

UNIFIED DEVELOPMENT BYLAWS TOWN OF CHESTER, VERMONT



ADOPTED MARCH 15, 2017 EFFECTIVE APRIL 5, 2017

AMENDED JUNE 1, 2022 EFFECTIVE JUNE 22, 2022 (Added Village Green District)

AMENDED SEPTEMBER 21, 2022 EFFECTIVE OCTOBER 12, 2023 (Added Adaptive Reuse)

AMENDED OCTOBER 5, 2022 EFFECTIVE OCTOBER 26, 2023 (Added Legacy Uses)

AMENDED JULY 5, 2023 EFFECTIVE JULY 26, 2023 (Admin. Amendments, Open Space
Dist.)

Plus Public Hearing Draft “Chester Center Districts” Zoning District Amendments 10.25.2023 including:

2.3 Village Center

2.3.1 Village Green

2.4 Mixed Use (was Residential-Commercial and Adaptive 3)

2.5 General Business (was Commercial-Industrial)

2.6 Stone Village

2.7 Neighborhood (was R-20 and portions of R-40)

ARTICLE 2 – Establishment of Zoning Districts & District Standards

2.1 Classes of Districts

For the purposes of these Bylaws, the boundaries of districts are and shall be established as shown on the Zoning Map of the Town of Chester, which map is hereby declared to be part of these Bylaws, and the area of the Town of Chester is hereby divided into the following classes of districts:

VC - Village Center

VG - Village Green

MU - Mixed Use ~~RC - Residential/Commercial~~

GB - General Business ~~CI - Commercial/Industrial~~

SV - Stone Village

N – Neighborhood *(note: R20 and R40 are merged into a proposed Neighborhood District)*

R40 - Residential 40,000 square foot lots *(note: some R40 remains outside of the N Dist.)*

~~A3 - Adaptive 3~~

R120 - Residential 120,000 square foot lots

OS – Open Space District

CR - Conservation-Residential

F - Forest

APO - Aquifer Protection Overlay District

FDP - Flood Damage Prevention Overlay District

A full and detailed written description of the precise boundaries of all districts, which is a part of these Bylaws, is on file with the Town Clerk of the Town of Chester.

2.2 District Uses and Requirements

The following are district uses, lot size minimums, setbacks, frontage requirements and maximum coverage.

A. Permitted Uses

Permitted uses are those uses that can be approved by the Zoning Administrator (ZA), without action of the Development Review Board. All permitted uses shall comply with the Parking and Sign Requirements for the District.

B. Conditional Uses

Specific Conditional Uses are permitted in each district only by approval of the Development Review Board provided that the general and specific standards and special criteria outlined in Section 4.7 of these Bylaws are met.

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C. Minimum Lot Size Requirements

The minimum lot size indicated for each district is the same for each allowed land use, unless otherwise indicated, for zoning districts. For example, the minimum lot size in the Village Green District is 3,600 square feet. The same minimum lot size (3,600 sq. ft.) is required for a single-household dwelling as for a multi-household dwelling, regardless of the number of units.

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2.3 Village Center (VC) District

A. Purpose: To provide a mix of commercial, residential and civic uses that are consistent with the traditional compact Village Center as described in *the Chester Town Plan*. Development in this District shall be of the highest density in the Town, preserve historic character, and provide a pedestrian-friendly streetscape that accommodates public transportation.

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

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Family Childcare Home
5. Group Home
6. Home Occupation
7. Private Broadcast Facility
8. ~~Residential Dwelling~~ – Single- and Two-Household
9. Dwelling – Multi-Household (3- or 4-Units)

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. Art Studio and/or Gallery
2. Arts & Entertainment
3. ~~Building and Construction Trades~~
4. Civic/Institutional
5. Commercial Broadcast Facility
6. Family Child Care Facility
7. Food Truck/Food Cart/Food Stand
8. Health Care Facility
9. Home Business
10. Light Industry
11. Multi-Purpose ~~Mixed Use~~
12. Open Market
13. Personal Service Shop
14. Professional Office
15. Pub/Tavern/Bar
16. Club
17. Recreation
18. ~~Residential Dwelling~~ – Multi-Household (5 or More Units)
19. Residential Care Home

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- 20. Restaurant
- 21. Retail Store
- 22. Tourist Lodging

D. Dimensional Standards:

Minimum Lot Size	1/8 acre (5,445 sq. ft.)	20,000 sq. ft.
Minimum Lot Frontage	50 ft.	100 ft.
Minimum Front Yard Setback	10 ft.	20 ft.
Minimum Side Yard Setback	5 ft.	15 ft.
Minimum Rear Yard Setback	10 ft.	15 ft.
Maximum Lot Coverage	80%	35%
Maximum Building Height	35 ft.	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.

3. Landscaping and Screening. The Development Review Board shall require landscaping or other screening between incompatible uses or structures.

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 Cobble 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
2. Accessory Structure
3. Accessory Use
4. Art Studio and/or Gallery
5. Dwelling – Single- and Two-Household
6. Dwelling – Multi-Household (3-4 units)
7. Family Childcare Home
8. Home Occupation
9. Multi-Purpose ~~Mixed Use~~
10. Professional Office
11. Restaurant
12. 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 (5+ units) including, but not limited to, senior housing (housing and convenience services for people aged 55 or older)
5. Family Child Care Facility
6. Food Truck/Food Cart/Food Stand
7. Health Care Facility
8. Home Business
9. Light Industry
10. Open Market
11. Personal Service Shop
12. Pub/Tavern/Bar
13. Club
14. Recreation
15. Residential Care Home/Group Home (serving more than 8 persons)
16. Tourist Lodging

D. Dimensional Standards:

Minimum Lot Size	3,600 sq. ft.
Minimum Lot Frontage	30 ft.
Minimum Front Yard Setback	0 ft.
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

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increase the degree of conflict. Formula businesses are not permitted in this District. Any changes to the exterior of the building must follow the architectural standards in Section 4.8.C.3 Special Criteria.

3. **Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures where practical.
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 space, either private or public, 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 modify these off-street parking requirements based on a determination that special conditions require more off-street parking or mitigating circumstances warrant a reduction in the number of spaces required.
5. **Noise.** The hours for quiet in this district shall vary from the Performance Standards in Section 4.9 as follows:
 - a. Noise shall not exceed 60 dB between 10:00 p.m. and 7 a.m.
 - b. Noise shall not exceed 70 dB during the day between 7 a.m. and 10:00 p.m.

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2.4 ~~Residential-Commercial (RC)~~ Mixed Use (MU) District

A. Purpose: To provide a mix of higher-density residential and commercial uses in an area that is centrally located within municipal water and sewer service areas.

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

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec. 4.3 Limitations & Exemptions)
5. **Art Studio and/or Gallery**
6. Family Childcare Home
7. Group Home
8. **Home Occupation**
9. Private Broadcast Facility
10. ~~Residential Dwelling~~ – Single- and Two-~~Household Family~~
11. **Dwelling– Multi-Household (3-4 units)**

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. Animal Hospital
2. Arts & Entertainment
3. Automotive Fuel/Service/Sales
4. Building and Construction Trades
5. Civic / Institutional
6. **Club**
7. Commercial Broadcast Facility
8. ~~Commercial Storage Unit~~
9. Family Child Care Facility
10. **Food Truck/Food Cart/Food Stand**
11. Health Care Facility
12. ~~Heavy Construction Trades~~
13. Home Business
14. Light Industry
15. **Multi-Purpose** ~~Mixed Use~~

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- 16. Nursery
- 17. Open Market
- 18. Personal Service Shop
- 19. Pub/Tavern/Bar
- 20. Professional Office
- 21. Recreation
- 22. Residential Dwelling – Multi-Household Family (5+ units)
- 23. Residential Care Home
- 24. Restaurants
- 25. Retail Store
- 26. Tourist Lodging

D. Dimensional Standards:

Minimum Lot Size	1/5 acre (8,712 sq. ft.)	20,000 sq. ft.
Minimum Lot Frontage	75 ft.	120 ft.
Minimum Front Yard Setback	15 ft.	25 ft.
Minimum Side Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	
Minimum Rear Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	
Maximum Lot Coverage	70%	35%
Maximum Building Height	35 ft.	

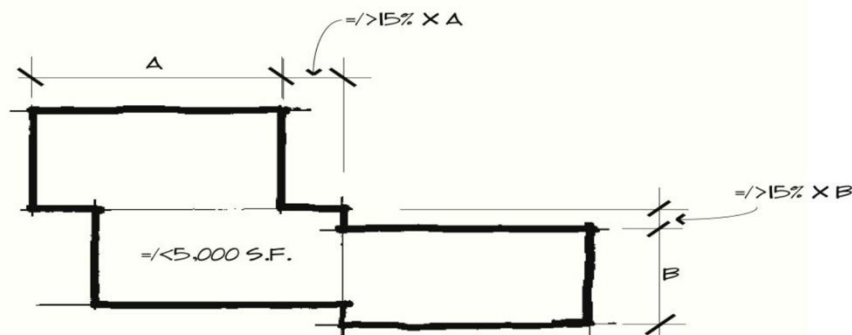
E. Supplemental Standards:

1. **Character of Development.** For the purposes of articulating the character of development, this zoning district is broken into three sub-districts:
 - a. **Chester Depot/South Main Street:** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this sub-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.
 - b. **Gassetts:** New development and redevelopment in this area shall continue in the current moderate density, with a mix of commercial, light industrial and residential uses. All new driveways and substantially reconstructed existing

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driveways shall meet the Agency of Transportation's *Access Management Program Guidelines*, as most recently adopted.

- c. **VT Route 103 South:** new buildings and modifications to existing buildings shall extend the historic pattern of higher density, mixed use village development that includes single and multi-family dwellings, civic and mixed-use buildings (e.g., residential apartments over commercial storefronts), and new public greens all interconnected via pedestrian paths or sidewalks. The desired character of this area requires a shift from vehicle-oriented development allowed under the former Zoning Bylaws, to a more pedestrian-friendly form of mixed-use development. All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation's *Access Management Program Guidelines*, as most recently adopted.
2. **Landscaping & Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures.
3. **Rail Oriented Uses.** No setbacks shall be required for railroad-related uses from any lot line that abuts the Railroad.
4. **Building Element.** A Building Element is a single building or distinct portion of a larger building conglomerate. No building element may be greater than 5,000 square feet in gross area. Any portion of the building element that will displace precipitation shall be included in the square footage sum. Trellises, decks, fixtures, banners, flags and their support structures shall not be included in the square footage sum and shall comply with all other applicable Town Bylaws. An attached building element must be displaced laterally from another by a minimum of 15% of the length of the larger building element common wall. Building elements shall be configured and designed to comply with all other district lot coverage, setbacks and applicable Unified Development Bylaw restrictions.



This diagram is an example of how separate Building Elements could maintain compliance with the square foot maximum called for, while being part of a larger structure. The block below and to the right of the uppermost block is attached to a wall the length of A and is offset by 15% of

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the length of A. The block to the right and slightly below the second block is attached to a wall the length of B and is offset by 15% of the length of wall B.

2.5 ~~Commercial-Industrial (C-I)~~ General Business (GB) District

A. Purpose: To provide a mix of commercial and light industrial uses in an area that is served by municipal water and sewer service, and adjacent to two major highways and the Green Mountain Railroad.

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

1. Accessory Dwelling Unit
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec. 4.3 Limitations & Exemptions)
5. **Art Studio and/or Gallery**
6. Family Child Care Home
7. Group Home
8. **Home Occupation**
9. Private Broadcast Facility

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. Animal Hospital
2. Animal Kennel
3. Automotive Fuel/Service/Sales
4. Building and Construction Trades
5. Civic/Institutional
6. **Club**
7. Commercial Broadcast Facility
8. Commercial Storage Unit
9. **Family Child Care Facility**
10. **Food Truck/Food Cart/Food Stand**
11. **Health Care Facility**
12. ~~Heavy Construction Trades~~
13. Home Business
14. Industrial Facility
15. Light Industry
16. **Nursery**

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17. Open Market
18. Personal Service Shop
19. Professional Office
20. Pub/Tavern/Bar
21. Recreation
22. Residential Dwelling – Single, Two- & Multi-Household Family
23. Residential Care Home
24. Restaurant
25. Retail Store

D. Dimensional Standards:

Minimum Lot Size	20,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	100 ft.	120 ft.
Minimum Front Yard Setback	20 ft.	30 ft.
Minimum Side Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	25 ft.; or 50 ft. for non-residential uses abutting residential uses
Minimum Rear Yard Setback	15 ft.; or 30 ft. for non-residential uses abutting residential uses	25 ft.; or 50 ft. for non-residential uses abutting residential uses
Maximum Lot Coverage	70%	50%
Maximum Building Height	35 ft.	

E. Supplemental Standards:

- ~~1. Character of Development. New development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses with respect to traffic, noise, vibrations, or other impacts in conflict with residential and commercial uses.~~
2. **Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures.
3. **Rail Oriented Uses.** No setbacks shall be required for railroad-related uses from any lot line that abuts the Railroad.

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2.6 Stone Village (SV) District

A. Purpose: To preserve the unique historic character of the Stone Village while providing higher-density residential neighborhoods with compatible commercial and civic uses that are consistent with the Chester Town Plan.

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

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, ~~Home Occupation~~)
4. Agricultural/Forestry (See Sec.4.3 Exemptions)
5. Family Child Care Home
6. Group Home
7. Home Occupation
8. Private Broadcast Facility
9. ~~Residential Dwelling~~ – Single- and Two-~~Household Family~~
10. Dwelling – Multi-Household (3-4 units)

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. Art Studio and/or Gallery
2. Arts & Entertainment
3. ~~Building and Construction Trades~~
4. Civic / Institutional
5. ~~Commercial Broadcast Facility~~
6. Family Child Care Facility
7. Food Truck/Food Cart/Food Stand
8. Home Business
9. ~~Multi-Purpose Mixed Use~~
10. Professional Office
11. Recreation
12. ~~Residential Dwelling~~ – Multi-~~Household (5+ units) Family~~
13. Restaurant
14. Retail Store
15. Tourist Lodging

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D. Dimensional Standards:

	Municipal Water & Sewer Services	On-Site Water and/or Wastewater
Minimum Lot Size	1/5 acre (8,712 sq. ft.)	30,000 sq. ft.
Minimum Lot Frontage	80 ft.	120 ft.
Minimum Front Yard Setback	20 ft.	40 ft.
Minimum Side Yard Setback	20 ft.	30 ft.
Minimum Rear Yard Setback	16 ft.	30 ft.
Maximum Lot Coverage	50%	30% 20%
Maximum Building Height	35 ft.	

E. Supplemental Standards:

1. 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 diminish the character of the Stone Village. External building materials are not required to be stone; however, all materials shall be compatible with the existing architecture in this District. 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.**

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2.7 Neighborhood (N) District

A. Purpose: To provide higher-density residential neighborhoods with a mix of housing types and compatible commercial and civic uses that are consistent with the Chester Town Plan.

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

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility)
4. Agricultural/Forestry (See Sec. 4.3 Exemptions)
5. Family Child Care Home
6. Group Home
7. Home Occupation
8. Private Broadcast Facility
9. Residential Dwelling – Single- and Two-Household
10. Dwelling – Multi-Household (3- or 4-Units)

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. Building and Construction Trades~~
2. Civic / Institutional
3. Commercial Broadcast Facility
4. Family Child Care Facility
5. Food Truck/Food Cart/Food Stand
6. Home Business
7. Multi-Purpose ~~Mixed Use~~
8. Professional Office
9. Recreation
10. Residential Dwelling – Multi-Household (5 or more units)
11. Restaurant
12. Retail Store
13. Tourist Lodging

D. Dimensional Standards:

	Municipal Water & Sewer Services	Class 1	On-Site Water and/or Wastewater Class 2
Minimum Lot Size	1/5 Acre (8,712 sq. ft.)	20,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	60 ft.	120 ft.	150 ft.

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Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	10 ft.	20 ft.	20 ft.
Minimum Rear Yard Setback	10 ft.	20 ft.	20 ft.
Maximum Lot Coverage	50%	20%	30% 20%
Maximum Building Height	35 ft.	35 ft.	35 ft.

E. Supplemental Standards:

1. Building Orientation. Buildings served by municipal water and sewer (i.e. on Class 1 parcels) shall front toward and relate to frontage streets, both functionally and visually, but that orientation may be altered for solar advantage (e.g. roof orientation for PV solar panels, passive solar orientation).

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 Neighborhood District. 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. Size of Retail Stores. In this District, retail stores shall not exceed 7,000 square feet total retail floor space.

4. Size of Restaurants. In this District, restaurants shall not exceed a total of 2,000 square feet, including everything from kitchen, dining and bar space.

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2.8 Residential 40,000 (R40) District

A. Purpose: To provide moderate-density residential neighborhoods with compatible commercial and civic uses that are consistent with the Chester Town Plan.

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

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, Home Occupation)
4. Agricultural/Forestry (See Sec. 4.3 Exemptions)
5. Family Child Care Home
6. Group Home
7. Residential – Single- and Two-Family

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. Animal Hospital
2. Animal Kennel
3. Building and Construction Trades
4. Campground
5. Civic / Institutional
6. Wireless Communication Facility
7. Commercial Storage Unit
8. Extraction Operations
9. Family Child Care Facility
10. Food Truck/Food Cart/Food Stand
11. Heavy Construction Trades
12. Home Business
13. Nursery
14. Processing Construction and Landscaping Aggregate
15. Professional Office
16. Recreation
17. Residential – Multi-Family
18. Mobile Home Park
19. Tourist Lodging
20. Wood Processing

D. Dimensional Standards:

Minimum Lot Size	40,000 sq. ft.
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Minimum Lot Frontage	120 ft.
Minimum Front Yard Setback	40 ft.
Minimum Side Yard Setback	30 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Lot Coverage	20%
Maximum Building Height	35 ft.

E. Supplemental Standards:

1. Driveways. All new driveways and substantially reconstructed existing driveways along VT Routes 11 and 103 shall meet the Agency of Transportation's *Access Management Program Guidelines*, as most recently adopted.

2. Character of Development. New development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses with respect to traffic, noise, vibrations, or other impacts in conflict with residential uses.

3. Landscaping and Screening. The Development Review Board shall require landscaping or other screening between incompatible uses or structures

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2.9 Adaptive 3 (A3) District

A. Purpose: To provide property owners in this lower density district, who are served by municipal water but not municipal sewer, the opportunity to take advantage of existing facilities as well as have potential for the creation of commercial and light industrial uses.

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

1. Accessory Dwelling
2. Accessory Structure
3. Accessory Use (e.g., Home Child Care Facility, Home Occupation)
4. Agricultural/Forestry (See Sec. 4.3 Limitations & Exemptions)
5. Family Child Care Home
6. Group Home
7. Private Broadcast Facility
8. Residential—Single and Two Family

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. Animal Hospital
2. Animal Kennel
3. Building and Construction Trades
4. Campground
5. Commercial Broadcast Facility
6. Commercial Storage Unit
7. Family Child Care Facility
8. Heavy Construction Trades
9. Home Business
10. Light Industrial
11. Nursery
12. Professional Office
13. Residential—Multi Family
14. Tourist Lodging
15. Health Care Facility
16. Restaurant
17. Civic/Institutional
18. Arts and Entertainment
19. Retail Store
20. Wood Processing

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D. Dimensional Standards:

Minimum Lot Size	3 acres
Minimum Lot Frontage	200 ft.
Minimum Front Yard Setback	50 ft.
Minimum Side Yard Setback	50 ft.
Minimum Rear Yard Setback	50 ft.
Maximum Lot Coverage	35%
Maximum Building Height	35 ft.

E. Supplemental Standards:

~~1. Character of Development.~~ New development and redevelopment in this area shall continue in the current moderate density, with a mix of commercial, light industrial and residential uses.

~~2. Driveways.~~ All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation's *Access Management Program Guidelines*, as most recently adopted.

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- D. Multi-unit or multi-family dwellings, as allowed within designated zoning districts under these Bylaws.
- E. One accessory dwelling as a permitted use ~~that is located within or appurtenant to a principal single family dwelling~~ (see §3.1).
- F. A residential care home or group home, to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined by the state [9 V.S.A. § 4501] (see §3.25).

3.9 Extraction Operations

- A. The removal of soil, sand, rock, stone or gravel is subject to approval by the Development Review Board under conditional use review and findings that the proposed activity meets the standards below.
- B. In addition to the application requirements under Article 4, the applicant shall also submit plans showing existing grades, drainage and depth to the water table, buffers to adjacent parcels, the extent and magnitude of the proposed operation including project phasing, and finished grades and site restoration at the conclusion of the operation.
- C. The following requirements shall be met for all extraction operations:
 - 1. When the removal of materials is completed, the finished grades, as specified in the plan and approved, are covered with not less than four (4) inches of topsoil and seeded with a suitable cover crop, except when ledge rock is exposed.
 - 2. A bond is posted with the Treasurer of the Town of Chester by the applicant in an amount approved by the Selectmen as sufficient to guarantee conformity with the provisions of this section.
 - 3. Any soil, sand or gravel operation in existence at the time of adoptions of these Bylaws shall not be subject to the provisions of this section except that such operation shall not extend beyond the then existing boundaries of the parcel of land until a permit has been issued.
 - 4. No strip mining is permitted.
 - 5. No actual quarrying or mining shall be carried on in a zone one hundred (100) feet from the highway as well as one hundred (100) feet from all abutting property in different ownership, unless written agreement has been obtained from any abutting property owner involved.
 - 6. Any raw materials rejected from permitted operations which are piled on the land shall be screened from public view and shall not impede the flow nor pollute the waters of ponds and streams; such accumulations shall be graded to stable contour and shall be restored to vegetative cover.
- D. In granting approval, the Development Review Board may consider and impose conditions with respect to the following factors, as it deems appropriate:
 - 1. Depth of excavation or quarrying above the water table;
 - 2. Slopes created by removal;

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3. Effects on surface drainage on and off-site;
4. Storage of equipment and stockpiling of materials on-site;
5. Hours of operation for blasting, trucking, and processing operations;
6. Effects on neighboring properties due to blasting, excavation or crushing activities, or other noise, dust, or vibration;
7. Creation of nuisances or safety hazards;
8. Effects on traffic and road conditions, including potential physical damage to public highways;
9. The rate of extraction and number and frequency of truck trips;
10. Temporary and permanent erosion control;
11. Effect on ground and surface water quality, and drinking water supplies;
12. Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
13. Effect on agricultural land; and
14. Site reclamation.

3.10 Family Child Care

A. Family Child Care Home: A family childcare home, as defined herein in these Bylaws, ~~serving six or fewer children~~ shall be considered to constitute a permitted single-family residential use of property. ~~A family child care home, as defined in these Bylaws, serving no more than six full-time children and four part-time children, shall be considered to constitute a permitted use of property but requires site plan approval based on local zoning requirements.~~

B. Family Child Care Facility: A family child care facility, as defined in these Bylaws, shall be ~~considered to be~~ a conditional use and ~~be~~ is subject to all applicable municipal bylaws for conditional uses.

3.11 Home Occupation

No regulation herein shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect on the character of the neighborhood. The primary use of the premises shall be that of a private residence, and the home occupation shall be carried on by members of the family in a minor portion of the dwelling or in an accessory building. Two (2) full-time equivalent on-premises employees who are not part of the family are permitted. Disturbances such as noise, vibration, smoke, dust, odors, heat, glare, and electrical interference or line voltage variations shall not be produced. On-street parking is not permitted, nor shall the exterior of the building be altered to take on a commercial aspect. The above limitations shall not apply to agricultural uses. Home occupations are allowed as permitted; accessory uses in all districts where residential uses are permitted.

A remote worker working at their home as an employment arrangement for an organization not based or located at the home, and where there is no sign and no work-related visits from the general public, is not a home occupation and does not require a home occupation permit.

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AGRICULTURAL USE: The growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of farm produce on the premises where raised; processing or storage of products raised on the property. See also Accepted Agricultural Practices.

AH ZONE: An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding), base flood elevations are shown.

ANIMAL HOSPITAL: A facility that provides a range of animal or veterinary services including medical care and short-term boarding that is incidental to animal medical services. This does not include animal shelters or kennels.

ANIMAL KENNEL: A facility in which animals are boarded, groomed, bred or trained for commercial gain. For the purposes of these Bylaws, this definition also includes animal shelters that house stray, homeless, abandoned, injured or unwanted animals.

ANTIQUE SHOP: A shop used for the retail sale of antiques but does not include furniture stripping or repair.

AO ZONE: An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually sheet flow on sloping terrain), flood depths are shown.

APPLICANT: The owner of land or property proposed to be developed in accordance with these Bylaws, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

ARTS & ENTERTAINMENT: A use that includes visual or performing arts centers, art studios or galleries, museums, movie theaters, concert venues 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 sexually explicit adult-oriented businesses. It also does not include pubs, bars or clubs.

~~**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.~~

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

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AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons who have duly authorized in writing filed with the Development Review Board by the Subdivider to act in his or her behalf.

AUTOMOTIVE FUEL/ENERGY STATIONS: Automotive fueling or energy stations including gas stations or other similar uses that meet the performance standards and all other requirements of these Bylaws.

AUTOMOTIVE SALES: Automotive sales include new and/or used car sales businesses, trailer and/or mobile home sales or other similar uses that meet the performance standards and all other requirements of these Bylaws.

AUTOMOTIVE SERVICE: Automotive services include motor vehicle repair service, trailer and/or mobile home service or other similar uses that meet the performance standards and all other requirements of these Bylaws.

BAR (or Tavern, Pub): An establishment in which alcoholic beverages are served, primarily by an individual drink portion size, and where food or packaged liquors may also be served or sold.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

BASEMENT: Any area of the building having its floor elevation (below ground level) on all sides.

BED AND BREAKFAST: See Tourist Lodging.

BOUNDARY LINE ADJUSTMENT: Moving a property boundary between two (2) or more adjoining parcels that creates no new separate lots or parcels, and has no adverse impact on access, the provision of public services and utilities, or neighboring uses.

BROADCAST FACILITIES: See **WIRELESS COMMUNICATIONS FACILITIES.**

BUILDING: A structure used for the shelter or accommodation of persons, animals, goods, personal property or equipment, which has a roof supported by columns or walls. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof."

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BUILDING AND CONSTRUCTION TRADES: Includes, but not limited to, plumbing, electrical, carpentry, painting, masonry, roofing, **excavation**, building foundations, **and contractor storage yards**.

BUILDING FOOTPRINT: The area encompassed by a building's outer wall at ground level including all projections in new construction. See Figure 8.1 that is illustrative of this term.

BUILDING HEIGHT: See Height.

BUILDING ORIENTATION: The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

BYLAWS: These Town of Chester Unified Development Bylaws.

CAMP, PRIMITIVE: A cabin, hut, shelter, yurt/ger, or similar structure that has no interior plumbing consisting of more than a sink with water and is used no more than three consecutive weeks per year and no more than 60 days per year, as defined in Vermont's Wastewater System and Potable Water Supply Rules.

CAMPGROUND: A parcel of land upon which campsites are located for occupancy by a tent, cabin, lean-to or similar structure as temporary living quarters for recreation, education or vacation purposes. (See 9 V.S.A. §44709(a).) "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

CENTER OF CHESTER: The Center of Chester is comprised of the Village Center, Village Green, and the Stone Village Districts.

CHESTER TOWN PLAN: Comprehensive development plan adopted pursuant to Title 24 Vermont Statutes Annotated, Chapter 117, Subchapter 2.

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

CIVIC RECOGNITION SIGNS: Off-premises medallions to acknowledge beautification projects located on Town property. Signs must not exceed 6" x 18", be approved by the Select Board, and not be located so as to be hazardous to vehicles or pedestrians.

CLUB: An association or organization dedicated to a particular interest or activity. For the purpose of these bylaws, this use category includes such clubs as the American Legion or a

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Polish American Club, etc., but it does not include adult-oriented entertainment venues (e.g., strip clubs).

COMMERCIAL STORAGE UNIT: a commercial building or buildings, or parts thereof, used for rent as storage units.

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic commercial, industrial or institutional uses to two (2) or more users or customers.

COMMUNITY WATER SYSTEM: any surface water or groundwater supply system used as a source of drinking water for a public water system as defined under 10 V.S.A. §1671(5).

CONSTRUCTION DRAWINGS: The drawing showing the location, profile grades, size and types of sewers, water mains, roads or other capital improvements, rights of way, easements, and property lines.

DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extensions of use of land [the Act §4303 (10)]. For the purposes of the Flood Damage Prevention provisions, *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DE MINIMIS IMPACT: Small or minimal impacts. For the purposes of telecommunication facilities, de minimis impact includes collocation of an array on an existing permitted tower, upgrades to existing permitted equipment and similar projects; but it does not include access road expansions, higher fences, new towers, extending the height of existing towers and similar projects.

DEVELOPMENT ENVELOPE: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

DRIVEWAY: A minor, private travel way serving no more than one (1) parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

DWELLING, MULTIPLE FAMILY: See **DWELLING, MULTIPLE-HOUSEHOLD**

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FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY FRINGE: That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

FOOD TRUCKS, FOOD CARTS, AND FOOD STANDS: A self-contained food service operation, located in a truck, trailer, cart, or moveable stand, used to cook, prepare, display, serve and/or sell food for individual portion service.

FORESTRY: The use and management of woodlands for purposes of timber production and harvesting for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting operations.

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.

FREESTANDING SIGN: A sign supported by one or more poles, columns or supports placed in or on the ground and not attached to any building or structure. (Updated 1/26/15).

FRONTAGE: That side of a lot abutting on a street(s); the front lot line. (See Minimum Lot Frontage as it pertains to zoning district dimensional standards.)

FRONTAGE, MINIMUM LOT: The length of the front lot line measured at the street, road or right-of-way line.

FRONT-YARD SETBACKS: The front-yard setback shall be measured from the shoulder of the road.

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FULL CUT OFF LIGHTING: Lighting where the source of illumination will not radiate higher than 80 degrees from the vertical.

FULL TIME EQUIVALENT: The number of total hours worked divided by the maximum number of compensable hours in a full-time schedule as defined by law. For example, if the normal schedule for a quarter is defined as 411.25 hours (((35 hours per week * (52 weeks per year – 5 weeks regulatory vacation)) / 4), then someone working 100 hours during that quarter represents $100/411.25 = 0.24$ FTE. Two employees working in total 400 hours during that same quarterly period represent 0.97 FTE.

GROUP HOME: A state licensed residential care home serving persons who have a handicap or disability as defined in 9 V.S.A. §4501. In accordance with the Act [§4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home.

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, doctor's office or physical rehabilitation centers.

~~**HEAVY CONSTRUCTION TRADES:** Includes, but not limited to, earth moving, excavation, trucking and paving.~~

HEIGHT (BUILDING HEIGHT): The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the roof, not including the chimney, cupola and other non-habitable roof appurtenances.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

HISTORIC STRUCTURE: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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LIFE SAFETY IMPROVEMENTS: Improvements to buildings required to minimize danger to life from fire, smoke, fumes or similar hazard. Examples of life safety improvements include, but are not limited to, stairways, fire escapes and elevators.

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 emission which will disturb or endanger neighboring properties.

LOT: A lot or parcel of land the boundaries of which are separately described in a recorded deed or plat. State or municipal highway and railroad rights-of-way or surface waters with a drainage area greater than 10 square miles constitute a lot boundary. **Land under public rights of way shall not be used to meet minimum lot size requirements.**

LOT COVERAGE: That part of the lot that is covered by the footprint of the building area(s).

LOT LINE ADJUSTMENT: See Boundary Line Adjustment

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURING: Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled and packaged. (See Industrial Use.)

MARKET VALUE: The building value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (i.e. Actual Cash Value) or adjusted assessed values.

MASTER PLAN: A comprehensive, long-range plan intended to guide the growth and development of a parcel or tract of land, which may be required by the Development Review Board in accordance with Section 4. 10(A)(5).

MULTI-PURPOSE MIXED USES: The development of **multi-purpose 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. **Multi-purpose 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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PRELIMINARY PLAT: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

PRINCIPAL STRUCTURE: A building or structure within which the main or primary use of the lot on which the building is located and conducted.

PROCESSING CONSTRUCTION AND LANDSCAPING AGGREGATE: Activity that may include, but is not limited to crushing, screening and mixing miscellaneous materials such as stone, gravel, loam, and mulch.

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.

PROJECTING SIGN: Signs which project from the surface of the building on which they are mounted. Signs mounted on a roof shall be considered to be projecting signs.

PUB: See Bar.

PUBLIC INVESTMENT: Public investment means existing or planned facilities to include, but not limited to, highways, street lighting, sidewalks, or ports, waste disposal facilities, water supply, storage and distribution, waste water disposal systems, storm water disposal, schools, emergency medical service, fire service, police services, highway maintenance, municipal office and maintenance facilities, parks, municipal forest, and recreation facilities.

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.

RECREATIONAL VEHICLE: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENTIAL CARE HOME: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. See Group Home.

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(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a “historic structure” provided that the alteration will not

preclude the structure’s continued designation as a “historic structure”.

For the purposes of determining “substantial improvement” value and exceptions in (a) only and no other purpose, the Zoning Administrator is “the local code enforcement official.”

SUBSTANTIALLY COMPLETED: A building, structure or infrastructure that is sufficiently constructed so that it can be used for its intended purpose with no further construction.

TAVERN: See Bar.

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

TOWN CONSULTANT ENGINEER: Licensed person duly designated by the Town Manager to perform this function.

TOWN HIGHWAY, CLASS 1: Highways designated by the Highway Board which are part of a state highway route and which carry a state highway route number.

TOWN HIGHWAY, CLASS 2: Highways designated by the Legislative Body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

TOWN HIGHWAY, CLASS 3: All other travelled town highways, other than Class 1 or Class 2, designated by the Legislative Body of the municipality, after conference with a representative of the Highway Board.

TOWN HIGHWAY, CLASS 4: All other town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the Legislative Body of the municipality .

UNDUE ADVERSE EFFECTS: Undue adverse effect shall be found by the DRB if: First, the Chester DRB determines that the proposed project will have an adverse impact based on any of the General Standards specified in 4.8.(C)(1)a-e and; Second, if an adverse impact is found to exist, it will be considered undue if it substantially and materially (1) violates a clear, written community standard, (2) offends the sensibilities of the average person, or (3) fails to take generally available mitigating steps that a reasonable person would take to meet any of the General Standards specified in Section 4.8(C)(1)a-e.