

**TOWN OF CHESTER**  
**ZONING REGULATIONS**

**SECTION 1 .... TITLE AND ENACTMENT**

In accordance with the Vermont Planning and Development Act, Title 24, Vermont Statutes Annotated, Chapter 117, Section 4401, there are established the TOWN OF CHESTER ZONING REGULATIONS as set forth in their entirety in the following text and map, and which became effective upon adoption by vote of the Town by Australian Ballot at a regular Town Meeting on March 4, 1975. These regulations, amendments thereto or repeal thereof shall be accomplished pursuant to Section 4441 et seq. of The Act and shall take effect on the date of their adoption, amendment or repeal pursuant to Section 4441 et seq. of the Act. No land development shall take place until a Zoning Permit for it has been issued and has become effective in accordance with these Bylaws. This applies to all land development proposed by all persons, including the Town Government of Chester, except when specifically exempted by State Law.

**SECTION 2 .... PURPOSE**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Among other purposes, the provisions of these Regulations are intended to avoid undue concentration of population; provide adequate light and air; prevent overcrowding of land and buildings; conserve the value of property; facilitate the adequate provision of transportation, water, sewage, schools and other public investments; encourage the most appropriate use of land throughout the township and provide for the orderly future growth of the Town of Chester.

Whereas the Town of Chester's foremost concern lies with the general welfare of all its residents, special provisions have been made in these Regulations to meet the unsatisfied housing needs of the elderly segment of the population by increasing the density in one district to provide for elderly housing. In so doing, conscientious consideration has been given to the Residential-Commercial District because of its accessibility to municipal water and sewage; the residential character of the neighborhood; the accessibility to the local businesses and services; and sufficient area to be delegated to parking; and an area to be set aside for open and common land.

**SECTION 3 .... GENERAL REGULATIONS**

### 3.1 Compliance with Regulations:

Any land, building or premises, or part thereof may be used only for purposes listed under Section 6 of these Regulations applicable to the district in which it is located. Each lot shall have an area, frontage, and frontyard, sideyard and rear yard setbacks as required by these Regulations. Buildings and/or structures shall not occupy in the aggregate a greater percentage of the lot area, nor be greater in height, than is provided herein.

See section 10.2 for further individual permit requirements.

### 3.2 Sewage Disposal Permit:

In accordance with 24 V.S.A §4414, no construction for a dwelling or any building to be occupied may take place under a zoning permit unless and until a wastewater and potable water supply permit has been issued under 10 V.S.A. Chpt. 64.

### 3.3 Existing Non-Conforming Lots:

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of the district in which the lot is located, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.

If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot may be separately conveyed if the lots are conveyed in their preexisting, nonconforming configuration, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.

### 3.4 Required Frontage on, or Access to Public Roads or Waters:

On existing lots which do not have either frontage on a public road or public waters, land development shall not be permitted without approval of the Development Review Board. Any lot access to such road or waters by a permanent easement or right-of-way at least twenty (20) feet in width shall be approved for land development. Any right-of-way serving more than one lot shall be at least fifty (50) feet in width, and each newly subdivided lot shall have the required contiguous frontage for the district in which located.

### 3.5 Protection of Home Occupation:

No regulation herein is intended to 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 in the residence or in a typical accessory building. 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 Occupation is allowed as a permitted, accessory use in all districts where residential uses are permitted.

### 3.6 Home Industry:

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for a Home Industry which is customary in residential areas and which does not have an undue adverse effect on the character of the neighborhood. The Home Industry shall be carried on by members of the family in a minor portion of the dwelling or in an accessory building. Two (2) on-premise 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 at a level which is seriously objectionable or out of character with the neighborhood. Exterior storage of materials, exterior indication of the home industry or variation from the residential character of the building, and on-street parking shall not be permitted.

Home Industry is allowed as an accessory use, subject to conditional use review, in all districts where residential uses are permitted subject to the following provisions:

- The home industry shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal or accessory structures;
- The home industry shall be carried on by members of the family residing in the dwelling unit. Two additional employees who are not members of the family are permitted;
- No traffic shall be generated which would be uncharacteristic of the neighborhood;
- Exterior displays, exterior storage of materials, and exterior indications of the home industry or variation from the residential character of the principal or accessory structures shall be prohibited.

### 3.7 Special Public Use Exceptions:

**Public Facilities.** The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- State- or community-owned and operated institutions and facilities.
- Public and private schools and other educational institutions certified by the state department of education.
- Churches and other places of worship, convents, and parish houses.
- Public and private hospitals.
- Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.

- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

**Agriculture.** Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation. Pursuant to 24 V.S.A. § 4413(d) farm structures (excluding dwellings), accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality in writing of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted silvicultural practices to the appropriate state authorities for enforcement.

**Silviculture.** This bylaw shall not regulate accepted silvicultural practices, as those practices are defined by the commissioner of forests, parks and recreation under subsection 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

### 3.8 Off-Street Parking:

#### 1. Dwelling

- a. Two (2) parking spaces shall be provided for each dwelling unit, unless modified by the Development Review Board.

#### 2. Non-Residential

- a. Any permitted or conditional use shall provide for minimum off-street parking and loading facilities. The Development Review Board may require additional off-street parking and loading spaces for any use if they find that minimum spaces are not sufficient.
- b. Loading spaces for non-residential uses shall be determined by the Development Review Board.

#### 3. Size of Parking Space

- a. A parking space shall be at least ten (10) feet in width and twenty (20) feet in length.

#### 4. Handicap Parking

- a. Any public building must provide for handicap parking, and each handicap parking space must be at least fifteen (15) feet in width and twenty (20) feet in length. Handicap parking spaces will be so designated by appropriate signs.

#### 5. Setbacks

- a. Parking lot setbacks shall be established by the Development Review Board.

### 3.9 Landscaping and Screening Requirements:

Landscaping is required in all districts, except for one or two-family dwellings, to be installed and maintained in yards and shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas and ground cover. No landscaping shall create a traffic hazard.

### 3.10 Damaged Structures:

Within one year after any building or structure has burned, collapsed or otherwise been destroyed or demolished, and creates a public hazard as determined by the Selectmen, all structural materials shall be removed from the site and the evacuation thus remaining shall be covered or filled to existing grades. Nothing in this Regulation shall prevent reconstruction or restoration within two (2) years of a building damaged by fire, accident, or act of God, to its condition prior to such damage. Such reconstruction shall be considered a permitted use, and shall require a permit but shall not be more of a non-conforming use. Nothing in this section shall be construed to restrict the authority of the Town of Chester to abate a nuisance or to abate or remove public health risks or hazards.

### 3.11 Mobile Homes

Pursuant to 24 V.S.A. § 4412 (1)(B), a mobile home shall be considered a single-family dwelling and shall meet the same zoning requirements applicable to single-family dwellings, except when unoccupied and displayed in a mobile home sales establishment or allowed as a temporary structure under this bylaw.

### 3.12 Mobile Home Storage:

A temporary Zoning Permit for one (1) year from the effective date of the permit for the storage of a mobile home may be issued by the Administrative Officer. Such mobile homes shall not be connected to sewage or water facilities, and shall not be used as a dwelling for the duration of the temporary permit. Only one renewal of the temporary permit for one (1) additional year, with payment of the appropriate permit fee to the Town of Chester, is permitted.

### 3.13 Mobile Home(s) Agricultural Employees.

Mobile homes sited on a parcel for housing of agricultural employees, as provided in Title 10 VSA Section 6201(2), must meet setback requirements of the district in which the parcel is located.

### 3.14 Mobile Home Park:

Mobile homes are allowed in approved mobile home parks subject to the requirements of this

section and state law. Mobile home parks are allowed as a conditional use in the R40 and R80 districts (See Sections 6.3 and 6.3). New mobile home parks and any addition or alteration to an existing mobile home park, requires conditional use and site plan review and approval by the Zoning Board of Adjustment. The following requirements shall apply to mobile home parks:

- (1) All mobile home parks are subject to the State Regulations for mobile home parks.
- (2) All mobile home parks shall be processed under the Planned Unit Development provisions.
- (3) A minimum of 8,000 square feet of lot area per mobile home is required. Each mobile home shall have a plot with a minimum of 5,000 square feet for its individual use. The remaining 3,000 square feet may be in the common area for the use of all the residents of the park.
- (4) Minimum setbacks for the mobile home on each plot are: 20 feet setback from the plot boundary facing the access road or driveway and 15 feet side and rear yard setback from the each side and the rear plot boundaries. .
- (5) Site Plan improvements at a minimum must provide for:
  - i. Facilities and amenities appropriate to the needs of the occupants.
  - ii. Safe, comfortable and sanitary use by the occupants under all weather conditions.
  - iii. Practical and efficient operation and maintenance of all common facilities.
  - iv. Common open space accessible to all residents of the mobile home park.
  - v. Sufficient landscaping or other screening to provide visual or acoustic privacy for residents of adjacent units.

### 3.15 Accessory Dwelling Unit

An accessory dwelling unit, as defined in these Bylaws, shall be a permitted use.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

- a. A new accessory structure, constructed after the enactment of these bylaws,
- b. An increase in the height or floor area of the existing dwelling, or
- c. An increase in the dimensions of the parking areas.

### 3.16 Low and Moderate Income Housing

No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c).

### 3.17 Residential Care and Group Homes

A residential care home or group home, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home. A residential care home or group home, to be operated under state licensing or registration,

serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multifamily dwelling and shall be subject to conditional use and site plan review.

### 3.18 Family Child Care

a. Family Child Care Home: A family child care 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 subject to all applicable municipal bylaws for conditional uses.

### 3.19 Camping/Travel Trailer, Pick-up Coach, Motor Home and Tent Site Park:

Parks for camping in travel trailers, campers or tents are permitted as a conditional use. Specific requirements for approval shall be site plan approval from the Development Review Board and compliance with the standards of the State Camping Trailer and Tent Site Regulations. Nothing in this section shall prevent a property owner from parking his own camping trailer on his property.

### 3.20 Extraction of Soil, Sand and Gravel:

Before top soil, sand, gravel or similar material is removed for commercial purpose the following requirements shall be met:

- (A) A plan is submitted by the applicant and approved by the Development Review Board which shows existing grades in the area from which the materials are to be removed and finished grades at the conclusion of the operation.
- (B) 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 top soil and seeded with a suitable cover crop, except when ledge rock is exposed.
- (C) 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.
- (D) Any soil, sand or gravel operation in existence at the time of adoptions of these Regulations 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.

### 3.21 Extraction of Stone, Ores and Minerals:

The extraction of stone, ore and minerals shall include those operations and structures

reasonable and necessary to the safe efficient conduct of mining operations as adapted to the nature and configuration of such stone, ores and mineral occurrences. Mineral processing shall include those operations and structures reasonable and necessary in good operating practice to render the valuable constituent of the ore merchantable or suitable for transport. It shall not include electro-metallurgical or pyro-metallurgical processes as typified in the alloying of metals or smelting of ores. No strip mining is permitted. Surface and/or open cut mining operations are permitted. 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. 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.

### 3.22 Storage of Flammable Fluids:

The storage of all flammable fluids and the equipment in which it is stored is controlled under the Fire Code of Vermont as administered by the Department of Labor and Industry. Storage of flammable fluids, other than bulk storage for commercial distribution, consistent with this code is permitted in any district, but will require a Zoning Permit if the capacity is over five hundred (500) gallons. Bulk storage for commercial distribution is only permitted in C Districts as a conditional use.

### 3.23 Parcels in Two or More Districts:

When a parcel is located in two or more districts, the proposed structure or use must meet the regulations of the district in which it is physically located. For purposes of setback, the delineation of a district border shall be treated the same as a boundary line.

### 3.24 Subdivision:

The division of a parcel of land into two (2) or more lots regardless of size, when such action is taken for the purpose of sale, lease, gift, or land development. Construction of a second dwelling on a lot shall be deemed a division of the parcel, and a subdivision permit is required. An exchange of small parcels between adjoining property owners to adjust boundaries shall be deemed a Boundary Line Adjustment, not a subdivision. The term, subdivision includes re-subdivision.

After the effective date of these regulations, the Development Review Board may require, as a condition of subdivision approval, that a Surveyor or engineer provide certification to the Zoning Administrator, that all roads proposed by the subdivision have been installed in accordance with the approved plans, specifically with regard to grade, width and location and have been installed in accordance with the Town of Chester Road Specifications.

### 3.25 Planned Unit Development:

Purpose. In accordance with the Act [§4417], Planned Unit Developments (PUDs) are



allowed in the Town of Chester to permit flexibility in the application of land development regulations for the purposes of Section 4302 of this title and in conformance with the municipal plan. The purposes of the Planned Unit Development in Chester are:

- (1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
- (2) To implement the policies of the Chester Town Plan, such as the provision of affordable housing.
- (3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- (4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
- (5) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- (6) To provide for efficient use of public facilities and infrastructure.
- (7) To encourage and preserve opportunities for energy-efficient development and redevelopment.

**Review Procedure.** A PUD shall be reviewed by the Development Review Board (DRB) concurrently with subdivision and conditional use review, including site plan review, in this Article VI. In addition to the conditional use, subdivision and site plan application requirements, an application for PUD approval shall include a statement describing all proposed modifications, changes or supplements to existing bylaw requirements. Modifications of this bylaw approved by the DRB shall be noted in writing and appended to a plat depicting the project to be filed in the Chester Land Records. All other provisions of this bylaw not specifically modified shall remain in effect and be applicable to the project.

**Coordination with Conditional Use Review.** Review and approval of a PUD involving the development of one or more conditional uses under this Section shall not exempt the proposed development from conditional use review. The DRB may review and approve one or more conditional uses concurrently with granting PUD approval, or may require the submission of a conditional use application, to include the terms and conditions of the PUD approval, including any modifications of this bylaw granted in accordance with this Section 650, at a later date.

**General Standards.** The modification of zoning regulations by the DRB may be permitted in accordance with the following standards:

- (1) The PUD shall meet all applicable conditional review standards, and shall be consistent with the Chester Town Plan and all other applicable municipal regulations and ordinances

currently in effect, including all local and state regulations for sewage disposal and the protection of water quality.

(2) The PUD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetland, stream bank, and floodplain areas; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.

(3) As a minimum requirement each single family dwelling unit and each commercial building shall be hooked into the Municipal water and wastewater system at the applicants expense. The DRB may find and conclude that this requirement is not reasonable for the proposed PUD because of the distance to the Municipal systems and may be fulfilled by the installation of inground systems and wells that are in compliance with the State of Vermont Septic Regulations.

(4) The DRB may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PUD is located, provided that there is an offset by a lesser concentration in other sections, including the reservation of no less than 50% of the remaining land as open space.

(5) The minimum front, side and rear yard setbacks at the periphery of the PUD shall be as dictated for the particular district unless otherwise specified by the DRB. The DRB may allow other setback standards, such as zero lot lines, as part of PUD approval.

(6) Provision shall be made for the preservation of open space. Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The DRB shall approve such easement. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. The DRB shall approve the location, size and shape of lands set aside to be preserved for open space in accordance with the following:

- (a) Open space land shall provide for the protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archaeological sites, and scenic views and vistas;
- (b) Designated open space may include the portion of a single lot which is characterized by one or more of the above referenced features, or may encompass the contiguous boundaries of the above referenced feature located on multiple lots;
- (c) The location, shape, size and character of the open space shall be suitable for its intended use. Generally, open space shall be at least 50% of the total area for projects involving a parcel(s) of twenty-five (25) acres or more. For smaller parcels, open space should be in proportion to the size and scope of the project, and its intended use;
- (d) Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes.

The DRB as appropriate may require management plans for forests and/or wildlife habitat. Areas preserved for agricultural use should be of a size that retains their eligibility for state and town tax abatement programs;

- (e) Open space land shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels; and
- (f) Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the DRB, that they will in no way disrupt or detract from the values for which the open space is to be protected.

(6) Where a district boundary line divides a parcel, the DRB may allow the development of a single PUD with a total density based on the combined allowable density of each district.

(7) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the DRB's judgment, if the land were subdivided into lots in conformance with district regulations.

(8) The total number of dwelling units shall not exceed that which would be permitted in the DRB's judgment if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required for single family dwellings. However, the number of dwelling units allowed in the PUD may, at the discretion of the DRB, be increased in accordance with the following:

- (a) The DRB may grant a density increase of up to 25% of the allowable number of units in instances in which a significant portion (50% or greater) of the site is preserved as open space and/or the DRB determines that the PUD reflects an exceptional site design that will result in the preservation of important natural resources and the creation such amenities as pedestrian paths, parkland and/or playgrounds; or
- (b) The DRB may grant a density increase of up to 50% of the allowable number of units in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in these bylaws.

(9) The dwelling units permitted may, at the discretion of the DRB, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached.

(10) The total number of allowable commercial or industrial space parcels within the PUD shall not exceed the number which could be permitted in the DRB's judgment, if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located.

(11) A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principle structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.

(12) Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.

3.26 Broadcast Facilities:

Broadcast facilities, as defined by these Regulations, shall conform to the following provisions:

1. All broadcast facilities shall be licensed by the Federal Communications Commission.
2. Commercial Broadcast Facilities:
  - a. Shall be allowed in all districts upon receiving Conditional Use approval from the Development Review Board and the issuance of a Zoning Permit.
  - b. Antennae and towers shall meet a setback distance from the property lines equal to the height of the antennae or tower.
  - c. Landscaping may be required around the base of all antennae and towers.
3. Private Broadcast Facilities (e.g. ham radio facilities):
  - a. Shall be allowed in any district upon issuance of a Zoning Permit.
  - b. Antennae and towers shall be located in back yards and shall meet a setback distance equal to the height of the antennae or tower.
4. Dish Antennae:
  - a. No dish antennae larger than two (2) feet in diameter may be installed in any district without a Zoning Permit and obtaining Conditional Use approval by the Development Review Board..
  - b. All dish antennae shall meet all setback requirements.

3.27 Non-Conforming Uses:

The Development Review Board shall act on the re-establishment of non-conforming uses under Section 7.

## **SECTION 4 ... SIGNS**

All signs shall comply with Title 10, Chapter 21, Vermont Statutes Annotated and with the following:

### **4.1. Purpose**

This ordinance acknowledges the importance of signs to inform the traveling public of local businesses, but also recognizes that the Town does not benefit from unlimited signs. The purpose of this ordinance is to help preserve and improve the existing attractive aspects of the Chester environment, to promote the welfare, convenience and safety of its inhabitants and visitors, to conserve the value of property, and to encourage a style and scale of outdoor advertising that is compatible with the more attractive features of Chester.

### **4.2. Definitions**

**Sign:** Any structure, wall display, device or representation which is designed or used to advertise or call attention to or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible from a highway or other public right-of-way.

**Freestanding Signs:** Fixed signs which are supported by the ground only. 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.

**Projecting Signs:** 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.

**Wall Signs:** Signs which are mounted on, affixed to, or built into the exterior material of a building and run parallel to the building, and which shows only one face.

**Portable Signs:** Signs mounted on wheels and designed to be towed from place to place, or signs not permanently fastened down and intended to be placed during business hours.

**Street Line:** From the outer edge of the paved surface, or the outer edge of the traveled portion of a dirt road.

### **4.3. Sign Permit**

All businesses, home occupations, etc. requiring a sign must obtain a Sign Permit from the Zoning Administrator before such sign can be erected.

### **4.4. On-Premise Signs**

Any structure, wall display, device or representation which is designed or used to advertise or call attention to or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible from a highway or other public right-of-way and is located entirely on ones

property.

#### 4.5. Off-Premise Signs

Off-premise signs are prohibited.

#### 4.6. Sign Specifications

The following requirements shall apply to all signs in all Districts:

a. Two (2) on-premise signs shall be permitted, on (1) free-standing and one (1) wall sign.

b. All new signs, and/or movement, enlargement, alterations, or reconstruction of existing signs shall be in compliance with the regulations as stated herein.

c. All signs shall be constructed of durable materials and shall be maintained in a safe condition and in good repair at all times.

d. Every sign shall be designed and located in such a manner as to:

1. Not impair public safety
2. Not restrict clear vision of the street or between a sidewalk and street
3. Not be confused with or obscure any traffic sign or signal
4. Not obstruct any door, window or fire escape
5. Not be attached to a tree or a utility pole
6. Not be within the Town or State highway right-of-way

e. Signs shall not be located within ten (10) feet of street line, nor within twenty (20) feet of a neighboring property line, nor within seventy-five (75) feet of any intersection unless it is a wall sign.

f. In RC, C and APD#1 Districts, neither sign shall be in excess of twenty-four (24) square feet in size, per side, or in excess of sixteen (16) feet in height from the road surface.

g. In R20, R40, R80 and APD#2 Districts, neither sign shall be in excess of twelve (12) square feet in size, per side, or in excess of eight (8) feet in height from the road surface.

h. For Home Occupation/Home Industry, in any district, neither sign shall be in excess of four (4) square feet in size, per side, or in excess of eight (8) feet in height from the road surface.

i. When a sign is made up of individual lettering, the square footage of the sign is to be calculated by the area of the surface required to enclose the lettering.

#### 4.7. Sign Lighting

a. Internally lit signs are prohibited. All signs not complying with section at the date

of the adoption of this ordinance, will be deemed a non-forming structure and should be referred to section 7 of the Town of Chester Zoning Regulations.

b. Externally lit signs shall be shielded so as to not produce glare, undue distraction, or hazard either to the surrounding area or to pedestrian and vehicular traffic. The illumination of said signing shall be properly focused upon the sign.

#### 4.8. New Sign Permit Required

A permit is required for a sign when a business changes use and/or ownership. Continuation of a non-conforming sign shall require Development Review Board consideration.

#### 4.9. Sign Plaza

When a property has multiple businesses, the property owner is allowed one sign plaza not to exceed forty-eight (48) square feet nor higher than twelve (12) feet in height from the grade of the public road, with individual signs on the plaza for each business. These individual signs are to be of a uniform size for each business. One additional sign not to exceed a total of six (6) square feet is permitted on the building for each business.

#### 4.10. Gasoline/Service Stations

A gasoline/service station shall be permitted for one of the following signs:

a. Gasoline price signs shall be confined to the pump island. The signs shall be limited to one square foot in area and one per pump. One (1) free-standing sign shall be permitted in accordance with the sign specifications as set forth in section 6 but shall not include pricing.

or

b. Gasoline prices may be incorporated into the single free-standing sign allowed on the lot, provided that this free-standing sign is located in the pump island, and no other pricing signs are displayed.

All signs not complying with section at the date of the adoption of this ordinance, will be deemed a non-forming structure and should be referred to section 7 of the Town of Chester Zoning Regulations.

#### 4.11. Special Signs

The following special signs may be permitted upon approval by the Development Review Board if the Board finds that such is in the public interest, not detrimental to surrounding properties, and will not create a safety hazard:

#### 4.12. Signs necessary or beneficial to the public welfare.

a. A sign identifying the commonly accepted name of a commercial building which sign shall not exceed sixteen (16) square feet in overall area, two (2) feet in overall height, or ten (10) feet in overall length.

b. State of Vermont Official Business Directory Signs on State and Town Highways.

c. Off-Premise directional signs located out of the highway right-of-way, the area of which shall not exceed four (4) square feet, and which provide directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place.

d. Roof signs limited to Commercial Districts. Projecting signs mounted on the roof shall in no case exceed forty (40) square feet in overall area nor extend beyond the peak of the roof.

#### 4.13. Vending Machines

Vending machines which are traditionally located outside of commercial buildings, such as those which house or dispense soda, ice, windshield wipers, propane gas cylinders and the like, may incorporate unilluminated sign(s) advertising the product being sold. No vending machine may be internally illuminated.

#### 4.14. Signs Which Do Not Require a Permit

The following signs do not require a permit and are permitted in all Districts:

a. Signs wholly within the confines of a building.

b. Temporary real estate signs, each of which does not exceed six (6) square feet in Overall area. Said sign shall only be permitted on property which is either being sold or leased, and shall be removed within thirty (30) days from the date on which its intended purpose has been fulfilled.

c. A temporary construction sign located on the property which is being developed. Said sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately when its stated purpose has been fulfilled.

d. Entrance and exit signs located near a driveway not exceeding two (2) square feet each.

e. Signs to be maintained for not more than two (2) weeks announcing an auction, or a campaign, drive or event of a civic, philanthropic or religious organization or for a yard sale conducted on the premises of a homeowner. Each sign shall not exceed two (2) square feet.

f. Banners to be temporarily placed across the street in the Town Highway right-of-way, do not need a Sign Permit, however, shall have to get permission from the Board of Selectmen.



#### 4.15. Prohibited Signs

The following signs shall be prohibited in every District:

a. Signs which impair public safety.

b. Any permanent sign located within a highway right-of-way, except for official traffic control signs and civic recognition signs.

#### 4.16. Compliance

All signs not complying with the Sign Regulations at the date of its adoption will be deemed a non-forming structure and should be referred to section 7 of the Town of Chester Zoning Regulations

## **SECTION 5 .... CLASSES OF DISTRICTS**

For the purposes of these Regulations, 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 Regulations, and the area of the Town of Chester is hereby divided into the following classes of districts:

- CR80 - Conservation-Residential 80,000 square foot lots
- R80 - Residential 80,000 square foot lots
- R40 - Residential 40,000 square foot lots
- R20 - Residential 20,000 square foot lots
- C - Commercial
- RC - Residential-Commercial
- F - Forest
- M&M - Mining and Mineral Processing District
- APD - Aquifer Protection District

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

## **SECTION 6 ... 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 Administrative Officer, 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 9 of these regulations are met.

### **6.1 CR80 - Conservation Residential 80,000 District:**

In the Conservation Residential 80,000 District (CR80), the following uses are permitted:

- |                        |                                    |
|------------------------|------------------------------------|
| 1. One-Family Dwelling | 5. Professional Residence (office) |
| 2. Two-Family Dwelling | 6. Private Recreation              |
| 3. Accessory Building  | 7. Agricultural and Forest Uses    |
| 4. Home Occupation     |                                    |

6.1.1 CR80 - Conservation Residential 80,000 District:

The following may be permitted as conditional uses in the CR80 District:

- |                                 |   |
|---------------------------------|---|
| 1. Home Industry                | 8. Commercial Sawmill                   |
| 2. Boarding House, Tourist Home | 9. Quarry                               |
| 3. Membership Clubhouse         | 10. Extraction of Soil, Sand and Gravel |
| 4. Dormitory                    | 11. Private Landing Strip               |
| 5. Commercial Recreation        | 12. Public Utility                      |
| 6. Public Recreation            | 13. Building and Construction Trades    |
| 7. Animal Hospital              |   |

6.1.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA MINIMUM	ONE/TWO FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	80,000 sqft	80,000 sqft
b. Municipal Sewage	n.a.	n.a.
2. Lot Frontage Minimum:		165 feet
3. Frontyard Setback Minimum:		50 feet
4. Sideyard & Rearyard Minimum:		40 feet
5. Coverage Maximum of Structures:		10 percent of the lot
6. Building Height Maximum:		35 feet except agricultural buildings

---

**6.2 R80 - Residential 80,000 District:**

In the Residential 80,000 District (R80), the following uses are permitted:

- |                        |                                 |
|------------------------|---------------------------------|
| 1. One-Family Dwelling | 5. Professional Residence       |
| 2. Two-Family Dwelling | 6. Private Recreation           |
| 3. Accessory Building  | 7. Agricultural and Forest Uses |
| 4. Home Occupation     |                                 |

6.2.1 R80 - Residential 80,000 District:

The following may be permitted as conditional uses in the R80 District:

- |   |   |
|---|---|
| 1. Multiple-Family Dwelling                   | 14. Restaurant                          |
| 2. Home Industry                              | 15. Commercial Sawmill                  |
| 3. Boarding House, Tourist Home, Motel, Hotel | 16. Extraction of Soil, Sand and Gravel |
| 4. Dormitory                                  | 17. Quarry                              |
| 5. Commercial Recreation                      | 18. Private Landing Strip               |
| 6. Public Recreation                          | 19. Building and Construction Trades    |
| 7. Camping/Travel Trailer and Tent Site Park  | 20. Religious Institution               |
| 8. Mobile Home Park                           | 21. School                              |
| 9. Office Building                            | 22. Community Center                    |
| 10. Animal Hospital                           | 23. Public Utility                      |
| 11. Nursery, Garden Center                    | 24. Cemetery                            |
| 12. Windmill                                  | 25. Heavy Construction Trades           |
| 13. Retail Store                              | 26. Personal Service Shop               |
|   | 27. Membership Club                     |

6.2.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA MINIMUM	ONE/TWO FAMILY	MULTIPLE FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	80,000 sqft per dwelling unit	80,000 sqft per dwelling unit	80,000 sqft
b. Municipal Sewage	80,000 sqft per building & 20,000 sqft per dwelling unit	80,000 sqft per building & 20,000 sqft per dwelling unit	80,000 sqft
2. Lot Frontage Minimum:		165 feet	
3. Frontyard Setback Minimum:		50 feet	
4. Sideyard & Rearyard Minimum:		40 feet	
5. Coverage Maximum of Structure:		10 percent of the lot	
6. Building Height Maximum:		35 feet except agricultural buildings	

**6.3 R40 - Residential 40,000 District:**

In the Residential 40,000 District (R40), the following uses are permitted:

- |                        |                                    |
|------------------------|------------------------------------|
| 1. One-Family Dwelling | 5. Professional Residence (office) |
| 2. Two-Family Dwelling | 6. Private Recreation              |
| 3. Accessory Building  | 7. Agricultural and Forest Uses    |
| 4. Home Occupation     |                                    |

6.3.1 R40 - Residential 40,000 District

The following may be permitted as conditional uses in the R40 District:

- |   |  |
|---|--|
| 1. Multiple-Family Dwelling                   | 13. School                               |
| 2. Home Industry                              | 14. Commercial Recreation                |
| 3. Boarding House, Tourist Home, Motel, Hotel | 15. Public Recreation                    |
| 4. Membership Club                            | 16. Community Center                     |
| 5. Mobile Home Park                           | 17. Hospital                             |
| 6. Office Building                            | 18. State & Community Facility           |
| 7. Storage Building, Enclosed Storage         | 19. Public Utility                       |
| 8. Retail Store                               | 20. Restaurant                           |
| 9. Performing Arts Building                   | 21. Building and Construction Trade      |
| 10. Animal Hospital                           | 22. Personal Service Shop                |
| 11. Nursery, Garden Center                    | 23. Extraction of Stone and Bedrock      |
| 12. Extraction of Soil, Sand and Gravel       | 24. Processing of Construction Aggregate |

6.3.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA MINIMUM	ONE/TWO FAMILY	MULTIPLE FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	40,000 sqft per dwelling unit	40,000 sqft per dwelling unit	80,000 sqft
b. Municipal Sewage	40,000 sqft per building & 10,000 sqft per dwelling unit	40,000 sqft per building & 10,000 sqft per dwelling unit	80,000 sqft
2. Lot Frontage Minimum:		RESIDENTIAL 120 feet	NON-RESIDENTIAL 200 feet
3. Frontyard Setback Minimum:		40 feet	50 feet
4. Sideyard & Rearyard Minimum:		30 feet	50 feet
5. Coverage Maximum of Structures:		15 percent of the lot	20 percent of the lot
6. Building Height Maximum:		35 feet except agricultural buildings	

**6.4 R20 - Residential 20,000 District:**

In the Residential 20,000 District (R20), the following uses are permitted:

- |                        |                                    |
|------------------------|------------------------------------|
| 1. One-Family Dwelling | 5. Professional Residence (office) |
| 2. Two-Family Dwelling | 6. Private Recreation              |
| 3. Accessory Building  |                                    |
| 4. Home Occupation     |                                    |

6.4.1 R20 - Residential 20,000 District:

The following may be permitted as conditional uses in the R20 District:

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| 1. Multiple-Family Dwelling     | 10. Public Utility                   |
| 2. Home Industry                | 11. Cemetery                         |
| 3. Tourist Home                 | 12. Community Care Home              |
| 4. Performing Arts Building     | 13. Commercial Recreation            |
| 5. Retail Store                 | 14. Public Recreation                |
| 6. Agricultural and Forest Uses | 15. Building and Construction Trades |
| 7. Religious Institution        | 16. Personal Service Shop            |
| 8. School                       | 17. Restaurant                       |
| 9. Community Center             | 18. Membership Club                  |

6.4.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA MINIMUM	ONE/TWO FAMILY	MULTIPLE FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	40,000 sqft per dwelling unit	not authorized	80,000 sqft
a. Municipal Sewage	20,000 sqft per building & 5,000 sqft per dwelling unit	20,000 sqft per building & 5,000 sqft per dwelling unit	80,000 sqft
2. Lot Frontage Minimum:		RESIDENTIAL 100 feet	NON-RESIDENTIAL 200 feet
3. Frontyard Setback Minimum:		30 feet	50 feet
4. Sideyard & Rearyard Minimums:		20 feet	50 feet
5. Coverage Maximum of Structures:		20 percent of the lot	
6. Building Height Maximum:		35 feet	

**6.5 C - Commercial Districts:**

In the Commercial District (C), the following uses are permitted:

1. One-Family Dwelling
2. Accessory Building
3. Home Occupation

6.5.1 C - Commercial Districts:

The following may be permitted as conditional uses in the C District:

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Two family or Multiple-Family Dwelling</li> <li>2. Retail Store</li> <li>3. Motel, Hotel</li> <li>4. Restaurant</li> <li>5. Indoor Recreation</li> <li>6. Motor Vehicle Sales &amp; Service</li> <li>7. Gasoline/Diesel Service Station</li> <li>8. Commercial Drive-in Facility</li> <li>9. Community Center</li> <li>10. State and Community Facility</li> <li>11. Industrial and Manufacturing Facility</li> <li>12. Commercial Recreation</li> </ol> | <ol style="list-style-type: none"> <li>13. Public Recreation</li> <li>14. Mortuary</li> <li>15. Museum</li> <li>16. Business Office</li> <li>17. Personal Service Shop</li> <li>18. Boarding House, Tourist Home, but only as a conversion of an existing structure</li> <li>19. Enclosed Storage Building</li> <li>20. Public Utility</li> <li>21. Financial Institutions</li> <li>22. Building and Construction Trades</li> <li>23. Heavy Construction Trades</li> <li>24. Membership Club</li> </ol> |
|--|---|

6.5.2 Area, Yard, Coverage and Height Regulations:

No new commercial district shall be created less than five (5) acres in size.

1. LOT AREA MINIMUM	ONE/TWO FAMILY	MULTIPLE FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	40,000 sqft per dwelling Unit	not authorized	40,000 sqft
b. Municipal Sewage	Conversion only	40,000 sqft per building & 10,000 sqft per dwelling unit	
		RESIDENTIAL	NON-RESIDENTIAL
2. Lot Frontage Minimum:		120 feet	200 feet
3. Frontyard Setback Minimum:		40 feet	50 feet
4. Rearyard Minimum:		30 feet	50 feet or 100 Feet Abutting a res. district
5. Sideyard Minimum:		30 feet	25 feet or 50 feet Abutting a res. district
6. Coverage Maximum of Structures:		35 percent of	35 percent of the lot

**6.6 RC - Residential-Commercial District:**

In the Residential-Commercial (R-C) District the following uses are permitted:

- |                        |                                    |
|------------------------|------------------------------------|
| 1. One-Family Dwelling | 5. Professional Residence (office) |
| 2. Two-Family Dwelling | 6. Private Recreation              |
| 3. Accessory Building  |                                    |
| 4. Home Occupation     |                                    |

6.6.1 RC - Residential-Commercial District:

The following may be permitted as conditional uses in the RC District:

- |                                      |  |
|--------------------------------------|--|
| 1. Home Industry                     | 13. Community Center                     |
| 2. Retail Store                      | 14. Agricultural Uses                    |
| 3. Personal Service Shop             | 15. Multiple Family Dwelling             |
| 4. Business Office                   | 16. Boarding House, Tourist Home         |
| 5. Motel, Hotel                      | 17. Commercial Recreation                |
| 6. Restaurant                        | 18. Public Recreation                    |
| 7. Indoor Recreation                 | 19. Financial Institution                |
| 8. Performing Arts Building          | 20. Public Utility                       |
| 9. Mortuary                          | 21. Building and Construction Trades     |
| 10. Light Industrial Facility        | 22. Building Accessory to Commercial Use |
| 11. Religious Institutional Facility | 23. Membership Club                      |
| 12. School                           |  |

6.6.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA	ONE/TWO FAMILY	MULTIPLE FAMILY	NON-RESIDENTIAL
MINIMUM			
a. On-Site Sewage	40,000 sqft per dwelling unit	40,000 sqft per dwelling unit	none
b. Municipal Sewage	20,000 sqft per building & 5,000 sqft per dwelling unit	20,000 sqft per building & 5,000 sqft per dwelling unit	20,000 sqft
2. Lot Frontage Minimum:		120 feet	
3. Frontyard Setback:		40 feet	
4. Sideyard & Rearyard Setback:		30 feet	
5. Coverage Maximum of Structure:		35 percent of the lot	
6. Building Height Maximum:		35 feet	

**6.7 F - Forest District:**

In the Forest District (F), the following uses are permitted:



1. Forest Uses
2. Private Recreation
3. Home Occupation

6.7.1 F - Forest District:

The following may be permitted as conditional uses in the F District:

1. Public Utility
2. Quarry
3. State or Community Facility
4. Accessory Building associated with residential use in existence at the time of adoption of these Regulations
5. Agricultural Uses
6. Public Recreation

6.7.2 Area, Yard, Coverage and Height Regulations:

- |                                   |  |
|-----------------------------------|--|
| 1. Lot area:                      | 80,000 sqft                                  |
| 2. Lot frontage:                  | 165 feet                                     |
| 3. Frontyard Setback Minimum:     | 50 feet                                      |
| 4. Rearyard Setback Minimum:      | 40 feet                                      |
| 5. Sideyard Setback Minimum:      | 40 feet                                      |
| 6. Coverage Maximum of Structure: | 10 percent of Lot                            |
| 7. Building Height Maximum:       | 35 feet except for<br>agricultural buildings |

## **6.8 M & M - Mining & Mineral Processing District:**

The following uses may be permitted as conditional uses in the M & M District:

1. Quarrying, Mining and Mineral Processing (including structures)
2. Agricultural and Forest Uses

**6.9 APD1 - Aquifer Protection District (Canal Street Well Station):**

In the Aquifer Protection District (APD1), the following uses are permitted:

- (a) Uses with On-Site Sewage Disposal
  - 1. None
  
- (b) Uses with Municipal Sewage Disposal
  - 1. One and Two Family Dwelling
  - 2. Accessory Building
  - 3. Professional Residence (Office)
  - 4. Home Occupation

**6.9.1 APD1 - Aquifer Protection District (Canal Street Well Station):**

The following may be permitted as Conditional uses in the APD1:

- (a) Uses with On-Site Sewage Disposal
  - 1. None
  
- (b) Uses with Municipal Sewage Disposal
 

<ul style="list-style-type: none"> <li>1. Home Industry</li> <li>2. Membership Club</li> <li>3. Retail Store</li> <li>4. Personal Service Shop</li> <li>5. Business Office</li> <li>6. Motel, Hotel</li> <li>7. Restaurant</li> <li>8. Indoor Recreation</li> <li>9. Light Industrial Facility</li> <li>10. School</li> </ul>	<ul style="list-style-type: none"> <li>11. Community Center</li> <li>12. Agricultural Uses</li> <li>13. Multiple Family Dwelling</li> <li>14. Boarding House, Tourist Home</li> <li>15. Private Recreation</li> <li>16. Public Recreation</li> <li>17. Commercial Recreation</li> <li>18. Building and Construction Trades</li> <li>19. Building Accessory to Commercial Use</li> </ul>
---	---

**6.9.2 Area, Yard, Coverage and Height Regulations:**

	<b>ONE/TWO</b>	<b>MULTIPLE</b>	
1. LOT AREA	FAMILY	FAMILY	NON-RESIDENTIAL
MINIMUM			
a. On-Site Sewage	none	none	none
b. Municipal Sewage	20,000 sqft per building & 5,000 sqft per dwelling unit	20,000 sqft per building & 5,000 sqft per dwelling unit	
		<b>RESIDENTIAL</b>	<b>NON-RESIDENTIAL</b>
2. Lot Frontage Minimum:		120 feet	100 feet
3. Frontyard Setback:		40 feet	40 feet
4. Sideyard & Rearyard Setback:		30 feet	20 feet
5. Coverage Maximum of Structures:		35 percent of the lot	

**6.10 APD2 - Aquifer Protection District (Jeffrey Well Station):**

In the Aquifer Protection District (APD2), the following uses are permitted:

- |                        |  |
|------------------------|--|
| 1. One Family Dwelling | 4. Agricultural (Growing of Farm Crops only) |
| 2. Accessory Building  | 5. Home Occupation                           |
| 3. Forest              |  |

6.10.1 Aquifer Protection District (APD2) (Jeffrey Well Station):

The following may be permitted as Conditional uses in the APD2:

(a) Uses with On-Site Sewage Disposal

1. None

(b) Uses with Municipal Sewage Disposal

- |                          |                                |
|--------------------------|--------------------------------|
| 1. Personal Service Shop | 4. Retail Store                |
| 2. Home Industry         | 5. Agricultural Uses           |
| 3. Multi-Family Dwelling | 6. Private & Public Recreation |

6.10.2 Area, Yard, Coverage and Height Regulations:

1. LOT AREA MINIMUM	ONE FAMILY DWELLING	MULTIPLE FAMILY	NON-RESIDENTIAL
a. On-Site Sewage	200,000 sqft per dwelling Unit	none	none
b. Municipal Sewage	40,000 sqft per building & 10,000 sqft per dwelling unit	40,000 sqft per building & 10,000 sqft per dwelling unit	40,000 sqft
2. Lot Frontage Minimum:		RESIDENTIAL 165 feet	
3. Frontyard Setback:		50 feet	
4. Sideyard & Rearyard Setback:		40 feet	
5. Coverage Maximum of Structures:		10 percent of the Lot	
6. Building Height Maximum:		35 feet except agricultural use	

**SECTION 7 ... NON-CONFORMITIES**

Nothing in this section shall be construed to restrict the authority of the Town of Chester to abate public nuisances or to abate or remove public health risks or hazards.

Any legal structure or part thereof, which is not in conformance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as parking, lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a nonconforming structure. Legal nonconforming structures exist as a result of construction prior to adoption of bylaws, or construction under an earlier set of less restrictive bylaws. Any nonconforming structure may be allowed to exist indefinitely, but shall be subject to the following provisions:

- Subject to conditional use approval by the DRB, a nonconforming structure may be restored or reconstructed after unintentional loss provided the reconstruction is commenced within two years and does not increase the degree of non-conformance that existed prior to the damage.
- A nonconforming structure which has been demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions, the DRB shall take into consideration the ability of the applicant to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.
- A nonconforming structure shall not be moved, altered, extended, or enlarged in a manner which will increase the existing degree of non-conformance.
- The phrase ‘shall not increase the degree of non-conformance’ shall be interpreted to mean that the portion of the structure which is nonconforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking and lighting). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded, a nonconforming deck or porch cannot be enclosed, where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in size.
- Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of non-conformance.
- The DRB shall permit the alteration or expansion of a nonconforming structure for the sole purpose of conformance with mandated environmental, safety, health, or energy codes.

Any use, which does not conform to uses allowed in the district in which it is located or is otherwise not in conformance with the provisions of these bylaws, shall be deemed a

nonconforming use. Nonconforming uses are those that exist legally as a result of existing prior to adoption of bylaws, or permitted under an earlier set of less restrictive bylaws. Any nonconforming use may be continued indefinitely, but shall be subject to the following provisions:

- The nonconforming use shall not be changed to another nonconforming use without approval by the DRB, and then only to a use that, in the opinion of the DRB, is of the same or of a more conforming nature.
- The nonconforming use shall not be re-established if such use has been discontinued for a period of at least two-years or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
- The nonconforming use shall not be expanded, extended, moved or enlarged unless the DRB finds that such expansion, extension, movement, or enlargement does not increase the degree of non-conformance. Examples of enlarged or expanded uses can include increased hours of operation, increased numbers of tables, number of employees or an increase in the size of the operation through the expansion of a conforming structure.
- The DRB shall permit the alteration or expansion of a nonconforming use for the sole purpose of conformance with mandated environmental, safety, health, or energy codes.

## **SECTION 8 ... PLANNING COMMISSION**

The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Board of Selectmen in accordance with the Act [§§4321– 4323]. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Board of Selectmen.

The Commission shall adopt rules of procedure deemed necessary and appropriate for the performance of its functions as required under the Act [§4323(b)] and Vermont's Open Meeting Laws. In accordance with the Act, the Commission shall have the following duties in association with these regulations:

- prepare proposed amendments to these regulations and the Town of Chester Subdivision Regulations, and consider proposed amendments submitted by others, include amendments submitted by petition as set forth in the Act [4441(b)];
- prepare and approve written reports on any proposed amendment to these regulations and the Town of Chester Subdivision Regulations as required by the Act [§4441(c)]; and.
- hold one or more warned public hearings on proposed amendments to these regulations and the Town of Chester Subdivision Regulations, prior to submission of a proposed amendment and written report to the Legislative Body [§4441(d)].

## SECTION 9 ... DEVELOPMENT REVIEW BOARD

### 9.1 Development Review Board:

- A. A Development Review Board is hereby established. Except as specifically provided herein and in accordance with the provisions of 24 V.S.A., Chapter 117, the Development Review Board shall not amend, alter, invalidate or affect any bylaw of the Town of Chester or the implementation or enforcement thereof; nor shall it allow any use or structure not permitted by the Zoning Regulations.
- B. The Legislative Body shall appoint a Development Review Board consisting of not less than three (3), nor more than nine (9) persons. Appointments are made in March with the term being three years. Vacancies shall be filled by the Board of Selectmen for the unexpired term. The Board of Selectmen also may appoint alternates, for specified terms, to serve on the Board in situations when one or more members of the Board are disqualified or are otherwise unable to serve. Any member of the Development Review Board may be removed for cause by the Board of Selectmen upon written charges and after public hearing. [4460 (c)].
- C. The Development Review Board shall elect its own officers and adopt rules of procedure, including the requirement that the DRB shall hold a properly noticed site visit at a set time before the hearing on any application, subject to the provisions of these Zoning Regulations and the Act. The officers of the Board will administer oaths and compel the attendance of witnesses and the production of material pertinent to any issue under appeal.
- D. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. All meetings of the Board, except for deliberative and executive sessions, shall be open to the public.
- E. The Board shall adopt rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act [§4461(a)] and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:
- appeals from any decision, act or failure to act by the Administrative Officer (Section 8.5), and any associated variance requests (Section 8.4);
  - applications for conditional use approval (Section 8.3);
  - applications concerning nonconformities (Sections 4.8 and 7);
  - requests for variances (see Section 8.4);
  - applications for rights-of-way or easements for development lacking frontage (Section 3.4);
  - applications for planned unit development (Section 4.6);



- applications for subdivision approval (See separate Subdivision Regulations);
- applications for wireless telecommunications facilities (See Section 4.7); and
- any other reviews required by the bylaws.

## 9.2 Required Submittals:

The applicant shall submit to the Development Review Board six (6) sets of supporting data and site plans drawn to scale, showing where applicable: existing features; contours; structures; easement and proposed structure locations and land use areas; streets; driveways; circulations; parking and loading spaces; pedestrian walks; landscaping including site grading and screening; water and sewage disposal facilities; water courses and utilities.

## 9.3 Site Visit

The Development Review Board will conduct a Site Visit as a pre-requisite to the approval of any use other than one and two family dwellings and structures considered accessory to residential uses and agricultural or forest uses. In reviewing the Site, the Development Review Board shall consider the following:

- A. Maximum safety of vehicular circulation between site and street network
- B. Adequacy and safety of traffic circulation
- C. Parking and loading facilities
- D. Adequacy of landscaping
- E. Screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property
- F. Adequacy of surface drainage facilities
- G. Lighting
- H. Flood hazard area restrictions
- I. Solid waste disposal
- J. Hazardous materials

## 9.4 Conditional Uses:

Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:

- a. The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.
- b. In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and the zoning regulations.

c. The Development Review Board shall act to approve or disapprove any such requested conditional use within sixty (60) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

1. General Standards

The general standards previously referred to require that any conditional use proposed for any district created under these Regulations shall not adversely effect:

- A. The capacity of existing or planned community facilities
- B. The character of the area affected
- C. Traffic on roads and highways
- D. Bylaws in effect
- E. Utilization of renewable resources

2. Specific Standards

Specific standards will include consideration with respect to:

- A. Minimum lot size
- B. Distance from adjacent or nearby uses
- C. Minimum off-street parking and loading facilities
- D. Landscaping and fencing
- E. Design and location of structures and service area
- F. Size, location and design of signs
- G. Other such factors as these Zoning Regulations may include

3. Performance Standards

- A. Performance Standards shall include acceptable standards and levels of performance which are acceptable and not likely to affect adversely the use of the surrounding area by the emission of such dangerous or objectionable elements as noise, vibration, smoke, dust, odor or other forms of air pollution, water pollution, heat, cold, dampness, electromagnetic or other disturbance, glare, liquid, or solid fuel, refuse or wastes, or create any dangerous, injurious noxious fire, explosive or other hazard.
- B. Performance standards also include standards for advertising lights, security lights, street lighting, parking lot lighting or any lights so that any artificial lighting does not disturb the traffic or be objectionable to adjacent property owners.

4. Special Criteria

The following Special Criteria should be considered by the Development Review Board when considering an application for a conditional use permit in the (R-C) Residential-Commercial, (C) Commercial and (R20) Residential 20,000 Districts:

- A. That all construction of new buildings, as well as any exterior alteration, fencing, lighting, reconstruction or renovation of existing building adhere harmoniously to the over-all New England architectural appearance which gives the center of Chester its distinct regional character and appeal.
- B. That the inclusion of certain features of exterior trim, such as shutters or eaves trim, or other decorative features be encouraged, in order to insure that new construction blends comfortably with the existing buildings in the district.
- C. That the use of native, traditional building materials commonly used for construction in Chester in the past, be encouraged. Such desirable materials would include wood siding, natural stone and brick masonry and be in keeping with the buildings in the area.
- D. The aesthetics of the area and the preservation of Historical Sites.

#### 9.5 Variance:

Wherein a Variance from the provisions of these Zoning Regulations is requested for a structure that is not primarily a renewable energy resource structure, the Development Review Board may grant a Variance and render a decision in favor of the appellant, if all the following facts are found and the findings are specified in the decision. The decision on an appeal for a Variance shall be rendered within forty-five (45) days of the date of the public final hearing.

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulations and that the authorization of a Variance is, therefore, necessary to enable the reasonable use of the property.
3. That the unnecessary hardship has not been created by the appellant.

4. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the Plan.

#### 9.6 Appeal of Administrative Officer's Decision:

In the exercise of its function hereunder, the Development Review Board shall hear and decide appeals taken under this Section, including without limitation, where it is alleged that an error has been committed in any order, requirement, decision or determination made by an Administrative Officer under this Chapter in connection with enforcement of a By-law.

#### 9.7 Conditions:

In rendering a decision in favor of an appellant, the Development Review Board may attach such conditions as it may consider necessary and appropriate.

#### 9.8 Decisions:

The Development Review Board shall mail a copy of the Findings of Fact to the following persons:

- A. The Appellant, by certified mail
- B. Any interested person present and heard at the public hearing
- C. The Administrative Officer; and
- D. File a copy with the Town Clerk for the public record

#### 9.9 Approval by Default:

If the Development Review Board does not render its decision on an appeal within forty-five (45) days, the Board shall be deemed to have rendered a decision in favor of the Appellant and granted relief requested by the Appellant on the forty-fifth (45th) day.

### **SECTION 10.... ADMINISTRATION, ENFORCEMENT AND APPEALS**

#### 10.1 Administrative Officer:

The Board of Selectmen shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years in accordance with the Act [§4448]. The Board of Selectmen may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.

An acting Administrative Officer may be appointed by the Board of Selectmen, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Administrative Officer in the Administrative Officer's absence. In the event an acting Administrative Officer is appointed, the Board of Selectmen shall establish clear policies regarding the authority of the Administrative Officer relative to the authority of the acting Administrative Officer.

The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

In addition, the Administrative Officer shall coordinate the municipality's development review programs. If other municipal permits or approvals are required, the Administrative Officer shall provide the applicant with necessary forms. The Administrative Officer may also inform any person applying for municipal permits or authorizations that they should contact the Vermont Agency of Natural Resource's Regional Permit Specialist to assure timely action on any related state permits. The applicant retains the obligation to identify, apply for, and obtain relevant state permits.

#### 10.2 Permit:

As provided in Section 1, and except as provided in Section 3.7 for Agriculture and Silviculture, before any land development a permit shall be obtained from the Administrative Officer. The permit application shall be submitted to the Administrative Officer with a sketch or plan prepared by the Applicant of the boundaries of the lot, with the distance of each boundary and with the dimensions adequately showing the position of the proposed building, structure, alteration or extension in relation to the boundaries of the lot and any buildings thereon. The Administrative Officer shall inspect the site of the proposed land development and shall act upon the application within thirty (30) days from the time it was filed. If the Administrative Officer fails to act within thirty (30) days the permit shall be deemed issued on the thirty-first (31st) day from the day application was filed.

In accordance with 24 V.S.A §4414, no construction may take place under a zoning permit unless and until a wastewater and potable water supply permit has been issued under 10 V.S.A. Chpt. 64.

#### 10.3 Effective Day of Permit:

A Zoning Permit shall not take effect until fifteen (15) days after the date of issuance. In the event a Notice of Appeal is properly filed by an interested person as defined in Title 24,

Vermont Statutes Annotated, Chapter 117, Section 4464 within fifteen (15) days from issuance of a permit, such permit shall not take effect until final adjudication of said appeal.

#### 10.4 Time Limit on Permits:

If no land development has been started, a maximum limit of two (2) years from the date of issuance of a Zoning Permit shall be the time of expiration of such permit. If a Zoning Permit expires prior to the start of construction a new permit must be applied for.

#### 10.5 Certificates of Occupancy:

In accordance with 24 VSA §4449(a)(2), no dwelling or building to be occupied, conditional use or structure requiring a variance, for which a zoning permit has been issued shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the Zoning Administrator, certifying that such building conforms to the approved plans, specifications and requirements of the permit and these regulations and/or that all required conditions have been met.

1. A certificate of occupancy may be issued for a substantially completed structure if the Zoning Administrator determines that it meets applicable permit conditions.

2. A certificate of occupancy shall be issued or denied by the Zoning Administrator within 15 days of receipt of the application. If the Zoning Administrator fails to either grant or deny the certificate of occupancy within 15 days of the submission of an application, the certificate shall be deemed issued on the 16<sup>th</sup> day. The decision of the Zoning Administrator may be appealed to the Development Review Board as described under section 10.10.

#### 10.6 Certifications:

After the effective date of these regulations, the Development Review Board will require, as a condition of subdivision approval, that a Surveyor or Engineer or the project developer provide certification to the Zoning Administrator, that all roads proposed by the subdivision have been installed in accordance with the approved plans, specifically with regard to grade, width and location and have been installed in accordance with the Town of Chester Road Specifications.

#### 10.7 Fees:

Fees of Zoning Permit applications, conditional use permit applications, site plan reviews and appeals shall be set by the Legislative Body.

## 10.8 Records:

The Administrative Officer shall maintain and keep on file, and available to the public, full and accurate records of all Regulations, Amendments, the Zoning Map, written Zone Boundary descriptions, Building Permits, Variances, Conditional Uses, Site Plan Reviews, Subdivisions and pending Appeals.

## 10.9 Enforcement

If any street, building, structure, or land is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of these Regulations, the Administrative Officer shall institute in the name of the Town of Chester any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use, or to prevent, in or about premises, any act, conduct, business or use constituting a violation.

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA 1974(a) et.seq. and as described below:

A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one-year period shall be \$250.00 and the penalty for each subsequent violation within a one-year period shall be \$500.00. As per statute, in cases where a violation is not contested, a “waiver fee” shall be paid in the amounts of: \$50.00 for the first offense, \$125.00 for the second offense and \$250.00 for each subsequent offense within a one year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 VSA 4451, et. Seq. as they exist or are hereafter amended or revised. These additional penalties may be up to \$100.00 per day (with each day constituting a separate violation), and issuance of injunctions.

Issuing officials authorized to enforce this Ordinance include the Chester Zoning Administrator and the Town Manager.

## 10.10 Appeals:

Any interested person as defined under the Act [§4465] may appeal a decision or act of the Administrative Officer within 15 days of the date of the decision or act by filing a notice of

appeal with the Secretary of the appropriate municipal panel, or the Municipal Clerk if no Secretary has been elected, and by filing a copy of the notice with the Administrative Officer.

- (1) The Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act [§4468]. The Board shall give public notice of the hearing as provided in this Section (below), and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
- (2) The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].
- (3) In accordance with the Act [§4468], all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.
- (4) A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act [§4464(b)]. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Municipal Clerk as part of the public records of the municipality, in accordance with the Act [§4464(b)(3)]. Failure of the appropriate municipal panel to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46<sup>th</sup> day.
- (5) A decision on appeal is final on the 31<sup>st</sup> day after the decision is rendered or deemed approved for failure to render a decision, or, if appealed to the courts, on the completion of the appeal process.

#### Interested Persons

The definition of an interested person under the Act [§4465(b)] includes the following:

- (1) the Town of Chester or an adjoining municipality;



- (2) a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the municipality;
- (3) any ten (10) voters or property owners within the municipality who, by signed petition to the appropriate municipal panel, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
- (4) any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

#### Notice of Appeal To The Development Review Board

A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act [§4466]:

- (1) the name and address of the appellant;
- (2) a brief description of the property with respect to which the appeal is taken;
- (3) a reference to applicable provisions of these regulations;
- (4) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and
- (5) the alleged grounds why such relief is believed proper under the circumstances.

#### Appeals to Environmental Court

In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the panel under Section 10.9, within 30 days of such decision, to the Vermont Environmental Court.

Appeals to Environmental Court shall also meet the following requirements:

- (2) "Participation" in a panel proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- (3) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Municipal Clerk, or the Administrative Officer if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.



## **SECTION 11 .... DEFINITIONS**

Certain words used herein shall be defined as listed in this Section. 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 word "shall" is mandatory.

**ACCESSORY DWELLING UNIT:** An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- The property has sufficient wastewater capacity.
- The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- Applicable setback, coverage, and parking requirements specified in the bylaws are met. 24 V.S.A. § 4412(1)(E).

**ACCESSORY USE OR BUILDING:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**AFFORDABLE HOUSING:** “Affordable housing” means either of the following:

(A) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household’s gross annual income.

(B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household’s gross annual income.

**AFFORDABLE HOUSING DEVELOPMENT:** A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

**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.

**AGRICULTURAL STRUCTURES:** Customary agricultural structures accessory to agricultural uses and on the same lot or parcel.

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

APPROPRIATE MUNICIPAL PANEL: A planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.

BED AND BREAKFAST: A home in which the owner rents guest rooms and serves meals only to those guests as part of the room rent. Classified as a Tourist Home.

BROADCAST FACILITIES: Towers, antennae, and associated structures used for the broadcast, receipt and/or rebroadcast of airborne electronic communication signals.

BUILDING AND CONSTRUCTION TRADES: Includes, but not limited to, plumbing, electrical, carpentry, painting, masonry, janitorial, roofing and building foundations.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BYLAWS: These Chester Zoning Regulations.

CERTIFICATE OF OCCUPANCY: A finding by the Administrative Officer that a structure which required a zoning permit is in compliance with that permit and with all town regulations before occupancy is permitted.

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 Board of Selectmen, and not be located so as to be hazardous to vehicles or pedestrians.

DWELLING UNIT, SINGLE FAMILY: A building or part thereof used as living quarters for one family 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 UNIT, MULTIPLE FAMILY: Building used as living quarters by three or more families living independently of each other.

EXTRACTION: The activities performed in the removal of soil, sand, gravel, stone, bedrock, ore and minerals which may involve use of heavy equipment, crushing or blasting.

FLOOD HAZARD AREA: "Flood hazard area" for purposes of section 4424 of this title means the land subject to flooding from the base flood. "**Base flood**" means the flood having a one percent chance of being equaled or exceeded in any given year. Further, with respect to flood and other hazard area regulation pursuant to this chapter, the following terms shall have the

following meanings:

(A) “**Floodproofing**” means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that substantially reduce or eliminate flood damage to any combination of real estate, improved real property, water or sanitary facilities, structures, and the contents of structures.

(B) “**Floodway**” means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one foot.

(C) “**Hazard area**” means land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or human-made hazards as identified within a “local mitigation plan” in conformance with and approved pursuant to the provisions of 44 C.F.R. section 201.6.

(D) “**New construction**” means construction of structures or filling commenced on or after the effective date of the adoption of a community’s flood hazard bylaws.

(E) “**Substantial improvement**” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. However, the term does not include either of the following:

(i) Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.

(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**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

(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)).

**FRONTAGE:** Length of the lot boundary measured along the public road right-of-way or mean

watermark of a public waterway.

**GROUP HOME:** Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

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

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

**HOME INDUSTRY:** Any small industrial or commercial type of operation carried out on the premises under the conditions established by these Regulations.

**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.

**LAND 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. Title 24 Vermont Statutes Annotated, Chapter 117, Section 4303 (3).

**LOT:** A parcel of land occupied or to be occupied by a building and its accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a street, or other means of access approved by the Development Review Board. In no case shall the division or combination of any lands result in the creation of a parcel which does not meet the requirement of these Regulations.

**LOT FRONTAGE:** The length of that portion of a lot which abuts a street, road or right-of-way. All new subdivided lots shall have the required contiguous road frontage or right-of-way frontage for the district in which located. Lot frontage on a cul-de-sac may be reduced by the Development Review Board if the opinion of the Development Review Board the reduction of the lot frontage will result in a better utilization of land. In no event shall the lot frontage in a cul-de-sac be less than 50'.

**MANUFACTURING:** Any process whereby the nature, size or shape of articles or raw

materials are changed, or where articles are assembled and packaged.

**MOBILE HOME:** A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

- transportable in one or more sections; and
- at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

**MOBILE HOME PARK:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

**MODULAR OR PREFABRICATED HOUSING:** A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**NONCONFORMING:** A nonconforming use, structure, lot, or parcel.

**NONCONFORMING LOTS OR PARCELS:** Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

**NONCONFORMING STRUCTURE:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

**NONCONFORMING USE:** Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

**PERSONAL SERVICE:** Such as, barber shop, beauty parlor, shoe repair, laundry, laundromat, dry cleaner, photographic studio and businesses providing similar services of a personal nature.

**PUBLIC BUILDING:** Public building means those buildings and public buildings including, but not be limited to, dwellings of two or more units, places of employment, motels and hotels, restaurants, filling stations, boarding homes and rooming houses, places of public assembly, stores, shops, offices, manufacturing and industrial facilities in which persons are employed, condominiums and apartments. For the purposes of these Regulations, "public building" shall not mean hospitals or nursing homes which are under the jurisdiction of the Vermont Department of Health, or single family residences under individual ownership.

**PROFESSIONAL RESIDENCE-OFFICE:** Residence in which the occupant has a professional office such as, architect, accountant, chiropractor, counselors, dentist, doctor of medicine, real estate, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof.

**RECREATION, COMMERCIAL:** Includes any form of recreational activities in which an admission fee, donation or dues is charged whether indoor or outdoor.

**RECREATION, PUBLIC:** Includes any recreational activity conducted on property owned by a public entity, such as, a Municipality or School District.

**RECREATION, PRIVATE:** Includes recreational activities normally conducted on private property, whether indoors or outdoors, by members of a family. Includes such activities as tennis courts, swimming pools (in-ground and above-ground) and ponds.

**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.

**RETAIL STORE:** Includes shop and store for the sale of retail goods, and department store; and shall exclude any gasoline station and motor vehicle repair service, new and/or used car sales and service, trailer and/or mobile home sales and service.

**STRUCTURE:** An assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, sign, wall or fence.

**WIRELESS COMMUNICATIONS FACILITY:** A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease it to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the



application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

**WIRELESS TELECOMMUNICATION FACILITY:** A facility consisting of the structures, including the towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.

**USE, CONDITIONAL:** Certain specific uses as listed in Article VI Section 610 for which a Conditional Use Permit is required.

**USE, PERMITTED:** Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

**YARD:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**SECTION 12 .... VALIDITY**

If any Section or Provision of these Regulations is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of these Regulations as a whole or of any part thereof other than the part so adjudicated.

**SECTION 13 .... AMENDMENTS AND REPEAL**

These Regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed as provided by Title 24, Vermont Statutes Annotated, Chapter 117, Sections 4403 and 4404.

**SECTION 14 .... EFFECTIVE DATE OF REGULATIONS**

These Regulations were adopted by the Selectboard on November 21, 2007 after a public hearing on that date and in accordance with 24 VSA 4415.

**SECTION 15 .... ADOPTION OF AMENDMENTS AND EFFECTIVE DATE**

These Regulations are effective 21 days after their adoption by a majority of the legislative body.

Date of Adoption:                      November 21, 2007

Effective Date:                        December 13, 2007

The Board of Selectmen  
s/Seeley Morton  
s/Richard Jewett  
s/Michael LeClair  
s/Derek Suursoo  
s/William Lindsay