

Section 235 Rural Commercial District RC

General Description and Purpose

...The Purpose of the Rural Commercial District is to encourage and regulate commercial, light industrial, and residential uses in defined areas along the Route 5 and 30 corridors. Such development will make the most of existing or planned facilities and services to ensure wise use of resources and public investment, a healthy economy, a stable tax base, and the protection of the health, safety and welfare of the public. ~~Strip development should be discouraged and its negative impacts minimized, if possible, by~~ Thoughtful development should be encouraged, using techniques such as shared access points, increased landscaping, sign control, and emphasis on pedestrian movement.

Section 240 Commercial/Light Industrial District CI

Conditional Uses

Agri-tourism	Mixed Use Structure
Animal Hospital	Office Building
Auto Service & Repair	Recreational Facility
Building Trade	Repair Shop
Communication Structure	Residential Care Facility
Earth/Mineral Extraction	Retail Store
Licensed Child Care Facility	Short-term rental
Home Business	Solid Waste Facility
Kennel	Storage Facility
Manufacture/Pack/Process	Storage, Portable Container
<u>Light Industry</u>	Warehouse

Section 256 Waivers

The purpose of a waiver is to allow for the reduction of dimensional requirements that might not meet the standards necessary to grant a variance.

Pursuant to 24 V.S.A. §4414(8), waivers to dimensional requirements of this Zoning Bylaw may be granted by the Development Review Board (DRB) after ~~considering making findings on the~~ Waiver Criteria in Section 256(3)-below. The burden of proof is on the applicant to demonstrate that the waiver requested meets the Waiver Criteria.

~~A waiver may be granted to any of the dimensional requirements in this Zoning Bylaw.~~

~~**Waiver Criteria:** The DRB may grant a waiver(s) to a dimensional requirement(s) after making findings on the following criteria:~~

1. The waiver is helpful or necessary to allow for reasonable use of the property.
2. The waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property.
3. Any adverse effects of the waiver are mitigated by design, screening, or other remedies.

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4. The need for a waiver was not created by past decisions of the applicant.
5. The proposed project will still conform to the Town Plan.
6. The proposed project will still conform to the purpose of the zoning district (as stated in Sections 205-240 of these Bylaws) in which the land development is located.
7. The proposed project will not have an undue adverse effect on the following:
 1. Surrounding properties and property values
 2. The character and aesthetics of the neighborhood
 3. Traffic patterns and circulation
 4. Public health, safety, and utility services
 5. Stormwater management
 6. Water and wastewater capacity.

Waivers using the Variable Lot Size / Maximum Lot Number method for land division permits are allowed in CN, PL, and RUR districts and only for residential uses. Criteria 2 above may be waived and the following additional requirements must be met:

8. No land division shall be smaller than 2 acres. Lot width and depth minimums shall not be less than 200 feet.
9. The land division must be designed to prioritize preservation of undeveloped land, agricultural land, wetlands, waterways, and wildlife habitat, where appropriate.
10. The maximum number of lots allowed by land division shall be determined by dividing the total acreage of the original lot by the minimum lot size of the zoning district.
11. The DRB shall attach conditions to the land division permit limiting future subdivision to the Maximum Lot Number minus the number of lots created by the land division permit. Any subsequent division of land shall be based on this new Maximum Lot Number.
12. The Land Division Permit and the Development Review Board's decision including the new maximum lot number shall be recorded in the Dummerston Land Records.

[Example: A 46-acre lot in CN district would be allowed a maximum of 4 lots by subdivision, based on a 10-acre minimum lot size. If a waiver allows a land division permit for 2 lots of 2 acres each, the Maximum Lot Number for the remaining 42-acre lot would be 2.]

Section 616 Exemptions to Setback Requirements

Reduction of Setback Requirements for small lots

The Administrative Officer may approve a zoning permit application for the construction of accessory structures for permitted uses, ~~including decks and above-ground hard-sided pools,~~ on a lot that does not comply with the minimum lot size of two (2) acres or less, provided that all of the following criteria are met:

Section 665 Outdoor Advertising Signs

2. On-premise outdoor advertising signs shall be deemed "Land Development" as herein defined, shall require a zoning permit before being erected, constructed or ~~replaced~~ structurally modified, and, with the exception of 669.1, must be approved by the Development Review Board under Sections 725-727 of this Bylaw.

Section 675 Mobile Home Parks

All mobile home parks are subject to the State regulations for mobile home parks (10 V.S.A., Chapter 1534), ~~and the Dummerston Mobile Home Park Ordinance~~. All applications for mobile home parks shall require a permit from the Development Review Board.

New Mobile Home Parks

In addition to the requirements for Conditional Use approval ~~contained in Section 720~~, the following general and specific standards must be satisfied before a new mobile home park is approved:

1. There shall be no more than four (4) mobile homes per acre.
2. A minimum of ten thousand (10,000) square feet of lot area shall be provided for each mobile home, including at least five thousand (5,000) square feet for each mobile home site, plus at least five thousand (5,000) square feet for each mobile home in common open space, exclusive of roads. Such common open space shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of seventy-five (75) feet.
3. Site planning improvements shall provide for:
 - a. facilities and amenities appropriate to the needs of the occupants;
 - b. safe, comfortable and sanitary use by the occupants under all weather conditions;
 - c. practical and efficient operation and maintenance of all facilities.
4. Provision shall be made for adequate siting of mobile homes to maximize energy conservation, protect existing vegetation and prevent development of environmentally sensitive areas, such as steep slopes, wet areas, shallow soils and other unique or fragile areas for the health, safety and welfare of the occupants and the community.
5. ~~Mobile home parks are subject to the granting of a permit by the Selectboard and require the payment of an annual fee.~~

Pre-existing Mobile Home Parks

If a mobile home park, as defined in 10 V.S.A. Chapter 153 is a nonconformity pursuant to these bylaws, the entire mobile home park shall be treated as a nonconformity, and the individual lots shall not be considered to be a nonconformity under these bylaws, except as provided below. No pre-existing nonconforming mobile home park may be resumed if such use has been abandoned for a period of six months or more. Mobile home parks shall be considered abandoned when the whole park is vacant for a period of six months or more. An individual mobile home lot that is vacated shall not be considered abandoned. In accordance with 24 V.S.A. Sections 4412 (1)(B) & (7)(B), existing, nonconforming mobile home parks shall comply with this section.

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1. Any mobile home within the nonconforming mobile home park may be altered, expanded or replaced, providing:

a. the applicant provides proof of adequate wastewater capacity; and

b. the expansion or replacement will not:

i. be located less than ten (10), feet from any other primary structure(s);

ii. obstruct or prohibit ingress or egress for any primary structure;

iii. obstruct or prohibit mobility or replacement of any primary structure;

iv. obstruct or prohibit the provision of emergency services;

v. obstruct existing utilities or rights of way; nor

vi. threaten or unduly degrade public health, safety, or welfare.

2. Should these standards be found to have the effect of prohibiting the replacement of a mobile home on an existing lot, the DRB, through review and Section 720 herein may alter one or more of these requirements.

The standards in Section 1 above may be waived after conditional use review by the DRB provided the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a mobile home on an existing lot. In approving this waiver, the DRB may impose conditions requiring design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver.

Section 704 Effective Date

1. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed Issued on the thirty-first (31st) day.

2. ~~No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal, except that zoning permits issued as a result of a decision by the Development Review Board shall become effective immediately.~~

Section 720 Conditional Use Permits

No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires a Conditional Use Permit in this Bylaw until the Development Review Board grants such approval. In considering its action, the Development Review Board shall make findings on general and specific standards, hold hearings and attach conditions as provided for in Section ~~4407(2)~~4417(3) of the Act.

Section 715 Development Review Board

The Development Review 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:

1. Applications for rights-of-way or easements for development lacking frontage.
2. Appeals from any decision, act or failure to act by the Administrative Officer ~~and any associated variance requests.~~
3. Applications for site plan approval.
4. Applications for conditional use approval.
5. Applications for land division approval of more than two lots.
6. Applications for planned unit development.
7. Applications subject to Flood Hazard Area Regulations.
8. Applications subject to Article IX: Wireless Telecommunications Facilities.
9. Applications for waivers or variances.

DEFINITIONS

LAND DEVELOPMENT: The division of any land parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building structure or sign; or other structures, or of any mining, excavation, of landfill, or construction of access road; and any or any change in the use of any building or other structure or land; or an extension of use of land.

STRUCTURE: anything constructed, or erected or installed for occupancy or use which remains, or will remain, more than 12 months in the same location, including but not limited to, a Any building, a mobile home, trailer, recreational vehicle, tower, or in-ground swimming pool, deck, or dumpsters and portable storage containers may be considered a structure if it meets the above criteria. If any construction or installation requires a wastewater system permit from VT Agency of Natural Resources, then it is considered a Structure by this bylaw.
~~Structure does not include;~~ Mailboxes, dog houses, Little Free Libraries, clotheslines, poles, and lamp posts ~~and at-grade decks are not considered structures.~~
Fences, walls, and retaining walls exceeding six feet in height are considered structures. Fences, walls, and retaining walls not exceeding six feet in height as well as any agricultural fence on an operating farm are not considered structures.

PORTABLE STORAGE CONTAINER: ~~a structure, any type of container designed to hold materials and to be moved by heavy equipment. for storage of materials or trash, which can be moved and emptied with trucks or machinery. Garbage dumpsters up to 6 cubic yards are allowed with any residential use in all districts.~~

RECREATIONAL VEHICLE (RV): a van or utility vehicle designed for recreational purposes, and often equipped with living facilities.

TRAILER: any van or closed vehicle usually pulled by a car or truck, and equipped for a temporary living quarters occupancy or other use, but is without permanent sanitary facilities.