

**Town of Waterbury  
Interim Bylaws for the Downtown Zoning District  
Draft, April 5, 2021**

**ARTICLE XVI INTERIM BYLAWS FOR THE DOWNTOWN ZONING DISTRICT**

**Section 1600 ENACTMENT AND AUTHORITY**

The Town of Waterbury has adopted these Interim Bylaws in accordance with and as authorized by the *Vermont Municipal and Regional Planning and Development Act*, 24 V.S.A. Chapter 117, §4415, Interim Bylaws.

**Section 1601 PURPOSE**

The purpose of these Interim Bylaws is to implement development recommendations in downtown Waterbury, which has recently undergone planning studies, protect the public health, safety and general welfare, and to further economic development and housing in downtown Waterbury. The purpose is also to provide for orderly physical and economic growth and recovery from the COVID 19 pandemic. These Interim Bylaws are intended to facilitate 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. The allowed industrial and commercial uses are defined and limited to an appropriate scale to be compatible with the nearby existing and proposed other uses.

**Section 1602 APPLICABILITY**

These bylaws supersede the Town and Village of Waterbury Zoning Regulations (as amended through May 16, 2016) (the “Zoning Regulations”) only in the Downtown zoning district with respect to the allowed uses, dimensional standards and specific use standards. The Downtown Zoning District is also an expansion of the current Downtown Commercial zoning district, as enacted by these Interim Bylaws. A zoning map of the new Downtown Zoning District is attached as Section 1610, Waterbury Village Zoning 2013, revised February 2021. The Downtown Design Review Overlay District includes the entire area of the Downtown zoning district. All uses not specifically allowed in the Downtown zoning district under this Interim Bylaw are specifically prohibited. No Select Board review is available for such prohibited uses under the standards of 24 V.S.A. § 4415(e).

All other requirements of the 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 Downtown zoning district.

**Section 1603 EFFECTIVE PERIOD**

These Interim Bylaws will be in effect for two years from the date of adoption by the Select Board that is \_\_\_\_\_, with the option for a one-year extension that will also require adoption by the Select Board pursuant to 24 V.S.A. § 4415.

**Section 1604 DOWNTOWN ZONING DISTRICT**

**Section 1604.1 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. This zoning district is within the Downtown Design Review Overlay District as shown on the Base Zoning District Map.

**Section 1604.2 PERMITTED USES**

The following are permitted uses in the Downtown Zoning District:

<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>(1) Single-family and accessory dwelling</li> <li>(2) Two-family dwelling</li> <li>(3) Three- or four-family dwelling</li> <li>(4) Multi-family dwelling (5+ units)</li> <li>(5) Home occupation</li> <li>(6) Home business</li> <li>(7) Family childcare home</li> <li>(8) Assisted or supported living</li> <li>(9) Residential care and group home</li> </ul> <p><b>Lodging</b></p> <ul style="list-style-type: none"> <li>(10) Bed &amp; Breakfast</li> <li>(11) Inn</li> <li>(12) Short-term rental</li> </ul> <p><b>Commercial</b></p> <ul style="list-style-type: none"> <li>(13) Retail sales, up to 4,000 sf</li> <li>(14) Personal services, up to 4,000 sf</li> <li>(15) Open market or auction house up to 4,000 sf</li> <li>(16) Office, professional, business or administrative services, up to 4,000 sf</li> <li>(17) Restaurant/Bar, up to 4,000 sf</li> <li>(18) Mobile food service</li> <li>(19) Catering or commercial kitchen, up to 4,000 sf</li> </ul> <p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>(20) Communications antenna</li> </ul>	<p><b>Art, Entertainment and Recreation</b></p> <ul style="list-style-type: none"> <li>(21) Performance/Movie theater, up to 4,000 sf</li> <li>(22) Social club, up to 4,000 sf</li> <li>(23) Artist gallery or studio, up to 4,000 sf</li> <li>(24) Museum</li> <li>(25) Indoor recreation, up to 4,000 sf</li> <li>(26) Specialty school, indoor and up to 4,000 sf</li> </ul> <p><b>Civic and Community</b></p> <ul style="list-style-type: none"> <li>(27) Government facility</li> <li>(28) Public outdoor recreation or park</li> <li>(29) Farmer’s market</li> <li>(30) Educational institution</li> <li>(31) Child day care</li> <li>(32) Social assistance and charitable services</li> <li>(33) Religious institution</li> <li>(34) Funeral and cremation services</li> </ul>
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**Section 1604.3 CONDITIONAL USES**

The following are conditional uses in the Downtown zoning district:

<p><b>Residential</b></p> <p>(1) Skilled nursing service</p> <p><b>Lodging</b></p> <p>2) Hotel or motel</p> <p><b>Commercial</b></p> <p>(3) Retail sales, more than 4,000 sf</p> <p>(4) Personal services, more than 4,000 sf</p> <p>(5) Open market or auction house up to 4,000 sf</p> <p>(6) Office, professional, business or administrative services, more than 4000 sf</p> <p>(7) Restaurant/Bar, more than 4,000 sf</p> <p>(8) Event facility / Nightclub</p> <p>(9) Catering or commercial kitchen, more than 4,000 sf</p>	<p><b>Industrial</b></p> <p>(10) Food or beverage manufacturing, enclosed, up to 4,000 sf</p> <p>(11) Light industry, enclosed, up to 4,000 sf</p> <p>(12) Wholesale trade / Storage and distribution Services (enclosed)</p> <p>(13) Passenger transportation facility</p> <p>(14) Information services</p> <p><b>Art, Entertainment and Recreation</b></p> <p>(15) Performance/Movie theater, more than 4,000 sf</p> <p>(16) Social club, more than 4,000 sf</p> <p>(17) Artist gallery or studio, more than 4,000 sf</p> <p>(18) Indoor recreation, more than 4,000 sf</p> <p><b>Civic and Community</b></p> <p>(19) Clinic or outpatient care services</p>
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**Section 1604.4 DIMENSIONAL STANDARDS**

The following standards apply in the Downtown zoning district:

<b>Lots</b>	
(1) Lot size:	2,000 sf min
(2) Lot frontage:	30 ft min
(3) Lot coverage:	100% max
<b>Setbacks</b>	
(4) Minimum front:	0 ft
(5) Maximum front:	10 ft
(6) Minimum side:	0 ft
(7) Minimum rear:	0 ft
<b>Buildings</b>	
(8) Minimum Build-to-line coverage:	60% min
(9) Minimum principal building height:	24 ft min
(10) Maximum structure height:	60 ft max
(11) Maximum principal building footprint	5,000 sf

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**Density**

- (11) Maximum residential density: no min or max
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**Section 1604.5 DISTRICT STANDARDS**

The following standards apply in the Downtown zoning district:

Food service drive-throughs are prohibited. All other drive-throughs may only be located at the rear or side of the building and will require conditional use approval.

**Section 1605 DEFINITIONS**

Revised and new definitions for some of the listed permitted and conditional uses follow in Section 1606.1, USE TABLE. These new definitions supersede the matching current definition in the Zoning Regulations. If a permitted and conditional use is not defined in this section, then either the current definition in the Zoning Regulations applies or the common language definition applies if it is not defined in the Zoning Regulations.

## Section 1606 Use and Dimensional Tables

### SECTION 1606.1 USE TABLE

USE & DEFINITION (P= Permitted Use C = Conditional Use X = Prohibited Use )	DMD
<b>RESIDENTIAL</b>	
<b>Single-family dwelling</b> Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	P
<b>Two-family dwelling</b> Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	P
<b>Three- or four-family dwelling</b> Use of a structure for habitation by 3 or 4 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.	P
<b>Multi-family dwelling (5+ units)</b> Use of a structure or part 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 Section 1607.1.	P
<b>Accessory dwelling</b> Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Section 1607.20.	P
<b>Home occupation</b> Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 1607.3.	P
<b>Home business</b> Accessory use of single-family residential property for a small business that may alter the residential character of the property. This use may include small scale firewood processing provided that the special criteria for the Home business use are met. See Section 1607.4.	P
<b>Family childcare home</b> Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 1607.5.	P
<b>Assisted or supported living</b> 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 state license.	P
<b>Skilled nursing service</b> Use of one or more structures to provide 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.	C
<b>Residential Care and Group home</b> Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Section 1607.6	P
<b>LODGING</b>	
<b>Bed-and-breakfast</b> Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section 1607.7	P
<b>Inn</b> Use of one or more structures to provide short-term accommodations for not more than 12 guest bedrooms for travelers. See Section 1607.8.	P
<b>Short-term rental</b> Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 1607.9	P
<b>Hotel or motel</b> Use of one or more structures to provide short-term accommodations for with more than 12 guest bedrooms for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc. See Section 1607.10.	C
<b>COMMERCIAL</b>	
<b>Retail sales</b> 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. This use includes a food, beverage, or convenience store, 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.	up to 4,000 sf   >4,000 sf P   C

USE & DEFINITION	NWD
<p align="center">(P= Permitted Use    C = Conditional Use    X = Prohibited Use )</p> <p><b>Personal services</b> 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.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Sales lot</b> An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use. This use includes Rental and leasing, an establishment that rents or leases tangible goods such as vehicles, boats, equipment or machinery to consumer or business customers. It may also provide installation, repair or maintenance services as an accessory use.</p>	X
<p><b>Repair service</b> (small goods, up to 2,000 sf   vehicles, large goods or &gt;2,000 sf) An establishment that maintains, services, repairs or paints goods such as vehicles, boats, equipment or machinery.</p>	X   X
<p><b>Fueling station</b> A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. This use includes a carwash, a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.</p>	X
<p><b>Lumberyard, building supply, lawn, garden and farm supply sales</b> An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. This use includes lawn, garden and farm supply sales, an establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use.</p>	X
<p><b>Open market or auction house</b> 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 Section 1607.11.</p>	P
<p><b>Office, professional, business or administrative service</b> An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; or (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc.(d) provides financial services such as a bank/credit union. This definition specifically excludes services provided by licensed medical or veterinary practitioners.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Veterinary, pet or animal service</b> (up to 2,000 sf   &gt;2,000 sf) An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, grooming, sitting and training; or (c) that breeds, sells or manages adoption of pets. It may include sales of pet food, medicines or supplies as an accessory use. See *.</p>	X   X
<p><b>Restaurant / Bar</b> An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. A restaurant that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of any outdoor dining) comprises at least 40% of the total floor area of the restaurant. This definition includes a retail food preparation establishment that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. This use shall also exclude any service directly to customers in automobiles, such as drive-up or drive-through service. See Section 1606.13. This use also includes an establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewing operation that produces less than 2,000 barrels of alcoholic beverage per year and sells 25% or more of the beverage produced on the premises. See Section 1607.12.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Mobile food service</b> An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way. See Section 1606.13.</p>	P
<p><b>Event facility / Nightclub</b> An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms. See Section 1607.14. 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 Section 1607.14.</p>	C
<p><b>Catering or commercial kitchen</b> A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a State Food Processing establishment license (such uses will be considered food or beverage manufacturing under these regulations).</p>	P
<p><b>On-farm business</b> An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products.</p>	X
<b>INDUSTRIAL</b>	
<p><b>Food or beverage manufacturing</b> A state licensed Food Processing establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery, distillery, or bakery.</p>	enclosed, up to 4,000 sf only C
<p><b>Light industry</b> An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.</p>	enclosed, up to 4,000 sf only C

USE & DEFINITION	NMD
<p style="text-align: center;">(P= Permitted Use    C = Conditional Use    X = Prohibited Use )</p> <p><b>Wholesale trade / Storage and distribution services</b> (enclosed) An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold. 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. This definition specifically excludes any other use specifically defined under the Industrial use category.</p>	C
<p><b>Self-storage services</b> 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.</p>	X
<p><b>Tank farm or fuel storage and distribution services</b> An establishment with one or more tanks that typically store fuels, oils and similar liquid products. It may include sale and distribution of such products.</p>	X
<p><b>Freight transportation services</b> An establishment that provides: (a) transportation of cargo using trucks, tractor trailers or rail; or (b) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.</p>	X
<p><b>Passenger transportation facility</b> 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.</p>	C
<p><b>Communications antenna</b> A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower.</p>	P
<p><b>Communications tower</b> A structure used to support one or more communication antennas and related structures and equipment.</p>	X
<p><b>Information services</b> An establishment used to: (a) 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 (b) 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.</p>	C
<p><b>Composting services</b> An establishment used to transform organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. This definition specifically excludes composting activities that are limited to organic waste produced on the premises.</p>	X
<p><b>Recycling services</b> An establishment used to collect, separate and/or recover recyclable materials. It may include the preparation of materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. It may include retail sales of recovered materials as an accessory use.</p>	X
<p><b>Metal fabrication shop</b> (enclosed) An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.</p>	X
<p><b>Sawmill</b> An establishment used to process logs or minimally processed wood products into dimensional lumber and/or firewood. It may include retail sales of lumber produced on the premises as an accessory use. The operation of portable sawmills will be included in this definition if used for purposes other than forestry or producing lumber for on-site use. This use includes an establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises.</p>	X
<p><b>Landscaping or Construction Contractor's yard or unenclosed storage</b> An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office; (b) landscape or tree/arborist service; or (c) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards.</p>	X
<p><b>Extraction and quarrying</b> An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening.</p>	X
ART, ENTERTAINMENT AND RECREATION	
<p><b>Performance / Movie theater</b> An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists to an audience and/or an establishment that shows movies or other recorded entertainment to an audience.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Social club</b> A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Artist gallery or studio</b> An establishment used to produce, display and/or sell works of art. This use includes craft production that is small-scale production of craft or art products, such as pottery, textiles, crafted wood products, and so forth.</p>	up to 4,000 sf   >4,000 sf P   C

USE & DEFINITION	NMD
<p align="center">(P= Permitted Use    C = Conditional Use    X = Prohibited Use )</p> <p><b>Museum</b> An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.</p>	P
<p><b>Indoor recreation</b> An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This use includes indoor equestrian facilities / arenas. This use can include retail sales as an accessory use. This definition specifically excludes any other use defined in this section.</p>	up to 4,000 sf   >4,000 sf P   C
<p><b>Outdoor recreation (passive   active)</b> A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This use includes an outdoor equestrian facility without an arena. This use also includes a golf course that may serve food and beverages and/or have retail sales of merchandise as accessory uses. A golf course may also include restrooms, a driving range and shelters.</p>	X   X
<p><b>Campground</b> An establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, or (b) that provides overnight recreation camping or outdoor adventure retreats. It may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. See *.</p>	X
<p><b>Specialty school</b> A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.</p>	indoor and up to 4,000 sf only P
<b>CIVIC AND COMMUNITY</b>	
<p><b>Government facility</b> A state- or municipal-owned or operated establishment that serves a public function and provides governmental services.</p>	P
<p><b>Public outdoor recreation or park</b> A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.</p>	P
<p><b>Farmer's market</b></p>	P
<p><b>Educational institution</b> A state-certified public or private establishment that provides educational services.</p>	P
<p><b>Clinic or outpatient care services</b> An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.</p>	C
<p><b>Hospital or inpatient care services</b> An establishment from which one or more licensed practitioners provide healthcare services to people primarily as inpatients.</p>	X
<p><b>Child day care</b> An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session, under state license or registration.</p>	P
<p><b>Social assistance and charitable services</b> 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.</p>	P
<p><b>Religious institution</b> An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use.</p>	P
<p><b>Funeral and cremation services</b> An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.</p>	P
<p><b>Cemetery</b> A site designed to inter or otherwise store the remains of deceased people.</p>	X



1606.2 DIMENSIONAL TABLE

USE & DEFINITION	DWN
<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.	2,000 sf
<b>Minimum lot frontage</b> On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads or unimproved rights-of-way.	30 ft
<b>Maximum lot coverage</b> Total amount of impervious surface as a percentage of total lot area.	100%
<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
<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
<b>Minimum side setback</b> Measured from the side lot lines.	0 ft
<b>Minimum rear setback</b> Measured from the rear lot line.	0 ft
<b>BUILDINGS</b>	
<b>Build-to-line</b> Measured as a line drawn the specified distance from and parallel to the road right-of-way.	8 ft
<b>Minimum build-to-line coverage</b> Percentage of the build-to-line that must be covered by a building.	60%
<b>Maximum principal building footprint</b> Area of ground covered by the building as measured around the exterior building walls.	5,000 sf
<b>Minimum principal building height</b> Measured from the average finished grade at the base of a principal building to the eaves, or the roof deck if roof is flat.	24 ft
<b>Maximum structure height</b> Measured from the average finished grade at the base of the structure to the highest point of the structure, excluding architectural and roof-top elements listed in Ssection 401(a).	60 ft
<b>DENSITY</b>	
<b>Maximum residential density</b> Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with Section 1607.2 will not be included.	n/a

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## Section 1607 Specific Use Standards

### 1607.1 MULTI-FAMILY DWELLINGS

#### 1607.1.1 **Applicability.** The provisions of this section apply to:

New buildings that will contain 5 or more dwelling units;

Multi-building developments that will contain 10 or more dwelling units; and

Existing buildings undergoing a major renovation that will increase the number of dwelling units and result in 5 or more units in the building.

#### 1607.1.2 **Bulk Storage.** Each dwelling unit must include a secured, enclosed bulk storage area at least 20 square feet in area for the exclusive use of unit residents as follows:

The storage area may be attached to or separate from the dwelling unit;

The storage area may be located within the building or within an accessory building(s); and

If the storage area will be located within a private garage, it must be in addition to the area necessary to accommodate any required parking.

#### 1607.1.3 **Pedestrian Access.** Multi-unit residential buildings must be designed with pedestrian access from:

The public sidewalk or street to any street-facing ground-level residential entrances;

Parking areas to residential entrances; and

Residential entrances to service areas (ex. trash or recycling areas) and common open space areas.

#### 1607.1.4 **Mixed-Use Buildings.** Multi-unit, mixed-use buildings must be designed so that the:

Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed;

Entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;

Impact of service and waste collection areas (noise, light, odors, etc.) on building residents will be minimized; and

Common open space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

### 1607.2 ACCESSORY DWELLINGS

#### 1607.2.1 An accessory dwelling unit (ADU) must:

Be located within or appurtenant to a single-family dwelling (it may be located in an accessory structure that is separate from the primary dwelling), on an owner-occupied lot;

Be customarily subordinate and incidental to the primary dwelling;  
Be located on the same lot as the primary dwelling;  
Have provisions for independent living, including sleeping, food preparation and sanitation;  
Have sufficient wastewater capacity in compliance with state regulations;

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.

- 1607.2.2 No more than one ADU can be associated with and appurtenant to a single-family dwelling.
- 1607.2.3 The landowner must reside on the property, but may occupy either the primary dwelling or the ADU.
- 1607.2.4 An ADU will be considered an accessory use of residential property and will not require site plan approval.
- 1607.2.5 An ADU will not be included in the calculation of residential density.

**1607.3 HOME OCCUPATION**

1607.3.1 A home occupation must:

- Be customary in residential areas;
- Be subordinate to the residential use of the property;
- Not have an adverse effect on the character of the area;
- Not generate regular traffic in excess of what is typical of other uses in the area;
- Meet the performance standards of Section 1608;
- Not be primarily retail in nature, except that retail sales of goods on line, if permitted will be allowed;
- Occupy less than 50% of the habitable floor area of the dwelling and/or not more than a total of 1,400 square feet in one or more accessory buildings;
- Not employ more than 1 person who does not live in the associated dwelling and who works on-site; and
- Not have any outdoor storage or use areas, product display or parking of heavy vehicles or equipment outside an enclosed structure.

A home occupation may have a sign in accordance with Section 801.7(a)

A home occupation will be considered an accessory use of residential property and will not require site plan approval.

**1607.4 HOME BUSINESS**

1607.4.1 A home business must:

Not have an adverse effect on the character of the area;

Meet the performance standards of Section 1608

Operate only between the hours of 7 a.m. to 7 p.m., Monday – Saturday, unless otherwise established as a condition of approval;

Not be primarily retail in nature, except that retail sales of goods manufactured on the premises and ancillary sales of products directly related to the provision of a Personal Service (e.g. sales of hair care products by a hair stylist) will be allowed;

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;

Not employ more than 4 people who do not live in the associated dwelling and who work on-site; and

Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these regulations and any conditions of approval.

1607.4.2 A home business shall not include any use prohibited in the zoning district where it is located. A home business may include property maintenance services such as landscaping and winter maintenance.

1607.4.2 A home business may have a sign that shall have no more than two (2) faces and shall not exceed four (4) square feet.

1607.4.3 A home business shall require site plan review and approval.

**1607.5 FAMILY CHILDCARE HOME**

1607.5.1 A family childcare home must:

Be operated by a resident of the dwelling;

Be licensed by the state; and

Not care for more than 6 children on a full-time basis (more than 4 hours per day) and 4 children on a part-time basis (not more than 4 hours per day), not including any children who live in the home.

1607.5.2 A family childcare home may have a sign in accordance with Section 801.5(b).

1607.5.3 A family childcare home will be considered an accessory use of residential property and will not require site plan approval.

**1607.6 RESIDENTIAL CARE OR GROUP HOME**

1607.6.1 A residential care or group home must:

Be licensed by the state;

Not be occupied by more than 8 people with a disability.

1607.6.2 A residential care or group home will be considered a by-right use of residential property and will require permits to the same extent as a single-family dwelling under these regulations.

**1607.7 BED AND BREAKFAST**

1607.7.1 A bed and breakfast must:

Be located within a single-family dwelling and/or an accessory building to a single-family dwelling;

Be operated by a resident of the dwelling;

Be licensed by the state;

Not have more than 4 bedrooms that are used to house guests;

Not house any guest for a continuous period of more than 30 days; and

Not offer meals to the general public.

1607.7.2 A bed and breakfast must provide guest parking in accordance with Section 414, including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway or between the front lot line and the dwelling.

1607.7.3 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.

1607.7.4 A bed and breakfast will be considered an accessory use of residential property and will not require site plan approval.

**1607.8 INN**

1607.8.1 An inn must:

Be licensed by the state;

Not have more than 12 bedrooms that are used to house guests; and

Not house any guest for a continuous period of more than 30 days.

1607.8.2 An inn may offer meals or other services (spa, fitness center, meeting rooms) to the guests as allowed accessory uses. If these services are offered to the general public they must be reviewed as separate uses under the applicable review.

1607.8.3 An inn must provide guest parking in accordance with Section 414, including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway or between the front lot line and the dwelling.

1607.8.4 An inn may have signage as allowed in Section 802.2 for the Downtown Commercial zoning district.

1607.8.5 An inn will require site plan approval.

**1607.9 SHORT TERM RENTAL**

A short term rental will be considered an accessory use of residential property and will not require site plan approval.

**1607.10 HOTEL OR MOTEL**

1607.10.1 A hotel or motel must:

Be licensed by the state;

Be limited to a maximum number of guestrooms that does not exceed 1 per 400 square feet of gross floor area;

Not house any guest/tenant for a continuous period of more than 30 days except in an extended stay room that meets the standards below; and

Located in one or more areas conveniently accessible to guests/tenants with no area being less than 30 feet in any dimension;

Designed with seating areas and other passive recreation facilities to be available to all guests/tenants; and

Landscaped with trees, shrubs, groundcover and/or ornamental plants.

A hotel/motel shall require site plan review and approval.

1607.10.2 Extended stay rooms must:

Provide guests/tenants with a private, secured space for their exclusive use;

Not house more than two unrelated adults; and

Meet the minimum requirements for independent living, including sleeping, food preparation and sanitation.

1607.10.3 A hotel or motel may include uses such as restaurants, event venues, meeting spaces, fitness centers 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 regulation.

**1607.11 OPEN MARKET OR AUCTION HOUSE**

1606.11.1 The provisions of this section do not apply to temporary sales or auctions of goods on any property that occur for not more than 4 contiguous days and a total of 28 days in any calendar year in accordance with all other applicable provisions of these regulations.

1607.11.2 Unless otherwise approved by the Development Review Board, an open market or auction house must:

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;

Not store goods being offered for sale outside an enclosed structure when the business is closed to patrons;

Not use an amplified sound system that will be audible off the premises; and

Be limited to operating between the hours of 8 a.m. and 9 p.m.

1607.11.3 Open markets or auction houses that will operate on a seasonal basis must remove all goods stored outside an enclosed building, temporary structures, and signs (message component only, support structure may remain in place) during the off-season.

1607.11.4 The Development Review Board may modify the parking requirements of Section 414 for an open market or auction house that will be operated on a seasonal or limited basis.

1607.11.5 If an applicant requests a modification from the requirements of this section, the Development Review Board must find that the use as proposed will not result in adverse off-site impacts.

## **1607.12 RESTAURANT/BAR**

1607.12.1 A restaurant must:

Be licensed by the state;

Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved site plan;

Not have recorded amplified music 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/bar, inside or outside of the building, requires the issuance of a separate permit under the Town Entertainment Ordinance; and

Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use if located within a mixed-use building.

## **1607.13 MOBILE FOOD SERVICE**

1607.13.1 Mobile food service must:

Be licensed by the state;

Not be located within any minimum required setback, buffer or right-of-way unless the Waterbury Select Board approves a location within a public right-of-way;

Be located entirely on private property unless the Waterbury Select Board approves a location on public property under the Town Vendor Ordinance;

Not interfere with pedestrian or vehicular access or circulation, or with sight distance at any intersection; and

Provide appropriate receptacles for trash, recyclables and food waste.

- 1607.13.2 Mobile food service may be located within an off-street parking area provided that it will not reduce the number of parking spaces below the minimum amount needed to accommodate the use(s) intended to be served by the parking.
- 1607.13.3 There will be no minimum parking requirements for mobile food service. Any parking provided must meet the standards of Section 414.
- 1607.13.4 Signs must meet the standards of Section 801.5, Exemptions and will be limited to:
  - One or more signs mounted on the vending unit not to exceed a total sign area of 20 square feet, exclusive of any menu sign;
  - Menu signs in accordance with Section 801.5, Exemptions;
  - Awning signs in accordance with Section 801.5, Exemptions; and
  - Sandwich board signs in accordance with Section 801.5, Exemptions.

**1607.14 EVENT FACILITY/NIGHTCLUB**

- 1607.14.1 An event facility or nightclub must:
  - Be licensed by the state;
  - Not have outdoor seating or other outdoor areas for patron or guest use except as specifically shown on an approved site plan;
  - Not have amplified sound system playing from outside an enclosed building or from within an open-air structure unless otherwise approved by the Development Review Board; and
  - Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use if within a mixed-use building.

**1608 PERFORMANCE STANDARDS**

- 1608.1 **Purpose.** The provisions 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.
- 1608.2 **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the area.
- 1608.3 **Glare.** Lighting must not be used in such a manner that it produces glare on streets or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.
- 1608.4 **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited.



1608.5 **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.

1608.6 **Electrical or Radio Interference.** No use or process must create interference with electrical or radio apparatus beyond the property line.

1608.7 **Waste and Material Storage.** Storage of wastes or materials that attract insects or rodents, or otherwise create a health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with Section 301(f)(3) Adequacy of landscaping and screening.

1608.8 **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.

1608.9 **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources.

#### **Section 1609 ENFORCEMENT**

Enforcement of these Interim Bylaws shall be as provided for in 24 V.S.A. Chapter 117, §4451, and Section 310 of the Waterbury Zoning Regulations as amended through May 16, 2016.

#### **Section 1610 ZONING MAP FOR DOWNTOWN ZONING DISTRICT**

- (1) The delineation of the Downtown zoning district and all other information depicted on the attached Waterbury Village Zoning 2013, Revised February 2021 map supersedes and replaces the delineation of the Downtown Commercial zoning district and other information depicted on the Waterbury Village Zoning 2013 map in the Town and Village of Waterbury Zoning Regulations as amended through May 16, 2016