

**Town of Waterbury
Unified Development Bylaw – Phase #1
Draft July 26, 2021**

ARTICLE XVI UNIFIED DEVELOPMENT BYLAW – PHASE #1

Section 1600 Enactment and Authority

The Town of Waterbury has adopted this Unified Development Bylaw – Phase #1 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

1.1.1.A The purpose of these regulations 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 regulations 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 Paragraph [Error! Reference source not found.](#)[Error! Reference source not found.](#)[5.1.3.S\(9\)](#);
- (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;
- (7) Ensure that there will be safe and adequate vehicular, pedestrian and emergency access to and within development sites;
- (8) Ensure the rate of growth does not exceed the existing capacity of, or the municipalities' abilities to adequately provide, public services and facilities; and
- (9) Establish sound development and engineering standards that result in well-constructed projects that will not burden the municipalities with unreasonable future costs associated with building, maintaining or repairing infrastructure.
- (10) 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, Mixed Use, Residential 10, Institutional, Commercial Industrial, and Tourism Business zoning districts with respect to the allowed uses, dimensional standards and specific use standards. A zoning map of these Zoning Districts is attached as Section 1611, Draft Base Zoning District Map, Waterbury, Vermont, revised 30 May 2018. The applicable area depicted on this map is bounded by Interstate 89 and the Winooski River. All uses not specifically allowed in these zoning district under this Unified Development Bylaw – Phase #1 are specifically prohibited. These bylaws supersede the Interim Bylaws for the Downtown Zoning District adopted April 26, 2021.

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 these zoning districts.

Section 1603 Effective Date

This Unified Development Bylaw – Phase #1 will be in effect for 21 days from the date of adoption by the Select Board that is _____, pursuant to 24 V.S.A. § 4442.

2 ZONING DISTRICTS

2.1 General Provisions

2.1.1 ESTABLISHMENT OF BASE ZONING DISTRICTS

2.1.1.A These regulations establish the following base zoning districts as shown on the Official Zoning Map:

- (1) Downtown (DWN)
- (2) Mixed Use (MU)
- (3) Residential 10 (R-10)
- (4) Residential 5 (R-5)
- (5) Institutional (IT)
- (6) Commercial-Industrial (CI)
- (7) Tourism Business (TB)
- (8) Residential 1 (R-1)
- ~~Rural (RL)~~
- (9) Conservation (CN)

2.1.2 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS

2.1.2.A These regulations establish the following overlay zoning districts as shown on the Official Zoning Map:

- (1) Design Review Overlay (DRO)
- (2) Uplands Overlay (UPO)
- (3) Flood Hazard (FHO)

2.1.3 OFFICIAL ZONING MAP

2.1.3.A The maps delineating the boundaries of the various base and overlay zoning districts established in this chapter are incorporated by reference and adopted as part of these regulations, and they constitute Waterbury's Official Zoning Map.

2.1.3.B The Official Zoning Map is on file in the Waterbury Zoning and Planning Department office. The small-scale, unofficial versions of the maps included in these regulations are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the district boundaries.

2.1.4 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

2.1.4.A If a specific distance or measurement is not shown on the Official Zoning Map, the Zoning Administrator will interpret the map boundaries in accordance with the following:

- (1) Boundaries indicated as approximately following roads, railroad lines, power lines or rights-of-way will 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 will be assumed to follow those lines or boundaries.
- (3) Boundaries indicated as approximately following rivers, streams, or water bodies will be assumed to follow the centerlines of such rivers, streams, or water bodies.
- (4) Zoning districts will include any land under rivers, streams, or water bodies lying within them.

2.1.4.B The Zoning Administrator will interpret any of the features listed in Subsection 2.1.4.A2-1.4.A3-1.4.A to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:

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

2.1.5 USE STANDARDS

2.1.5.A Allowed Uses. As established in Subsection **Error! Reference source not found.****Error! Reference source not found.**1.2.2.A, the permitted or conditional uses allowed in each district are identified and defined in Section **003.3.1.**

2.1.5.B Prohibited Uses. A use not specifically listed as permitted or conditional in a zoning district is prohibited in that zoning district. The Development Review Board may allow a use not specifically listed under limited circumstances. Upon the review of a completed application, the Development Review Board may allow a requested use provided that it finds the proposed use meets the following criteria:

- (1) Is materially similar to a use that is a permitted or conditional use in the same zoning district in accordance with Paragraph **2.1.5.C2-1.5.C3-1.5.C.** or
- (2) Is required to be allowed in a zoning district by state or federal law.

2.1.5.C Materially Similar Uses. An applicant and/or landowner may make a written application that a proposed use for a specific parcel, which is not allowed in the zoning district for that parcel under these regulations, is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

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

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

This application shall be referred to the Development Review Board by the Zoning Administrator and shall be reviewed under these criteria. The decision of the Development Review Board shall be final and may be appealed to the Environmental Division of the Vermont Superior Court.

2.1.5.D **Multiple and Mixed Uses.** A landowner may use a structure for any combination of uses allowed in the applicable zoning district upon obtaining all necessary permits or approvals under these regulations.

Commented [MS1]: Discuss Vertical Zoning

2.1.5.E **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with the standards below and upon obtaining all necessary permits or approvals under these regulations:

(1) The total area occupied by all accessory uses must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on total gross floor area. For principal uses conducted primarily outdoors, this calculation will be based on total lot area.

Commented [MS2]: The total area occupied by accessory uses must not exceed 35% ??

(2) An accessory use must be a permitted or conditional use in the applicable zoning district, or it must be specifically authorized as an allowed accessory use to the applicable principal use in these regulations.

2.1.5.F The standards of this subsection do not apply to accessory dwellings, home occupations, home businesses, family childcare homes and bed-and-breakfasts, as specified in Section 4.2 (Specific Use Standards).

Commented [MS3]: REVIEW item

2.1.6 DIMENSIONAL STANDARDS

2.1.6.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district unless:

(1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of Section **Error! Reference source not found.****Error! Reference source not found.1.3.3:**

(2) The applicant obtains a waiver under Section **Error! Reference source not found.****Error! Reference source not found.2.5.4** or variance under Section **Error! Reference source not found.****Error! Reference source not found.2.5.5** from the Development Review Board; or

(3) The proposed development will be approved as a planned unit development in accordance with Chapter **Error! Reference source not found.****Error! Reference source not found.4.5.**

2.1.6.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in accordance with the standards below and upon obtaining all necessary permits or approvals under these regulations:

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

(2) Each principal building must meet the applicable dimensional standards of the zoning district.

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

Commented [MS4]: REVIEW this item

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

(a) The subject lot will be lawfully subdivided in accordance with the provisions of these regulations.

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

2.1.6.C Accessory Structures. Landowners may locate accessory structures on a lot in accordance with the standards below and upon obtaining all necessary permits or approvals under these regulations:

(1) Unless otherwise specified in these regulations, accessory structures must meet the front setback requirements for the applicable zoning district.

(2) Unless otherwise specified in these regulations, accessory structures:

(a) With a footprint of not more than 120 square feet and a height of not more than 12 feet must be set back at least 10 feet from rear and side property lines, or the minimum setback requirements for the district they are located, whichever is less.

(b) With a footprint in excess of 120 square feet or a height in excess of 12 feet must meet the minimum setback requirements for the applicable zoning district.

(3) Accessory structures must be located at least 8 feet from any other structure unless they are attached to that structure.

Commented [MS5]: REVIEW item (fire?)

(4) Unless otherwise specified in these regulations, accessory structures must not exceed a maximum height of 36 feet, the maximum building height in the applicable district or the height of the associated principal building, whichever is less.

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

(1) Any lot created under these regulations must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development in accordance with Chapter ~~Error! Reference source not found.~~~~Error! Reference source not found.~~4.5.

(2) A pre-existing small lot may be developed in accordance with Paragraph ~~Error! Reference source not found.~~~~Error! Reference source not found.~~1.3.3.C(3) (Non Conforming Lots) irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district.

Commented [MS6]: Need to review visit.

Commented [MS7]: See UDBL Pg 1-10. Reference State Statute.

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

(4) Land that is not developable as a condition of a lawfully established right-of-way or easement must not be included when calculating lot size.

(5) Land within a single parcel that is divided by a public road will be considered separate lots for the purposes of these regulations and each of the lots may be developed for the purposes allowed, or otherwise approved, in the zoning district in which the parcel is located.

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

2.1.6.E **Lot Frontage.** All lots must have the minimum frontage on a public or private road required for the applicable zoning district in accordance with the following:

(1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private road must have access to such a road over a permanent easement or right-of-way not less than 30 feet wide for single- and two-family residential lots and 50 feet wide for all other lots. Also see Paragraph **Error! Reference source not found.****Error! Reference source not found.**1.3.3.C(4) (NON CONFORMING LOTS).

(2) **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.

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

(a) Approves a lot with less frontage as part of a planned unit development in accordance with Chapter **Error! Reference source not found.****Error! Reference source not found.**4.5;

(b) 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

(c) 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.

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

(1) All development and structures subject to these regulations must be set back from roads and property lines as required for the applicable zoning district.

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

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

(4) Front setbacks will be measured from the edge of the right-of-way except:

(a) If the right-of-way is less than 50 feet or if the location of the right-of-way is uncertain, the front setback will be measured from a line 25 feet from and parallel with the centerline of the road.

2.1.6.G **Height.** Structures must meet height standards for the applicable district as specified below:

Commented [MS8]: How are roof overhangs addressed ?

Commented [MS9]: Include Private Roads. Steve will draft language for lots with unclear (confusing) frontage.

Commented [SL10]: Additional sub-section is needed to clarify how the front, side and rear setbacks are determined when a lot does not front on a public or private road but is accessed by a right-of-way.

- (1) Height limits do not apply to structures such as:
- (a) Belfries, spires, steeples, cupolas, domes or similar architectural features that are less than 10% of the total roof area of the building; and
 - (b) Skylights, chimneys, ventilators, bulkheads, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
- (2) Height limits do apply to flag poles, light poles, and similar freestanding structures not located within public rights-of-way.
- (3) Where a minimum building height is specified:
- (a) Buildings with a footprint of 6,000 square feet or less must maintain that height along the entire facade and for a depth of at least 30 feet or the depth of building, whichever is less.
 - (b) Buildings with a footprint of more than 6,000 square feet must maintain that height along at least 50% of the facade, as defined in Sub-section 5.1.3.F(1) (Definitions) and for a depth of at least 30 feet or the depth of the building, whichever is less.
- (4) Height will be measured from the average finished grade at ground level to the highest portion of the structure excluding the building elements listed in Sub-section 3.1.6.G(1) above.

2.1.7 DENSITY STANDARDS

- 2.1.7.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except that accessory dwellings approved under Section 04.2.2 (Specific Use Standards Accessory Dwellings) will not count as a dwelling unit for the purposes of calculating density.
- 2.1.7.B A pre-existing small lot may be developed in accordance with Paragraph **Error! Reference source not found.** **Error! Reference source not found.** 1.3.2.C(3) (Non-Conforming Lots) irrespective of whether it will comply with the density standards for the applicable district.

Commented [MS11]: Should this be deleted ? Review.

Commented [SL12]: It was agreed that screening for rooftop mechanical equipment should be addressed in the site plan and design review sections.

Commented [SHL13]: We may want a limit on the height of light poles or not have them exempt from the height limit for the given zoning district.

Commented [MS14]: as defined in ??

Commented [MS15]: Review this Definition. If not including new definitions in the Phase I then need to define Façade here.

Commented [SL16]: It was agreed that this sub-section is too restrictive and more flexibility in the zoning districts that allow mixed uses is needed.

Section 1604 Base Zoning Districts

Section 1604.1 DOWNTOWN ZONING DISTRICT

Section 1604.1.1 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.

Commented [MS17]: 7/26/21 Work.

Commented [MS18]: Allows retail, light industry, food and bev manufacturing. Mixed Use does not include these.

MS: Butler Street to Batcheler.
 MK: south to
 SL: advocate to keep Dwnn where it is and its scale. and maybe pull back Rusty Park.
 AJ: Butler to Batcheler.

Section 1604.1.2 Permitted Uses

The following are permitted uses in the Downtown Zoning District:

<p>Residential</p> <p>(1) Single-family and accessory dwelling</p> <p>(2) Two-family dwelling</p> <p>(3) Three- or four-family dwelling</p> <p>(4) Multi-family dwelling (5+ units)</p> <p>(5) Home occupation</p> <p>(6) Home business</p> <p>(7) Family childcare home</p> <p>(8) Assisted or supported living</p> <p>(9) Residential care and group home</p> <p>Lodging</p> <p>(10) Bed & Breakfast</p> <p>(11) Inn</p> <p>(12) Short-term rental</p> <p>Commercial</p> <p>(13) Retail sales, up to 4,000 sf</p> <p>(14) Personal services, up to 4,000 sf</p> <p>(15) Open market or auction house up to 4,000 sf</p> <p>(16) Office, professional, business or administrative services, up to 4,000 sf</p> <p>(17) Restaurant/Bar, up to 4,000 sf</p> <p>(18) Mobile food service</p> <p>(19) Catering or commercial kitchen, up to 4,000 sf</p> <p>Industrial</p> <p>(20) Communications antenna</p>	<p>Art, Entertainment and Recreation</p> <p>(21) Performance/Movie theater, up to 4,000 sf</p> <p>(22) Social club, up to 4,000 sf</p> <p>(23) Artist gallery or studio, up to 4,000 sf</p> <p>(24) Museum</p> <p>(25) Indoor recreation, up to 4,000 sf</p> <p>(26) Industrial Specialty school, indoor and up to 10,000-sf</p> <p>(26) Communications antenna</p> <p>Civic and Community</p> <p>(27) Government facility</p> <p>(28) Public outdoor recreation or park</p> <p>(29) Farmer’s market</p> <p>(30) Educational institution</p> <p>(31) Child day care</p> <p>(32) Social assistance and charitable services</p> <p>(33) Religious institution</p> <p>(34) Funeral and cremation services</p>
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Section 1604.1.3 Conditional Uses

The following are conditional uses in the Downtown zoning district:

<p>Residential</p> <p>(1) Skilled nursing service</p> <p>Lodging</p> <p>2) Hotel or motel</p> <p>Commercial</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 more than 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>Industrial</p> <p>(10) Food or beverage manufacturing, enclosed, up to 10,000 sf</p> <p>(11) Light industry, enclosed, up to 10,000 sf</p> <p>(12) Wholesale trade / Storage and distribution Services (enclosed)</p> <p>(13) Passenger transportation facility</p> <p>(14) Information services</p> <p>Art, Entertainment and Recreation</p> <p>(15) Performance/Movie theater, more than 4,000</p>
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	sf
(9) Catering or commercial kitchen, more than 4,000 sf	(16) Social club, more than 4,000 sf
	(17) Artist gallery or studio, more than 4,000 sf
	(18) Indoor recreation, more than 4,000 sf
Civic and Community	
	(19) Clinic or outpatient care services

Section 1604.1.4 Dimensional Standards

The following standards apply in the Downtown zoning district:

Lots	
(1) Lot size:	4,000 sf min
(2) Lot frontage:	30 ft min
(3) Lot coverage:	100% max
Setbacks	
(4) Minimum front:	0 ft
(5) Maximum front:	8 ft
(6) Minimum side:	0 ft
(7) Minimum rear:	0 ft
Buildings	
(8) Minimum lot width coverage:	60% min
(9) Minimum principal building height:	24 ft min
(10) Maximum structure height:	60 ft max
(11) Maximum principal building footprint	10,000 sf
Density	
(11) Maximum residential density:	no min or max

Commented [MS19]: Should this be revisited ?

Section 1604.1.5 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 1604.2 MIXED USE (MU)

Section 1604.2.1 Purpose.

The Mixed Use zoning district accommodates a mix of housing and small-scale service, office, retail and other compatible uses in Waterbury’s traditional centers. It is the intent of this district to maintain or enhance a traditional village character, pattern, scale, massing and pedestrian orientation, and to provide neighborhoods that offer a desirable quality of life.

Section 1604.2.2 Permitted Uses.

The following are permitted uses in the Mixed Use zoning district:

Residential (1) Single-family dwelling (2) Two-family dwelling (3) Three- or four-family dwelling (4) Multi-family dwelling (5) Accessory dwelling (6) Home occupation (8) Home business (9) Family childcare home (10) Senior housing (11) Assisted living (12) Skilled nursing service (13) Group home	Commercial (con’t) (25) Personal services, up to 4,000 sf (26) Veterinary, pet or animal services, up to 4,000 sf (27) Restaurant, sit-down (28) Catering or commercial kitchen
Lodging (14) Bed and breakfast (15) Inn (16) Rooming and boarding house (17) Short-term rental	Industrial (29) Media recording or broadcast studio (30) Communications antenna
Commercial (18) Retail sales, up to 4,000 sf (19) Repair service, small goods, up to 4,000 sf (20) Food or beverage store, up to 4,000 sf (21) Convenience store, up to 4,000 sf (22) Financial establishment (23) Rental and leasing, small goods, up to 4,000 sf (24) Office, professional, business or administrative services, up to 4,000 sf	Arts, Entertainment and Recreation (31) Artist gallery or studio, up to 4,000 sf (32) Indoor recreation, up to 4,000 sf (33) Fitness club or gym (34) Public outdoor recreation or park
	Civic and Community (35) Government facility (36) Educational institution (37) Specialty school, indoor and up to 4,000 sf (38) Child daycare (39) Social assistance and charitable services (40) Religious institution (41) Funeral and cremation services (42) Social club

Section 1604.2.3 Conditional Uses.

The following are conditional uses in the Mixed Use zoning district:

<p>Residential</p> <p>(1) Emergency housing</p> <p>Lodging</p> <p>(2) Hotel or motel</p> <p>Commercial</p> <p>(3) Restaurant, take-out</p> <p>(4) Mobile food service</p> <p>(5) Bar</p> <p>(6) Event facility</p> <p>Industrial</p> <p>(7) Wholesale trade</p> <p>(8) Storage and distribution services, enclosed</p>	<p>Industrial (con't)</p> <p>(9) Passenger transportation services</p> <p>(10) Information services</p> <p>Arts, Entertainment, Recreation</p> <p>(11) Performance theater</p> <p>(12) Movie theater</p> <p>(13) Artist gallery or studio, more than 4,000 sf</p> <p>(14) Museum</p> <p>(15) Indoor recreation, more than 4,000 sf</p> <p>Civic and Community</p> <p>(16) Clinic or outpatient care services</p> <p>(17) Rehabilitation services or residential treatment facility</p>
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Section 1604.2.4 Dimensional Standards.

The following standards apply in the Mixed Use zoning district:

Lots	
(1) Lot size:	4,000 sf min
(2) Lot frontage:	30 ft min
(3) Lot coverage:	80% max
Setbacks	
(4) Minimum front:	0 ft min
(5) Maximum front:	12 ft min
(6) Minimum side:	4 ft min
(7) <u>Minimum rear:</u>	<u>8 ft min</u>
Buildings	
(8) <u>Minimum lot width</u> coverage:	60% min
(9) Principal building height:	24 ft min
(10) Structure height:	48 ft max
(11) <u>Principle building footprint:</u>	<u>8,000 sf</u>
Density	
(12) Dwelling units:	n/a
(13) All other principal uses:	n/a

Commented [MS20]: Should # of Dwelling units be regulated?

Section 1604.2.5 District Standards.

The following standards apply in the Mixed-Use zoning district:

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

Section 1604.3 [RESIDENTIAL 10 \(R-10\) NEIGHBORHOOD \(NB\)](#)

Section 1604.3.1 Purpose.

The [Residential 10 Neighborhood](#) zoning district provides for residential uses in areas [served nearby](#) public [services and](#) infrastructure, [within existing centers](#). It is the intent of this district to promote [a variety of higher density housing in proximity to the locally designated growth centers and the stated Designated Downtown and Village center](#), [types in neighborhoods that offer a desirable quality of life](#).

Section 1604.3.2 Permitted Uses.

The following are permitted uses in the Residential 10 zoning district:

Residential	Lodging
(1) Single-family dwelling	(9) Bed and breakfast
(2) Two-family dwelling	(10) Rooming and boarding house
(3) Three- or four-family dwelling	(11) Short-term rental
(4) Accessory dwelling	
(5) Home occupation	Industrial
(6) Family childcare home	(12) Communications antenna
(7) Senior housing	
(8) Group home	Arts, Entertainment and Recreation
	(13) Public outdoor recreation or park

Section 1604.3.3 Conditional Uses.

The following are conditional uses in the Residential 10 zoning district:

Residential	Arts, Entertainment, Recreation
(1) Multi-family dwelling	(7) Museum
(2) Home business	(8) Fitness club or gym
(3) Assisted living	
(4) Skilled nursing services	Civic and Community
(5) Emergency housing	(9) Government facility
	(10) Educational institution
Lodging	(11) Religious institution
(6) Inn	

Section 1604.3.3 Dimensional Standards.

The following standards apply in the [Neighborhood \(NB\)](#) zoning district:

Lots	
(1) Lot size:	4,000 sf min
(2) Lot frontage:	45 ft min

(3) Lot coverage:	80% max
Setbacks	
(4) Minimum front:	12 ft min
(5) Maximum front:	n/a
(6) Minimum side:	8 ft min
(6) Minimum rear:	12 ft min
(7) Max. principal building footprint:	6,000 sf max
(8) Max. structure height:	48 ft max
Density	
(10) Dwelling units:	n/a
(11) All other principal uses:	n/a

Section 1604.4 INSTITUTIONAL (IT)

Section 1604.4.1 Purpose

The Institutional zoning district encompasses and accommodates the particular needs of the State Office Complex. It is the intent of this district to maintain and enhance the distinctive historic character, architectural quality and pedestrian-orientation of the campus, as well as its role as an employment center in downtown Waterbury.

Section 1604.4.2 Permitted Uses

The following are permitted uses in the Institutional zoning district:

Residential	Arts, Entertainment, Recreation
(1) Skilled nursing service	(6) Museum
	(7) Public outdoor recreation or park
Commercial	Civic and Community
(2) Financial establishment	(8) Government facility
(3) Office, professional, business or administrative services	(9) Educational institution
(4) Event facility	(10) Specialty school
	(11) Clinic or outpatient care services
Industrial	(12) Child daycare
(5) Communications antenna	(13) Social assistance and charitable services
	(14) Religious institution

Section 1604.4.3 Conditional Uses.

The following are conditional uses in the Institutional zoning district:

Residential	Civic and Community
(1) Multi-family dwelling	(3) Hospital or inpatient care services
(2) Assisted living	(4) Rehabilitation services or residential treatment facility

Section 1604.3.4 Dimensional Standards

The following standards apply in the Institutional zoning district:

Lots	
(1) Lot size:	n/a
(2) Lot frontage:	n/a
(3) Lot coverage:	60% max for the campus as a whole
Setbacks	
(4) Exterior:	20 ft min from any lot lines around the outer perimeter of the campus
(5) Interior:	0 ft min from any interior lot lines within the campus
Buildings	
(9) Principal building height:	24 ft min
(10) Structure height:	48 ft max
Density	
(10) Dwelling units:	no min or max
(11) All other principal uses:	no min or max

Section 1604.5 COMMERCIAL-INDUSTRIAL (CI)

Section 1604.5.1 Purpose

The Commercial-Industrial zoning district provides for a mix of industrial, office, service and retail uses in areas served by existing or planned infrastructure. It is the intent of this district to promote growth and diversification of Waterbury’s economy by offering suitable locations for new or expanded businesses.

Section 1604.5.2 Permitted Uses

The following are permitted uses in the Commercial-Industrial zoning district:

Commercial	Industrial (con’t)
(1) Sales lot	(19) Media recording or broadcasting studio
(2) Repair service	(20) Communications antenna
(3) Lawn, garden, farm supply sales	(21) Information services
(4) Lumberyard and building supply sales	(22) Metal fabrication shop, enclosed
(5) Open market or auction house	(23) Sawmill
(6) Financial establishment	
(7) Rental and leasing	Arts, Entertainment, Recreation
(8) Office, professional, business or administrative services	(24) Artist gallery or studio
(9) Veterinary, pet or animal services	(25) Indoor recreation
(10) Building or property maintenance services	(26) Fitness club or gym
(11) Catering or commercial kitchen	(27) Commercial outdoor recreation, passive
	(28) Public outdoor recreation or park
Industrial	Civic and Community
(12) Light industry, enclosed, up to 5,000 sf	(29) Government facility
(13) Food or beverage manufacturing, enclosed, up to 10,000 sf	(30) Specialty school, indoor and up to 10,000 sf
(14) Wholesale trade	(31) Clinic or outpatient care services
(15) Storage and distribution services, enclosed	(32) Child daycare
(16) Self-storage services	(33) Social assistance and charitable services
(17) Passenger transportation services	(34) Religious institution
(18) Publishing, printing and sign manufacturing	(35) Funeral and cremation services
	Natural Resource Based
	(36) Firewood processing

Section 1604.5.3 Conditional Uses

The following are conditional uses in the Commercial-Industrial zoning district:

Commercial	Industrial
(1) Retail sales, more than 4,000 sf	(7) Light industry, enclosed, more than 10,000 sf
(2) Fueling station	(8) Food or beverage manufacturing, enclosed, more than 10,000 sf
(3) Carwash	(9) Tank farm or fuel storage and distribution Services
(4) Food or beverage store, more than 4,000 sf	
(5) Convenience store	

(6) Mobile food service	(10) Freight transportation services
	(11) Contractor's yard or unenclosed storage
Civic and Community	
	(12) Specialty school, outdoor or more than 10,000 sf

Section 1604.5.3 Dimensional Standards

The following standards apply in the Commercial-Industrial zoning district:

Lots	
(1) Lot size:	10,000 sf min
(2) Lot frontage:	60 ft min
(3) Lot coverage:	80% max
Setbacks	
(4) Front:	16 ft min
(5) Side:	12 ft min or 20 ft min if abutting a residential lot or district
(6) Rear:	12 ft min or 20 ft min if abutting a residential lot or district
Buildings	
(7) Structure height:	36 ft max
Density	
(8) Principal uses:	1 principal use per 10,000 square feet of lot area max

Section 1604.5.5 District Standards

The following standards apply in the Commercial-Industrial zoning district:

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

Section 1604.6 TOURISM BUSINESS (TB)

Section 1604.6.1 Purpose

The Tourism Business zoning district provides for a mix of lodging, dining, retail, recreation, service, office and industrial uses along major travel corridors. It is the intent of this district to promote new and expanded businesses in Waterbury that attract visitors, particularly those that strengthen Waterbury's role a destination for culinary tourism.

Section 1604.6.2 Permitted Uses

The following are permitted uses in the Tourism Business zoning district:

Residential	Industrial
(1) Single-family dwelling	(23) Light industry, enclosed, up to 10,000 sf
(2) Two-family dwelling	(24) Food or beverage manufacturing, enclosed, up to 10,000 sf
(3) Accessory dwelling	(25) Media recording or broadcasting studio
(4) Home occupation	(26) Communications antenna
(5) Home business	
(6) Family childcare home	
	Arts, Entertainment, Recreation

Lodging	(27) Performance theater
(7) Bed-and-breakfast	(28) Artist gallery or studio
(8) Inn	(29) Museum
(9) Short-term rental	(30) Indoor recreation
(10) Hotel or motel	(31) Fitness club or gym
	(32) Commercial outdoor recreation
Commercial	(33) Public outdoor recreation or park
(11) Retail sales, up to 4,000 sf	(34) Golf course or country club
(12) Lawn, garden and farm supply sales	(35) Campground
(13) Food or beverage store, up to 4,000 sf	(36) Equestrian facility
(14) Convenience store, up to 4,000 sf	
(15) Rental and leasing, small goods, up to 4,000 sf	Civic and Community
(16) Personal service, up to 4,000 sf	(37) Government facility
(17) Veterinary, pet or animal service, up to 4,000 sf	(38) Specialty school, indoor, up to 10,000 sf
(18) Restaurant	(39) Religious institution
(19) Mobile food service	
(20) Bar	Natural Resource Based
(21) Event facility	(40) Farming or forestry
(22) Catering or commercial kitchen	(41) On-farm business

Section 1604.6.3 Conditional Uses

The following are conditional uses in the Tourism Business zoning district:

Commercial	Industrial
(1) Retail sales, more than 4,000 sf	(11) Light industry, enclosed, more than 10,000 sf
(2) Fueling station	(12) Food or beverage manufacturing, enclosed, more than 10,000 sf
(3) Carwash	(13) Sawmill
(4) Open market or auction house	(14) Passenger transportation services
(5) Food or beverage store, more than 4,000 sf	(15) Publishing, printing and sign manufacturing
(6) Convenience store, more than 4,000 sf	
(7) Rental and leasing, vehicles, large goods or more than 4,000 sf	Civic and Community
(8) Personal service, more than 4,000 sf	(16) Educational institution
(9) Veterinary, pet or animal service, more than 4,000 sf	(17) Specialty school, outdoor or more than 10,000 sf
(10) Nightclub	(18) Social club
	Natural Resource Based
	(19) Firewood processing

Section 1604.6.4 Dimensional Standards

The following standards apply in the Tourism Business zoning district:

Lots	
(1) Lot size:	20,000 sf min
(2) Lot frontage:	90 ft min
(3) Lot coverage:	60% max

Setbacks

- (4) Front: 20 ft min
- (5) Side: 12 ft min or 20 ft min if abutting a residential lot or district
- (6) Rear: 12 ft min or 20 ft min if abutting a residential lot or district

Buildings

- (7) Principal building height: 18 ft min
- (8) Structure height: 36 ft max

Density

- (9) Residential density: 1 dwelling unit per 20,000 sf of lot area max
- (10) All other principal uses: 1 principal use per 20,000 square feet of lot area max

Section 1604.6.5 District Standards.

The following standards apply in the Tourism Business zoning district:

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

Any proposed development that will generate 75 or more peak hour trips must submit a traffic study and must demonstrate that the proposed development will appropriately mitigate traffic-related impacts.

Industrial uses greater than 5,000 square feet must include a retail or educational component (i.e., factory store, display and/or observation area where visitors can learn about the manufacturing process, etc.).

Any development subject to subdivision or major site plan approval must maintain a green strip at least 25 feet deep as measured from the edge of the highway right-of-way along the frontage landscaped in accordance with Subsection [Error! Reference source not found.](#)[Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.3.1.D](#).

Land being subdivided must be accessed from a single curb cut that will serve all lots within the subdivision unless the Development Review Board finds that more than one curb cut is necessary in accordance with Paragraph [Error! Reference source not found.](#)[Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.1.2.D\(1\)](#).

Commented [SL21]: PC needs to discuss ref. to Landscaping.

Commented [SL22]: PC needs to discuss re. to Access.

Section 1604.7 RESIDENTIAL 1 (R-1)

Section 1604.7.1 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.

Section 1604.7.2 Permitted Uses.

The following are permitted uses in the Residential 1 zoning district:

Residential	Industrial
(1) Single-family dwelling	(8) Communications antenna
(2) Two-family dwelling	
(3) Accessory dwelling	Arts, Entertainment and Recreation
(4) Home occupation	(9) Public outdoor recreation or park
(5) Family childcare home	
(6) Senior housing	

- | | |
|-------------------------------------|----------------------------|
| (7) Residential Care and Group home | Civic and Community |
| | (10) Cemetery |

Lodging

- (8) Bed and breakfast
- (9) Short-term rental

Section 1604.7.3 Conditional Uses.

The following are conditional uses in the Residential 1 zoning district:

Residential

- (1) Three- or four-family dwelling
- (2) Home business
- (3) Assisted living
- (4) Skilled nursing services

Lodging

- (5) Inn

Commercial

- (6) On-farm business

Arts, Entertainment, Recreation (con't)

- (7) Museum
- (8) Campground

Civic and Community

- (9) Government facility
- (10) Educational institution
- (11) Child daycare
- (12) Religious institution
- (13) Social club

Section 1604.7.4 — Dimensional Standards.

The following standards apply in the Residential 1 zoning district:

Lots	
(1) Lot size:	1 acre min
(2) Lot frontage:	120 ft min
(3) Lot coverage:	30% max
Setbacks	
(4) Front:	20 ft min
(5) Side:	12 ft min
(6) Rear:	20 ft min
Buildings	
(7) Structure height:	36 ft max
Density	
(8) Residential density:	1 dwelling unit per 1 acre of lot area max
(9) All other principal uses:	1 principal use per 1 acre of lot area max

Section 1604.7.4 District Standards.

The following standards apply in the Residential 1 zoning district:

Proposed development that would create 5 or more dwelling units or residential lots must be designed and approved as a conservation or cluster development in accordance with Chapter

Error! Reference source not found.[Error! Reference source not found.](#)^{4.5}

Commented [SL23]: PC needs to discuss ref. to PUD standards.

Section 1604.8 CONSERVATION (CON)

Section 1604.8.1 Purpose.

The Conservation zoning district provides for natural resource based and very low density residential uses. It is the intent of this district to protect Waterbury’s environmental quality and rural character.

Section 1604.8.2 Permitted Uses.

The following are permitted uses in the Conservation zoning district:

Residential	Industrial
(1) Single-family dwelling	(8) Communications antenna
(2) Accessory dwelling	
(3) Home occupation	Arts, Entertainment and Recreation
(4) Family childcare home	(9) Public outdoor recreation or park
(5) Residential Care and Group home	
Lodging	
(6) Bed and breakfast	
(7) Short-term rental	

Section 1604.8.3 Conditional Uses.

The following are conditional uses in the Conservation zoning district:

Industrial	Civic and Community
(1) Communications tower	(7) Government facility
(2) Extraction and quarrying	(8) Educational institution
Arts, Entertainment and Recreation	(9) Specialty school
(3) Museum	(10) Religious institution
(4) Commercial outdoor recreation	(11) Social club
(5) Campground	
	Industrial
Commercial	(12) Extraction and quarrying
(6) On-farm business	

Section 1604.8.4 Dimensional Standards. The following standards apply in the Conservation zoning district:

Lots	
(1) Lot size:	2 acres min for residential uses, 10 acres min for all other uses
(2) Lot frontage:	180 ft min
(3) Lot coverage:	10% max
Setbacks	
(4) Front:	40 ft min
(5) Side:	20 ft min
(6) Rear:	20 ft min
Buildings	
(7) Structure height:	30 ft max
Density	

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(8) Residential density:	1 dwelling unit per 10 acres of lot area max
(9) All other principal uses:	1 principal use per 10 acres of lot area max

Section 1606 Use and Dimensional Tables

SECTION 1606.1 USE TABLE

USE (P= Permitted Use C = Conditional Use X = Prohibited Use)	DWN	MU	R-10	IT	CI	TB	R-1	CON
RESIDENTIAL								
Dwelling, single-family	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Dwelling, two-family	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Dwelling, three- or four-family	P	P	P	X	X	C	<u>C</u>	<u>X</u>
Dwelling, multi-family (5+ units)	P	P	P	C	X	C	<u>X</u>	<u>X</u>
Dwelling, accessory	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Home occupation	P	P	<u>P</u>	X	X	P	<u>P</u>	<u>P</u>
Home business	P	P	C	X	X	P	<u>C</u>	<u>X</u>
Family childcare home	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Assisted or supported living	P	C	<u>C</u>	C	X	C	<u>C</u>	<u>X</u>
Skilled nursing service	C	C	<u>C</u>	P	X	C	<u>C</u>	<u>X</u>
Residential Care and Group home	P	P	<u>P</u>	X	X	P	<u>P</u>	<u>P</u>
LODGING								
Bed-and-breakfast	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Inn	P	P	<u>C</u>	X	X	P	<u>C</u>	<u>X</u>
Short-term rental	P	P	P	X	X	P	<u>P</u>	<u>P</u>
Hotel or motel	C	C	X	X	X	P	<u>X</u>	<u>X</u>
COMMERCIAL								
Retail sales	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X C	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf <u>X X</u>	up to 4,000 sf >4,000 sf <u>X X</u>
Personal services	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf <u>P X</u>	up to 4,000 sf >4,000 sf <u>X X</u>	up to 4,000 sf >4,000 sf <u>X X</u>	up to 4,000 sf >4,000 sf <u>X X</u>	up to 4,000 sf >4,000 sf <u>P C</u>	up to 4,000 sf >4,000 sf <u>X X</u>	up to 4,000 sf >4,000 sf <u>X X</u>
Sales lot	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>

Commented [MS24]: up thru here should remain Permitted.

Commented [MS25]: 2/28: steve getting more info

Commented [MS26]: 2/28: Steve getting more info

Commented [MS27]: 2/28: steve getting more info

Commented [MS28]: Approved by consensus

Commented [MS29]: Start here for March meeting

Commented [MS30]: 4/25: to revisit the definition based upon Dept Taxes (from Katie)

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Commented [MS31]: In R-10: All Commercial & Industrial all proposed to be prohibited except antenna (by state statute) - agreed to by consensus

USE (P= Permitted Use C = Conditional Use X = Prohibited Use)	DWN	MU	R-10	IT	CI	TB	R-1	CON
Repair service, <u>small scale</u>	up to 4,000 sf >4,000 sf X X P C	up to 4,000 sf >4,000 sf P P X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf C C	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Fueling station	X	X	X	X	C	C	X	X
Lumberyard, building supply, lawn, garden and farm supply sales	X	X	X	X	P	X	X	X
Open market or auction house	up to 4,000 sf >4,000 sf P C	X	X	X	P	C	X	X
Office, professional, business or administrative service	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C X C	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Veterinary, pet or animal service (up to 4,000 sf >4,000 sf)	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Restaurant / Bar	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C X C	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Mobile food service <u>Vendor Ordinance – Private Property</u> <u>Needs more than 7 days in a 30mo period</u>	P	C	X	X	C	P	X	X
Event facility / Nightclub	C	Up to 4,000sf >4,000s C X	X	P	X	P	X	X
Catering or commercial kitchen	P	P	X	X	P	P	X	X
On-farm business <u>Need more information</u>	X	X	X	X	X	P	C	C
INDUSTRIAL								
Food or beverage manufacturing	Unenclosed, up to 10,000 sf >10,000 sf only, C X	up to 10,000 1,400 sf >10,000 1,400 sf X C X	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf X X
Light industry	Unenclosed, up to 10,000 sf only, C X	up to 10,000 1,400 sf >10,000 1,400 sf X C X	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf X X
Wholesale trade / Storage and distribution services (enclosed)	X C	C X	X	X	P	X	X	X
Self-storage services	X	X	X	X	P	X	X	X
Tank farm or fuel storage and distribution services	X	X	X	X	C	X	X	X

Commented [MS32]: 12/27: not going to be allowed as currently defined. SL to look into other definitions for SMALL repair services that are not environmentally hazardous.

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USE (P= Permitted Use C = Conditional Use X = Prohibited Use)	DWN	MU	R-10	IT	CI	TB	R-1	CON
Freight transportation services	X	X	X	X	C	X	X	X
Passenger transportation facility <u>(need to note in 12/27 meeting minutes that 11/8 minutes are incorrect). Upon revisiting, agreed this should be C in both DWN/MU.</u>	C	C	X	X	P	C	X	X
Communications antenna <u>(need to note in 12/27 meeting minutes that 11/8 minutes are incorrect).</u>	P	P	P	P	P	P	P	P
Communications tower	X	X	X	X	X	X	X	C
Information services	C	C	X	X	P	X	X	X
Composting services	X	X	X	X	C	X	X	X
Recycling services	X	X	X	X	C	X	X	X
Metal fabrication shop (enclosed) <u>revisited 1/10 and to remain as prohibited in both uses.</u>	X	X	X	X	P	X	X	X
Sawmill <u>1/10 keep as is</u>	X	X	X	X	P	C	X	X
Landscaping or Construction Contractor's yard or unenclosed storage <u>1/10 keep as is</u>	X	X	X	X	C	X	X	X
Extraction and quarrying <u>1/10 keep as is</u>	X	X	X	X	X	X	X	C
ART, ENTERTAINMENT AND RECREATION								
Performance / Movie theater <u>1/10</u> <u>When we get to specific use standards for the conditional look at the conditional standards to be sure they're all addressed.</u>	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Social club <u>1/10</u>	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C
Artist gallery or studio <u>1/10</u>	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X
Museum <u>1/10</u>	up to 10,000 sf >10,000 sf P C	up to 4,000 sf >4,000 sf C X	up to 4,000 sf >4,000 sf X X	P	X	P	C	C
Recreation, indoor <u>1/10: removing equestrian facility in the definition.</u>	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X

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Commented [MS33]: R-10 all uses including campground prohibited, Further discussion to define Recreation and then come back to what its uses are allowed/conditional or prohibited.

Commented [MS34]: 1/10: like the American Legion.

USE (P= Permitted Use C = Conditional Use X = Prohibited Use)	DWN	MU	R-10	IT	CI	TB	R-1	CON
Recreation, outdoor (passive+active)-1/10	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf P X	up to 4,000 sf >4,000 sf P P	up to 4,000 sf >4,000 sf X X	up to 4,000 sf >4,000 sf C C
Campground 1/10	X	X	X	X	X	P	C	C
Specialty school	indoor and up to 10,000 sf only P	up to 10,000 sf >10,000 sf P X	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf P P	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf P C	up to 10,000 sf >10,000 sf X X	up to 10,000 sf >10,000 sf C C
CIVIC AND COMMUNITY								
Government facility	P	P	C	P	P	P	C	C
Recreation or park, public outdoor	P	P	P	P	P	P	P	P
Farmer's market	P	P	P	P	P	P	P	P
Educational institution	P	P	C	P	X	C	C	C
Clinic or outpatient care services	up to 4,000 sf >4,000 sf P C	up to 4,000 sf >4,000 sf P C	X	P	P	X	X	X
Hospital or inpatient care services	X	X	X	C	X	X	X	X
Child day care	P	P	P C	P	C	C	C	X
Social assistance and charitable services	P	P	X C	P	P	X	X	X
Religious institution	P	P	C	P	P	P	C	C
Funeral and cremation services	P up to 10,000 sf >10,000 sf P C	P C	X	X	P	X	X	X
Cemetery	X	X	X	X	X	X	P	X

1606.2 DIMENSIONAL TABLE

USE & DEFINITION	DWN	MU	NBR-10	IT	CI	TB	R-1	CON
LOTS								
Minimum lot size 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	n/a	10,000 sf	20,000 sf	1 acre	2-acre residential 10-acre non-res
Minimum lot frontage 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	30 ft	45 ft	n/a	60 ft	90 ft	120 ft	180 ft
Maximum lot coverage Total amount of impervious surface as a percentage of total lot area.	100%	80%	80%	60% for campus as a whole	80%	60%	30%	10%
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.	0 ft	0 ft	12 ft	0 ft interior lot lines min 20 ft exterior lot lines min	16 ft	20 ft	20 ft	40 ft
Maximum front setback Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.	108 ft	12	n/a					
Minimum side setback Measured from the side lot lines.	0 ft	4 ft	8 ft	0 ft interior lot lines min 20 ft exterior lot lines min	12 or 20 ft ¹	12 ft	12 ft	20 ft
Minimum rear setback Measured from the rear lot line.	0 ft	8 ft	12 ft	0 ft interior lot lines min 20 ft exterior lot lines min	12 or 20 ft ¹	12 or 20 ft ¹	20 ft	20 ft
BUILDINGS								
Build-to-line Measured as a line drawn the specified distance from and parallel to the road right-of-way.	8 ft	16 ft	n/a	n/a	n/a	n/a		
Minimum build-to-line/lot width coverage Percentage of the building width related to the parcel width measured along a line drawn the specified distance from and parallel to the road right-of-way -to-line that must be covered by a building.	60%	60%	n/a	n/a	n/a	n/a	n/a	n/a
Maximum principal building footprint Area of ground covered by the building as measured around the exterior building walls.	10,000 sf	n/a 8,000	6,000 sf	n/a	n/a	n/a	n/a	n/a
Minimum principal building height Measured from the average finished grade at the base of a principal building to the highest point of the structure, excluding architectural and roof-top elements listed in Section 401(a), eaves, or the roof deck if roof is flat.	24 ft	18 24 ft	n/a	24 ft	n/a	18 ft	n/a	n/a
Maximum structure height 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 Section 401(a).	60 ft	48 ft	36 48 ft	48 ft	36 ft	48 ft	36 ft	36 ft
DENSITY								
Maximum residential density 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	n/a 1-du per 42,000 sf	n/a 1-du per 4,000 sf	n/a	n/a	1 du per 20,000 sf	1 du per 1 acre	1 du per 10 acres

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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.

[Open Space \(UDBL Section 4.2.1.B\) should this be in here ?](#)

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:

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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.## HOME OFFICE, HOME BUSINESS AND HOME INDUSTRY

1607.3.1 These standards apply to the following three uses: Home Office Home Business and Home Industry. These regulations do not infringe on the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the area in which it is located. These standards should also provide appropriate guidance for home businesses and industries to allow modest uses of one's dwelling provided the neighborhood is protected from undue impacts.

HOME OFFICE. No zoning permit shall be required for a home office provided:

- (1) All activities occur inside of the principal dwelling;
- (2) The activity does not involve signs, public access, or any outdoor storage or display.
- (3) The office only employs residents of the dwelling.

1607.3 HOME [OCCUPATION]BUSINESS

1607.3.1 A home ~~occupation-business~~ 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;~~

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~~No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use in the neighborhood. Not generate regular traffic in excess of what is typical of other uses in the area;~~

~~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 and meet the performance standards-Standards of Section 1608;~~

~~Not be primarily retail in nature, except that retail the sales of goods on line will be allowed, if permitted will be allowed;~~

~~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 and/or not more than a total of 1,400 square feet in one or more accessory buildings;~~

~~Be conducted by the residents of the dwelling and up to two non-resident employees on-site at any time.~~

~~Not employ more than 1 person who does not live in the associated dwelling and who works on-site; and~~

~~Not have commercial vehicles other than passenger vehicles (e.g. cars, vans, pick-up trucks) associated with the business parked on the premises.~~

~~Not allow outdoor storage or display~~

~~May have a sign that shall have no more than two (2) faces and shall not exceed two (2) square feet.~~

~~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/INDUSTRY

1607.4.1 A home ~~business industry~~ must:

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

~~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 and andMeet the performance Standards of Section 1608~~

~~Hours of operation will be established by the DRB as condition of approval, however shall not beOperate only earlier than between the hours of 7 a.m. or later than to 7 p.m., Monday-Saturday, unless otherwise established as a condition of approval;~~

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Not be primarily retail in nature, except for online sales of goods, 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;

The business shall be conducted on-site by residents of the dwelling and up to four non-resident employees on-site at any one time.

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

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.

The Development Review Board may require greater setbacks or require screening as a condition of approval

The applicant must 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

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

does this definition apply to landscape property maintenance and

Vehicles – # of vehicles, or types, location-? Should these be defined in this Use?

1607.4.2 A home ~~business industry~~ shall not include any use prohibited in the zoning district where it is located. A home ~~business industry~~ may include ~~property maintenance services-businesses~~ such as landscaping, ~~and winter property maintenance, and~~ This use may include small scale firewood processing provided that the special criteria for the Home business use are met.

(1) 1607.4.2 Not have more than one sign (see Section 801.7(a).

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

1607.4.34 A home ~~business industry~~ shall require site plan review and approval.

~~1607.5 FAMILY CHILDCARE HOME [DELETE & MOVE TO DEFINITIONS.]~~

~~1607.5.1 A family childcare home must:~~

~~Be operated by a resident of the dwelling;~~

~~Be licensed by the state; and~~

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~~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.

A short-term rental must:

Be of a dwelling or portion of a dwelling with an owner or a tenant with a lease agreement for a period of not less than 12 months;

Have the owner or tenant living in the dwelling for not less than 180 days within any calendar year;

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

Be limited to a maximum number of guests that does not exceed twice the number of bedrooms in the dwelling.

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

Short-term rentals that do not meet the standards of this section will be considered a hotel or motel use under these regulations.

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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.

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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.

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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.

1607.15 SALES LOT

The provisions of this section apply to:

New sales lots;

Existing sales lots that will be expanded, resulting in 4,000 square feet or more of additional impervious surface; and

Existing sales lots that will be modified, resulting in the redesign or relocation of the display area (this will not be interpreted to include resurfacing of paved areas).

A sales lot must:

Only display or store merchandise in designated display or storage areas as shown on the approved site plan;

Not locate display or storage areas within minimum setbacks for the applicable zoning district;

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;

Screen display or storage areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with Subsection **Error! Reference source not found.** **Error! Reference source not found.** 4.3.7.E 301(f)(3);

Display all merchandise in a static position at ground level (no raised, moving, revolving platforms, pedestals, ramps, mounds, etc.);

Provide a buffer at least 16 feet deep between the edge of the sidewalk (or front property line, if no sidewalk) and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see Section **Error! Reference source not found.** **Error! Reference source not found.** 4.3.4 Landscaping) that conforms to the planting specifications in **Error! Reference source not found.** **Error! Reference source not found.** Figure 4-02;

Not locate any merchandise or signs within the required buffer except as specifically allowed below:

One permanent sign that meets the applicable standards of Section **Error! Reference source not found.** **Error! Reference source not found.** 4.3.6 Signs may be located within the buffer; and

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One display area not more than 200 square feet in area that meets the minimum front setback requirement for the applicable zoning district may be located within the buffer and may be hard surfaced.

Any area used for the display or storage of merchandise must be paved. The Development Review Board may waive this requirement upon the applicant demonstrating that a non-paved surface will be suitable to accommodate the type and amount of goods, type, amount and frequency of traffic, and/or time of the year or length of time that the area will be used without causing erosion or other damage. This will include allowing for surfaces designed to function as a green stormwater practices (see Section [Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.1.16](#)).

Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see Section [Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.1.16](#)).

Any area used for the display or storage of vehicles being offered for sale will not be considered a parking lot and will not be subject to the provisions of Section [2.1.82.1.84.3.4](#).

See special lighting standards for sales lots in Paragraph [Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.3.2.D\(2\)](#).

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1607.16 REPAIR SERVICE

A repair service must:

Carry out all repair or service activities within an enclosed building;

Carry out any body work, painting or other activities that will produce dust, fumes or odors within a building with a properly functioning ventilation system that meets state and federal requirements; and

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.

Vehicles or other goods, including those awaiting repair or pick-up, must not be parked or stored within minimum required setbacks for the applicable zoning district.

All outdoor storage associated with the repair service must meet the standards of Section [Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.3.3](#).

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1607.17 FUELING STATION

The provisions of this section apply to:

New fueling stations;

Existing fueling stations being modified, resulting in the replacement or relocation of the fuel storage tanks and/or a relocation of the fuel pumps;

Existing fueling stations being modified, resulting in a new principal building or an addition to an existing principal building of 1,000 square feet or more; and

Existing fueling stations being expanded, resulting in an increase in the number of fuel pumps.

Fueling stations must:

Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point (this will apply only to new fueling stations);

Be located on a lot that has at least 120 feet of frontage and is at least 20,000 square feet in area (this will apply only to new fueling stations);

Locate all fuel pumps and islands at least 35 feet from side and rear lot lines; and

Not locate fuel pumps and islands between the principal building and the front lot line (this will apply to new fueling stations and to the addition of pumps to existing stations, and nonconforming pumps must not be relocated in a manner that would result in their being located closer to the front lot line);

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

Screen fueling areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with Subsection ~~4.3.7.E.301(f)(3)~~.

New or replacement fuel station canopies must:

Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way;

Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;

Not incorporate franchise designs or corporate identification elements;

Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;

Have illumination only on the underside (illuminated fascia are not allowed) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the bottom of the canopy fascia or below the canopy surface by more than 2 inches in accordance with Paragraph ~~Error! Reference source not found.~~~~Error! Reference source not found.~~4.3.2.D(3).

Electric car charging stations located within a parking lot or structure will not be considered a fueling station and will not be subject to the provisions of this section.

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1607.18 CARWASH

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.

A carwash must:

Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides;

Not operate between the hours of 9 p.m. and 7 a.m.;

Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district or within 20 feet of the property line with a residential lot;

Screen vehicular use areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with Subsection ~~4.3.7.E.301(f)(3)~~;

Contain all wastewater on-site and prevent it from running off the property or into municipal storm drains; and

Have a properly functioning wastewater capture and recycling system.

1607.19 LAWN, GARDEN AND FARM SUPPLY SALES & LUMBERYARD AND BUILDING SUPPLY SALES

Lawn, garden and farm supply sales and lumberyard and building supply sales must:

Only display or store merchandise outside an enclosed structure in designated display or storage areas as shown on the approved site plan;

Not locate outdoor display or storage areas within minimum setbacks for the applicable zoning district;

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;

Screen display or storage areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with Subsection ~~4.3.7.E.301(F)(3)~~; and

Provide a buffer at least 16 feet deep between the edge of the sidewalk (or front property line, if no sidewalk) and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see Section ~~Error! Reference source not found.~~ ~~Error! Reference source not found.~~ ~~4.3.4~~) that conforms to the planting specifications in ~~Error! Reference source not found.~~ ~~Error! Reference source not found.~~ ~~Figure 4-02~~.

Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see Section ~~Error! Reference source not found.~~ ~~Error! Reference source not found.~~ ~~4.1.16~~).

1607.20 SELF-STORAGE SERVICES

Self-storage services must:

~~(4)(1)~~ Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the standards of Section ~~Error! Reference source not found.~~ ~~Error! Reference source not found.~~ ~~4.3.3~~;

Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil;

Not have any stored goods displayed for sale except in accordance with Subsection ~~004.2.21.C~~;

Not allow a storage unit renter to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises; and

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Install screening along any property line abutting a residential lot with a fence in accordance with Subsection ~~4.3.7.E~~ 301(F)(3).

Mini-storage buildings must:

Have sloped roofs with a pitch of not less than 4:12;

Not cover more than 50% of the total lot area;

Be oriented with their short side facing the road unless the Development Review Board waives this requirement upon the applicant demonstrating that it is not feasible due to site specific conditions (grade, lot depth, etc.);

Be compatible in design, materials and colors with one another when there will be multiple buildings on a site; and

Use dark, muted and/or neutral colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant colors or patterns that would call attention to the buildings.

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.

1607.21 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES

Tank farm or fuel storage and distribution services must:

Be registered with the state and in compliance with all applicable state and federal regulations;

Not be located within 1,000 feet of a school, daycare facility, skilled nursing facility, hospital, park or other place of public assembly (measured at the closest point between the property lines);

Not be located within 500 feet of an existing residence (measured at the closest point between the property lines);

Locate all aboveground tanks on a hard, level surface;

Provide a containment system for any aboveground tank that is:

(a) Capable of holding at least 125% of the volume of the tank, and

(b) Designed to appropriately treat and release any water that accumulates within the containment area;

Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and

Not display any signs or franchise or corporate identification elements on an aboveground tank except for identification and warning signs required by state or federal regulations.

Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any lot line unless all the standards of Subsection ~~004.2.22.A~~ will be met.

The provisions of this section do not apply to storage of fuels or other materials for on-site use.

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1607.22 CONTRACTOR'S YARD OR UNENCLOSED STORAGE

Contractor's yard or unenclosed storage must:

Not locate storage areas within minimum setbacks for the applicable zoning district;

Install screening along the front lot line if the outdoor storage would otherwise be visible from the road in accordance with Section ~~4.3.7, 301(f)(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 Section ~~4.3.7 301(f)(3);~~

Control erosion and sediment transport from any materials stored outdoors in accordance with Section ~~Error! Reference source not found.~~ ~~Error! Reference source not found.~~ ~~4.1.10;~~

Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage); and

Not allow equipment or vehicle maintenance or repair activities to occur outside an enclosed building and in accordance with the provisions of Section ~~004.2.13.~~

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1607.23 REHABILITATION SERVICES OR RESIDENTIAL TREATMENT FACILITY

A residential treatment facility must:

Operate under state licensing;

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

Not house more than two unrelated residents per room;

Provide a minimum of 200 square feet of common open space per resident that is designed with seating areas and other passive recreation facilities to be shared by all residents; and

Not be located within 1,000 feet of another residential treatment facility or group home (measured as the closest distance between the property lines).

1607.24 EXTRACTION AND QUARRYING

Extraction and quarrying must:

Be located on a parcel not less than 5 acres in size;

Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands;

Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation;

Submit and implement professionally prepared erosion control and stormwater management plans;

Not cause the permanent lowering of the water table on surrounding properties;

Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier);

Install warning signs and fencing as necessary to protect public safety;

Meet the performance standards of Section ~~1608.004.3.5;~~

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Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:

- Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort;
- Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth;
- Maintain or establish a final slope that does not exceed a grade of 3:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas (will not include areas of exposed ledge);
- Evenly spread topsoil capable of sustaining vegetation on all disturbed areas;
- Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area;
- Replant disturbed areas with groundcover and not less than 4.0 EPU's per acre disturbed (see [Error! Reference source not found.](#)[Error! Reference source not found.](#)[Figure 4-02](#)); and
- Keep erosion control measures in place until permanent vegetation has been established.

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1607.25 ON-FARM BUSINESS

An on-farm business must be:

- A small business that forms as a natural extension of the farm (as defined in these regulations) and the ongoing, active agricultural use of the property;
- Subordinate to the agricultural operation;
- Integrated with the agricultural operation;
- Located within or adjacent to other developed areas or activity centers on the farm, except that the Development Review Board may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from agricultural activities or residential areas;
- Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible;
- Appropriate in scale and intensity given the location;
- Designed and operated in accordance with any specific use standards in this chapter for similar businesses not located on a farm (a barn used for events must meet the standards of Section [004.2.20](#), etc.); and
- Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.

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In addition to the signs allowed under Section [Error! Reference source not found.](#)[Error! Reference source not found.](#)[4.3.6](#), an on-farm business may display not more than 6 temporary signs advertising products or activities currently in season as follows:

- A temporary sign may be mounted on a permanent support structure;
- Each temporary sign must not be more than 8 square feet in area or more than 8 feet in height;

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An individual temporary sign must not be displayed for more than 90 days in any calendar year; and

Temporary signs may be located on any land farmed by the operator of the on-farm business or any land producing agricultural products used or sold by the on-farm business.

Section 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 Design Review Overlay District

1.1.1.B2.1.7.C **Purpose.** The Design Review overlay district establishes specific building form and urban design standards, and a higher level of review for proposed development, in those areas of Waterbury recognized as having particular historical, architectural or cultural value in order to:

- (1) Protect and enhance architectural and historic resources;
- (2) Maintain and enhance property values;
- (3) Encourage a consistently high standard of design in new construction and renovations;
- (4) Support and sustain a pleasant, pedestrian-oriented downtown; and
- (5) Strengthen the community's economic vitality and the downtown district's historic function as a center for commerce, industry, government, and housing.

1.1.1.C2.1.7.D **Applicability.** The following will be subject to design review under this section unless exempted under Subsection 2.1.7.E2.1.7.E3.4.1.C:

- (1) Installation of a new sign or any modification of an existing sign;
- (2) Construction of a new structure;
- (3) Additions to or demolition (in whole or part) of existing structures;
- (4) Relocation of existing structures; and
- (5) Any other external modification to an existing site or structure.

1.1.1.D2.1.7.E **Exemptions.** The following will not be subject to design review under this section:

- (1) A change in use or occupancy that does not involve any permanent alteration to the exterior of a site or structure;
- (2) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements;
- (3) Demolition or relocation of an accessory structure provided that it is not a historic structure;
- (4) Removal of a sign, not including any support components attached to a historic structure;

(5) Construction of an accessory structure such as a ramp or fire escape required to meet state or federal code provided that the building is not a historic structure;

(6) Rooftop solar that meets the standards of Paragraph [Error! Reference source not found.](#)[Error! Reference source not found.](#)[1.2.6.A\(19\)](#); and

(7) Normal repair and maintenance of existing structures. Normal repair and maintenance includes:

(a) Repainting a surface that has previously been painted irrespective of any change in color.

(b) Replacement of siding or roofing materials provided that the building is not a historic structure. For historic structures, replacement siding or roofing must be in kind as defined in Subsection [Error! Reference source not found.](#)[Error! Reference source not found.](#)[5.1.3.1\(2\)](#) and all existing trim and architectural details must be retained otherwise it will subject to design review.

(c) Replacement of windows or doors provided that the building is not a historic structure and that there is no change in dimension or location. For historic structures, replacement windows or doors must be in kind (same material, dimensions, design, etc.) and all existing trim and architectural details must be retained otherwise they will be subject to design review.

(d) Repainting or replacement of a conforming sign panel provided that the sign has a prior design review approval and there is no change in dimension, design or materials.

(e) Replacement or reconstruction of a porch, entryway, ramp or landing provided that the building is not a historic structure and that there is no change in design, dimension or location. For historic structures, the replacement must be in kind (same materials, dimensions, design, etc.) and all trim and architectural details must be retained or replaced in kind otherwise it will be subject to design review.

(f) Replacement or reconstruction of sidewalks and walkways within the same footprint as the original.

(g) Replacement or reconstruction of an existing fence or wall provided that it is not a historic structure and that there is no change in design, height or location.

[4.1.1.E2.1.7.F](#) **Allowed Uses and Dimensional Standards.** The use and dimensional standards of the base zoning district will apply to a lot within this overlay district.

[4.1.1.F2.1.7.G](#) **Site Design Standards.** The standards below apply to site design in this overlay district:

(1) **Neighborhood Compatibility.** Site designs must be integrated and compatible with the surrounding neighborhood including connecting to and extending vehicular and pedestrian networks and greenways. Proposed development located next to or across from a historic site or structure must not alter the surroundings and context in a manner that would diminish the historic value of that site or structure.

(2) **Accessory Structures.** Accessory structures must be sited and designed to minimize their visibility from the street and to be compatible in terms of architectural character, materials, colors with the associated principal building. Unless necessary for their intended function, accessory structures must be located to the side or rear of the associated principal building.

(3) **Off-Street Parking.** Off-street parking must be located to the side or rear of the principal building on the lot. Lots devoted entirely to surface parking, and to the maximum extent feasible any pre-existing parking between the building and the street, must be screened with landscaping and/or decorative fencing.

(4) **Pedestrian Access.** Sidewalks or clearly-defined, hard-surfaced pedestrian walkways must be provided through parking areas, between buildings and from public sidewalks to building entrances.

(5) **Utilities and Mechanical Equipment.** Utilities must be buried unless the applicant demonstrates that it is not feasible to do so because of a physical limitation on the site (ex. ledge). Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, must be located to the side or rear of the principal building and screened from view at the front property line by the principal building, vegetation, and/or an enclosure designed to be compatible with the architectural character and predominant exterior materials of the principal building.

4.1.1.G2.1.7.H **General Building Design Standards.** The standards below apply to the design and construction of principal buildings, including additions to and renovations of existing buildings, and accessory buildings with a footprint greater than 500 square feet in this overlay district:

(1) **Building Placement.** Buildings must be placed and designed to reinforce traditional, pedestrian-oriented streetscape patterns, including building orientation and setbacks, and in a manner that is integrated and compatible with neighboring buildings and properties. Buildings must be oriented to and relate both functionally and visually to the street.

(2) **Building Form.** Buildings must have a multi-faceted exterior form in which articulated facades are combined with window and door placement, other architectural detailing, and use of multiple exterior materials, textures and/or patterns to create visually interesting and pleasing designs. This standard is intended to limit flat walls with minimal features.

(3) **Building Massing and Height.** Buildings must maintain an overall scale similar to that of surrounding buildings or be designed to appropriately transition from areas of higher intensity and larger-scale buildings to areas of lower intensity and smaller-scale buildings. Large buildings must be designed so as to reduce their perceived mass through variations in wall plane and roof lines so that they appear as a group of smaller, separate buildings, and to use architectural components that allow the building to be perceived having a human scale.

(4) **Facade Size.** Buildings with facades that exceed 40 feet in width must be divided into distinct "modules" defined by visible changes in facade elevation through the use of wall plane projections, changes in roofline, piers, columns, colonnades, arcades or similar architectural features.

(5) **Rooflines.** Buildings or parts of buildings, that are less than 2 stories must have pitched roofs with slopes of 6:12 or steeper. This will not apply to secondary roofs (such as over porches, balconies, bay windows or similar small footprint building elements). This standard will not apply to single-family residential buildings.

(6) **Additions.** Additions must be compatible in scale, massing and design with the original structure and must not obscure the form and architectural details of the original structure.

4.1.4.H2.1.7.J Design Standards for Non-Residential or Mixed-Use Buildings. The standards below apply to the design and construction of non-residential or mixed-use buildings, including additions to and renovations of existing buildings, and associated accessory buildings with a footprint greater than 500 square feet in this overlay district:

- (1) **Building Structure.** Buildings that are more than 2 stories in height must incorporate a base, a middle, and a cap as follows:
 - (a) The base must include an entryway with transparent windows as specified in Paragraph (4) below and a molding or reveal placed between the first and second stories or over the second story with a depth of at least 2 inches and a height of at least 4 inches.
 - (b) The middle may include windows and/or balconies.
 - (c) The cap (the area from the top floor to the roof of the building) must include a cornice or a roof overhang.
- (2) **Principal Entrance.** All buildings must have a principal entrance on each street-facing facade that is accessible from the public sidewalk and from any on-site parking areas via a pedestrian walkway with an improved surface.
- (3) **Windows and Entryways.** The street-facing facade(s) of buildings must conform to all of the following:
 - (a) The ground floor must be designed to encourage and complement pedestrian-scale activity by the use of windows and doors arranged so that the uses occupying the first-floor street frontage are visible and/or accessible from the sidewalk.
 - (b) At least 60% and not more than 90% of the ground floor elevation (as measured from the sidewalk to the finished ceiling of the ground floor and across the entire facade) must be public entrances and windows.
 - (c) Doors must be recessed into the face of the building or be covered to provide a protected entryway not less than 15 square feet in area.
 - (d) Canopies, awnings and similar appurtenances may be constructed at the entrance to any building and may extend over the public sidewalk upon municipal approval.

4.1.4.H2.1.7.J Exterior Modifications and Additions to Existing Non-Historic Buildings. An applicant proposing exterior modifications to an existing non-historic building within this overlay district must meet the design standards of this section for those elements of the structure that will be modified and for newly constructed elements and must conform to the following:

- (1) **Windows and Doors**
 - (a) Window and door openings must be retained in their existing location and dimensions except that modifications may be allowed:
 - (i) Where the modifications will not be visible from the street, or
 - (ii) To bring a building into greater conformance with the standards of this section.
 - (b) Additions must be designed with windows and doors that are compatible with the original portion of the building in terms of pattern, location, dimensions and design.
 - (c) Storm windows or doors must match the design of the primary window or door.
 - (d) Shutters must be designed and sized to cover half the window opening and must be

mounted so that they will or will appear to be functional.

(2) **Roofs.** Original rooflines must be retained and not be obscured by additions except that modifications may be allowed:

- (a) Where the modifications will not be visible from the street, or
- (b) To bring a building into greater conformance with the standards of this section.

(3) **Masonry.** Modification of and damage to masonry elements must be avoided to the maximum extent feasible (i.e., drilling to mount signs or to run utility lines). Unpainted masonry surfaces must not be painted and appropriate restoration to remove paint from originally unpainted masonry surfaces is encouraged.

(4) **Exterior Cladding.** Cladding on building additions must be compatible with or complement the original portion of the building, and it must be of equivalent or better quality. Differences in cladding materials should be used to distinguish additions from original portions of historic buildings.

4.1.1.J2.1.7.K Exterior Modifications and Additions to Historic Buildings. An applicant proposing exterior modifications to a historic building within this overlay district must follow the guidelines established in the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#) or if deviating from those standards, the proposed deviations must conform to the standards below:

(1) **Windows and Doors**

(a) Window and door openings must be retained in their existing location and dimensions except that modifications may be allowed:

- (i) To restore a historic building that has been altered back to its original design, or
- (ii) Where the modifications will not be visible from the street.

(b) Any replacement of windows or doors on a historic building must be in kind with a unit that matches the dimensions, design and appearance of the original except that modifications may be allowed as necessary to meet accessibility or code requirements.

(c) Additions must be designed with windows and doors that are compatible with the original portion of the building in terms of pattern, location, dimensions and design.

(d) Storm windows and doors must not obscure the characteristics of historic windows and doors.

(e) Shutters must be designed and sized to cover half the window opening and must be mounted so that they will or will appear to be functional.

(2) **Roofs**

(a) Original rooflines must be retained and not be obscured by additions except that modifications may be allowed:

- (i) To restore a historic building that has been altered back to its original design, or
- (ii) Where the modifications will not be visible from the street.

(b) Any additional stories that will be added to a historic building must be set back from

the original front facade as necessary to preserve the perceived building scale and massing as viewed from the street.

(c) Replacement roofing on a historic building must be in kind with the original materials except that replacement with a material of equivalent or better quality that is appropriate to the age and design of the building may be allowed.

(3) **Masonry**

(a) Original masonry elements on historic building facades must be retained and/or restored as necessary.

(b) Modification of and damage to masonry elements must be avoided to the maximum extent feasible (i.e., drilling to mount signs or to run utility lines).

(c) Unpainted masonry surfaces must not be painted and appropriate restoration to remove paint from originally unpainted masonry surfaces is encouraged.

(4) **Exterior Cladding.** Original cladding on historic buildings must be retained and/or restored to the maximum extent feasible, and if replacement is necessary it must conform to the following:

(a) Replacement of exterior cladding may be allowed to restore a historic building that has been altered back to its original design.

(b) Replacement cladding on a historic building that will be visible from the street must be in kind with the original materials (i.e., brick with brick of the same color and pattern, wood clapboard with wood clapboard of the same dimensions, etc.).

(c) Replacement of wood siding with a vinyl or composite material may be allowed on contemporary buildings or on portions of a building that will not be visible from the street.

(d) Replacement vinyl or composite materials must be high quality with a low-gloss finish that closely resembles painted wood, anti-weathering protection with color that goes all the way through the material, and dimensions (width, reveal, etc.) that closely match the original wood siding.

(e) Original trim (cornices, window molding, etc.) must be retained and restored as necessary, and replacement cladding must not obscure original architectural details.

4.1.1.K2.1.7.L Demolition of Historic Buildings. Demolition of a historic structure within this overlay district will require approval from the Development Review Board as a conditional use in accordance with the following:

(1) The applicant must demonstrate that the proposed development meets the conditional use criteria (see [Error! Reference source not found.](#)[Error! Reference source not found.](#)[Figure 2-01](#)) and the following:

(a) It is not feasible to rehabilitate and/or re-use the structure in order to earn a reasonable economic return from the property;

(b) It is not feasible to move the structure to a new location on or off the property;

(c) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure to perform normal maintenance and repairs as necessary to prevent structural damage and deterioration;

(d) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure

to set reasonable rents or sales price, and/or diligently solicit and retain tenants, as applicable;

(e) The demolition is not primarily intended to allow development of additional surface parking; and

(f) The demolition is necessary to allow him/her reasonable use of the property or demolition is part of a redevelopment plan that will provide a clear and substantial benefit to the community.

(2) The Development Review Board may waive the requirement to demonstrate conformance with Subparagraphs (1)(a) through (1)(d) above upon the applicant demonstrating that the redevelopment plan:

(a) Will result in new construction with a similar footprint to the structure or portion of a structure proposed for demolition; and

(b) Will allow for more efficient use of the site (ex., removing a single-story portion of a building and replacing it with new multi-story construction).

(3) As a condition of approval for demolition, the Development Review Board may require the applicant to:

(a) Offer the structure for relocation for a period of up to 90 days.

(b) Provide the municipality with detailed documentation of the structure's historic and architectural features in accordance with the Vermont Division for Historic Preservation's guidelines for documenting historic buildings.

(4) Nothing in this subsection will be interpreted to prevent the demolition of a structure or part of a structure that the municipality has determined is posing an immediate hazard to public health or safety.

4.1.1.2.1.7.M **Waiver of Standards for Industrial or Public Buildings.** An applicant may request a waiver of one or more design standards for an industrial or public building. The applicant must demonstrate that the standard(s) interferes with the intended functional use of the building and that the proposed design meets the overall purpose of this overlay district.

Section 1610

Site Design Standards

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4.1.22.1.8 **PARKING AND LOADING AREAS**

4.1.2.A2.1.8.A **Purpose.** The provisions of this section are intended to:

(1) Ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding roads;

(2) Avoid creating excess parking and loading areas that result in increased flooding and land consumption, and decreased water quality and pedestrian-friendliness;

(3) Promote greening and quality design of parking and loading areas to improve stormwater performance and enhance the character of streetscapes and property frontages in Waterbury.

4.1.2.B2.1.8.B Applicability. All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section except as specifically exempted below:

- (1) **Small Businesses.** There are no minimum parking or loading requirements for non-residential uses in the Downtown, Mixed Use or Residential 10 districts that occupy not more than 2,000 square feet and that are located either on a street with on-street parking or within 1,000 feet (as measured along the sidewalk) of public parking. Any off-street parking areas or loading that will be provided must be sized, located and designed in accordance with the provisions of this section.
- (2) **Natural Resource Based Uses.** There are no minimum parking or loading requirements for natural resource based uses. Any off-street parking or loading areas that will be provided must be sized, located and designed in accordance with the provisions of this section.

4.1.2.C2.1.8.C Amount of Parking. Except as exempted in Subsection ~~2.1.8.B2.1.8.B4.3.4.B~~, all development must provide an adequate amount of off-street parking to fully meet the needs of the proposed use(s) in accordance with the following:

- (1) **Minimum Number of Spaces.** The minimum number of spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:
 - (a) **Residential Uses:** 2 per detached single-family dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).
 - (b) **Lodging Uses:** 1.2 per guest room.
 - (c) **Commercial Uses:** 1 per 500 square feet of gross floor area (does not include outdoor use areas).
 - (d) **Industrial Uses:** 1 per 1,000 square feet of gross floor area (does not include outdoor use areas).
 - (e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 per 5 seats or 1 per 500 square feet of gross floor area if no seats.
- (2) **Structured Parking.** Parking spaces located within garages, carports or other structures may count towards meeting off-street parking requirements.
- (3) **Maximum Number of Spaces.** The maximum number of parking spaces will be twice the minimum number of spaces based on the applicable ratio in Paragraph (1), above, unless the applicant submits a professionally prepared parking study establishing the amount of parking needed.
- (4) **Calculation of Number of Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.
- (5) **Modification of Number of Spaces.** The Development Review Board may increase or decrease the amount of off-street parking required if:
 - (a) The applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;

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- (b) The applicant meets the requirements for shared parking in Subsection [2.1.8.D2-1.9.D4.3.4.D](#);
- (c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet (as measured along the sidewalk) of the proposed development to meet all or a portion of the demand; or
- (d) A suitable open space area is dedicated on the site plan for conversion to future parking as demand warrants.

[4.1.2.D2.1.8.D](#) **Shared Parking.** The Development Review Board may approve a cooperative parking plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:
 - (a) Determining the minimum parking requirements for each use as if it were a separate use in accordance with Subsection [2.1.8.C2-1.9.C4.3.4.C](#).
 - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in [Figure 2-01](#) ~~Figure 2-01~~ [Figure 4-05](#). The Zoning Administrator will establish percentages for any unlisted use.
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Any shared or off-site parking must be located within 1,000 feet of the associated use (as measured along the sidewalk or walkway) unless shuttle service is provided. The parking area and building(s) served must be connected by a sidewalk and/or pedestrian walkway. The Development Review Board may waive the requirement for the sidewalk or walkway connection in the Residential 1, Rural or Conservation districts upon the applicant demonstrating that the pedestrian traffic can be safely accommodated on the road.
- (3) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 10 years, in the Waterbury land records. Should the use(s), parties involved, or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement will need to be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of these regulations unless replacement parking is provided in accordance with this section.
- (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

[Figure 1-04](#) ~~Figure 2-01~~. **Shared Parking Percentages**

Land Use	WEEKDAY		WEEKEND		Nighttime (12 am – 6 am)
	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	50%	100%	50%	100%	100%
Dining	60%	100%	70%	100%	5%

Other Commercial	60%	80%	100%	90%	5%
Residential	50%	90%	80%	90%	100%

4.1.2.F2.1.8.E Location Standards. Off-street parking and loading areas must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with Subsection [2.1.8.D2.1.9.D4.3.4.D](#).
- (2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.
- (3) Required parking and loading areas must be located on the lot in accordance with the following:
 - (a) Parking and loading areas must meet the setback requirements of the applicable district. Shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Subsection [2.1.8.D2.1.9.D4.3.4.D](#).
 - (b) Loading areas, not including passenger loading areas, must be located to the side or rear of building they serve.
 - (c) Parking and loading areas must not be located within minimum required front setback.
 - (d) In the Downtown, Mixed Use, Residential 10 and Commercial-Industrial districts, surface parking is prohibited between the street and the building frontline.
 - (i) This will not be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway or lots used solely for public parking.
 - (ii) Owners may maintain nonconforming front parking until such time as development is proposed on the property that will require major site plan approval. During such a redevelopment front parking must be eliminated to the maximum extent feasible. It will be the applicant's responsibility to demonstrate why eliminating front parking is not feasible.

4.1.2.F2.1.8.F Dimensional Standards. Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:
 - (a) Spaces serving a single-family or two-family home; or
 - (b) Tandem parking (a double-depth parking space with one vehicle parking the other in) approved by the Development Review Board for multi-family housing, religious facilities or employee parking.
- (2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be not less than 16 feet wide.
- (3) **Loading Areas.** Loading areas:

- (a) Serving small trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.
- (b) Serving tractor trailer trucks must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
- (c) Located within 100 feet of a dwelling unit in a residential or mixed-use zoning district must not be used between the hours of 8 p.m. and 7 a.m. unless otherwise approved by the Development Review Board.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a street right-of-way except for parking that serves a single-family or two-family home and that does not require backing out onto an arterial street.

2.1.8.G Bicycle Parking. Multi-unit residential buildings must provide residents with at least one, conveniently accessible, secure and covered bicycle parking or storage space per unit. Applicants may demonstrate that this requirement will be met by providing bulk storage or structured parking that is adequately sized and configured to accommodate a bicycle.

Commented [MS63]: Check Williston Bike Parking Res & Consider long term bike parking.

Section 1609.2 Exemption.

~~Within the Downtown zoning district, there are no minimum parking or loading requirements, but any parking or loading areas that will be provided shall meet the provisions of Section 414, Parking Regulations.~~

Section 1610 — 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 1611 Zoning Map for Unified Development Bylaw – Phase #1

The delineation of the Downtown zoning district and all other information depicted on the attached Draft Base Zoning District Map, Waterbury, Vermont, revised 30 May 2018. This Draft Base Zoning District Map supersedes and replaces the delineation of the Downtown Mixed Use, Residential 10, Institutional, Commercial Industrial, and Tourism Business zoning districts within the area described in Section 1602, Applicability.

Section 1612 Definitions

Section 1612.1 Applicability

The following definitions for uses and dimensional standards apply only to this Article XVI. These definitions apply only to the following base zoning districts as described and mapped in this Article XVI: Downtown, Mixed Use, Residential 10, Institutional, Commercial Industrial, and Tourism Business. These new definitions supersede the matching current definition in the Zoning Regulations for the zoning districts listed immediately above. If a permitted or conditional use is not defined in this Article XVI, then either the current definition in the Zoning Regulations applies

Commented [MS64]: PC should discuss whether to pull in definitions from Existing Regulations Section 1400 as well as BS Section 5 in this Phase 1 Document

will need to pull in Definitions that need to make change based upon updated current State statutes or other.

or the common language definition applies if it is not defined in the Zoning Regulations.

Section 1611.2 USES DEFINITIONS.

Artist gallery or studio

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, jewelry making and so forth.

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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 state license as an Assisted Living Residence.

~~**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 state license.~~

Bed-and-breakfast

Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section 1607.7

Campground

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.

Catering or commercial kitchen

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

Cemetery

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

Child day care

An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session, under state license or registration.

Clinic or outpatient care services

An establishment from which one or more licensed practitioners provide healthcare services to people primarily 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 structure used to support one or more communication antennas and related structures and equipment.

Composting services

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

Dwelling, single-family

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.

Dwelling, two-family

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.

Dwelling, three- or four-family

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.

Dwelling multi-family (5+ units)

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.

Dwelling, accessory

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.

Educational institution

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

Equestrian facility

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

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. 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.

Extraction and quarrying

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

Family childcare home

Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 1607.5.

Be operated by a resident of the dwelling;

Be licensed by the state; and

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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.

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

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Farmer's market

A multi-vendor operation for the retail sale of a variety agricultural and horticultural products, prepared food and beverages, arts, crafts, and other related goods. 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.

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Freight transportation services

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.

Fueling station

A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. This use includes a carwash, a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.

Funeral and cremation services

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

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Government facility

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

Home occupation

Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 1607.3.

Home business

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.

Hospital or inpatient care services

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

Hotel or motel

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.

Information services

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.

Inn

Use of one or more structures to provide short-term accommodations for not more than 12 guest bedrooms for travelers. See Section 1607.8.

Light industry

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.

Lumberyard, building supply, lawn, garden and farm supply sales

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

Metal fabrication shop (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.

Mobile food service

An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way. See Section 1606.13.

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: (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.

Accessory On-farm business (AOFB)

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.

Food or beverage manufacturing 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.

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 Section 1607.11.

Landscaping or Construction Contractor’s yard or unenclosed storage

An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor’s vehicles, machinery or equipment or the contractor’s business office; (b) landscape or tree/arborist service; or (b) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards.

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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 / Movie theater

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.

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 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 s~~Section 1611.2.

Recreation, outdoor (passive | active)

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~~facilities that may serve food and beverages and/or have retail sales of merchandise as accessory uses. ~~A golf course~~This may also include ~~facilities that serve food and beverages.~~ ~~have~~ restrooms; ~~a driving range~~ and shelters, ~~and have~~ retail sales of merchandise as accessory uses.

Recreation or park, public outdoor

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.

Recycling services

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.

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.

Repair service (small goods, up to 4,000 sf | vehicles, large goods or >4,000 sf)

~~An establishment that maintains, services, repairs or paints goods such as vehicles, boats, equipment or machinery. An establishment that maintains, services or repairs small goods that are less than 150 lbs. in weight such as sewing machines, vacuum cleaners, appliances, electronic devices and small-scale equipment, tools, and machinery. Outdoor storage of these goods on the premises is prohibited.~~

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Residential Care and Group home

Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. ~~Not to be occupied by more than 8 people with a disability.~~

~~A residential care or group home must:~~

~~Be licensed by the state;~~

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

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

~~See Section 1607.6~~

Restaurant / Bar

An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption with seating, on premises. 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 4,000 barrels of alcoholic beverage per year and sells 25% or more of the beverage produced on the premises. See Section 1607.12.

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. 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.

current regulations: Included, but not limited to, a shop of store for the sale of retail goods, personal service shop, antiques shop, gift shop, grocer story, or department store, but does not include commercial uses listed separately in the Use regulation Table in Article V.

Sales lot

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

Sawmill

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.

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.

Short-term rental

Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 1607.9

Skilled nursing ~~service~~facility

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.

~~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. This use includes Adult Day Services that operate under state license.

Social club

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

exclusively to members and their guests.

Specialty school

A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.

Tank farm or fuel storage and distribution services

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.

Veterinary, pet or animal service (up to 4,000 sf | >4,000 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.

Wholesale trade / Storage and distribution services (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.

Section 1611.23 DIMENSIONAL DEFINITIONS STANDARDS

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

On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads 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

Build-to-line

Measured as a line drawn the specified distance from and parallel to the road right of way.

Minimum width build-to-line coverage

Percentage of the build width related to the parcel width measured along a line drawn the specified

distance from and parallel to the road right of way. -to line that must be covered by a building.

Maximum principal building footprint

Area of ground covered by the building as measured around the exterior building walls.

Minimum principal building height

Measured from the average finished grade at the base of a principal building to the highest point of the structure, excluding architectural and roof-top elements listed in Section 401(a), eaves, or the roof deck if roof is flat.

Maximum structure height

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 Section 401(a).

DENSITY

Maximum residential density

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.