

**Town of Dummerston Planning Commission**  
**Zoning Bylaw Amendments**  
**Notice of Public Hearing**

Pursuant to 24 V.S.A. Chapter 117 §4444, notice is hereby given by the Planning Commission of the Town of Dummerston, Vermont that **a public hearing will be held on Tuesday, February 1, 2022 at 7:00 p.m. in the Dummerston Community Center at 150 West Street in West Dummerston** (a snow date is reserved for Tuesday, February 8, 2022 at 7:00 p.m. at the same location-cancellation will be posted on the Town of Dummerston website by 3:00 p.m. on February 1, 2022) to hear comments on the proposed amendments. A zoom link is also provided for those who want to attend remotely (see the end of the Notice for information).

The Planning Commission will accept oral and written comments on the proposed bylaw changes and will be prepared to receive information on its compatibility with the town plan.

Copies of the draft Zoning Bylaw are available at the Town Offices and on the Town website. Written comments may be sent to the Dummerston Planning Commission at 1523 Middle Road, East Dummerston, VT 05346, or by email to [planning@dummerston.org](mailto:planning@dummerston.org), on or before February 4, 2022.

1. The purposes of the proposed amendments are:

- a) **Article II:** The purpose of this amendment is to more clearly outline the Uses that are allowed in each District and the requirements associated with each Use. There is no change to any Use or its permit requirements; the changes are primarily formatting. Two Uses have been renamed to be consistent with state definitions. The current bylaw may lead the reader to think that a Use is allowed with no permit when it in fact requires a permit. The amendment attempts to clarify this and other requirements.
- b) **Section 603:** The purpose of this amendment is to update the definition of Accessory Dwelling Unit to the Statutory definition. Currently it is defined as an apartment, while the statutory definition uses the term “distinct unit” allowing for unattached structures. The amendment also removes some requirements for a Conditional Use permit, which seemed unnecessarily restrictive, although Zoning Permits still apply.
- c) **Section 604:** This amendment changes the term “Home Occupation” to “Home Business.” The intention is to remove the term “Home Occupation” from the Bylaw because of confusion in distinguishing Home Occupation from Home Business. The statutory protection of Home Occupation is still referenced in the amended bylaw, and it still applies to home businesses that meet the statutory criteria.
- d) **Section 605:** This section regulating Home Businesses is completely re-written to achieve better efficiency and clarity in the permitting requirements. A three-tiered structure is created, replacing the current requirement for all home businesses to get a Conditional Use Permit. The new structure defines criteria for home businesses that will (A) not require a permit; (B) require a Zoning Permit; and (C) require a Conditional Use Permit.

e) **Section 611:** The purpose of amending this section with a reference to Section 605 is to help the reader find relevant information.

f) **Sections 665-670:** These sections, regulating signs, are rewritten for clarity and consistency. A single square-footage limit is defined for businesses in CI and RC districts and for non-residential uses allowed in other districts. In some cases, this may allow for increased signage area, and in some cases it may reduce the area allowed for a single-sided sign.

g) **Article III, Definitions:** Uses have been redefined to be consistent with statutory definitions. Home Business has been redefined for clarity. A statutory definition for “employee” has been added because the bylaw for home businesses references employees.

2. Geographic area affected: ALL areas of Dummerston
3. Amendments are found as follows: Article II, ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP; Section 603, Equal Treatment of Housing; Section 604, Protection of Home Occupations; Section 605, Home Business; Section 611, Buildings and Uses of Lots; Sections 665-670, Outdoor Advertising Signs, Permit Criteria for Outdoor Advertising Signs, Outdoor Advertising Sign Restrictions; and Article III, DEFINITIONS.
4. **Note: There are NO changes to the Zoning Map.**
5. Copies of the document are available at the Dummerston Town Clerk’s Office.
6. Zoom sign on:  
<https://us06web.zoom.us/j/88512214239?pwd=RU52WEsyWmJSS2VIQWNZbHRuM1pjUT09>

Meeting ID: 885 1221 4239

Passcode: LrvN1x

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 929 205 6099 US (New York)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)

Meeting ID: 885 1221 4239

Passcode: 985137

Find your local number: <https://us06web.zoom.us/j/88512214239>

Robert Danzi, Chair  
Dummerston Planning Commission

*(See next pages for Text of Proposed Amendments)*

**To be Posted at:**

- Town Office, Dummerston Center
- Post Office, West Dummerston
- Dummerston School
- Community Center, West Dummerston

# Proposed Amendments to the Dummerston Zoning Bylaw Public Hearing Draft

## ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

*[The following proposed Sections 204-240 would replace Sections 205-240 in the current bylaw and have been reformatted to more clearly outline the Allowed Uses and permitting requirements these sections. There are no substantive changes from the current bylaw. Agri-Tourism and Agriculture are replaced by Farming and On-Farm Business to be more consistent with statutory language. Section 204 is a new section. Only the reformatted parts of Sections 205-240 are shown below. All others parts remain unchanged.]*

### **Section 204 Allowed Uses in all Districts**

The following Uses are allowed in all Zoning Districts. More Uses are listed under each district in Sections 205-245. State permits may be required in addition to the requirements under this bylaw. If a Use is not listed in this bylaw it is not allowed unless it meets the criteria of Section 121.

Use	Requirements
1. Forestry	No permit required
2. Farming, including On-Farm Business	No permit required; Site Plan required for Structures, showing Setbacks are met.
3. Single- or Two-Family Dwelling and Accessory Use or Structure thereto	Zoning Permit
4. Accessory Use or Structure other than above	Zoning Permit and Site Plan Approval
5. Accessory Dwelling Unit	See Section 603.4
6. Home Business	See Section 605
7. Family Childcare Home	Zoning Permit and Site Plan Approval
8. Residential Care Home	Zoning Permit and Site Plan Approval
9. Short-Term Rental	Conditional Use Permit

**Section 205 Conservation District CN**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Conservation District:

Zoning Permit and Site Plan Approval required

- 1. Cemetery
- 2. Reservoir

Conditional Use Permit required

- 1. B&B
- 2. PUD – residential only

**Section 210 Productive Lands District PL**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Productive Lands District:

Zoning Permit and Site Plan Approval required

- 1. Cemetery
- 2. Reservoir

Conditional Use Permit required

- 1. B&B
- 2. Communication Structure
- 3. Community Center
- 4. Country Inn
- 5. Dwelling Multi-Family  $\leq 4$
- 6. Licensed Child Care Facility

**Section 215 Rural District RUR**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Rural District:

Zoning Permit and Site Plan Approval required

- 1. Cemetery
- 2. Reservoir

Conditional Use Permit required

- 1. Animal Hospital
- 2. Auto Service & Repair
- 3. B&B
- 4. Campground
- 5. Communication Structure
- 6. Country Inn
- 7. Earth/Mineral Extraction
- 8. Licensed Child Care Facility
- 9. Kennel
- 10. PUD residential only
- 11. Recreational

## **Section 220 Rural Residential District RR**

### **Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Rural Residential District:

#### Conditional Use Permit required

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 1. B&B                            | 8. Mobile Home Park             |
| 2. Cemetery                       | 9. PUD Residential Only         |
| 3. Communication Structure        | 10. Repair Shop                 |
| 4. Country Inn                    | 11. Reservoir                   |
| 5. Dwelling Multi-Family $\leq 4$ | 12. Storage Facility            |
| 6. Licensed Child Care Facility   | 13. Storage, Portable Container |
| 7. Kennel Mixed Use Structure     |                                 |

## **Section 225 Residential District RES**

### **Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Residential District:

#### Conditional Use Permit required

- |                                 |                                 |
|---------------------------------|---------------------------------|
| 1. Animal Hospital              | 11. Mobile Home Park            |
| 2. Auto Service & Repair        | 12. Neighborhood Store          |
| 3. B&B                          | 13. Office Building             |
| 4. Cemetery                     | 14. Places of Worship           |
| 5. Communication Structure      | 15. PUD Residential Only        |
| 6. Community Center             | 16. Recreational Facility       |
| 7. Country Inn                  | 17. Repair Shop                 |
| 8. Dwelling Multi-Family        | 18. School (Public & Private)   |
| 9. Licensed Child Care Facility | 19. Storage, Portable Container |
| 10. Mixed Use Structure         |                                 |

## **Section 230 Settlement Area Districts SA**

### **West Dummerston Village District**

#### **Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the West Dummerston Village District:

#### Conditional Use Permit required

- |                                   |                                |
|-----------------------------------|--------------------------------|
| 1. B&B                            | 8. Mixed Use Structure         |
| 2. Cemetery                       | 9. Neighborhood Store          |
| 3. Communication Structure        | 10. Office Building            |
| 4. Community Center               | 11. Places of Worship          |
| 5. Country Inn                    | 12. Public/Government Building |
| 6. Dwelling Multi-Family $\leq 4$ | 13. PUD Residential Only       |
| 7. Licensed Child Care Facility   | 14. Residential Care Facility  |

15. School (Public & Private)

**Dummerston Center District**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Dummerston Center District:

Conditional Use Permit required

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 1. B&B                            | 7. Licensed Child Care Facility |
| 2. Cemetery                       | 8. Mixed Use Structure          |
| 3. Communication Structure        | 9. Places of Worship            |
| 4. Community Center               | 10. Public/Government Building  |
| 5. Country Inn                    | 11. Residential Care Facility   |
| 6. Dwelling Multi-Family $\leq 4$ | 12. School (Public & Private)   |

**Slab Hollow District**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Slab Hollow District:

Conditional Use Permit required

- |                                   |                                |
|-----------------------------------|--------------------------------|
| 1. B&B                            | 9. Neighborhood Store          |
| 2. Cemetery                       | 10. Office Building            |
| 3. Communication Structure        | 11. Places of Worship          |
| 4. Community Center               | 12. Public/Government Building |
| 5. Country Inn                    | 13. PUD Residential Only       |
| 6. Dwelling Multi-Family $\leq 4$ | 14. Residential Care Facility  |
| 7. Licensed Child Care Facility   | 15. School (Public & Private)  |
| 8. Mixed Use Structure            |                                |

**Section 235 Rural Commercial District RC**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Rural Commercial District:

Zoning Permit and Site Plan Approval required

1. B&B

Conditional Use Permit required

- |                            |                                  |
|----------------------------|----------------------------------|
| 1. Animal Hospital         | 6. Community Center              |
| 2. Auto Service & Repair   | 7. Country Inn                   |
| 3. Building Trade          | 8. Dwelling Multi-Family         |
| 4. Campground              | 9. Earth/Mineral Extraction      |
| 5. Communication Structure | 10. Licensed Child Care Facility |

- |                                |                               |
|--------------------------------|-------------------------------|
| 11. Kennel                     | 20. PUD Residential Only      |
| 12. Manufacture/Pack/Process   | 21. Recreational Facility     |
| 13. Mixed Use Structure        | 22. Repair Shop               |
| 14. Mobile Home Park           | 23. Residential Care Facility |
| 15. Office Building            | 24. Restaurant                |
| 16. Places of Worship          | 25. Retail Store              |
| 17. Portable Storage Container | 26. School (Public & Private) |
| 18. Public/Government Building | 27. Storage Facility          |
| 19. PUD (all other)            | 28. Warehouse                 |

**Section 240 Commercial/Light Industrial District CI**

**Allowed Uses**

In addition to the Uses listed in Section 204, the following are allowed in the Rural Commercial District:

Conditional Use Permit required

1. Animal Hospital
2. Auto Service & Repair
3. Building Trade
4. Communication Structure
5. Earth/Mineral Extraction
6. Kennel
7. Licensed Child Care Facility
8. Light Industry
9. Mixed Use Structure
10. Office Building
11. Recreational Facility
12. Repair Shop
13. Residential Care Facility
14. Retail Store
15. Solid Waste Facility
16. Storage Facility
17. Storage, Portable Container
18. Warehouse





## ARTICLE VI: GENERAL REGULATIONS

### **Section 603 Equal Treatment of Housing**

4. No Zoning Regulation shall have the effect of excluding as a permitted use one Accessory Dwelling unit that is located within or appurtenant to a single-family dwelling. An Accessory Dwelling unit means a distinct unit 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 of the following:

- a. The property has sufficient wastewater capacity.
- b. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling, or 1000 square feet, whichever is larger.
- c. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when the unit is more than 1000 square feet and greater than 30 percent, but less than 50 percent, of the total habitable floor area of the single-family dwelling.

### **Section 604 Protection of Home Businesses**

In accordance with the Act [§4412(4)] no provision of these regulations shall infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

### **Section 605 Home Business**

[delete existing text]

- 1.

[insert new text]

**Home Business** is defined as: any business operated out of the principal dwelling or accessory structure of the business owner or operator, where the business aspect is secondary to the residential use and does not change the residential character of the property or the surrounding area. For purposes of this Section, Home Business is considered an accessory use.

Exceptions: Farms and Accessory On Farm Businesses are not regulated under this section of the Bylaw. See 24 V.S.A. § 4412(11), 24 V.S.A. § 4413(d).

To this end, the following three (3) categories of home businesses are allowed in accordance with the associated standards.

**(A) Home Business - no permit required.** No permit shall be required for a person with a home business provided it is confined entirely to an area within the principal dwelling or accessory structure and it meets the following standards:

1. The home business is conducted by residents of the dwelling unit and involves no more than two non-resident employees on-site.
2. The home business does not involve the conduct of business with more than five on-site visits from clients or customers per day.
3. The home business does not involve the outside display or outside storage of goods.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670.
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 7.
9. Any proposed expansion of the home business may require a zoning permit for the home business under this section.

**(B) Home Business - zoning permit required.** A home business which does not meet one or more of the standards set forth in subsection (A) may be permitted with the approval of the Zoning Administrator in accordance with Section 703 and in accordance with the following provisions:

1. The home business is conducted by residents of the dwelling unit and involves no more than five non-resident employees on-site.
2. The home business does not involve the conduct of business with more than twenty on-site visits from clients or customers per day.
3. The home business does not involve the outside display or outside storage of goods, materials, or equipment visible from the roadway or from adjacent properties.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.

6. Signs must conform to requirements in Sections 665-670.
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. Retail sales are not conducted, with the exception of the sale of goods related to the home business or with the exception of goods created on the premises.
9. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 8.
10. The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions and meets the definition of home business pursuant to this bylaw. Any proposed expansion of the home business beyond that permitted will require a new zoning permit for the home business under this section.

**(C) Home Business – conditional use permit required.** Home businesses outlined below may be permitted in designated zoning districts and are subject to conditional use approval of the Development Review Board under Section 715 and the following provisions:

1. The home business is conducted by residents of the dwelling unit and involves no more than ten non-resident employees on-site.
2. In addition to other conditions, the DRB may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.
3. Storage or display of goods, materials, or equipment visible from the roadway or from adjacent properties may be allowed as specified in the conditional use permit, with screening as appropriate.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. Retail sales may be conducted as specified in the conditional use permit.
9. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 8.
10. The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions and meets the definition of home business pursuant to this bylaw. Any proposed expansion of the home business beyond that permitted will require a new conditional use permit for the home business under this section.

### **Section 611 Buildings and Uses on Lots**

There shall be only one principal building and one principal use on a lot unless otherwise approved under the Planned Unit Development provisions of these Regulations, or as a Conditional Use approved by the Development Review Board, or as provided under the provisions of Section 605.

*[The following Sections 665-670 are proposed to replace Sections 665-670 in the current bylaw. Numbers in [brackets] refer to sections in the current bylaw.]*

### **Section 665 Outdoor Advertising Signs**

An Outdoor Advertising Sign is any display, device or representation which is visible from any highway or other public right-of-way and is designed or used to advertise or direct attention to any business, profession, commodity, service, or entertainment.

Outdoor Advertising Signs shall be deemed Land Development as herein defined, shall require a zoning permit before being erected, constructed or structurally modified and, with the exception of Home Business (see 5b.), must be approved by the Development Review Board under Sections 725-727 of this Bylaw. [665.2]

Outdoor Advertising Signs are regulated in 10 V.S.A., Chapter 21 which also provides for certain types of signs not regulated in this bylaw, such as Official Business Directional Signs, municipal signs, and temporary signs. [666]

### **Section 669 Permit Criteria for Outdoor Advertising Signs**

1. The sign must be located on the same premises as the business, profession, commodity, service or entertainment which is advertised. [667.1]
2. The sign must have as its purpose the identification of the activity or its products or services, rather than the purpose of general advertising. [667.2]
3. The premises shall be that part of the owner's or occupant's real property to which the public is invited and on which the business, profession, commodity, service or entertainment to which the sign directs attention is carried on, sold or offered. [668.1]
4. Pursuant to 10 V.S.A., Chapter 21, the sign shall not be located more than fifteen hundred feet from a main entrance from that highway to the activity or premise advertised. The fifteen hundred foot distance shall be measured along the center line of the highway or highways between the sign and a main entrance. A main entrance shall be a principal, private roadway or driveway which leads from a public highway to the activity or premises advertised. [668.2]
5. [669] The sign must comply with the following limits to size and number. Specified dimensions shall be applied to the sign panel excluding hardware and supporting frame. Area dimensions shall be applied to the sign panel regardless of whether one or both sides are used for advertisement.
  - a. In RC and CI zoning districts, one sign per each premises, not exceeding 32 square feet. The premises may contain more than one sign necessary in the conduct of business, such as but not limited to: parking, fire lanes, delivery and entrance signs not to exceed 6 square feet each.
  - b. One sign per each premises for Home Business not exceeding 6 square feet, in all districts except RC and CI. The premises may contain more than one sign necessary in the conduct of business, such as but not limited to: parking, fire lanes, delivery and entrance signs not to exceed 6 square feet each.
  - c. One sign per each premises for non-residential use not exceeding 32 square feet, in all districts except RC and CI. The premises may contain more than one sign necessary in the conduct of business, such as but not limited to: parking, fire lanes, delivery and entrance signs not to exceed 6 square feet each.

### **Section 670 Outdoor Advertising Sign Restrictions**

No outdoor advertising sign may be erected or maintained which:

1. Interferes with, imitates or resembles any official traffic control sign, signal, or device, or attempts or appears to attempt to direct the movement of the traffic;
2. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
3. Contains, includes or is illuminated by any flashing intermittent or moving lights, or moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign.
4. Is internally illuminated, except in RC and CI districts;
5. Is so located as to be readable primarily from a limited access highway;
6. Is extended more than twenty feet above ground level or attached to the roof of a building; no sign which is mounted on, or part of, the main structure of a building may be higher than the eaves of that part and side of the building;
7. Is located within twenty-five (25) feet of the center line of the road or within one hundred fifty (150) feet of any intersection of streets, unless it is mounted on, or is part of, the main structure of a building.

## ARTICLE VIII: DEFINITIONS

**ACCESSORY DWELLING UNIT:** a distinct dwelling unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. See Section 603.4 and 24 V.S.A. § 4412(1)(E).

**ACCESSORY ON-FARM BUSINESS:** activity that is accessory to a farm as defined in 24 V.S.A. § 4412(11).

**AGRICULTURE:** [remove]

**AGRI-TOURISM:** [remove]

**EMPLOYEE:** every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to perform services. (See 21 VSA Section 302, subsection 2)

**FARM:** A parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP rules. See 24 V.S.A. § 4412(11)(A)(ii). A Farm Determination from the VT Agency of Agriculture, Food and Markets meets the criteria for a farm for this bylaw.

**FARMING:** Cultivation or other uses of land for the production of agricultural crops or raising of livestock, including accessory structures and activities, as defined in 10 VSA 6001(22) and 10 VSA 16A § 374(b).

**HOME BUSINESS:** any business operated out of the principal dwelling or accessory structure of the business owner or operator, where the business aspect is secondary to the residential use and does not change the residential character of the property or the surrounding area. A Home Business is considered an Accessory Use and is regulated under Section 605.