	X
Clinic or Outpatient Care Services	< 4,000 sf   >=4,000 sf P   C	< 4,000 sf   >=4,000 sf P   C	X	X	P	P	X
Educational Institution	P	P	C	X	P	C	X
Farmers' Market	P	P	P	P	P	P	X
Funeral and Cremation Services	< 10,000 sf   >=10,000 sf P   C	< 2,500 sf C	X	X	X	C	X
Government Facility	P	P	C	X	P	P	X
Hospital or Inpatient Care Services	X	X	X	X	C	C	X
Recreation or Park, Public Outdoor	P	P	P	P	P	P	C
Religious Institution	P	P	C	C	P	C	X
Social Assistance and Charitable Services	P	P	C	X	P	C	X

**Appendix: Section 1610 Dimensional Table**

DISTRICT	DWN	MU	NH	R-1	CAM	CI	CFP
<b>LOTS</b>							
<b>Minimum Lot Size</b> Inclusive of all land within the property boundaries but excluding any land within a road right-of-way.	4,000 sf	4,000 sf	4,000 sf	1 acre	n/a	10,000 sf	n/a
<b>Minimum Lot Frontage</b> Measured on a maintained public or private street, excluding any frontage on limited access highways or unimproved rights-of-way.	30 ft	30 ft	45 ft	120 ft	n/a	60 ft	n/a
<b>Maximum Lot Coverage</b> Total amount of Impervious Surface as a percentage of the total lot area.	100%	80%	80%	80 %	60% for campus as a whole	80%	n/a
<b>SETBACKS</b>							
<b>Minimum Front Setback</b> Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.	0 ft	0 ft	12 ft	20 ft	0 ft interior lot lines min 20 ft exterior lot lines min	16 ft	n/a
<b>Maximum front setback</b> Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.	10 ft	n/a	n/a	n/a	n/a	n/a	n/a
<b>Minimum Side Setback</b> Measured from the side lot lines.	0 ft	4 ft	8 ft	8 ft	0 ft interior lot lines min 20 ft exterior lot lines min	12 or 20 ft if abutting a residential lot or district	n/a
<b>Minimum Rear Setback</b> Measured from the rear lot line.	0 ft	8 ft	12 ft	12 ft	0 ft interior lot lines min 20 ft exterior lot lines min	12 or 20 ft if abutting a residential lot or district	n/a
<b>BUILDINGS</b>							
<b>Minimum Lot Frontage Coverage</b> Percentage of the lot frontage that shall be covered by the front of a building.	60%	60%	n/a	n/a	n/a	n/a	n/a



DISTRICT	DWN	MU	NH	R-1	CAM	CI	CFP
<b>Maximum Building footprint</b> Area of ground covered by all buildings as measured around the exterior building walls or eaves.	10,000 sf	8,000 sf	6,000 sf	8,000 sf	n/a	n/a	n/a
<b>Minimum Building or Structure Height</b> Building or structure height shall be measured from the average pre-construction elevations at each corner measured to the highest point of the building or structure.	24 ft	18 ft	n/a	n/a	24 ft	n/a	n/a
<b>Maximum Building or Structure Height</b> Building or structure height shall be measured from the average pre-construction elevations at each corner measured to the highest point of the building or structure.	60 ft	48 ft	48 ft	48 ft	50 ft	48 ft	n/a

**Section 1611      Zoning District Map**

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[TO BE ADDED BY WATERBURY]