

# General Standards for Conditional Uses

As inspired by Killington and Castleton, Vermont

## Article IV: Uses Permitted Subject to Conditions

A zoning permit shall be issued by the Zoning Administrator for any use or structure which requires conditional use approval only after the Development Review Board grants such approval. In considering its action, the Board shall make findings upon specific standards set forth in these regulations and the objectives of Section 1203: [Review Procedure for Site Plan Approval](#).

In granting conditional use approval, the Board may attach such reasonable conditions as it deems necessary.

~~The following conditions regarding minimum lot size and setbacks apply except where Article V would require more restrictive provisions. The proposed use shall comply with all specific provisions of these Bylaws applicable to it, including but not limited to Lot Size, Setbacks and Yards (Article V), Parking and Loading (Article VI), Sign Regulations (Article XI), and Performance Standards (Article XIV, Section 1429). However, if one of the following subsections contains a more restrictive requirement for a particular use, such subsection shall control as to that particular use.~~

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If a use will be located in the Flood Hazard Area, the provisions of Article VIII shall apply.

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### Section 401: General Standards

In addition to any specific conditions of Sections 402 through 427, the Development Review Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities;
2. The character of the area affected as defined by the purpose or purposes of the District within which the project is located, and specifically stated policies and standards of the Town Plan;
3. Traffic on roads and highways in the vicinity;
4. These Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

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# General Standards for Conditional Uses

As inspired by Middlebury, Vermont

## Article IV: Uses Permitted Subject to Conditions

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In granting conditional use approval, the Board may attach such reasonable conditions as it deems necessary.

~~The following conditions regarding minimum lot size and setbacks apply except where Article V would require more restrictive provisions. The proposed use shall comply with all specific provisions of these Bylaws applicable to it, including but not limited to Lot Size, Setbacks and Yards (Article V), Parking and Loading (Article VI), Sign Regulations (Article XI), and Performance Standards (Article XIV, Section 1429). However, if one of the following subsections contains a more restrictive requirement for a particular use, such subsection shall control as to that particular use.~~

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If a use will be located in the Flood Hazard Area, the provisions of Article VIII shall apply.

## Section 401: General Standards

The DRB shall make findings of fact and conclusions of law that the project will comply with all of the following standards, as it determines are applicable:

### A. Existing and Planned Community Facilities and Services

1. Water and Sewer. The project shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the municipality's present or planned water or sewer systems (if municipal water or sewer are not involved, the property must have adequate capability for on-site water supply and wastewater disposal in accordance with applicable State regulations);

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~~The DRB may solicit input from the Village Manager.~~

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2. School Impact. The project shall not cause an unreasonable burden on the ability of the school district to provide educational services;

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~~The DRB may solicit input from the School Board and Superintendent of Schools.~~

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3. Municipal Impact. The project shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including but not limited to Fire, Police, Ambulance, Highway, and Public Works Maintenance and Recreation;

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# General Standards for Conditional Uses

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The DRB may solicit input from the Town Manager, Fire Chief, Sheriff's Department or Selectboard.

4. Other Public Investments and Services. The project shall not endanger public or quasi-public investments or materially interfere with the function, efficiency, safety, or public's use and enjoyment of governmental, utility or non-profit community facilities, services or lands.

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## B. Character of the Neighborhood or Area Affected

1. The project shall not have an undue adverse effect on the character of the neighborhood, or area affected.

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"Neighborhood" means in the same area; nearby including but not limited to the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity.

A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of neighborhoods. The existence of one conditional use in a neighborhood shall not be interpreted as justification for another similar conditional use to be located there.

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When considering the "character of the neighborhood or area", the DRB shall consider the following:

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- i. existing neighborhood uses, types of buildings, noise and traffic.
- ii. Town Plan objectives
- iii. historic buildings and features; intensity, uniformity or mix of uses and buildings; mass, scale and spacing of buildings; scenic views, aesthetics, open space.
- iv. privacy, security, identity, sense of community and cohesion.

2. Aesthetics and Historic Sites. The project shall not have an undue adverse effect on:

- aesthetics
- scenic or natural beauty of the area
- historic or archeological sites;

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The DRB shall consider the Town Plan and may solicit input from Poultney Historical Society.

3. Natural Resources. The project shall not have an undue adverse effect on:

- Agricultural lands and farms;
- Rivers and streams;
- Wetlands and wildlife habitat;
- Water and air quality; and

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# General Standards for Conditional Uses

As inspired by Middlebury, Vermont

- Water supply wells and aquifers;

The DRB shall consider the intrinsic capability and appropriateness of the land to support the use described in the application. Where applicable, the DRB may utilize Act 250 standards and State Agency of Natural Resources (ANR) information and regulatory framework. The DRB may also consider input from any area Land Trust, and existing studies of resources.

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4. Affordable Housing. The project shall not have an undue adverse effect on the present or projected housing needs in the Town in terms of amount, type, affordability and location.

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The DRB may solicit input from the Rutland Regional Planning Commission or the Rutland County Housing Authority.

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5. Downtown Impact. The project shall not have an undue adverse impact on the economic vitality of the downtown.

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The DRB shall consider the following:

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- a. Will the project have any adverse impact?

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- i. Context – Evaluate the location of the project. Consider its relationship to the Poultney Designated Downtown and/or the historic core of the downtown.
- ii. Potential harms – Will the project be compatible and harmonious? Consider the nature of use, scale, style and potential impacts on the downtown and features (visibility and prominence).

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- Will it significantly affect downtown image and ambiance?
- Will it discourage pedestrians, reduce parking or negatively affect cultural activities downtown?
- Will the project draw people out of the downtown, either directly from institutions or businesses currently located in the downtown, or indirectly by causing secondary growth which will have this effect?
- Will it undermine or be adverse to downtown improvement efforts?
- Consider the economic effects of the project on the historic core of the downtown or upon the downtown district as a whole. In any economic analysis, care must be taken to distinguish individual business competition concerns from a project's impact on the economic vitality of the downtown. A project's impact on market competition is a relevant factor under this standard only to the extent that it will have an impact on the economic vitality of the core of the downtown, or on the downtown as a whole.
- Consider cumulative effects.

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- b. Will the adverse impact be undue, considering all of the following:

# General Standards for Conditional Uses

As inspired by Middlebury, Vermont

- i. Would it reduce the ability of the public to access, circulate and easily conduct business or enjoy cultural activities downtown, or diminish downtown improvement efforts, to an unacceptable degree?
- ii. Do the economic impacts unreasonably outweigh the economic benefits?
- iii. Are there other relevant impacts that significantly outweigh the benefits to the downtown's vitality?
- iv. Has the applicant taken reasonable mitigating steps that would reduce or minimize the undue impact? This would include customary project planning and market analysis, considering different types of projects, and reasonably sizing the project to avoid or reduce the adverse impact on the downtown.

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## C. Traffic on Roads or Highways in the Vicinity

The project shall have adequate traffic access, circulation and parking, and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities.

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The DRB may consider:

- Input from the Fire Chief
- Town traffic plans and studies
- Traffic engineering studies that may be required of the applicant;
- Pedestrian and bicycle needs
- Alternatives that reduce driving and traffic; and
- Public transit input from MVRTD (Marble Valley Regional Transit District)

## D. Performance Standards and other Town Ordinances

1. The project shall comply with all performance standards (Section 1429) and other specific requirements of these Bylaws;
2. The project shall comply with other Town Ordinances and Regulations;

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## E. Utilization of Energy Resources

The project shall not have an undue adverse effect upon the utilization of energy resources;

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The DRB shall consider:

- Whether the project will unreasonably harm any neighbor's access to solar energy or other alternative energy utilization.
  - Whether the project will appropriately incorporate the principles of energy conservation and the best available technology that is practicable for efficient use and recovery of energy.
  - Whether the project will be able to be served by existing and permitted utility facilities, without excessive demands or adverse indirect impacts.
- The DRB shall utilize recognized standards and information from Efficiency Vermont, the VT Department of Public Service and Act 250 Criterion 9(F) standards.

## Updates to Tables

### Article III: Table of Uses

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
Accessory Apartment	P	P	P		P	P	P	P	P	P	P		
Accessory use or building	P	P	P			P	P	P	P	P	P		
Animal Boarding	C	C					C	C	C	C			See Section 402 <del>1</del>
Antique Shop	C	C		S	S		C	C	C	C			<a href="#">See Section 401</a>
Appliance Repair Shop			C		C								<a href="#">See Section 401</a>
Artist Studio/Gallery		S	S			<a href="#">P</a>							
Auto Service Station			C										See Section 403 <del>2</del>
Auto Service Station w/Retail Store-Mini-Mart			C										See Section <a href="#">402403</a>
Banks			S										
Bed and Breakfast Lodging	S	S	S			S	S	P	P	P	S		
Building Materials Sales/Showroom				S	S								
Building Trades or Excavation Center				S	S								
Camp								P	P	P		P	
Car Wash				C	C								<a href="#">See Section 401</a>

## Updates to Tables

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
<b>Clinic, Medical</b>			S	S	S	S							
<b>Club or Lodge, Private</b>	C		P			<u>C</u>		C	C	C			See Section <a href="#">403404</a>
<b>College owned or directed facilities</b>						S							
<b>Commercial/Residential - Mixed use</b>			S										
<b>Community Care Facility</b>	C	C	C					C	C				See Section <a href="#">404405</a>
<b>Compact Subdivision</b>	P							P	P	P	P		See Article X
<b>Contractor's Yards</b>				S	S			C	C	C			See Section <a href="#">405406</a>
<b>Cottage Industry</b>	C							C	C	C			See Section <a href="#">406407</a>
<b>Crematorium</b>								C	C	C			See Section <a href="#">425426</a>
<b>Daycare Facilities</b>	P	P	P			P	P	P	P	P			
<b>Dry Cleaner</b>			C										<a href="#">See Section 401</a>
<b>Dwelling:</b>													
<b>One Family</b>	P	P	P		P	P	P	P	P	P	P		See Section 1503
<b>Two-Family</b>	P	P	P		P	P	P	P	P	P			See Section 1503

## Updates to Tables

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
<b>Multi-Family</b>	C	C	C		C	C	C	C	C	C			See Section <a href="#">407408</a>
<b>Elderly Housing Complex</b>	C	C	C				C	C	C	C			See Section <a href="#">424425</a>
<b>Farm Stand</b>			<u>P</u>			<u>P</u>	<u>P</u>	P	P	P			
<b>Funeral Home</b>	C												<a href="#">See Section 401</a>
<b>Garages on pre-existing small lots</b>	C	C	C			C	C	C	C	C	C		See Section <a href="#">408409</a>
<b>Home Occupation</b>	P	P	P			P	P	P	P	P	P		
<b>Industry, Light</b>				S	S								
<b>Laboratories; Medical, Dental, other</b>			S	S	S								
<b>Machine Shop</b>				S	S								
<b>Mobile Home Parks</b>	C							C	C	C			See Section <a href="#">41009</a>
<b><a href="#">Hotel/Motel</a></b>						<u>C</u>		C					See Section <a href="#">410411</a>
<b>Motorcoach - Trailer Park</b>								C					See Section <a href="#">411412</a>
<b>Motor Vehicle Sales and Service:</b>													
<b>New</b>				S	S								



## Updates to Tables

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
<b>Used</b>				S	S								
<b>Municipal Building</b>			S										
<b>Nursing Home</b>	C	C	C					C	C				See Section <a href="#">412413</a>
<b>Parking Lot, municipal or private</b>			S										
<b>Park</b>	P	P	P			P	P	P	P	P	P		
<b>Personal Service</b>			S	S									
<b>Printing and Publishing</b>				S	S								
<b>Professional Office-Residence</b>	S	S	S			S	S	P	P	P	S		
<b>Professional or Business office</b>			S	S	S	<u>S</u>							
<b>Public Storage Facility, self-service</b>				S	S								
<b>Recreation Facility</b>		C	C			C		C	C	C	C		See Section <a href="#">413414</a>
<b>Recycling Center</b>				S	S	S							
<b>Renewable Energy Structures</b>	C	C	C	C	C	C	C	C	C	C	C		See Section <a href="#">4276</a>

## Updates to Tables

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
<b>Research and Development Facility</b>				S	S	S							
<b>Restaurants</b>			S			<u>C</u>		C	C		C		See Section <a href="#">414415</a>
<b>Retail Store</b>			S	<u>CS</u>		<u>C</u>					C		See Section <a href="#">415416</a>
<b>Sand, Gravel, Soil Extraction</b>								C	C	C			See Section <a href="#">4176</a>
<b>School</b>		P	P			<u>P</u>	P	P					
<b>Self Storage Facilities</b>				C	C			C					See Section <a href="#">423424</a>
<b>Slate Mining</b>					C			C	C	C			See Section <a href="#">417418</a>
<b>Slate Processing</b>					P			C	C	C			See Section <a href="#">4198</a>
<b>Theaters</b>			P			<u>P</u>							
<b>Vehicle Repair, Garage</b>				C	C								See Section <a href="#">42049</a>
<b>Veterinarians:</b>													
<b>With Boarding</b>								C	C	C			See Section <a href="#">420421</a>
<b>Without Boarding</b>			S					S	S	S			

## Updates to Tables

	UD	VR <sup>1</sup>	VC <sup>1</sup>	VI <sup>1</sup>	I	CC <sup>1</sup>	RR-1	ARR-2	ARR-5	ARR-10	LS	CD	Comments
<b>Warehouse</b>				S	S	C							<a href="#">See section 429</a>
<b>Wireless Telecommunications Facilities</b>					C	C		C	C	C	C		See Section <del>422</del> <a href="#">423</a>
<b>Wholesale Distributor</b>				S	S								

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1) Applicants must obtain approved village sewer and/or water permits before applying for a zoning permit.

P = Means the use is permitted as a matter of right after obtaining a permit in accordance with Section 1502.

S = Means that the use is permitted in the designated district but subject to review by the Development Review Board in accordance with the Site Plan Approval provisions of Article XII.

C =Means that the use is permitted in the designated district but subject to review by the Development Review Board in accordance with the conditions set forth in Article IV

Some of the above uses may require a STATE PERMIT. For information call 786-5900.

A series of maps each showing information on a particular parcel is located at the Town Clerk's Office. A description of each of these maps follows the Table of Contents. These maps should be consulted when considering the purchase or development of land and/or structures.

2) For uses in the Flood Hazard Area District, please refer to the Article VIII.

[3\) Applicants may apply for Conditional Use Approval from the DRB for uses not listed in the Table of Uses, for which the DRB shall consider whether the proposed use is of the same general character as those allowed in the district in which the use is proposed.](#)

## Updates to Tables

**Article V: Lot Size, Setbacks, Yards**  
**Section 501: Table**

DISTRICT		MIN. LOT SIZE	SETBACKS			MIN. LOT FRONTAGE	MIN. LOT DEPTH	MAX. BLDG. HEIGHT
			F	S	R			
CC	If use is Permitted	7,500 s.f.	20'	15'	15'	75'	100'	3 stories or 35'
	Other	10,000 s.f.	20'	15'	15'	100'	100'	5 stories or 60'

## Specific Standards for Relevant Conditional Uses

### ARTICLE IV: USES PERMITTED SUBJECT TO CONDITIONS

#### **Section 407: Multi-Family Dwelling**

- A. When served by a municipally operated water and sewage disposal system, the minimum lot size shall be five thousand (5000) square feet per dwelling unit ~~with a maximum of five (5) dwelling units.~~
- B. In districts not served by municipal water and sewer a maximum of five (5) dwelling units is permitted.
- C. Dimensional requirements of the appropriate district shall apply to the overall lot. When not served by a municipally operated water and sewage disposal system the applicant shall also meet applicable local and state regulations for on-site water and sewage disposal systems.
- D. The conversion of any existing single family house into 3 or more units will require a local water and or sewer permit where such system is available. Additional parking standards must be met as set forth in Section 603.

#### **Section 410: Hotel/Motel**

- A. Structures, including accessory buildings, shall not occupy more than thirty percent (30%) of the area of the lot.
- B. There shall be minimum yards of twenty-five (25) feet on all sides of the building(s) with a minimum setback of one hundred (100) feet from all adjacent residential property.
- C. Entrances and exits shall be on non-residential streets and shall be located a minimum of seventy-five (75) feet from any street intersection.
- D. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.

#### **For Article XIII: Definitions**

**Hotel/Motel.** Building containing rooms which are rented as a series of sleeping units for ~~automobile~~ transients, each sleeping unit consisting of at least a bedroom and bathroom.

#### **Section 413: Recreation Facility**

- A. There shall be a minimum lot area of one (1) acre unless a greater lot area is required by Article V.
- B. The total lot coverage shall not be more than thirty percent (30%) of the area of the lot.
- C. There shall be minimum front, side and rear yard setbacks of twenty-five (25) feet.
- D. In addition to the yard requirements above, every building shall be set back a minimum distance of one hundred (100) feet from any adjacent residential property line.
- E. No building shall be erected to a height in excess of two (2) stories.
- F. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty-five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.

#### **Section 414: Restaurant**

- A. There shall be a minimum lot area of two (2) acres.

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## Specific Standards for Relevant Conditional Uses

- B. Structures, including accessory buildings, shall not occupy more than thirty percent (30%) of the area of the lot.
- C. There shall be minimum yards of twenty-five (25) feet on all sides of the building(s) with a minimum setback of one hundred (100) feet from all adjacent residential property.
- D. Where possible, entrances and exits to the parking lot shall be on non-residential streets.
- E. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.
- F. All driveways, entrances and exits shall be located a minimum of seventy-five (75) feet from any street intersections.

### **Section 415: Retail Store**

- A. There shall be a minimum lot area of two (2) acres.
- B. Structures, including accessory buildings, shall not occupy more than thirty percent (30%) of the area of the lot.
- C. There shall be minimum yards of twenty-five (25) feet on all sides of the building(s) with a minimum setback of one hundred (100) feet from all adjacent residential property.
- D. Where possible, entrances and exits to the parking lot shall be on non-residential streets.
- E. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.
- F. All driveways, entrances and exits shall be located a minimum of seventy-five (75) feet from any street intersections.

### **Section 428: Food and Beverage Processing Facility**

- A. There shall be a minimum lot area of two (2) acres.
- B. Structures, including accessory buildings, shall not occupy more than thirty percent (30%) of the area of the lot.
- C. There shall be minimum yards of twenty-five (25) feet on all sides of the building(s) with a minimum setback of one hundred (100) feet from all adjacent residential property.
- D. Where possible, entrances and exits to the parking lot shall be on non-residential streets.
- E. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.
- F. All driveways, entrances and exits shall be located a minimum of seventy-five (75) feet from any street intersections.

#### *For Article XIII: Definitions*

*Food and Beverage Processing, The preparation and packaging of food and/or beverage (including alcoholic and non-alcoholic) products for distribution and/or wholesale or retail sales, on or off premise, excluding restaurants and cafes except as an accessory use.*

### **Section 429: Warehouse**

- A. There shall be a minimum lot area of two (2) acres.
- B. Structures, including accessory buildings, shall not occupy more than thirty percent (30%) of the area of the lot.

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## Specific Standards for Relevant Conditional Uses

- C. There shall be minimum yards of twenty-five (25) feet on all sides of the building(s) with a minimum setback of one hundred (100) feet from all adjacent residential property.
- D. Where possible, entrances and exits to the parking lot shall be on non-residential streets.
- E. Off-street parking shall be provided in accordance with Article VI and shall be located a minimum distance of twenty five (25) feet from any adjacent residential property and shall be surrounded by a planting screen or suitable fence.
- F. All driveways, entrances and exits shall be located a minimum of seventy-five (75) feet from any street intersections.

### For Article XIII: Definitions

**Warehouse.** A building used for the storage of goods or materials, in bulk or as individual retail items.

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# Updates to Parking Requirements

## Article VI: Parking and Loading

### Section 603: Parking Space Requirements

Residential	Two (2) spaces per dwelling unit
Home Occupation	Two (2) spaces in addition to the requirement for the dwelling
Bed & Breakfast, <a href="#">Hotel/Motel</a>	One and one quarter (1.25) spaces per lodging unit <a href="#">Manchester: 1 per room (Base), 1 per 500 sf public meeting area (Additional)</a> <a href="#">Burlington: Varies by district. In Neighborhood, 1 per room; in Shared Use district, .75 per room; in Multimodal Mixed Use district, 0 per room.</a> <a href="#">Barre: 1 space for each unit plus 1 space for every 5 rooms</a>
<a href="#">Restaurant/Food and Beverage Processing</a>	One (1) space for each three (3) seats, each three (3) standees and each three (3) employees.
General Office, Retail	Two (2) spaces per one thousand (1,000) square feet of GLA (Gross Leasable Area).
Medical, Dental, Office, Clinic	Three (3) spaces for each full or part-time professional.
Nursing Homes, Community Care	One (1) space for each three (3) beds plus one (1) space for each two (2) employees on the major shift.
Assembly, Recreation Facility or Theater	One (1) space for every three (3) seats or every two hundred square feet of floor area.
Industrial, Warehouse	One (1) space per day shift employee
Daycare	One (1) space per employee
Other Uses	For those uses not defined above the Development Review Board shall use the parking standards published by the Institute of Traffic Engineers, current edition.

### Section 604: Loading and Service Areas.

A. Loading facilities shall be provided as follows:

Retail businesses and services - One (1) space of at least two hundred fifty (250) square feet for each three thousand (3,000) square feet of floor area or part thereof.

Wholesale and industrial uses - One (1) space of at least five hundred (500) square feet for each ten thousand (10,000) square feet of floor area or part thereof.

B. Loading surfaces shall be paved.

C. Loading facilities shall be located in the rear or side yards and not encroach on required buffer areas.



# Proposed PUD Language

- **Add PUD to Conditional Use chapter (Pg. ~41), OR as a standalone Article, OR incorporated into article on Site Plan Approval (~95)**
  - **Add to General Powers and Duties of the Board (Pg. 122-123)**
  - **Add to Definitions (Pg. 104)**
  - **Augment Site Plan Application section to include all statutory requirements (Pg. 95)**
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## Planned Unit Development

### A. Statement of Purpose

1. A Planned Unit Development provides for a clustering and/or different mixture of principal uses, arrangements of principal buildings and land use densities, than is conventionally provided in the standard subdivision and zoning scheme where each principal building or use is located on an individual lot and setback in a standard fashion from other such buildings and uses.
2. The purpose of this section is:
  - a. To enable and encourage flexibility in development or redevelopment of land to promote a mix of residential and nonresidential uses in Poultney's designated downtown;
  - b. To allow for orderly growth and the reuse of existing structures in a manner that does not unduly impact the capacity of community services and facilities or adversely impact surrounding neighborhoods; and
  - c. To provide for flexibility in use type, 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 within the particular character of the site and its surroundings.

### B. Development Review Process

1. All submission requirements by the applicant and public hearing process necessary for Conditional Use Approval (Article IV) and Site Plan Review (Article XII) shall apply.
2. Subdivision applications involving Conditional Uses or Planned Unit Developments shall be reviewed concurrently with subdivision review.
3. All reviews are conducted in accordance with the procedures of subchapter 10 of the Act.

### C. Standards for Review

1. A PUD may only be permitted on a parcel in common ownership, not less than **five acres**, located in the College Campus Zoning District, and only after Conditional Use Review by the DRB.
2. The PUD shall be consistent with the Town Plan, and the land uses involved shall conform to those allowable for the district in which the project is located. At the

## Proposed PUD Language

discretion of the DRB, a PUD may involve uses that are of the same general character as those allowed in the district in which the use is proposed.

3. All zoning requirements for the underlying district shall be met except that the following may be modified or waived: building height, lot area, lot width/depth minimum, lot coverage and setbacks.
4. Where the development may affect the character of the adjacent properties, the DRB may require special landscaping, natural buffer setbacks, and areas which must be kept free of buildings.
5. All designated open space shall be protected from any additional development and shall be preserved according to conditions imposed by the DRB.
6. An approved PUD shall not be further subdivided to create an additional PUD.
7. Unless all property within the PUD is owned by one entity or individual, there shall be a homeowner's association, co-operative, or other entity governed by an agreement with conditions, covenants, and regulations. This agreement shall provide additional legal means to assure continuation and maintenance of all open space.

### D. Phasing

1. The PUD may be proposed in phases over a reasonable period of time to ensure project conformity with the town plan and orderly development of the PUD, and/or to avoid overburdening municipal facilities and services.
2. Each phase of the proposed development must contain the required parking spaces, landscaping, and utility areas necessary for creating and sustaining a desirable and stable environment. These amenities must be installed and completed for each phase prior to the issuance of a zoning permit for the commencement of construction of a subsequent phase, unless otherwise waived by the DRB in writing. If waived, the DRB may require the developer to secure a performance bond, letter of credit, or equivalent surety in an amount sufficient to secure the full completion of such improvements.

### E. Amendments to Existing Planned Unit Developments

1. No changes, modifications, or revisions shall be made to the PUD unless approved by the DRB with the exception of minor amendments which may be approved by the Zoning Administrator as set forth below. Any changes to an approved PUD plan without review by the DRB or, if appropriate the Zoning Administrator, shall constitute a violation of these Bylaws.
  - a. Minor amendments to a PUD may be administratively approved by the Zoning Administrator. Minor amendments are changes which do not alter findings of fact or conclusions of law and preserve the essential character of the PUD with regard to uses, floor space, number of buildings, density, height, lighting, and the physical relationship of the PUD to the site.
  - b. Major amendments, which are subject to DRB review and approval, are changes which alter findings of fact, conclusions of law, or which alter the essential character of the PUD. Major amendments include but are not limited to:

## Proposed PUD Language

- i. An increase greater than 5% in floor area, site coverage or height;
- ii. Any reduction in open space;
- iii. Any additional or different uses;
- iv. Any change in building location;
- v. Any change in traffic access, circulation, or parking.
- vi. A determination by the Zoning Administrator that a change, modification or revision requires DRB review shall be conclusive and is not appealable

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### Article XII: Site Plan Approval

#### Section 1202: Application

The applicant shall submit two (2) sets of site plan maps and supporting data to the Development Review Board which shall include the following information presented in drawn form and accompanied by written text.

1. Name and address of the owner of record of this and adjoining lands; name and address of person or firm preparing the map; description of the property giving location; scale of map, north point, and date.
2. Survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, and the location of proposed structures with distance from lot lines indicated.
3. Location of proposed use(s), structure(s), ~~locations~~ and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utility service lines proposed, including placement of poles; landscaping plans, including site grading, planting design and screening or fencing.
4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
5. The location and size of proposed signs.
- 5-6. The amount, location, and proposed use of open space.
- 6-7. Any of the above information can be waived at the discretion of the Development Review Board.

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### Article XIII: Definitions

**Planned unit development.** A clustering and/or different mixture of principal uses, arrangements of principal buildings and land use densities, than is conventionally provided in the standard subdivision and zoning scheme where each principal building or use is located on an individual lot and setback in a standard fashion from other such buildings and uses. See Section XXXX.

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# Proposed PUD Language

## Article XIV: General Regulations

### Section 1411: Lot Limitations

In all districts only one principal building and one principal use shall be placed on a zoning lot, with the following exceptions: -

1. This restriction shall not apply to working farms where one additional residential structure is permitted for use by farm employees and other auxiliary farm structures are customary.
2. This restriction shall not apply to Planned Unit Developments reviewed in accordance with Section XXXX.

## Article XVI: Development Review Board

### Section 1603: General Powers and Duties of the Board

#### B. General Duties

The Development Review Board shall be charged with the proper interpretation of the Zoning Regulations and their consequent application within the town, and with the administration of the procedures allocated to it by this Zoning Regulation including the following:

3. To hear and rule on
  - a) Applications for a Conditional Use
  - ~~a)b)~~ Applications for a Planned Unit Development
  - ~~b)c)~~ Applications for the repair, relocation, replacement, or enlargement of a nonconforming structure within the Flood Hazard District; these duties are defined in Article VIII.
  - ~~c)d)~~ Applications for a Site Plan Review if the Board determines that the proposal conforms to the standards as designated in the Zoning Regulations.
  - ~~d)e)~~ Applications for nonconformity enlargement, repair, replacement, and extension.
  - ~~e)f)~~ Applications for rights-of-way or easements for development lacking frontage.
  - ~~f)g)~~ Requests for waivers of dimensional standards.
  - ~~g)h)~~ Applications for a subdivision of land if the Board determines that the proposal conforms to the standards as designated in the Zoning Regulations and Subdivisions Regulations.

## Article XVIII: Other Provisions

### Section 1803: Notice of Hearing

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## Proposed PUD Language

In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Article IV), [Planned Unit Development review \(Article/Section XXXX\)](#), appeals of decisions of the Zoning Administrator and variances (Sections 1614 and 1605, respectively) and final subdivision review. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

- (1) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
- (2) posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
- (3) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
- (4) for hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality

Public notice of all other types of development review hearings, including site plan review (Article XII) shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

- (1) posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
- (2) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding, is a prerequisite to the right to take any subsequent appeal.

No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the [Board of Adjustment](#), Development Review Board or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

# Other Sections Needing Update

## Article II: Establishment of Zoning Districts and Zoning Map

### Section 201: Establishment of Zoning Districts

The Town and Village of Poultney hereby establish the following thirteen (13) Zoning Districts:

#### E. CC - College Campus

1. Purpose: The purpose of the College Campus zoning district is to allow the orderly growth and development of ~~college-owned~~the campus formerly owned by Green Mountain College ~~property~~ within the context of the Village center. The intent is to allow for the re-use and limited expansion of the ~~parcel~~college, without unduly impacting the capacity of community services and facilities.

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## Article XII: Site Plan Approval

### Section 1204: Time for Action

The Development Review Board shall warn a hearing within forty five (45) days of receiving a complete site plan and supporting data, and shall approve, disapprove, or approve with conditions any site plan within forty five (45) days after completing a final hearing. the date upon which it receives the complete site plan and supporting data. Failure to act within such period shall be deemed approval and shall be effective the 46<sup>th</sup> day.

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## Article XIV: General Regulations

### Section 1401: Compliance with Regulations

No land, building, or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with this Regulation.

No lot shall have an area, width, or a front, side or rear yard, less than that set forth unless otherwise provided for in this Regulation.

The general regulations in this Article apply to all uses and all structures within all districts and supplement the conditions, requirements and standards applicable to specifically regulated uses and structures. Conversely, conditions, requirements and standards set forth elsewhere in these bylaws do not negate or replace these general conditions. In the event of any actual inconsistency between these general regulations and other bylaw provisions, the more restrictive terms as determined by the DRB shall govern.