

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which requires that:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report shall provide a brief explanation of the proposed bylaw amendment and include a statement of purpose as required for notice under § 4444 of this title, and shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

Statement of Purpose, Conformance with Goals and Policies of the Town Plan, and Compatibility with Proposed Future land Uses and Densities of the Plan

The purpose of these amendments is to complete an ongoing update of the Zoning Ordinance, to encourage appropriate social and economic development consistent with the goals of the Town Plan, and its policies, specifically Housing Policies 1 and 4, Economy Policy 2, National Resources Policy, and Land Use Policies 1 through 5, and to implement the Plan's proposed land uses and densities. The Plan does not make specific proposals for planned community facilities.

The revision of the Zoning Ordinance for the Town of Wilmington, VT includes approval and adoption of:

- Article II Zoning Districts, Descriptions, Uses and Regulations
- Article III Standards and Procedures for Land Development
- Appendix I General Definitions
- Map of Proposed Zoning Districts

These amendments are presented for adoption to supplement the following current, approved and adopted, revised Articles:

- Article I Enactment and Purpose
- Article V Administration
- Article VI Historic Review District
- Article VII Telecommunications
- Article VIII Flood Hazard Regulations

The proposed Articles and map replace the following sections of the current Zoning Ordinance:

- Section 3: Existing Use of Buildings and Land
- Section 4: Districts
- Section 5: Agricultural Use
- Section 6: Permitted Uses and Minimum Requirements of Districts
- Section 7: Conditional Uses

- Section 8: Camps
- Section 12: Adoption, Amendment & Repeal Process
- Section 13: Definitions
- Section 14: Municipal Uses and Special Limitations
- Section 15: Notice of Appeal to Development Review Board
- Map of Zoning Districts

The proposed changes will:

- A. Guide future growth and development
- B. Encourage land uses most appropriate to the designated land area.
- C. Encourage development and uses aligned with availability of appropriate public services, schools, highways, and police protection.
- D. Protect against the pollution of watercourses and watersheds, safeguard water tables and avoid hazardous conditions and damage resulting from run-off.
- E. Conserve the Town's natural beauty and topography in such a way as to preserve the integrity, stability and value of land and buildings.
- F. Protect and conserve the character of the community

The proposed changes to zoning districts will alter land use designations in the following manner:

- Conservation lands will provide limited development in wildlife sensitive natural habitats.
- Commercial lands will be clustered around targeted commercial zones to discourage “strip” style development.
- Resort designation lands will encourage appropriate controls and development within previously established PUDs that cover a significant portion of the lands in the town of Wilmington.
- Minimum lot sizes will be increased in PUDs to discourage excessively dense development. Dense development would require a coordinated approach to developmental planning for improved aesthetics.
- Minimum lot sizes in districts have been, in some cases, increased to discourage dense development in rural areas.
- District realignment of uses and lot sizes will better serve the community through more thoughtful development appropriate to the character of the community.

There is no effect on:

- Traffic
- Municipal tax base
- Need for public facilities
- Availability of safe and affordable housing.

Dated this 8th of ~~June~~ July, 2013

Planning Commission:

Wendy Manners, Chair

Wendy M. Manners

Lynne Matthews, Vice Chair

Lynne Matthews

John Lebron

Vincent Rice

Vincent Rice

ARTICLE II

ZONING DISTRICTS, DESCRIPTIONS, USES AND REGULATIONS

Section 200: Establishment of Zoning

The Town of Wilmington is hereby divided into four (4) zoning districts as shown on the Official Zoning Map. Each district has a stated development purpose to guide state agencies, local agencies and public bodies in their work within each district – See Section 230 below. Every Use must obtain a permit unless otherwise exempt.

Districts	
CON – Conservation	C/R – Commercial/Residential
RES – Residential	VIL – Village
R/RES – Resort/Residential	R/COM – Resort/Commercial

In addition to these districts, there are two overlay districts:

Historic Review District (Article VI)
Flood Hazard Area Regulations (Article VIII)

These districts are established through the use of maps and/or criteria referenced in this Ordinance. These zoning districts are further defined in the overlay districts in Articles VI & VIII, with their boundaries and specific regulations.

Section 205: Interpretation of Zoning District Boundaries

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. Where the boundary line between two zoning districts divides a lot held in single and separate ownership, the development provisions of either district may be extended by one hundred (100) feet. In extending the district line the overall effect of the development should, as much as practicable, retain the character and usability of each district.

Only uses, Permitted or Conditional, in each district and their accessory structures may be used on the portion of the property covered by the district. Accessory uses may be allowed with a Permit in any district.

Section 210: Non-Zoned Land

Any area not presently zoned, through inadvertence or otherwise, shall be considered to be in the most restrictive district immediately adjoining it.

Section 220: Uses

Each district has defined "Uses" which may be:

1. Allowed: Not requiring a Zoning Permit
2. Permitted: Requiring a Zoning Permit, unless specifically exempted
3. Conditional: Requiring Development Review Board approval, in addition to requiring a Zoning Permit
4. Secondary: An additional Use to the Primary Use, requiring approval from the Development Review Board and a Zoning Permit
5. Not Allowed: A prohibited use

Section 221: Uses allowed without a Zoning Permit

Uses allowed without a permit or DRB approval include: Agriculture, Accessory Agricultural Use, Bus Shelters, Home Occupation, Outdoor Recreation, Small Structures and Silviculture.

Section 222: Permitted Uses

A Permitted Use is, in any district, a use that is allowed only through issuance of a permit by the Zoning Administrator.

Section 223: Conditional Uses

A Conditional Use is, in any district, a use that is allowed by approval of the Development Review Board followed by issuance of a zoning permit by the Zoning Administrator.

Section 224: Secondary Uses

In order to provide for limited, sensible, mixed use of properties within the community, secondary uses are allowed as conditional uses in those zoning districts which allow only one principal building and one principal use on a lot. Home Business and Home Industry are considered Secondary Uses. In order for a use to be allowed as a secondary use, it must meet the Conditional Use approval standards of Section 320 as well as the following standards:

- A. The use must be allowed in the district as either a Permitted use, a Conditional Use, or a Use Not Provided For in the list of uses.
- B. The use must meet all requirements for it as specified in the district and this ordinance.
- C. Where the standards for the secondary use are more restrictive than those for the primary use, the more restrictive standards shall be met.
- D. Conditional Use approval must be obtained for the addition of any secondary use. The Board may review the use of the entire site when the primary use is also a Conditional Use.

Section 225: Uses Not Allowed:

In all districts the following uses are not allowed: junkyards, machinery wrecking yards; smelters; blast furnaces; slaughter houses (except as an Accessory Agricultural Use to Agriculture); rendering plants; hide tanning or curing plants; concentrated animal feeding operations; manufacture or processing of products producing toxic environmental runoff or emissions, fertilizer (except for organic compost), bone, rubber, asphalt, ammonia, chlorine; manufacture or refining of petroleum, gas, explosives; bulk storage of explosives; dumps, except municipally operated sanitary landfill or transfer stations.

Section 226: Uses Not Provided For:

Any legal use not listed or not defined herein that does not appear on the list of Uses Not Allowed (in Section 225 of this Ordinance) may be approved as a Conditional Use upon a finding by the Development Review Board that such use is of the same general character as those Permitted or Conditional Uses within the district and will not be detrimental to other uses within the district or to the adjoining land uses.

Section 230: Legal Nonconformities (See 24 V.S.A. § 4412 (7))

“Nonconforming Structure” means a Structure which does not comply with height, setback, coverage or other non-use restrictions or requirements established by this Ordinance or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction of the building or structure.

“Nonconforming Use” means any Use, whether of a building, structure, lot, or tract of land, that does not conform to the land use regulations of this Ordinance for the zone in which such use is located, either on the effective date of this Ordinance or as a result of subsequent amendments that may be made to this Ordinance, but that did conform to the land Use regulations in existence at the time the Use was established.

“Nonconforming Lot” means a Lot which does not comply with lot area, lot dimension, lot coverage, lot improvement and maintenance requirements for parking, storage and display areas, or other non-use restrictions or requirements established by the zoning ordinance or any amendments thereto, but which complied with the non-use restrictions or regulations in existence at the time of the creation of the Lot.

Any Structure, Lot, or Use which does not comply with the requirements of this Ordinance for any reason other than those stated above will be considered a non-legal nonconformity and subject to remedy consistent with the provisions of this Ordinance (see Section 530, Enforcement & Violations).

Section 231: Changes in Ownership – Legal Nonconforming Structures, Lots, or Uses

- a) A Nonconforming Structure, Lot, or Use that changes ownership will have the legal Nonconforming status pass to the new owner, as a “Grandfathered” Nonconforming Structure, Lot, or Use.

- b) All “Grandfathered” nonconformities of properties changing ownership will be subject to all of the provisions of Nonconforming Structures, Lots, and Uses as defined in Sections 230, 231, 232, 233, 234, and 235.

Section 232: Legal Nonconforming Structures, Lots, and Uses

Nonconforming Structures, Lots, and Uses will be allowed to exist indefinitely, in accordance with 24 V.S.A. § 4303 (16) and § 4412 (7). Alteration, renovation, change, or enhancement of a Nonconforming Structure, Lot, or Use shall be subject to a zoning permit issued by the Zoning Administrator and approval by the Development Review Board in compliance with the following:

- a) Any alteration for the purpose of compliance with environmental, safety, health, or energy codes, will be allowed to increase the degree of nonconformity, but only to the extent necessary to achieve compliance.
- b) Any Structure, Lot, or Use approved for a nonconforming alteration, renovation, change, or enhancement shall remain subject to all other provisions of this Ordinance.

Section 233: Legal Nonconforming Structures

- a) With the exception of Section 232 (a) above, a Nonconforming Structure, may be altered, renovated, changed, or enhanced for any reason, including routine maintenance and repair, so long as it will not increase the degree of nonconformity and will not be less than 20 feet from a public road and 10 feet from a property line.
- b) A Nonconforming Structure may not be altered, renovated, changed, or enhanced for any the following reasons:
 - i. Any Nonconforming Structure which is intentionally destroyed or demolished shall not be reconstructed as a nonconformity.
 - ii. A Nonconforming Structure may be restored to its earlier state after unintended loss, provided the restoration commences within two (2) years of loss.

Section 234: Legal Nonconforming Uses

- a) A Nonconforming Use may be altered, changed, or enhanced for any reason so long as it will not increase the degree of nonconformity.
- b) Any Nonconforming Use which is not actively engaged in for a period of twelve (12) months shall be considered a discontinued Use and the property will become subject to the requirements of this Ordinance, unless extension is granted by the Development Review Board.

Section 235: Legal Nonconforming Existing Small Lots (conforming to 24 VSA § 4412 (2))

1) Minimum Lot Size – Nonconforming Existing Small Lot

Any undeveloped lot in existence on or before the date of adoption of this Ordinance may

be developed for the Permitted or Conditional Uses listed for the District in which it is located and in compliance with all regulations for that District, even though not conforming to minimum lot size requirements for that District, provided:

- a) The lot was legally created.
- b) The lot has, or will have, a water supply system and wastewater system that comply with the Wastewater System and Potable Water Supply Rules currently in effect.
- c) The lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet as defined in the property deed. In the event there is a question as to property boundary and whether a property satisfies these criteria, the applicant may be required to submit a survey of the lot by a Vermont licensed surveyor, and shall have said surveyor pin the lot.
- a) The footprint of a dwelling unit and all accessory buildings shall not exceed twenty-four percent (24%) of the square footage of a Nonconforming lot.

2) Reduction of Setback – Nonconforming Existing Small Lot

Development of Nonconforming Existing Small Lots meeting the criteria of Section 235

(1) above shall be eligible for reduced setback requirements as follows:

- b) The percentage by which the setback is reduced from the minimum setback required shall not exceed the percentage by which the lot size is less than the minimum lot size. For example, if the lot area is 77% of the minimum lot size, the required setback(s) may be reduced by no more than 23% from the minimum setback.
- c) Under no circumstances shall any setbacks be less than 10 feet from abutting property lines or 20 feet from the public road limits.

3) Merger of Nonconforming Existing Small Lots

It is the express intent of this Ordinance that existing small lots, which subsequently come under common ownership with one or more contiguous lots shall be deemed merged. However, pursuant to 24 V.S.A. § 4412(2)(b), a Nonconforming Lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a) The lots are conveyed in their pre-existing, nonconforming configuration.
- b) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
- c) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- d) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

Section 260: Exceptions to Height Limits:

Exceptions to height limits are rooftop gardens, terraces, and similar features, ornamental and symbolic features of buildings and structures, including chimneys, turrets, spires, steeples, cupolas, belfries and domes, where such features are not used for human

occupancy or commercial identification. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.

- a) The lot area legally created.
- b) The lot area, or will have a water supply system and wastewater system that comply with the Waterways System and Potable Water Supply Rules currently in effect.
- c) The lot is not less than one-eight (1/8) acre in size with a minimum width or length dimension of forty (40) feet as defined in the property deed. In the event there is a question as to property boundary and whether a property satisfies these criteria, the applicant may be required to submit a survey of the lot by a Vermont licensed surveyor, and shall have and surveyor pay the fee.
- d) The footprint of a dwelling and all accessory buildings shall not exceed twenty-four percent (24%) of the square footage of a noncontiguous lot.

2) Reduction of Setback - Noncontiguous Existing Small Lot

The development of Noncontiguous Existing Small Lots is subject to the criteria of Section 233. (1) Above shall be eligible to request setback requirements as follows:

- a) The percentage by which the setback is reduced from the minimum setback required shall not exceed the percentage by which the lot size is less than the minimum lot size. For example, if the lot size is 75% of the minimum lot size, the required setback(s) may be reduced by no more than 25% from the minimum setback.
- b) Under no circumstances shall any setbacks be less than 10 feet from adjoining property lines or 20 feet from the public road limits.

3) Mergers of Noncontiguous Existing Small Lots

If in the exercise of this Ordinance the existing small lots which subsequently merge under common ownership with one or more contiguous lots shall be deemed merged. However, pursuant to 24 V.S.A. § 4612(a)(2), a noncontiguous lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a) The lots are conveyed to their pre-existing, noncontiguous configuration.
- b) On the effective date of any conveyance, each lot was developed with a water supply and wastewater disposal system.
- c) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- d) The deeds of conveyance create separate easements on both lots for replacement of one or more wastewater systems, potable water system in both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

Section 260: Exceptions to Height Limits

Exceptions to height limits are weather barometers, towers, and similar towers, ornamental and symbolic features of buildings and structures, including chimneys, towers, spires, steeple, cupolas, bellies and domes, when such features are not used for human

Section 270: District Purposes and Descriptions

A. Conservation District (CON)

1. **Purpose:** To protect the undeveloped nature of those forest lands that provide scenic and recreational opportunities, public water supply, watershed protection, flood storage, fish and wildlife habitat, and timber production.
2. **Description:** These lands are primarily publicly-owned lands including the Green Mountain National Forest and privately owned utility lands with conservation easements pursuant to the Federal Energy Regulatory Commission (FERC) settlement agreement, except for those lands located within the Village District boundary.
3. **Permitted Uses:**
 - Accessory Use
 - Boundary Line Adjustment
 - Temporary Uses and Structures
 - Subdivision of Land, five or fewer lots
 - Wildlife Refuge
 - Utility Facility
4. **Conditional Uses:**
 - Agritourism
 - Camp, Recreational
 - Dwelling, One-Family
 - Dwelling, Seasonal
 - Parking Lot
 - Recreation Facility, Outdoor
 - Snowmaking Facility
 - Subdivision of land, more than 5 lots
 - Wood Processing Operation

5. Site Criteria – Conservation District:

Density Limits	Maximum of 1 Camp or 1 Dwelling, One-Family per 25 acres	Each Camp or Dwelling, One-Family is allowed one accessory structure
Structures / uses per lot	1 principal structure or use per lot	Home Business and Home Industry are not considered principal uses.
Dimensional Requirements for new lots:		
Minimum Lot Size:	25 Acres	
Minimum Lot Frontage:	500 ft	
Minimum Lot Depth:	500 ft	
Structure Height (Max):	35 ft	Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	40 ft	Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	25 ft	Measured from the property line

6. Zoning District Incentives – Conservation District: NONE

B. Village District (VIL)

1. **Purpose:** To retain the character of the existing village, provide for future residential and commercial development through historically appropriate structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

The village district will encourage development which creates a visible sense of excitement and activity, drawing people to stop and participate. Examples of desired activities include village stroll, street fairs, retail markets, art display, outdoor dining, street-front dining, public seating areas, performance arts venues, street performance and clustered communal areas. Building structures will be reflective of the historic nature of the town. Outdoor spaces will reflect the rural and bucolic nature of the area.

The Historic Review District, as defined in Article VI, is included in this district. Some of the parcels in the village are also subject to the Historic Review District Guidelines in Article VI.

2. **Description:** These parcels fall within the Village District boundary on the Zoning Map. The Village District boundary was derived from the Proposed Land Use Village District boundary in the 2010 Wilmington Town Plan.

3. **Permitted Uses:**

- Accessory Apartment
- Accessory Use
- Boundary Line Adjustment
- Dwelling, One Family
- Dwelling, Two-Family or Duplex
- Group Home, 1-8 residents
- Low Impact Mixed Use
- Office
- Registered Family Child Care Home
- Subdivision of land, five or fewer lots
- Studio Home Business

4. Conditional Uses:

- Affordable Housing
- Agritourism
- Automotive Service Station & Repair Garage
- Automotive Services
- Bank
- Bar or Lounge
- Dwelling, Seasonal
- Dwelling, Mixed-Use
- Dwelling, Multiple Family
- Educational or Institutional Facility
- Entertainment/Cultural Facility
- Food Stand
- Group Home, more than 8 residents
- Health Care Facility
- Home Business
- Home Industry
- Licensed Child Care Center
- Light Manufacturing
- Lodging \leq 6 guest rooms
- Lodging $>$ 6 guest rooms
- Maintenance Facility
- Manufacturing
- Multi Business Center
- Municipal Utility or Safety Related Facility
- Nursing Home /Assisted Living Facility
- Parking Lot
- Place of Worship
- Planned Unit Development (see Section 360)
- Private Club
- Recreation, Indoor
- Recreation Facility, Outdoor
- Restaurant
- Retail Business
- Retail Business with Outside Display
- Service Business
- Storage Facility (as a re-use of an existing structure)
- Studio Office
- Subdivision of land, more than 5 lots
- Utility Facility
- Wholesale Business
- Wood Processing Operation

5.a Site Criteria – Village District inside the Historic Review District:

Density Limits	Unlimited	
Structures/Uses Per Lot	Unlimited	
Dimensional Requirements:		
Minimum Lot Size:	1/8 acre	
Minimum Lot Frontage:	40 ft	
Structure Height (Max):	35 ft	Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	0 ft	Measured from edge of the actual or proposed road right-of-way to the dripline for 0 setback
Setback-Side/Rear (Min):	0 ft	Measured from the property line

5.b Site Criteria – Village District Outside of Historic Review District:

Density Limits:	A maximum of two (2) Dwelling units per acre See Zoning District Incentive below	
Structures/Uses Per Lot:	2 Principal Structures 2 Principal Uses	
Dimensional Requirements:		
Minimum Lot Size:	1 acre	
Minimum Lot Frontage:	150 ft	
Structure Height (Max):	35 ft	Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	20 ft	Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	20 ft	Measured from the property line

6. Zoning District Incentives – Village District:

a. Reduced Set Back Option: Village District outside of the Historic Review District:

The front setback may be reduced from 20 feet to 10 feet if the parking is located to the side or rear of the building.

b. Increased Density Option: Village District outside of the Historic Review District:

Affordable housing may be allowed an increase in the density at a rate of an additional two (2) dwelling units per ½ acre.

C. Residential District (RES)

1. **Purpose:** To provide areas for dwellings and low impact uses with consideration being given to historic settlement patterns, aesthetics, natural resources, and economic vitality.

2. **Description:** Lands in this District are already committed to residential development and comprise the remainder of land in Town not designated in any other district.

3. **Permitted Uses:**

- Accessory Apartment
- Accessory Use
- Boundary Line Adjustment
- Dwelling, Seasonal
- Dwelling, One Family
- Dwelling, Two-Family or Duplex
- Group Home, 1-8 residents
- Registered Family Child Care Home
- Studio Home Business
- Subdivision of land, five or fewer lots

4. **Conditional Uses:**

- | | |
|--|---|
| <ul style="list-style-type: none"> • Affordable Housing, Multiple Family • Agritourism • Camp, Recreational • Campground/Recreational Vehicle Park • Cemetery • Dwelling, Multiple-Family • Educational or Institutional Facility • Extraction of Earth Resources / Quarrying • Golf Course • Home Business • Home Industry • Licensed Child Care Center • Lodging \leq 6 guest rooms • Mobile Home Park (Planned Unit Development) | <ul style="list-style-type: none"> • Municipal Transfer Station • Municipal Utility or Safety Related Facility • Parking Lot • Place of Worship • Planned Unit Development • Recreation Facility, Outdoor • Storage Facility (as a re-use of an existing structure) • Studio Office • Subdivision of land, more than five lots • Utility Facility • Wildlife Refuge • Wood Processing Operation |
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5. Site Criteria - Residential District:

Density Limits	Maximum of 1 dwelling unit plus an accessory apartment or 1 two-unit dwelling per acre	
Structures/Uses Per Lot	Maximum of 1 principal structure and 1 principal use	Home Business and Home Industry are not considered principal uses. A second dwelling in a separate principal structure may be constructed on any lot with more than three acres.
Dimensional Requirements:		
Minimum Lot Size:	1 Acre	
Minimum Lot Frontage:	150 ft	
Minimum Lot Depth:	150 ft	
Structure Height (Max):	35 ft	Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	40 ft	Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	20 ft	Measured from the property line

6. Zoning District Incentives – Residential District:

- a. **Reduced Set Back Option – Residential District:** The minimum front setback for Commercial Uses may be reduced from 40 feet to 20 feet if the 20 feet is landscaped, as provided for in General Performance Standards, Section 340.D.

D. Commercial/Residential District (C/R)

1. Purpose: The purpose of this district is to: encourage clustered economic development while preserving designated open spaces and historic village settlement patterns thus preventing sprawl and roadside strip development. PUDs are encouraged within the Commercial District and such types of development must meet the PUD requirements as well as consider physical and environmental limitations, such as flood hazard areas, wildlife habitat, steep slopes and traffic volume and flow.

2. Description: The Commercial/Residential districts are as shown on the Zoning Map and correspond to parcel boundaries shown.

3. Permitted Uses:

- Accessory Apartment
- Accessory Use
- Boundary Line Adjustment
- Dwelling, One-Family
- Dwelling, Seasonal
- Dwelling, Two-Family or Duplex
- Group Home, 1-8 Residents
- Home Business
- Lodging ≤ 6 guest rooms
- Office
- Registered Family Child Care Home
- Studio Home Business
- Subdivision of land, five or fewer lots
- Wildlife Refuge

4. Conditional Uses:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Affordable Housing: • Agritourism • Automotive Service Station & Repair Garage • Automotive Services • Bank • Bar or Lounge • Camp, Recreational • Campground/Recreational Vehicle Park • Cemetery • Dwelling, Mixed-Use • Dwelling, Multiple-Family • Educational or Institutional Facility • Entertainment/Cultural Facility • Extraction of Earth Resources / Quarrying • Food Stand • Golf Course • Group Home (more than 8 residents) • Health Care Facility • Home Industry • Kennel • Licensed Child Care Center • Light Manufacturing • Lodging > 6 guest rooms • Maintenance Facility • Manufacturing • Mini-Storage Facility • Mobile Home Park (Planned Unit Development) • Multi-Business Center • Municipal Utility or Safety Related Facility • Municipal Transfer Station • Nursing Home/Assisted Living Facility • Parking Lot • Place of Worship • Planned Unit Development • Private Club | <ul style="list-style-type: none"> • Recreation, Indoor • Recreation Facility, Outdoor • Restaurant • Retail Business • Retail Business with Outside Display • Service Business • Snowmaking Facility • Storage Facility (as a re-use of an existing structure) • Studio Office • Subdivision of land, more than five lots • Transportation Center • Utility Facility • Warehouse • Wholesale Business • Wood Processing Operation |
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5. Site Criteria – Commercial/Residential District:

	Commercial Uses	One- and Two-Family Residential uses
Density Limits	Maximum of 25% Lot Coverage	
Structures/Uses Per Lot	Unlimited	
Dimensional Requirements:		
Minimum Lot Size:	2 Acres for Commercial uses	1 Acre for One- and Two-Family Residential uses
Minimum Lot Frontage:	300 ft for Commercial uses	150 ft for One- and Two Family Residential uses
Minimum Lot Depth:	200 ft for Commercial uses	200 ft for One- and Two Family Residential uses
Structure Height (Max):	35 ft for Commercial uses Measured from average grade to the average between the eave and the ridgeline.	35 ft for One- and Two Family Residential uses Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	40 ft for Commercial uses Measured from edge of the actual or proposed road right-of-way	40 ft for One- and Two Family Residential uses Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	25 ft for Commercial uses Measured from the property line	25 ft for One- and Two Family Residential uses Measured from the property line

6. Zoning District Incentives – Commercial / Residential District:

a. Reduced Set Back Option – Commercial / Residential District:

The minimum front setback for Commercial Uses may be reduced from 40 feet to 20 feet if the front 20 feet is landscaped, as provided for in General Performance Standards, Section 340.D.

b. Lot Coverage Increase Option

If lot coverage consists of two (2) or more buildings, lot coverage may be increased from twenty-five (25%) percent to thirty (30%) percent.

E. Resort/Commercial District (R/COM)

1. **Purpose:** The purpose of this district is to: encourage clustered economic development while preserving designated open spaces and historic village settlement patterns thus preventing sprawl and roadside strip development. PUDs are encouraged within the Resort/Commercial District and such types of development must meet the PUD requirements as well as consider physical and environmental limitations, such as flood hazard areas, wildlife habitat, steep slopes and traffic volume and flow.

2. **Description:** The Resort/Commercial district is as shown on the Zoning Map and corresponds to parcel boundaries shown. It is primarily some or all of the area designated in the 1970 Haystack Master Plan as the “Base Tract.” It is to be applied to those areas of the town covered by the “Agreement: Haystack Mountain Ski Area, Inc. to Town of Wilmington” dated Feb 5, 1970 and amended from time to time by the DRB and Act 250 Commission.

3. **Permitted Uses:**
 - Accessory Apartment
 - Accessory Use
 - Boundary Line Adjustment
 - Dwelling, One-Family
 - Dwelling, Seasonal
 - Dwelling, Two-Family or Duplex
 - Group Home, 1-8 Residents
 - Home Business
 - Lodging ≤ 6 guest rooms
 - Office
 - Registered Family Child Care Home
 - Studio Home Business
 - Subdivision of land, five or fewer lots
 - Wildlife Refuge

4. Conditional Uses:

- Affordable Housing:
- Agritourism
- Automotive Service Station & Repair Garage
- Automotive Services
- Bank
- Bar or Lounge
- Camp, Recreational
- Campground/Recreational Vehicle Park
- Cemetery
- Dwelling, Mixed-Use
- Dwelling, Multiple-Family
- Educational or Institutional Facility
- Entertainment/Cultural Facility
- Extraction of Earth Resources / Quarrying
- Food Stand
- Golf Course
- Group Home (more than 8 residents)
- Health Care Facility
- Home Industry
- Kennel
- Licensed Child Care Center
- Light Manufacturing
- Lodging > 6 guest rooms
- Maintenance Facility
- Manufacturing
- Mini-Storage Facility
- Mobile Home Park (Planned Unit Development)
- Multi-Business Center
- Municipal Utility or Safety Related Facility
- Municipal Transfer Station
- Nursing Home/Assisted Living Facility
- Parking Lot
- Place of Worship
- Planned Unit Development
- Private Club
- Recreation, Indoor
- Recreation Facility, Outdoor
- Restaurant
- Retail Business
- Retail Business with Outside Display
- Service Business
- Snowmaking Facility
- Storage Facility (as a re-use of an existing structure)
- Studio Office
- Subdivision of land, more than five lots
- Transportation Center
- Utility Facility
- Warehouse
- Wholesale Business
- Wood Processing Operation

5. Site Criteria – Resort/Commercial District:

	Commercial Uses	One- and Two-Family Residential uses
Density Limits	Maximum of 25% Lot Coverage	
Structures/Uses Per Lot	Unlimited	
Dimensional Requirements:		
Minimum Lot Size:	2 Acres for Commercial uses	1 Acre for One- and Two-Family Residential uses
Minimum Lot Frontage:	300 ft for Commercial uses	150 ft for One- and Two Family Residential uses
Minimum Lot Depth:	200 ft for Commercial uses	200 ft for One- and Two Family Residential uses
Structure Height (Max):	35 ft for Commercial uses Measured from average grade to the average between the eave and the ridgeline.	35 ft for One- and Two Family Residential uses Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	40 ft for Commercial uses Measured from edge of the actual or proposed road right-of-way	40 ft for One- and Two Family Residential uses Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	25 ft for Commercial uses Measured from the property line	25 ft for One- and Two Family Residential uses Measured from the property line

6. Zoning District Incentives – Resort/Commercial District:

a. Reduced Set Back Option – Resort/Commercial District:

The minimum front setback for Commercial Uses may be reduced from 40 feet to 20 feet if the front 20 feet is landscaped, as provided for in General Performance Standards, Section 340.D.

b. Lot Coverage Increase Option – Resort/Commercial District:

If lot coverage consists of two (2) or more buildings, lot coverage may be increased from twenty-five (25%) percent to thirty (30%) percent.

F. Resort/Residential District (R/RES)

1. Purpose: To provide areas for dwellings and low impact uses with consideration being given to historic settlement patterns, aesthetics, natural resources, and economic vitality.

2. Description: The Resort/Residential district is as shown on the Zoning Map and corresponds to parcel boundaries shown. It is primarily some or all of the areas designated in the 1970 Haystack Master Plan as the “Golf Course Tract” and the “East Tract.” It is to be applied to those areas of the town covered by the “Agreement: Haystack Mountain Ski Area, Inc. to Town of Wilmington” dated Feb 5, 1970 and amended from time to time by the DRB and Act 250 Commission.

4. Permitted Uses:

- Accessory Apartment
- Accessory Use
- Boundary Line Adjustment
- Dwelling, Seasonal
- Dwelling, One Family
- Dwelling, Two-Family or Duplex
- Group Home, 1-8 residents
- Registered Family Child Care Home
- Studio Home Business
- Subdivision of land, five or fewer lots

4. Conditional Uses:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Affordable Housing, Multiple Family • Agritourism • Airport runway • Airport terminal facility • Camp, Recreational • Campground/Recreational Vehicle Park • Cemetery • Dwelling, Multiple-Family • Educational or Institutional Facility • Extraction of Earth Resources / Quarrying • Golf Course • Home Business • Home Industry • Licensed Child Care Center • Lodging ≤ 6 guest rooms • Mobile Home Park (Planned Unit | <ul style="list-style-type: none"> Development) • Municipal Transfer Station • Municipal Utility or Safety Related Facility • Parking Lot • Place of Worship • Planned Unit Development • Recreation Facility, Outdoor • Storage Facility (as a re-use of an existing structure) • Studio Office • Subdivision of land, more than five lots • Utility Facility • Wildlife Refuge • Wood Processing Operation |
|--|---|

5. Site Criteria: Resort/Residential District:

Density Limits	Maximum of 1 dwelling unit plus an accessory apartment or 1 two-unit dwelling per acre	
Structures/Uses Per Lot	Maximum of 1 principal structure and 1 principal use	Home Business and Home Industry are not considered principal uses. A second dwelling in a separate principal structure may be constructed on any lot with more than three acres.
Dimensional Requirements:		
Minimum Lot Size:	1 Acre	
Minimum Lot Frontage:	150 ft	
Minimum Lot Depth:	150 ft	
Structure Height (Max):	35 ft	Measured from average grade to the average between the eave and the ridgeline.
Setback-Front (Min):	40 ft	Measured from edge of the actual or proposed road right-of-way
Setback-Side/Rear (Min):	20 ft	Measured from the property line

6. Zoning District Incentives – Resort/Residential District:

- a. **Reduced Set Back Option – Resort/Residential District:** The minimum front setback for Commercial Uses may be reduced from 40 feet to 20 feet if the 20 feet is landscaped, as provided for in General Performance Standards, Section 340.D.

ARTICLE III

STANDARDS AND PROCEDURES FOR LAND DEVELOPMENT

Section 300: Subdivision of Land

- A: Access to Lots:** Unless otherwise provided in this Ordinance, no zoning permit shall be issued to create a lot without frontage on a public way or which does not have access to such a street by a permanent easement or right of way at least twenty (20) feet in width. (See Article II Section 230 for district criteria) [24 VSA 4412(3)]
- B: Subdivision of Land:** Application for the Subdivision of Land or Boundary Line Adjustment shall be accompanied by a map of the lots. A survey, prepared by a Vermont Licensed Surveyor, which shall identify all of the lots to be created and the location of any right of way, if applicable, may be required as determined by the Zoning Administrator. Criteria for requiring a survey shall include but not be limited to situations where the conformity of the lots is uncertain.
- C.** The Zoning Administrator may grant a permit for the Subdivision of land when there is:
1. An application for Subdivision of land that creates five (5) or fewer lots where:
 - a. Lot size requirements can be met for every lot, and
 - b. Frontage requirements can be met for every lot. (See Article II Section 230 for district criteria)
- OR
2. An application for Subdivision of land that creates five (5) or fewer lots where:
 - a. Lot size requirements can be met, and
 - b. At least one (1) lot has the requisite road frontage, and
 - c. A survey, prepared by a Vermont Licensed Surveyor, shows a right of way at least twenty (20) feet in width providing access to the remaining lots. (See Article II Section 230 for district criteria)
- D.** Development Review Board approval shall be required for the Subdivision of land in all other circumstances.

Section 305: Boundary Line Adjustments (In any district):

Boundary Line Adjustment is method of adjusting boundaries of adjacent lots without creating an additional lot, which does not cause any parcel of land involved to become nonconforming. Boundary line adjustments shall be issued a Zoning Permit by the Zoning Administrator provided the following specified conditions are met:

- (A) Each lot being adjusted meets one or more of the following standards:
 - (i) a lot being reduced in size is being reduced by no more than two percent;
 - (ii) a lot is increased in size; or
 - (iii) the boundary line being adjusted is located, after adjustment, at least 500 feet from the footprint of the building or structure on an improved lot;
- (B) All resulting lots must satisfy all requirements of the districts in which they lie;
- (C) A diagram is submitted to the Zoning Administrator that shows the existing and revised lot boundaries; and
- (D) A copy of the diagram is recorded and indexed in the land records for the municipality by the landowner.

Development Review Board approval is required for all nonconformities.

Section 320: Conditional Uses, Standards and Procedures (Require DRB approval):

In considering its action, the Board shall make findings on general and specific standards and may attach conditions as provided for in §4414(3) as may be amended from time to time, of the Act.

A. General Standards for Conditional Use: The Development Review Board shall require 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 zoning district within which the project is located and specifically stated policies and standards of this Ordinance and the Town Plan
3. Traffic on roads and highways in the vicinity
4. By-laws and ordinances in effect at the time
5. Utilization of renewable energy resources

B. Specific Standards for Conditional Use: The Development Review Board shall require that, where applicable, Conditional Uses shall meet the following standards:

1. General Performance Standards of this Ordinance – See Article III, Section 340
2. Flood Hazard Regulations – Article VIII.

C. The area, dimensional, density, and coverage standards for the district in which the proposed Conditional Use will be located shall be considered. The stated purpose of the District in which the Conditional Use will be located shall also be considered (See Article II)

- D. Provisions shall be made for maximum traffic and parking safety. Particular consideration shall be given to visibility at intersections, pedestrian safety and convenience and access in case of emergency. Alternative traffic patterns are preferred to dead-end streets and cul-de-sacs. While not required, interconnecting traffic circulation that does not burden the main arteries of the Town and neighboring developments and towns should be pursued.
- E. Provision shall be made for snow removal, the maintenance of parking areas and internal roads.
- F. Landscaping and screening shall be required to protect adjacent properties. Particular consideration shall be given to protecting existing vegetation and compatibility and protection for adjacent properties, as well as the protection of Wilmington's natural resources. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vantage points. Trees should be saved undisturbed in groupings. All reasonable efforts shall be made to minimize the visibility of development from the road and adjoining properties. If plantings in an approved landscaping plan do not survive, they must be replanted on an annual basis.

Trees shall be at least two (2) inches in caliper at planting. Shrubs shall be at least two (2) feet in height above the ground at planting, or in a minimum three-gallon (3 gal.) container. The Development Review Board may require that a Landscaping Plan and building elevations be submitted for review and approval.

The DRB may require, if conditions allow, a planting strip along heavily traveled roads such as Route 9 or Route 100. In instances where a planting strip is required along road frontage, a least one street tree shall be planted for each 30 feet of landscaping strip. Such trees shall be planted along the edge of the road right-of-way and shall:

- a) Be a minimum of two (2) inches caliper dbh.
- b) Be an appropriate species of nursery stock shade tree.

Landscaping beds shall enhance the general appearance of the site and define planting strips and buffer areas; such beds are not to be considered a substitute for tree plantings. Beds should be planted with a diversity of hardy flowering perennials and evergreens.

- G. In granting a Conditional Use Permit, the Board may attach any conditions and safeguards that it may deem necessary to implement the purpose of these regulations and the Act.
- H. The Board may require an applicant for Conditional Use review to pay the reasonable costs of an Independent Technical Review of all or part of the application. The Board may recess the Hearing pending receipt of the Independent Technical Review findings.
- I. Any substantial alteration, extension or other change to an existing Conditional Use shall require application to the Development Review Board under the requirements of this section. Any substantial alteration, extension or other change to a Conditional Use is one

that will affect one or more of the Conditional Use criteria.

Section 325: Amendments to Conditional Uses

- A. Administrative Approvals: Minor amendments (which do not involve changes to any design, standard or condition approved by the Board) may be approved by the Zoning Administrator. The Zoning Administrator must report such amendments to the Development Review Board.
- B. Substantial (non-minor) amendments to approved Conditional Uses shall not be made without submitting a revised application for review and approval by the Board.

Section 330: Planned Unit Development (PUD)

A. Statutory Authority:

In accordance with the provisions of § 4417, and where allowed in the zoning districts, the modification of the district regulations by the Development Review Board is allowed for Planned Unit Developments in accordance with the following prescribed provisions and procedures.

B. Purpose:

A planned unit development is a development which proposes the flexible application of underlying zoning requirements in exchange for innovation and design excellence including the provision of open space, Affordable Housing and other goals in keeping with the Town Plan. It is the intent of this Section to provide a functional orientation of buildings, while creating the maximum amount of open space possible.

C. Definition of PUD:

A Planned Unit Development (PUD) shall mean an area of land, controlled by a landowner or landowners or under the control of a legal entity or entities, to be developed for mixed residential, commercial or industrial uses. In the event that a PUD property changes ownership, the terms and conditions of the PUD will pass with the property to the new owner or owners.

Section 335: PUD Standards and Requirements

A. General Standards for a PUD:

1. The PUD shall be consistent with the Town Plan.
2. The PUD shall consist of only uses, or a mix of uses that are Permitted or Conditional Uses listed in the underlying district in which the PUD will be located.
3. The overall density of the project shall not exceed the number of residential units or commercial square footage allowed if the land were subdivided into lots in accordance with the Zoning Regulations for the districts in which such land is located.

4. To create open lands, a PUD may approve greater densities than those defined within the Districts of this Ordinance. However, to the extent that a DRB-approved PUD density is in excess of:
 - One Primary Use Dwelling per acre (Single Family, Two Family or Duplex, Mutli-family, Mixed Use, or Seasonal), or
 - One Primary Use Commercial Structure per two (2) acres, such structures will be of a single design concept, with continuity and cohesiveness of appearance and consistent with the rural, agricultural, and historic nature of the town. Examples of this would be a single design concept for a condominium development or a “pocket community.”
5. The PUD shall create an effective and unified treatment of the development possibilities on the project site. The development plan shall make appropriate provision for the preservation of forested land, streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and manmade features, including historic sites and structures, watersheds, wildlife habitat, floodplains, stormwater retention, impervious surfaces, and scenic features.
6. The cumulative effect of a phased PUD shall not cause transportation networks, municipal facilities or other public services to be unduly burdened.
7. All zoning requirements of the district shall be met except that the DRB may modify dimensional requirements upon finding that the project will remain in compliance with all of the following:
 - a. Section 330 B Purpose
 - b. Section 335 B PUD Standards and Requirements
 - c. Section 340 General Performance Standards,
8. No application for a PUD shall be considered for approval unless a minimum of two (2) acres of land is contained in any proposal.
9. No application for a PUD shall be considered for approval unless all land contained in any proposal is contiguous.

B. PUD Requirements:

1. Building Setbacks:
 - a. Buildings abutting the perimeter of the PUD parcel shall have a setback of at least fifty feet (50) from the lot line of the PUD.
 - b. Side Yard Setback: all residential buildings abutting an interior street, private or public, within the PUD shall be set back twenty feet (20) from the street.

- c. Side yard setbacks between commercial structures, or between commercial and industrial structures, are not required on internal lots. If a side yard abuts a residentially zoned property or use or a public or private street, a continuous natural or landscaped setback of twenty feet (20) is required between the commercial/industrial building and the residence. This setback shall not be used for parking.
 - d. Front Yard Setback: A building fronting on a street must be located a minimum of twenty feet (20) from the back of sidewalk, or back of curb if a sidewalk is not planned at the location.
 - e. Rear Yard Setback: If a rear yard of a commercial building abuts a commercial or industrial use or zoning district, a minimum rear yard setback of ten feet (10) is required. If a rear yard abuts a residential use or residentially zoned property, a rear yard setback of twenty feet (20) shall be provided. This setback shall not be used for parking or drives and shall be landscaped.
2. Height Requirements:

Building height shall not exceed 35 feet (35) at the eave line (as measured from the average grade) except that the Development Review Board, in the interest of the public good, may grant a waiver to allow an increase in height, if an increase is justified based on unique lot characteristics, topographical conditions or other natural features or can be justified on the basis of amenities, services or concessions made by the developer for which some additional incentive is warranted.
 3. Parking Requirements:
 - a. All parking requirements shall be in conformance with the parking requirements set forth in Section 340 General Performance Standards (see Section 340 F).
 - b. The Development Review Board, in the interest of the public good, may allow a reduction in parking requirements based on concessions made by the developer for which some additional incentive is warranted.
 4. Provisions shall be made for maximum traffic safety. Particular consideration shall be given to visibility at intersections, pedestrian safety and convenience and access in case of emergency. Alternative traffic patterns are preferred to dead-end streets and cul-de-sacs. While not required, interconnecting traffic circulation that does not burden the main arteries of the Town and neighboring developments and towns should be pursued.
 5. Sidewalks may be required within a PUD. In addition, the Development Review Board may require additional sidewalks in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring additional sidewalks, the Board shall consider the following criteria:

- a. The number, location, types and uses(s) of buildings proposed
 - b. The amount of traffic generated by the proposed use
6. Site grading, erosion control, soil conditions, and the choice of landscaping materials shall meet seasonal conditions. All landscaping must be in conformance with the standards in Section 320.F.
 7. Native trees and any other areas of substantial vegetation shall be preserved and protected from alteration and destruction to the maximum extent possible. If the land has been cleared less than two years prior to application for development, the Development Review Board may require the site to be restored or revegetated.
 8. At least forty (40) percent of the Open Space shall be dedicated to or reserved as usable common outdoor living and open land in a residential, recreational, or combination residential-commercial development. Open Space shall not include streets, driveways and parking areas.
 9. The preservation of Open Space, recreation areas and/or parks shall be in perpetuity.
 10. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities or utilities shall be placed underground by the developer unless this requirement is waived by the Development Review Board.
 11. The Development Review Board or Sewer Commission may require easements necessary for the orderly extension of public utilities to future adjacent developments. These extensions shall be underground wherever possible.
 12. Private roads may be allowed within a PUD when specifically approved by the Development Review Board. The DRB may modify the requirements for private roads contained within the PUD and when doing so shall consider the following criteria:
 - a. The number and type of buildings served by the private road;
 - b. The amount of traffic generated by the proposed uses;
 - c. The existing topography and vegetation;
 - d. Security lighting provisions;
 - e. The inter-relationship with the public street network.
 13. If the project is not subject to State of Vermont stormwater review, the Development Review Board may require the applicant to provide evidence that there will be no increase in the peak discharge of water offsite as a result of the land development.

Section 340: General Performance Standards (for Conditional Uses and PUDs)

For Conditional Uses and PUDs, the following general performance standards must be met and

maintained for all uses, except for agriculture and forestry, in all districts. All applicable criteria shall be determined or measured at the property line. In determining ongoing compliance the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

A: See Article II for District Requirements

B: Air Emissions for Commercial Operations: There shall be no emission of dust, ash, smoke or other particulate matter:

1. Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity;
2. Which can cause contamination of the subject property or beyond the property boundaries;
3. Which is composed of solid or liquid particles in concentrations exceeding current state authority standards;
4. Which causes emission of non-farming, odorous matter in such quantities, as determined by the current state authority standards to be offensive.

C: Buffer Areas: No industrial or commercial buildings or uses shall be established abutting a residential use (except in the Village District) unless a landscaped buffer strip of at least twenty (20) feet in depth is provided to visually screen the buildings or uses. Where no natural vegetation can be maintained or where necessary due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.

D: Landscaping: All landscaping must be in conformance with the standards in Section 320.F.

E: Lighting and Glare: All exterior lighting on the site shall be shielded and downcast. Lighting, glare or reflection which constitutes an unreasonable nuisance to other property owners or tenants or which could impair the driver of a motor vehicle or an aircraft are prohibited. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

F: Parking: With the exception of the Historic Review District, off-street parking must meet the following requirements:

1. **Parking Spaces:** For every building hereafter changed in use, erected, or altered or extended in such a way as likely to increase the need for more parking, there shall be off-street parking spaces as set forth below. A parking space shall be at least ten (10) feet by twenty (20) feet.
2. For every residential dwelling: Two (2) parking spaces for every unit.
3. **Lodging:** One and one-half (1.5) parking space for every guest bedroom.

4. Multi Business Center, and Offices: One (1) parking space for every four hundred (400) square feet of space.
5. Retail Business: One (1) parking space for every two hundred (200) square feet of floor area.
6. Restaurant, bar, lounge, Entertainment / Cultural Facility: One (1) parking space for every three (3) persons permitted for occupancy by the Vermont Department of Labor and Industry.
7. Manufacturing Uses: One (1) parking space per employee per shift.
8. With the exception of Single- and Two-Family and Multiple-Family Dwellings, parking areas shall not be allowed between the building and the road. Corner lots may choose a single "front". An exception may also be made for handicap spaces.

G: Shared Access: The applicant may be required to provide for shared access between adjoining properties or to limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of Conditional Use approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.

H: Setbacks and Screening: Exposed storage areas and areas used for storage shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on other land uses, properties in the area and roads. Where a potential safety hazard exists, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards.

J: Traffic Impacts and Street Access Control: Provision shall be made for traffic circulation in such a manner as to safeguard against hazard to vehicles and pedestrians, both in the street and within the development, to avoid traffic congestion on any street and to provide safe and accessible circulation on public streets.

K: Road development: Any new roads, whether Town or private, shall conform with the Town of Wilmington Town Highway Ordinance 2011, adopted September 27, 2011, as may be amended from time to time (or Town Highway Ordinance then in effect).

L: Vibration: No permanent, ongoing vibration shall be produced which, when transmitted through structures or the ground, is discernible at the property line without the aid of instruments.

M: Noise: Continuous, permanent or ongoing noise in excess of seventy (70) decibels must not exist at the property boundary line.

N: Water Quality: The development plan shall make appropriate provision for stormwater

management and retention.

Section 350: Specific Performance Standards:

355 Landscaping of Parking Lots

For parking lots with six (6) or more spaces, the site shall be landscaped, as required in Section 320.F and Section 340.D.

356 Junked Vehicles

- A. An unlimited number of junk vehicles may be housed in a structure that has a valid Zoning Permit.
- B. Any un-housed junk vehicles shall be hidden from all neighbors and public roads by a solid fence, constructed in compliance with this Ordinance.

Section 360: Performance Standards for Specific Uses

361 Home Occupation: Home Occupations may be established without a permit in all districts provided that they meet the following requirements: (See Definitions - Appendix I)

- A. The use is carried on by the resident entirely within a building on the premises.
- B. The use is carried on only by member(s) of the family residing in the dwelling unit.
- C. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- D. The cumulative square footage used for home occupation does not take up more than twenty-five (25) percent or one thousand (1,000) square feet of the dwelling unit, whichever is less.
- E. The use does not require any additional off-street parking.
- F. The use does not change the external character of the dwelling.
- G. No article shall be displayed for sale on the premises.
- H. Outside storage or display of finished products is not allowed.

362 Home Businesses: Home Businesses must obtain Conditional Use Approval in all districts where allowed and may be approved if the following can be met: (See Definitions – Appendix I)

- A. The use is carried on by the resident entirely within a building on the premises.
- B. The use is carried on by any member(s) of the family residing in the dwelling unit. One (1) additional on-site employee or one full-time equivalent may be employed by the business.
- C. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- D. The cumulative square footage used for business does not take up more than twenty-five (25) percent or one thousand (1,000) square feet of the dwelling unit, whichever is less.
- E. The use does not change the external character of the dwelling. One accessory building may be allowed.
- F. Articles may be displayed for sale on the premises, providing that the sale of such items does not generate more than twenty-five (25) additional visits per day.
- G. Unenclosed storage or outside display of finished products is not allowed.
- H. The use must be in compliance with General Performance Standards in Section 340.

363 Home Industry: Home Industry must obtain Conditional Use Approval in all districts where allowed and may be allowed if the following can be met: (See Definitions - Appendix I)

- A. The use is carried on in the dwelling unit or accessory building of the resident.
- B. The use is carried on by any member(s) of the family residing in the dwelling unit. One (1) additional employee or one full-time equivalent may be employed by the business.
- C. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- D. The cumulative square footage used for business does not take up more than twenty-five (25) percent or one thousand (1,000) square feet of the dwelling unit, whichever is less.
- E. If the use requires additional parking and storage spaces, they should be located to the rear or side of the structure. Additional parking is limited to six (6) spaces.
- F. The resident may be allowed to expand the area of the Home Industry provided that the use does not change the external character of the dwelling or the external character of the neighborhood.
- G. The use may be allowed to store finished products in any enclosed outside area and may include necessary equipment to carry on business functions.

- H. The industry may offer for sale only articles produced on the premises or services produced /provided by the resident.

364 Automotive Service Station and Repair Garage: Automotive Service Station and Repair Garage must obtain Conditional Use approval in all districts where allowed and may be allowed if the following can be met:

- A. Lot size shall be at least one-half acre (1/2 acre).
- B. Lot frontage shall be at least one hundred fifty (150) feet.
- C. One (1) two-way access or one (1) point of ingress and one (1) point of egress shall be allowed. An additional driveway may be allowed if the property has frontage on two Town roads. In the event that there is one point of ingress and one point of egress, there shall be a landscape strip along the length of the remaining frontage. If there is a double width entry/exit, a landscape strip shall begin at a point adjacent to the driveway and continue to the side property line. Such landscaped strip shall be a minimum of four (4) feet wide.
- D. Pumps, above grade storage tanks, lubricating and other outdoor service devices shall be located at least thirty (30) feet from the road frontage lot lines.
- E. All automotive parts and dismantled vehicles are to be stored overnight within a building or screened from public view.
- F. All portions of canopies shall be located at least twenty (20) feet from the front side and rear lot lines and all canopy lighting shall be recessed to reduce glare.

365 Extraction of Soil, Sand, Gravel and Quarry Operations: Extraction of Soil, Sand, Gravel and Quarry Operations must obtain Conditional Use approval in all districts where allowed and may be allowed if the Development Review Board makes positive findings on the criteria below:

- A. It will not cause an unreasonable soil erosion or unreasonable burden on existing water supply.
- B. It will not cause unreasonable highway congestion, unsafe conditions or excessive use with respect to highways existing or proposed in the area.
- C. It will not have an undue adverse effect on the scenic or natural beauty of the area, other aesthetic values, historic sites, or rare and irreplaceable natural areas.
- D. It will not result in an embankment with a slope steeper than one (1) foot vertical to two (2) feet horizontal upon completion of an area of work.
- E. It will not undermine any adjacent street.

- F. Site shall be maintained at all times in safe condition and shall be restored to a safe, attractive & useful condition within 30 days of the termination of the permit.
- G. The hours of operation shall not exceed the hours of 7:00 am through 6:00 pm daily.
- H. The operation must conform to all requirements in the General Performance Standards Section 340.
- I. Once completed, the land shall be returned and landscaped to an attractive and safe site with special attention being given to the prevention of future soil erosion.
- J. Any permit granted shall not be valid for more than five (5) years.

366 Wood Processing Operations: A Permit is required for the processing of wood unless the operation qualifies as an accessory agricultural use.

- A. Wood Processing Operation (including Sawmills)
 1. The physical operation must be at least 800 feet from any abutting residential structure not owned by the operator or landowner.
 2. Any structures or outside storage areas shall be adequately screened from view of abutting properties and public view.
 3. The hours of operation shall not exceed 7:00 am through 6:00 pm daily.
 4. Operation must be set back 100 feet from the center line of the traveled portion of the public road.

367 Light Manufacturing: In all districts where allowed, Light Manufacturing must obtain Conditional Use approval and may be allowed if the Development Review Board makes positive findings on the criteria below:

- A. The operation will not require unenclosed structures or outside storage.
- B. It will, on average, have no more than twenty-five (25) total deliveries or shipments per week, on an annual basis.
- C. It will be limited to no more than twenty-five (25) persons on the largest work shift.

368 Affordable Housing: In all districts where allowed, a structure or structures may, as a Conditional Use, be converted or built for multi-family or residential use for the purpose of providing affordable housing even though such conversion may exceed the density requirements of the District in which the structure is located as long as:

- A. Property can demonstrate sufficient wastewater capacity.
- B. Units must be maintained as affordable units under the State Definition of Affordable Housing.
- C. All deeds of conveyance of any unit or units must contain language/covenants/restrictions which preserve the affordability requirements of the property for a period of twenty (20) years from the date of the Development Review Board approval of such conversion.

369 Water Impounds (Ponds): Must obtain a Zoning Permit from Zoning Administrator which shall be issued once the following criteria have been met.

- A. Must submit a Project Review Sheet from the State Permit Office.
- B. Must provide written compliance with regulations of any department indicated on said Project Review Sheet.

371 Recreational Vehicle Storage: Recreational vehicle(s)/travel trailer(s), tent(s) or boat(s) may be stored by a homeowner on their property but shall not be used as living quarters for longer than 30 days per year and shall not be connected to any utility, including water and sewer.

372 Mobile Home Park (Trailer Park)

- A. No more than one (1) mobile home/trailer shall be allowed on any parcel of land, unless said mobile homes/trailers are located in a mobile home/trailer park duly approved pursuant to the Zoning Ordinance.
- B. A mobile home park shall be reviewed under the procedures and standards set forth in the Planned Unit Development Section of this Ordinance.
- C. The overall density of the Mobile Home Park shall in no case exceed the allowable density in the District where allowed.
- D. Mobile Home Park (Trailer Park) shall comply with the Vermont Mobile Home Park Law [see 10 VSA Chapter 153]

373 Small Wind Turbines: No part of this Article shall prevent the installation of a single wind turbine with blades less than 20 feet in diameter which must obtain a Zoning Permit from Zoning Administrator which shall be issued once the following criteria have been met:

- A. The tower is less than 85 feet above grade.
- B. The tower is set back one and a half (1 ½) times its own height from all property lines.
- C. A zoning application including a Plot Plan must be submitted to the Zoning

Administrator prior to the commencement of construction. The Plot Plan must be to scale and must show all boundary lot lines, location of all existing structures, with size dimensions, all new structures, with size dimensions and setback dimensions from all lot lines. Elevations must be shown.

APPENDIX I - GENERAL DEFINITIONS

All words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural. Reference for terms undefined is *Black's Law Dictionary*, and if the term is not found, Webster's *New College Dictionary*. The word "shall" is mandatory; "occupied" or "uses" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, cooperative, corporation, company, organization or any governmental body.

Accessory Apartment: An apartment created within, attached or detached, which is subordinate to an owner occupied single-family dwelling where property can demonstrate sufficient wastewater capacity. There shall be a maximum of 1000 sq. ft. for the Accessory Apartment. [see 24 VSA 4412(1)(E)]

Accessory Structure: Any assembly of materials for occupancy or use, attached or detached, which is subordinate to and which use is incidental and accessory to the use of the principal building on the same lot.

Accessory Agricultural Uses: Customary on-farm uses not requiring a permit that are directly related and subordinate to the agricultural operations. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in overall land use (e.g., land area, structures utilized). Including, but not limited to: farm tours, trails for non-motorized recreation, composting, u-pick operations, product tasting, retail sales of products produced on the farm (including products that are produced and then processed on the farm, for example, livestock), retail sales of a limited number of agricultural products not produced on the farm as long as such sales are clearly subordinate to retail sales of on-farm products.

Accessory Use: A use subordinate to and incidental to the principal use of land or building.

Acre: A measure of land area containing 43,560 square feet.

Administrative Officer: Zoning Administrator

Affordable Housing: Housing is affordable when the gross annual household income of the inhabitants does not exceed 80% of the county median income and the total annual cost of the housing is not more than 30% of household's gross annual income. Housing costs include principal, interest, taxes and insurance and condominium association fees on the dwelling. In the case of rental housing, expenses are considered to be rent, utilities and condominium association fees. [see 24 VSA 4303(1)(A) and 4412(1)]

Affordable Housing Development: A housing development in which at least 20% or a minimum of 5 units, whichever is greater, are affordable housing units. Said housing shall be made, by formula, perpetually available for a minimum of 20 years from the date of first sale or lease. [see 24 VSA 4303(2) and 4412(1)]

Agricultural (Farm) Structure: A Structure meeting the criteria outlined in 24 VSA 4413 (d) (1) Agricultural Farm Structures do not need a permit. The applicant must provide to the Zoning Administrator a notification of intent to build a qualified agricultural structure by submitting a plot plan showing property lines, all structures on the lot, and the setbacks and dimensions.

Agricultural (Farm) Structure Notification: The submission by the farm property owner of a plot plan showing property lines, all structures on the lot, and the setbacks and dimensions of the proposed structures. [see 24 VSA 4413(d)(2)]

Agriculture: Land or structures used for the growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of agricultural produce and forest products on the premises where raised; the processing or storage of products raised on the premises, as defined by the Commissioner of Agriculture, Food and Markets and the use of agricultural structures and the storage of agricultural equipment incidental to the above. Includes Forest Management. [see 24 VSA 4413(d)]

Agritourism: Agricultural operations taking place on a farm that include activities that may not be directly related to the agricultural use. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area, structures utilized). Activities must fall within one or more of the following categories:

- On-site processing, storage, sampling and tasting of crops or farm products including livestock not principally produced on the farm.
- Retail sales of crops or farm products not principally produced on the farm.
- Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly subordinate to the farming operation and/or other integrated uses.
- Education, cultural, recreation programming – e.g., classes, day camp, corn maze, petting zoo, etc.
- Event hosting as long as such events are clearly subordinate to the farming operation – e.g., wedding venue, dinner/dance venue, theater production, etc.
- Farm Café - A restaurant with indoor seating for no more than 40 people, and no more than 1,000 square feet of outdoor seating that meets the following criteria:
 1. Is subordinate to an agricultural operation.
 2. One of the principal objectives is the use of products produced on the farm.
 3. Is located on a parcel of at least 15 acres that contains one or more of the farm operation's principal structures. This use need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area, structures utilized). Includes dining on the premises (indoor and/or outdoor), take out dining, and delivery, but excludes drive-through service.

Airport terminal facility: A facility/structure at an airport where passengers transfer between ground transportation and the facilities that allow them to board and disembark from aircraft.

Alteration: External structural change, rearrangement, change in location, or addition to a building, other than repairs to the building.

Appropriate Municipal Panel (AMP): The Development Review Board. [see 24 VSA 4303(3) and 4460]

Automotive Service Station and Repair Garage: Land or structures used for either or both the sale of petroleum products, motor fuel, oil or other fuel for the propulsion of motor vehicles and the maintenance, servicing, repairing or painting of vehicles.

Automotive Services: Establishments primarily engaged in furnishing automotive rental, leasing, washing or installation of accessories (such as tires, windows and stereos), and other similar activities. Retail establishments engaged in the sale of automotive accessories are not included.

Average Grade: The proposed finished elevation of the land around the structure measured as an average of the highest and lowest points.

Bank: A business, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. ATMs within another business are not considered to be a bank.

Bar or Lounge: A room or establishment where the sale and consumption of alcoholic beverages are the primary activity.

Basement: Any area of the building having its floor elevation below grade level on all sides.

Basement, walk-out: An area of the building having its floor elevation below grade level on one to three sides.

Base Lodge Facilities: A building(s) used for recreational support services.

Boundary Line Adjustment: Altering the location of a line or lines that mark the common edge of two contiguous properties.

Buildable Site Area: The buildable site area is the area of the site that may be altered, disturbed, or regraded for development purposes. The buildable site area could contain buildings, roads, parking areas, sewage systems, and stormwater management facilities. The buildable site area shall not contain required open space, recreation, or natural resource protection areas.

Building: see Structure

Bus Shelter: An enclosure or canopy, with less than four sides, intended for bus passenger protection.

Business and/or Commerce: The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, office, recreation enterprises or the maintenance

and use of offices or professions and trades rendering service.

Camp, Dwelling: See Dwelling, Seasonal.

Camp, Recreational: A building or group of associated buildings containing facilities for occupancy and/or use on a short term basis and having an overseeing entity managing the building(s) and providing services to the occupants of the facility for the purpose of providing sports, educational, developmental or recreational services. Included are sports camps, club camps, educational camps and vacation camps.

Campground / Recreational Vehicle Park: Temporary or permanent buildings, recreational vehicles/travel trailers, tents, or other structures established or maintained as a temporary living quarter, occupied for recreation, religious, education, or vacation purposes.

Canopy: A roof-like structure providing partial protection from the weather, with a maximum drip edge of six (6") inches and no permanent foundation. However, a canopy used over an automotive service station may be permanently affixed to a cement or macadam surface.

Cemetery: Property used for interring the dead.

Change of Use: A Change of Use occurs when a use within a structure or property changes to another use of the structure or property. Examples of allowed uses are listed in Article II, District Requirements. A zoning permit must be issued prior to establishing a Change of Use.

Child Care Facilities: [see 24 VSA 4412(5)]

A. Registered Family Child Care Home: A state registered or licensed family child care home serving six (6) or fewer children shall be considered by right to constitute an allowed single-family residential property use. A state registered or licensed family child care home serving no more than six (6) full-time children and four (4) part-time children, as defined in subdivision 4902(3) (A) of Title 33 as may be amended from time to time, shall be considered to constitute an allowed use of property but requires site plan approval and is subject to all applicable zoning regulations.

B. Licensed Child Care Center: A state licensed center-based program as defined and regulated by the Child Care Services Division of the Vermont Agency of Human Services.

Conditional Use: In any district, a use that is allowed only by approval of the Development Review Board.

Construction: The assembly or building of a structure.

Cultural Facility: See Entertainment/Cultural Facility

Density: Density is a measure of the number of dwelling units per unit of area.

Development: See Land Development.

District: A geographic unit established by the provisions of Article II of this Ordinance.

Dripline: The vertical line from the outermost edge of a roof or eave extending to the ground..

Dwelling Unit: A building or a portion of a building occupied or intended to be occupied for residential purposes, containing cooking, sleeping and sanitary facilities that constitute a separate independent housekeeping establishment.

Dwelling, Mixed Use: A single building containing a single-family dwelling occupied more than 120 days per year and a separate allowed commercial operation.

Dwelling, Multiple-Family: A building containing separate dwelling units for three (3) or more families having separate or joint entrances, services, or facilities.

Dwelling, One-Family: A detached building designated for or occupied solely as a dwelling by one family.

Dwelling, Seasonal: A dwelling unit which is not a primary residence and is occupied on a part time or seasonal basis, not to exceed 120 consecutive days per year. Seasonal dwellings shall have no indoor plumbing and must meet all other standards for development in the district. Composting, incinerating, and other non-plumbed toilets are allowed.

Dwelling, Two-Family/Duplex: A building containing separate dwelling units for two (2) families, either side by side or top and bottom; each dwelling unit designated for occupancy as a residence for one family.

Educational or Institutional Facility: A public, parochial, or private institution that provides educational instruction to students.

Entertainment/Cultural Facility: A museum, art gallery, theater, concert hall, community center or other establishment offering programs, performances, or exhibits of cultural, educational, historical or scientific interest.

Excavation: The movement of soil or earth to create roads, dams, retaining walls, foundations, drainage, canals or berms.

Extraction of Earth Resources/Quarrying: The removal of earth, soil, sand or other materials in excess of 200 cubic yards per site, per year.

Family: One (1) or more persons occupying a single dwelling unit and living as a single household unit.

F.I.A.: Federal Insurance Administrator.

Forest Management: See Silviculture. [See 24 VSA 4413(d)]

Food Stand: An establishment that serves food and beverages to the public for take-out and/or outdoor consumption.

Frontage: The length of a lot bordering on and parallel with a public or private road(s) or right(s) of way.

Golf Course: Substantially undeveloped land, including amenities such as landscaping, irrigation systems, paths and golf greens and tees, which may be used for golfing or golfing practice by the public or by members and guests of a private club. A golf course may include a clubhouse, restaurant, bar/lounge and shelters as accessory uses.

Group Home, 1-8 Residents: A state licensed or registered residential care home or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute an allowed single-family residential use of property, except that no such home shall be so considered if it is located within one thousand (1,000) feet of another existing and allowed such home. [see 24 VSA 4412(1)(G)]

Group Home, more than 8 residents: A Group Home serving more than 8 residents.

Health Care Facility: An institution providing health care services and medical or surgical care, primarily to out-patients.

Home Business: Home Business includes but is not limited to the providing of a service or manufacture of goods for sale on the premises; for example, a single-chair barber shop, beauty salon or massage therapy, furniture making, a fix-it or print service or a studio, operated either part time or full time. [see 24 VSA 4412(4)]

Home Industry: A small-scale use providing goods or a service, which is accessory to a dwelling or agricultural operation. A home industry may be conducted in whole or in part in an accessory structure. A home industry does not include an auto repair.

Home Occupation: The use of a minor portion of a dwelling for an occupation that is customary in residential areas and that does not change the character thereof, including but not limited to sewing, crafts or an office for work performed off-site. Any occupation practiced, whether part-time or full-time. [see 24 VSA 4412(4)]

Impervious Surface: A surface that does not allow infiltration of rain into soil, including paved and graveled surfaces.

Improvement: A change or addition to the property, usually increasing the value thereof.

Industry: A type of Manufacturing (See Manufacturing)

Junkyard: Land or structure used for the collection, storage, or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery, parts or vehicles. A Junkyard shall also be considered to be any property which has situated on it two (2) or more un-housed Junked Vehicles, as defined herein.

Junked Vehicles: Any vehicle that is both (1) without a valid vehicle registration in any state, and (2) unable to be started and operated as the vehicle is intended to operate.

kennel: Commercial operation for the breeding or boarding of dogs or cats.

Lake and Ponds: Lakes and ponds are natural or artificial bodies of water that retain water year-round. Artificial bodies of water may be created by dams, or result from excavation using machinery.

Land Development: The Subdivision of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation that increases peak off-site flow or landfill, or any change in the use of any building or other structure, or land, or extension of use of land. Land development shall include water impoundment such as lakes and ponds. [see 24 VSA 4303(10) and 4449]

Landfill: Land that is built up from deposits of solid materials in layers covered by soil.

Landscaping: Modification of the land by grading, clearing or decorative planting.

Licensed Child Care Center: See Child Care Facilities

Light Manufacturing: An industry with no undue adverse impact that uses small, light raw materials and components to produce small, light goods.

Lodging ≤ 6 guest rooms: The rental of rooms for overnight accommodations where the operator lives on site. Meals may be provided only to guests and guests of guests with a maximum seating capacity of 24 people.

Lodging > 6 guest rooms: The rental of rooms for overnight accommodations or the rental of facilities for special events or functions. Meals may be provided to the general public.

Lot: A measured parcel of land having fixed boundaries.

Lot Area: The lot area is the area contained within the property lines of the individual parcels of land.

Lot Coverage: The total ground floor area of all structures on a lot. Lot coverage may be expressed as a percentage of the total lot area.

Low Impact Mixed Use: any mix of Office, Retail, Retail with Outside Display, Service

Business and Educational or Institutional Facility (fewer than 40 students) with no undue adverse impact.

Maintenance: Performing the routine actions which keep a structure or property in good condition.

Maintenance Facility: A facility used for maintenance, repair or storage of machinery or property associated with a commercial activity.

Manufactured Home: see Mobile Home

Manufacturing: An operation used for packaging, processing, fabricating, assembling, treating, processing, and similar operations performed on any materials allowed by the terms of this Regulation.

Mining: The extraction of materials from the earth. See also: Extraction of Earth Resources/Quarrying.

Mini-Storage Facility: A purpose-built building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential users and may include refrigerated facilities.

Mobile Home: A dwelling unit that is substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. (Also referred to as a Manufactured Home.) Recreational vehicles shall not be considered to be manufactured homes and shall not be allowed as a permanent dwelling.

Mobile Home Park: A parcel of land under single or common ownership or control, which contains, or is designed, laid out or adopted to accommodate two (2) or more mobile homes.

Multi-Business Center: A group of businesses sharing a common building or buildings, and a common parking area.

Municipal Transfer Station: An area where solid waste is disposed of, prepared, or stored for transfer in a controlled, managed manner, owned and operated, or under contract by the Town of Wilmington, and which may contain a recycling facility. [see 24 VSA 4413(a)(5)]

Municipal Utility or Safety Related Facility: All buildings, structures, or other protected enclosures for providing services traditionally provided by local government, including administrative offices, water and sewer operations, roads, parks, schools, parking and police and fire protection. [see 24 VSA 4413(a)(1)]

Non-Conforming 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 Zoning Administrator. [see 24 VSA 4303(13)]

and 4412(7)]

Non-Conforming 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 Zoning Administrator. [see 24 VSA 4303(14) and 4412(7)]

Non-Conforming 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 Zoning Administrator. [see 24 VSA 4303(16) and 4412(7)]

Nonconformity: A non-conforming use, structure, lot or parcel. [see 24 VSA 4303(16) and 4412(7)]

Nursing Home/Assisted Living Facility: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occupied: “Occupied” or “used” shall confer the intention for use or occupancy.

Office: A structure or part of a structure used primarily for conducting the affairs of one (1) or more businesses, professions, services, studios or governmental agencies.

Open Space: Land or space not occupied by a building or other roofed structure.

Open Space Ratio: The open space ratio is a measure of the intensity of land use. It is calculated by dividing the total amount of open space within the development by the base site area.

Parking Space: Refers only to off-street space used for the temporary location of one licensed motor vehicle, which is at least ten (10) feet wide and twenty (20) feet long, not including the access driveway and having direct access to a street or alley.

Parking Lot: An open, firm-surfaced area, other than street or public way, to be used for parking by employees, visitors, and/or patrons of any government office, public accommodations, business, commercial, or industrial establishment, or any other business open to the general public.

Permitted Use: In any district, a use that is allowed only through issuance of a permit by the Zoning Administrator.

Person: An individual, a corporation, a partnership, an association and any other incorporated or unincorporated organization or group. [see 24 VSA 4303(17)]

Place of Worship: The use of a building or grounds primarily intended for the conducting of organized religious services or activities. [see 24 VSA 4413(a)(3)]

Planned Unit Development: One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards. [see 24 VSA 4303(19) and 4417]

Plat: A map or chart of a subdivision with surveyed lot lines and dimensions.

Plot Plan: A plan or map of an individual property that is to scale and shows all boundary lines and lot line distances, road frontage, driveways, curb cuts, fences and stone walls. A plot plan must locate and identify roads and brooks, easements and rights-of-ways, and must locate all existing buildings/structures with dimensions, and shows setback dimensions from property lines.

Primary Use: The principal use on a property.

Premises: A tract of land, including any buildings or portion of a building thereon.

Principal Building: The structure on the lot containing the primary approved use or uses.

Private Club: A structure and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, education, recreational or cultural enrichment of its members.

Private Road: A road owned and maintained by a private individual, organization, or company rather than by a government.

Public Road: For the purpose of this ordinance, a public road is a thoroughfare, road or highway, whether or not maintained or owned by the State, Town, or other municipal corporation. Public Road shall mean the entire width of the right-of-way. Where no width is defined, right-of-way shall be considered to be 25 feet from the centerline on each side.

PUD: See Planned Unit Development

Recreation Facility, Outdoor: Land and/or structures used for outdoor recreational activities that require alteration or maintenance of the land, such as: developed parks and playing fields, playgrounds, hunting preserves, ski and snowmobile centers and associated trails, mountain bike centers and associated trails, tennis courts, swimming pools, ice rinks, etc. Such activities may include minor supporting structures such as benches, bridges, backstops, dugouts, warming huts, etc. Such activities may include larger supporting structures (e.g., customer reception, rental equipment, restrooms, locker rooms, clubhouses, etc.) as long as such structures indeed support the outdoor recreation activity, and do not constitute an indoor recreational facility. "Alteration or maintenance" means any change in a pre-existing condition which may result in an adverse impact with respect to any of the criteria specified in Section 320, Conditional Uses, Standards

and Procedures ; Section 340, General Performance Standards; Section 350, Specific Performance Standards; or Section 360, Performance Standards for Specific Uses.

Recreation, Indoor: A recreational activity conducted wholly within a structure.

Recreation, Outdoor: A recreational activity conducted wholly or partially outdoors. Specifically included in this use are outdoor recreational activities that require no substantial alteration or maintenance of the land, such as: undeveloped green space or park land, primitive hiking, cross-country ski, ATV, mountain bike or sleigh trail, VT Association of Snow Travelers (VAST) trail, etc. Outdoor recreational activities that are incidental or accessory to a primary residential use, and used primarily by the residents of the property shall also constitute allowed accessory use, and shall not be considered Outdoor Recreational Facilities – e.g., a backyard badminton or volleyball court, horseshoe pit, etc.

Recreational Vehicle: Includes any motor home, vehicle or trailer, including travel trailers, campers, motor homes or similar vehicles, which are intended to be used as sleeping or camping for short periods of time. Recreational vehicles shall not mean a manufactured, prefabricated, modular or similar structure, which is intended for use as a dwelling unit.

Remodel: To renovate.

Renovation: The process of restoring or improving a structure.

Repair: To mend or restore to good condition.

Registered Family Child Care Home: See Child Care Facilities

Restaurant: An establishment, the primary function of which is to serve food and beverages to the public within a building.

Restoration: Work performed on a building in order to return it to a previous state.

Retail Business: A business wholly contained within a structure selling, delivering goods, or providing services in small quantities to the customer.

Retail Business with Outside Display: A business contained within a structure selling, delivering goods, or providing services in small quantities to the customer which also has an outdoor display of wares.

Right-of-Way: A legal right of passage over another's land.

Sawmill: A facility where timber may be processed into building materials, not including the processing of timber for use on the same lot by the owner or resident of that lot. See Wood Processing Operation.

School: see Educational or Institutional Center

Secondary Use: Any use other than the Primary Use.

Service Business: A business primarily engaged in providing assistance (as opposed to products) to individuals, business, government, or other enterprises. Examples include, but are not limited to: hair salon, caterer, appliance repair shop, real estate agency, laundry mat, tailor, pet grooming business, etc. May also include incidental retail sales as a minor portion of the business; for example, as a Cosmetologist may sell shampoo.

Setback: The distance between the nearest portion of a building on a lot and the public or private road or a property line and extending the full width of the lot. In no case shall the dripline of a building extend onto an adjoining property.

Setback Area: The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this by-law. Distance shall be measured perpendicularly from the edge of any public or private road or property line to the nearest portion of the structure, and shall extend the full width of the lot.

Setback, Front: Any property line abutting a public or private road shall be considered a front setback. Setbacks to private roads and deed described rights-of-way serving more than one house or commercial locations shall be 20 feet from the edge of the deed described right-of-way. (Caution: A right-of-way line is not necessarily the edge of the traveled portion of the road.)

Shall: "Shall" means that any requirement stated herein is mandatory.

Should: Something that is expected or recommended.

Silviculture: The developing, caring for or cultivating of forests, or the management and harvesting of timber. (See Forest Management) [see also 24 VSA 4413(d)(3)]

Site Area: All land within the tract as defined in the deed. This area shall be computed from an actual site survey rather than from a deed description.

Slaughterhouse: A facility where animals are killed and /or butchered.

Slaughterhouse, Agricultural: A facility on a farm where animals are killed and/or butchered and a majority of the animals are raised on the premises. An Agricultural Slaughterhouse is an Accessory Agricultural Use.

Snowmaking Facility: Any installation for snowmaking to include pump house, valve stations, maintenance building, or snowmaking pond/reservoir, snow guns, compressors and hoses.

Start of Construction: Includes substantial improvement, and means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling;

nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement/footing/piers/foundations or the erection of temporary forms.

Steep Slopes: Areas where the average slope is 15 percent or greater.

Storage Facility: Property or structures used for the storage of materials, vehicles, machinery or other goods in the conduct of business or for financial gain except as defined as Mini-Storage Facility or Warehouse. Such use of a structure shall be only as a re-use of an existing structure.

Street: A Public Road.

Street Line: The line dividing the Public Road and a lot. Where the width of a Public Road is not established or cannot be determined, the street line shall be considered to be twenty-five feet from the center of the travelled way of the public road.

Structural alteration: Work performed on a building that changes its size, area, height or other dimension.

Structure, Large: Any fence, building or assembly of materials for occupancy or use with a footprint greater than 120 square feet or over eight feet in height. All Large Structures are subject to setbacks and do require a permit. Signs and their supporting structures are not considered a Large Structure. (See Structure Height)

Structure, Small: Any fence, building or assembly of materials for occupancy or use with a footprint of 120 square feet or eight feet or less in height. Small Structures are subject to setbacks, but do not require a permit, except for fences exceeding six feet six inches, which do require a permit. (See Structure Height)

Structure Height: With the exception of fences or other structures having no eave or drip-line, structure height shall be determined by the vertical distance measured from the average grade to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridgeline for other types of roof. The height of fences shall be determined by the highest point on the fence.

Studio Home Business: A structure or portion of a Dwelling primarily used by an artist or artisan for the production, practice or teaching of their own work or skills to six or fewer individuals at a time.

Studio Office: A structure or portion of a structure primarily used by an artist or artisan for the production, practice or teaching of their own work or skills to more than six individuals. Sales of non-personal work or product, instruction to more than one individual at a time shall follow District requirements for **Office** including off street parking.

Subdivision of land: A tract or tracts of land which have been partitioned or divided for any purpose.

Temporary Retail Stand: Temporary outdoor business.

Tower: A tower shall be any uninhabitable structure over 50' in height with an aspect ratio of 4:1 or greater installed at grade level or attached to any location of a building (excluding radio and/or television antennas under 50' above grade). See Windmill.

Tower Height: The height of a Tower shall include the highest point of the fixed Tower to the lowest point of structure (excluding fan blades, for example).

Transportation Center: A place where goods and/or people transfer between modes of travel; a terminating point where goods are transferred from a truck to a storage area or to other trucks, or are picked up by other forms of transportation. Includes facilities for vehicle maintenance, parking and waiting rooms.

Utility Facility: All buildings, structures, or other protected enclosures for the producing, transmitting, or distributing of communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste or any other similar commodity.

Warehouse: All buildings, structures, or other protected enclosures used for storage of articles of value, with or without compensation. See Mini-Storage and Storage Facility.

Wetlands: Wetlands are those areas that are inundated or saturated by surface or groundwater, as determined by the State of Vermont. [see 24 VSA 4303(32)]

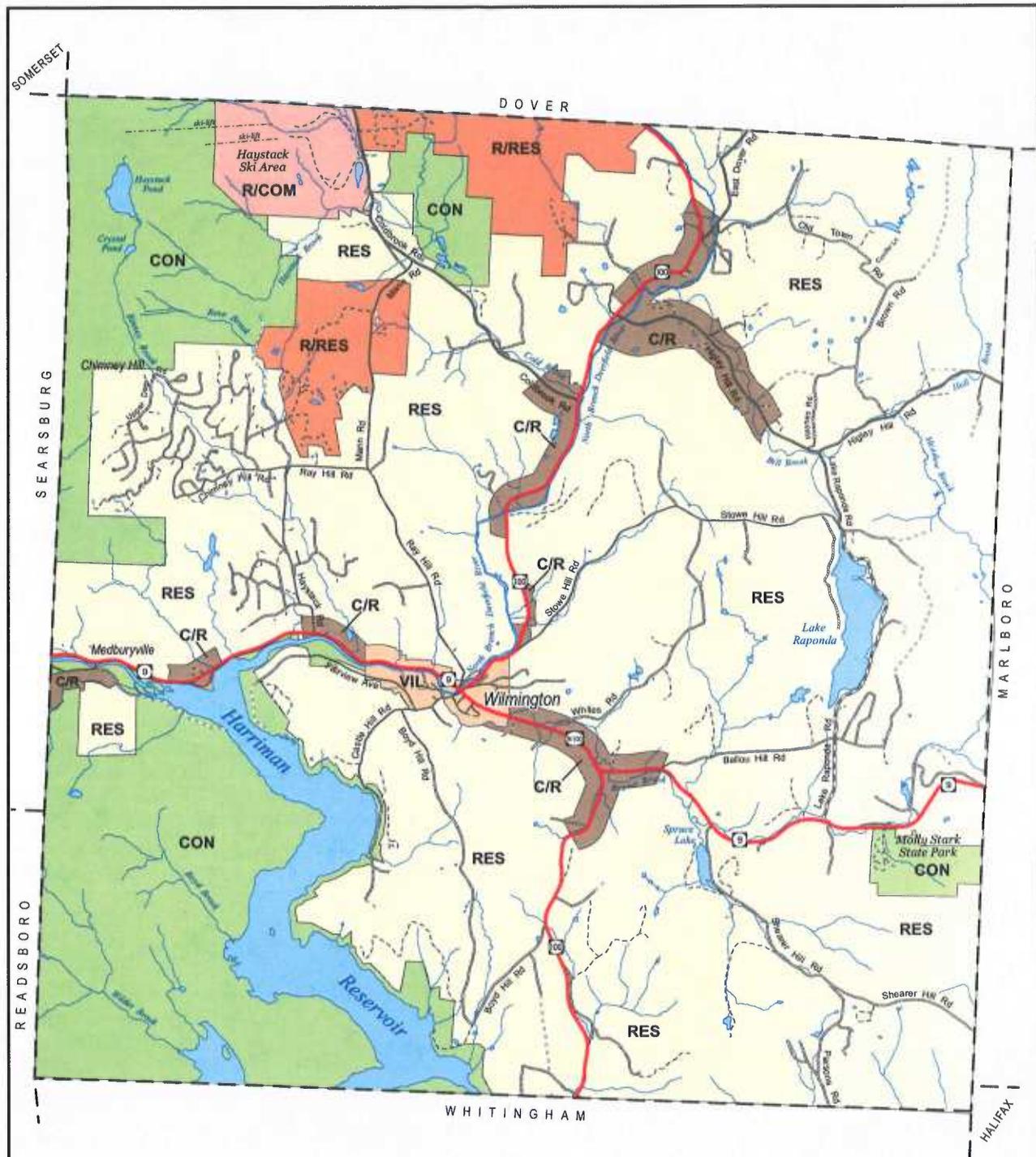
Wholesale Business: A business wholly contained within a structure selling or delivering goods to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Wildlife Refuge: A parcel of land set aside by transfer of development rights to provide a safe place for wildlife.

Windmill: A machine that converts the kinetic energy in the wind into a usable form.

Woodlands: A woodland is one-quarter acre or more of wooded land where the largest trees measure at least 6 inches diameter at 4.5 feet from the ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where 10 or more trees measure at least 10 inches diameter at 4.5 feet.

Wood Processing Operation: An operation where timber may be processed with equipment such as saws or splitters to produce wood products, including fire wood, for a period in excess of 30 days per year.



Proposed Zoning Districts Town of Wilmington, Vt.

June 2013

WINDHAM REGIONAL COMMISSION
119 Main St • Suite 200 • Brattleboro, VT 05302
(802) 251-4847 www.windhamregional.org

0.5 0 0.5 1 1.5 Miles
Map scale = 1:42,000

- R/COM Resort/Commercial
 - R/RES Resort/Residential
 - C/R Commercial/Residential
 - VIL Village
 - RES Residential
 - CON Conservation
- Stream
 River or pond

Data sources:

- Proposed zoning district boundary data were created by WRC based on information supplied by the Town of Wilmington. Boundaries in most cases coincide with parcel boundaries, roads, or setbacks from roads, and GIS data of parcels and roads were used as data sources.

