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Yellow highlights are changes from 2/7/22 meeting. Blue highlights are suggestions from discussions with Tim and Preston on 2/9/22

CHESTER UNIFIED DEVELOPMENT BYLAWS

02.01.2022

2.3.1 Village Green (VG) District



A. Purpose. The Village Green is the area on the southwest side of Main Street between School and Cobleigh Streets. The purpose of the area is:

- To promote the long-term vitality of Chester’s village center
- To ensure new construction and renovations are compatible with and enhance the historic character, scale and settlement pattern of this part of Chester
- Provide for economic development and housing opportunities
- Encourage investment that maintains or rehabilitates historic buildings
- Provide an attractive streetscape and pedestrian-friendly environment as envisioned in the Village Master Plan.

B. Permitted Uses: The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

- | | |
|---|--------------------------|
| 1. Accessory Dwelling Unit | 6. Family Childcare Home |
| 2. Accessory Structure | 7. Home Occupation |
| 3. Accessory Use | 8. Mixed Use Building |
| 4. Art Studio and/or Gallery | 9. Professional Office |
| 5. Dwelling – Single- and Two-Household | 10. Restaurant |
| | 11. Retail Store |

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C. Conditional Uses: The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Arts & Entertainment Facility
2. Civic / Institutional
3. Construction of any new principal structure or any substantial replacement **or enlargement** of an existing or damaged principal building
4. Dwelling - Multi-Household including, but not limited to, senior housing (housing and convenience services for people aged 55 or older)
5. Family Child Care Facility
6. Health Care Facility
7. Home Business
8. Light Industry
9. Open Market
10. Personal Service Shop
11. Recreation
12. Residential Care Home/Group Home (serving more than 8 persons)
13. Tourist Lodging

D. Dimensional Standards:

| | |
|----------------------------|---|
| Minimum Lot Size | 3,600 sq. ft. |
| Minimum Lot Frontage | 30 ft. |
| Minimum Front Yard Setback | 0 ft. minimum to 16 ft. maximum for principal buildings only |
| Minimum Side Yard Setback | 0 ft. |
| Minimum Rear Yard Setback | 8 ft. |
| Maximum Lot Coverage | 90% |
| Maximum Building Height | 35 ft. |

E. Supplemental Standards:

1. **Building Orientation.** Buildings shall front toward and relate to frontage streets, both functionally and visually, and not be oriented toward parking lots.
2. **Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District, and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict. Formula businesses are not permitted in this District.
3. **Landscaping and Screening.** The Development Review Board **shall** require landscaping or other screening between incompatible uses or structures **where practical.**

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4. **Parking.** The goal of parking regulation in the Village Green zoning district is to make as many spaces in front of the businesses on Common and Main Streets available for customers as possible. Uses located within the VG District shall comply with the following minimum parking requirements (and are not subject to the requirements in Section 3.20):
 - a. One off-street parking, either private or public, space for each employee (based upon maximum number of employees onsite at any given time) is required for all applicable uses.
 - b. One off-street parking space, either private or public, for each dwelling unit is required.
 - c. All uses in the VG district must demonstrate that adequate off-street nighttime parking, either private or public, is provided consistent with Chester's snow parking ban.
 - d. The Development Review Board may require additional off-street parking, either private or public, if they find the minimum required spaces are not sufficient.

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ARTICLE 8 - DEFINITIONS

8.1 Terms and Uses

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in this bylaw shall have their usual, customary meanings.

Unless the content clearly indicated to the contrary, words in the singular include the plural and those in the plural include the singular. The word "may" is permissive; the words "shall" and "will" are mandatory.

8.2 Definitions

ACCESSORY STRUCTURE: A detached building or structure customarily incidental and subordinate to the principal building and located on the same lot and not intended for independent living. Examples include garages and storage sheds.

ACCESSORY DWELLING UNIT: An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- Located within or appurtenant to a single-household dwelling on an owner-occupied lot,
- The property has sufficient wastewater capacity,
- The unit does not exceed 30 percent of the total habitable floor area of the single-household dwelling or 900 square feet, whichever is greater,
- A single-household dwelling with an accessory dwelling unit is subject to the same dimensional and other standards as required for a single-household dwelling without an accessory dwelling unit.

ACCESSORY USE: A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. For the purpose of permitted uses listed in Article 2, accessory use includes group homes as defined in this section.

ARTS & ENTERTAINMENT FACILITY: A use that includes visual or performing arts centers, museums, movie theaters, concert or dance halls, nightclubs, taverns or other similar activities that meet the performance standards and all other requirements of these Bylaws. This definition does not include adult oriented businesses.

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ART STUDIO AND/OR GALLERY: An establishment used to produce, display and/or sell works of art.

CIVIC OR INSTITUTIONAL USE: A nonprofit, religious or public use, such as a religious building, library, public or private school, hospital, or government-owned or -operated structure, or land used for public purpose.

DWELLING, MULTIPLE-HOUSEHOLD: Building used as living quarters by three or more households living independently of each other.

DWELLING, SINGLE-HOUSEHOLD: A building or part thereof used as living quarters for one household and containing independent cooking, sanitary and sleeping facilities. It shall include prefabrication and modular units, but shall not include motel, hotel, boarding house, or tourist home.

DWELLING, TWO-HOUSEHOLD: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT: A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household. See also Accessory Dwelling Unit, Single-Household Dwelling, Two-Household Dwelling and Multiple-Household Dwelling.

FAMILY CHILD CARE FACILITY: A facility where the owner or operator is to be licensed or registered by the state for child care and which provides care on a regular basis for more than six full-time and four part-time children.

FAMILY CHILD CARE HOME: A home where the owner or operator is to be licensed or registered by the state for child care, and which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- (a) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and

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- (b) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. 33 V.S.A. § 4902((3)).

FORMULA BUSINESS: A type of retail store, rental establishment, restaurant, hotel, or motel which, along with 10 or more other businesses located within the United States, regardless of ownership of those businesses, maintains two or more of the following features: standardized array of merchandise or standardized menu, standardized façade, standardized décor and color scheme, uniform apparel, standardized signage, or a trademark or service mark.

HEALTH CARE FACILITY: A facility, whether public or private, principally engaged in providing health care services and the treatment of mental or physical conditions, such as a medical clinic.

HOME BUSINESS: Any small business carried on by family members in a minor portion of the dwelling or in an accessory building, with no more than four (4) on-premise employees who are not part of the family in accordance with Section 3.12 of these Bylaws.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

LIGHT INDUSTRY: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious **emissions** which will disturb or endanger neighboring properties.

MIXED USE BUILDINGS: The development of mixed-use buildings with a variety of complimentary and integrated uses, such as, but not limited to, residential, retail, restaurant, professional office and personal services, in a compact urban form. Mixed-use buildings generally include retail, personal service, restaurant and similar uses located on the first-floor, with residential or professional office uses on the second or third floors above.

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OPEN MARKET: An indoor or outdoor market where groups of individual vendors sell produce, food, services, art or other merchandise.

This use is listed in the Residential-Commercial district.

OPEN AIR MARKET An outdoor public market place where food and merchandise are sold.

PERSONAL SERVICE: Business uses providing services of a personal nature, such as barber shop, beauty parlor, shoe repair, laundry, laundromat, dry cleaner, photographic studio and other similar services.

PROFESSIONAL OFFICE: A room or group of rooms used for conducting the affairs of business, profession, service or industry, and generally furnished with desks, tables, files and communication equipment.

RECREATION: A facility or place designed and equipped for the conduct of sports and leisure-time activities, including, but not limited to, a park, playground, athletic fields/track, picnic areas, hiking trails, health club and other recreational facilities or uses. For the purposes of allowable uses listed in Article 2, recreational uses may include commercial, public or private recreation facilities, but are subject to performance standards and all other requirements of these Bylaws.

RESTAURANT: Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building. A restaurant may have a small bar or limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows or that operate primarily as a drinking establishment are considered nightclubs or taverns under the Arts & Entertainment Facility use category in Article 2.

RETAIL STORE: Premises where goods, services, or merchandise are offered for retail sale or rent to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes automotive sales, fuel and service defined herein.

SENIOR HOUSING: One or more structures to primarily house people aged 55 or older that contain multiple dwelling units intended for habitation by one household and provides complete independent living facilities and may offer convenience services to residents as an accessory use.

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TOURIST LODGING: Overnight accommodations provided to transients for compensation, including bed & breakfasts, boardinghouses, inns, hotels and other overnight accommodations.

The Unified Development bylaws will be further amended as follows:

Article 2 Section 2.1 Classes of Districts: add VG -Village Green to the list of districts

Article 3 Section 20.F Off Street Parking, Loading and Service areas: include Village Green with Village Center in loading space exemption.

Article 3 Section 26.C Sign Allowances by District: include Village Green with the Village Center standard. Add Village Green to the summary table.

Article 4 Section 8.C.3 Conditional Use Review, Special Criteria: include Village Green in the list of districts which must meet the Special Criteria and the list of districts which must meet New England Architectural Standards.

Article 5 Section 6.G Protection of Natural and Cultural Resources: add Village Green to the list of Zoning districts where the DRB may modify protection requirements to create a more compact layout.

Article 8, add Village Green to the definition of Center of Chester.

Bylaw Changes for the Village Green Zoning District

Citizen Summary

The proposed Village Green zoning district is made up of 16 parcels on the southwest side of Main Street between Cobleigh and School Streets. One parcel, on which the Fullerton Inn stands, is divided between the Village Green and the existing Village Center districts. The Village Green area has been a hub of commercial activity for Chester since before the Civil War. A bank, a grocery store, a drug store, a hair salon, a movie theater, restaurants, tourist lodging and light industry have all been located in this district within living memory. The row of painted wooden buildings lining a wide swath of lawn continues to be an attraction to tourists and residents alike. The area is mixed-use, with shops, offices and restaurants on the ground floor and apartments and offices above. Such an area of commerce surrounding a green space is unique among neighboring towns. Development in this area is limited by the size of the parcels. The median parcel is 8736 sq. ft. Median footprint of the principal building is 2678 sq. ft.

Currently the sixteen parcels are part of the Village Center zoning district. The adopted dimensional standards prevent almost all changes to the building footprints as fifteen of the sixteen parcels in question do not meet them. The proposed Village Green dimensional standards are more in line with the built environment on the sixteen parcels. The dimensional standards for the adopted Village Center and proposed Village Green are:

| | Village Center | Village Green |
|----------------------------|----------------|---------------|
| Minimum Lot Size | 20,000 sq. ft. | 3600 sq. ft. |
| Minimum Lot Frontage | 100 ft. | 30 ft. |
| Minimum Front Yard Setback | 20 ft. | 0 ft. |
| Minimum Side Yard Setback | 15 ft. | 0 ft. |
| Minimum Rear Yard Setback | 15 ft. | 8 ft. |
| Maximum Lot Coverage | 35% | 90% |
| Maximum Building Height | 35 ft. | 35 ft. |

The Village Green zoning district list of proposed uses are similar to the list for the existing Village Center district. Art Studio and/or Gallery has been added and is included in the list of permitted uses to send a message of support to the arts community. Open Market was added to allow use of the lawn area for events such as a Farmers' Market. Light Industry was added as a use in consideration of the possibility that the pandemic will continue to undermine the hospitality industry. Light Industry has been a use in this district in the past. Mixed Use, Professional Office, Restaurant and Retail Store have been changed from conditional to permitted use to encourage businesses to locate here. Nearly every building in the district has housed such uses in the past.

Building and Construction Trades, Commercial Broadcast Facility, Private Broadcast Facility, and Agricultural/Forestry were removed from the district because they were so inappropriate for

this small area as to border on absurdity. The word dwellings has been substituted for the words house, home, apartment and residence since there is no actual difference in the way each unit is viewed in the bylaw. Household has been substituted for family to more accurately reflect the diverse makeup of groups of people living together in a dwelling unit.

A number of definitions, such as Health Care Facility were modified slightly to clarify the size or extent of the use. The Multi-Household Dwelling use specifically refers to senior housing to encourage consideration of that possibility for this walkable area. Finally, a definition of Formula Business was added to protect the authentic, local nature of the district businesses. Formula Business will not be allowed in this particular district. A real estate office with several local branches would be allowed, but a national chain such as Dunkin' Donuts or McDonald's. would not.

The parking requirements for this district addresses employee and tenant parking only. The purpose of keeping the parking spaces along Common Street available for business customers was added to the bylaw to make that goal clear. A parking study done in November justifies the conclusion that there is enough parking for customers along Common, Main, and School Streets and therefore no requirements for customer parking are needed in this district. The parking study has been presented to the Selectboard with a view to add signage and striping to direct people to parking areas. It also provides justification to invest in a path from the Cobleigh Street lot to the green area, thus providing parking for tenants, staff and overflow customers on the green.

Chester Planning Commission Reporting Form for Municipal Bylaw Amendment
Village Green District

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments... The report shall provide(:

(A) brief explanation of the proposed bylaw, amendment, or repeal and ... include a statement of purpose as required for notice under §4444 of this title,

The purpose of this amendment is to create a zoning district that recognizes a small portion of Chester where the built environment is quite different from other parts of town. The existing lots are very small, the coverage is high, and the setbacks are sometimes zero feet. Of the sixteen parcels included in the district, fifteen of them are non-conforming. The new district is based on the existing Village Center district. Setbacks and minimum lot size have been greatly reduced and lot coverage increased for the new district. The new dimensional standards make all parcels conforming and will allow business owners more latitude to develop their business. Some uses have been changed from conditional to permitted. Three uses, Art Studio and/or Gallery, Open Air Market, and Light Industry were added. Four uses, Building and Construction Trades, Commercial Broadcast Facility, Private Broadcast Facility, and Agricultural/Forestry were removed. Some definitions in Article 8 were modified to align better with the built environment. The definition of Accessory Dwelling Unit was updated to conform to the latest state statute.

1. The proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing

The new district will support Goal 1 of the Town Plan: “To encourage development so as to maintain the existing settlement pattern of compact village centers separated by rural countryside” and Goal 2, “to encourage a strong and diverse economy that provides satisfying and rewarding job opportunities”. Specifically, the proposed amendment follows Recommendations 1 and 2 under Goal 2: “Economic growth should build upon expansion of existing businesses . . .” and “Economic growth should be encouraged in village centers . . .”

Mixed use is specifically listed as a use in this district and parking requirements have been reduced to remove that barrier to business expansion.

2. Is compatible with the proposed future land uses and densities of the municipal plan

The new district is entirely within the village center and increases allowed density by reducing the minimum lot size to 3,600 square feet from 20,000 square feet.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

The changes conform to and support proposals for development of the area in the Village Center Master Plan.

The new district zoning page is in Section 2.3.1. The new zoning district was added to Section 3.26 Signs. It was added to lists of districts in Sections 2.1, 3.20, 4.8, and 5.6. Several definitions were added or modified in Section 8.

Summary of Bylaw Changes for the Village Green Zoning District

The proposed Village Green zoning district is made up of all or parts of 16 parcels on the southwest side of Main Street between Cobleigh and School Streets. The parcel on which the Fullerton Inn stands is divided between the Village Green district and the existing Village Center. The Village Green area has been a hub of commercial activity for Chester since before the Civil War. A bank, a grocery store, a drug store, a hair salon, a movie theater, restaurants, tourist lodging and light industry have all been located in this district within living memory. The row of painted wooden buildings lining a wide swath of lawn continues to be an attraction to tourists and residents alike. The area is mixed-use, with shops, offices and restaurants on the ground floor and apartments and offices above. Such an area of commerce surrounding a green space is unique among neighboring towns. Development is limited by the size of the parcels. The median parcel is 8736 sq. ft. Median footprint of the principal building is 2678 sq. ft.

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| | Village Center | Village Green |
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Building and Construction Trades, Commercial Broadcast Facility, Private Broadcast Facility, and Agricultural/Forestry were removed from the district because they were so inappropriate for this small area as to border on absurdity. The word dwellings has been substituted for the words

house, home, apartment and residence since there is no actual difference in the way each unit is viewed in the bylaw. Household has been substituted for family to more accurately reflect the diverse makeup of groups of people living together in a dwelling unit.

A number of definitions, such as Health Care Facility were modified slightly to clarify the size or extent of the use. The Multi-Household Dwelling use specifically refers to senior housing to encourage consideration of that possibility for this walkable area. Finally, a definition of Formula Business was added to protect the authentic, local nature of the district businesses. Formula Business will not be allowed in this particular district. A real estate office with several local branches would be allowed, but a national chain such as Dunkin' Donuts or Century 21 would not.

The parking requirements for this district addresses employee and tenant parking only. Parking for customers is assumed to be covered by the spaces available along Common, Main and School Streets and in the Cobleigh Street lot. A parking study justifying this conclusion has been done.