

AGENDA ITEM SUMMARY
STOWE SELECTBOARD
January 10, 2024

AGENDA ITEM NO. Zoning Amendments Public Hearings

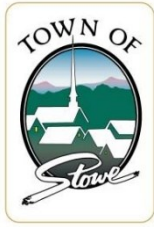
Summary: The Selectboard met with members of the Planning Commission and staff from the Department of Planning & Zoning on October 11th, October 25th, November 29th, and December 13th to review recommended amendments to the town's adopted Zoning Regulations. Following review and discussion, the Selectboard voted on December 13th to warn a public hearing in accordance with 24 VSA §4442. A public hearing was scheduled for January 10, 2024, and warned on December 21st in accordance with 24 VSA §4444. During its meeting on December 13th, the Selectboard made one modification to the proposed amendments by removing a provision of Section 4.1(A) pertaining to Accessory Dwelling Units (ADU). Otherwise, the proposed amendments were warned by the Selectboard as originally submitted by the Planning Commission. The Planning Commission was provided a copy of the Selectboard's modified proposal and will amend their statutory report prepared pursuant to 24 VSA §4441(c) to reflect the changes made and submit their amended report to the Selectboard at or prior to the public hearing. If the Selectboard makes any further changes, it must warn a new public hearing and file any proposed changes with the Town Clerk and Planning Commission at least ten (10) days prior to the public hearing as warned. Enclosed is a copy of the hearing draft of the [proposed zoning amendments as warned by the Selectboard](#).

The Selectboard public hearing is intended to be an opportunity for the community to provide testimony and comments on the proposed zoning amendments prior to decision making. Requests for future zoning amendments should be brought forward to the Planning Commission during a regularly scheduled meeting on the 1st and 3rd Mondays beginning at 5:30 pm. Planning Commission agendas and meeting times are published in the Stowe Reporter and posted on the town website, Town Office, library, and police station.

Town Plan Impact: Zoning and Subdivision Regulations are the Town's primary tool for effectuating the community goals set forth in the [Stowe Town Plan](#). The proposed zoning amendments conform to, and implement, the community goals and policies established in Stowe's adopted municipal plan.

Fiscal Impact: Zoning Regulations are administered by the Department of Planning & Zoning and the Development Review Board. The proposed amendments will not increase the workload or exceed the current staffing capacity of the Department of Planning & Zoning.

Recommendation: Following testimony and public comments, the Selectboard should motion to close the public hearing. Should the Selectboard desire to approve the proposed amendments, a motion should be made to approve the proposed zoning amendments as presented in the warned public hearing draft. Should the Selectboard decide to approve the amendments following the January 10th hearing, the amendments would become effective twenty-one (21) days after adoption.



**Town of Stowe
Selectboard
Notice of Public Hearing
Wednesday, January 10, 2024 at 5:30 PM**

The Town of Stowe Selectboard will conduct a public hearing at the Akeley Memorial Building (67 Main Street) on January 10, 2024 at 5:30 PM to receive input on proposed amendments to the Zoning Regulations. The hearing is open to the public. If you cannot attend the hearing, comments may be made in writing prior to the hearing and mailed to: Planning & Zoning Director- Sarah McShane, PO Box 730, Stowe, VT 05672, or via email to: smcshane@stowevt.gov.

Statement of Purpose: In 2022 the Town of Stowe received a Bylaw Modernization Grant from the Vermont Department of Housing and Community Development (DHCD) to develop bylaw updates to increase housing choice, affordability, and opportunity in Stowe's designated downtown and lower village center. The proposed zoning amendments are intended to reduce artificial barriers which restrict the development of housing within these designated growth areas. In addition, the proposed amendments incorporate Act 47/ the VT HOME Act requirements, as well as integrate and replace the previously approved interim regulations pertaining to cannabis establishments and clarify issues that have arisen during the development review process.

Geographic Area Affected: All properties within the Town of Stowe.

Specific Sections to be Amended:

§2.3 Development Review Board

§ 2.5 Zoning Permit

§ 2.7 Conditional Uses, Administrative Approval

§2.11 Appeals

§2.14(4) Public Hearings

§3.4 Lot and Yard Requirements

§3.6 Lots Lying in More Than One Zoning District (Split Lots)

§3.7 Conditional Uses

§3.8 Conditional Use Application Submission Requirements

§3.14 Affordable Housing Density Bonus

§3.16 Site Plan Review (*New Section*)

§4.1 Accessory Dwellings

§4.12 Protected Public Uses

§4.20 Cannabis Establishments (*New Section*)

§4.21 Mixed Use (*New Section*)

§4.22 Drive-Through Facilities (*New Section*)

§4.23 Areas Served by Municipal Water and Sewer Infrastructure (*New Section*)

§6.1 Prohibited Uses

Table 6.1 Permitted and Conditional Uses

Table 6.2 Dimensional Requirements

Table 6.3 Density Standards

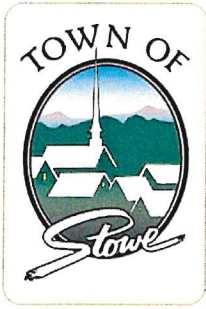
§10.9 Dimensional Waivers for Historic Buildings and All Buildings Within the Overlay District

§14.11 Signs Exempt from These Regulations and Not Requiring a Permit

§15.1 Parking Facilities Required

§15.2 Modification of Parking Requirements
§13.6 Uses Allowed in the VIL-PUD
§16 Definitions

The full text of the proposed amendments is available for inspection at the Stowe Town Office, 67 Main Street, VT 05676, and on the Town's website at www.townofstowevt.org.



Town of Stowe- Selectboard
PO Box 730
Stowe, VT 05672

December 15, 2023

Re: 2023 Proposed Zoning Amendments

Dear Planning Commission:

On December 13, 2023, the Selectboard voted to warn a public hearing to be held on Wednesday January 10, 2024 to consider the Commission's recommended zoning amendments. Following review and discussion, the Board elected to make one change to the proposed amendments. The Board decided to remove portions of Section 4.1 (Accessory Dwelling Units/ADU) as follows:

~~The single family dwelling or the accessory dwelling unit must be owner occupied, occupied by a member of the owner's family, or rented for a period of no less than a consecutive twelve month period. This provision does not apply to accessory dwelling units that were lawfully created prior to [add the effective date of the amendments.]~~

On behalf of the Selectboard, we hereby file with the Commission the revisions made by the Board so that the Commission may amend its report to reflect the changes made and resubmit the report prior to or at the public hearing in accordance with 24 VSA §4442. Thank you for your on-going service to our community and municipal government.

Sincerely,

Lisa Hagerly, Chair
Town of Stowe Selectboard

CC: Town of Stowe Town Clerk

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2.3 Development Review Board

- (1) The Development Review Board (DRB) shall consist of seven (7) members appointed by the Selectboard for specified terms. The Selectboard also may appoint alternates, for specified terms, to serve on the DRB in situations when one or more members of the DRB are disqualified or are otherwise unable to serve. The Selectboard upon written charges and after public hearing may remove any member of the DRB for cause.
- (2) The DRB shall have all powers and duties as set forth in “the Act” to administer the provisions of these regulations, including but not limited to the power to hear and act upon:
 - A. Applications for rights-of-way or easements for development lacking frontage (Section 3.1);
 - B. Appeals from any decision, act or failure to act by the Zoning Administrator (Section 2.11) and any associated variance requests (Section 2.12);
 - C. Requests for waivers of dimensional standards for historic buildings (Section 10.10);
 - ~~D.~~ D. Applications for conditional use approval (Section 3.7);
 - ~~D.E.~~ D.E. Applications for site plan review (Section 3.16)
 - ~~E.F.~~ E.F. Applications for subdivision approval for two (2) or more parcels;
 - ~~F.G.~~ F.G. Applications for planned unit development (Section 132);
 - ~~G.H.~~ G.H. Applications for development within the RHOD (Section 9); and
 - ~~H.I.~~ H.I. Applications for design or historic review (Section 10).

Section 2.5- Zoning Permit

L. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, mountain biking and snowmobile trails), including associated trail surface structures and technical trail features, which do not involve or require paving or the development of ~~the installation of structures or~~ parking areas. This exemption does not apply to trails on commercial properties. For the purposes of this exemption, trail surface structures are at-grade and/or elevated surfaces intended to cross wet areas or protect natural resources and are less than 14 feet in width. They may also include structures used for transitioning off natural features such as rock ledges. For the purposes of this exemption, technical trail features are man-made objects or structures less than 8 feet in height and 4 feet in width which are added to the trail to add play and/or challenge to the riding experience. ~~Elevated tree canopy trails and related structures are specifically not exempted from this provision.~~

X. Demolition of a fence or an accessory structure with a footprint of 100 square feet or less. This exemption does not apply to properties requiring design review under Section 10.

Y. Trail kiosks 10 feet or less in height with a sign area of 12 square feet or less. For the purposes of these Regulations a trail kiosk shall mean a small structure located at a trailhead or park entrance used for displaying user information.

Section 2.7 Site Plan & Conditional Uses Review, Administrative Approval for Minor Modifications

- (1) The Zoning Administrator may approve minor modifications, alterations and changes of use, as described below, on or to properties containing a conditional use or a permitted use subject to site plan review, except as otherwise specified in the SHOD. The following may be administratively reviewed:
 - A. Minor expansions to building coverage through renovations or reconstruction up to four hundred (400) sq. ft. (e.g., the replacement of a porch, deck, or roof).
 - B. Small additions to existing buildings up to four hundred (400) sq. ft. No more than one such addition may be administratively approved.
 - C. Construction of a deck, access stairway, or patio up to four hundred (400) sq. ft.
 - D. Replacement or enlargement of doors or windows with an opening within 20% of the size of the existing door or window opening, including the repositioning of doors or windows.
 - E. Changes to facades visible from a public right-of-way that represent no more than 20% of the square footage of that side of the building. No more than one such façade change may be administratively approved.
 - F. The construction of accessory buildings up to one hundred (100) sq. ft. for the storage of maintenance equipment. No more than one such accessory building may be administratively reviewed.
 - G. Alterations necessary for compliance with fire safety or building code requirements.
 - H. Changes of use that require no more than five (5) additional parking spaces.
 - I. Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping materials, provided that the total quantity and coverage of landscaping proposed in the amended plan is equal to or exceeds the quantity and coverage approved by the Development Review Board.
 - J. Relocation of site improvements and/or accessory structures that have been previously approved by the DRB, provided that such relocations do not alter the approved coverage for the site or conflict with any conditions of approval.
- (2) The Zoning Administrator may administratively review and approve other modifications to a conditional use or permitted use subject to site plan review if the proposed change would have no impact on any of the conditional use criteria or on any conditions placed on past DRB approvals.

(3) The Zoning Administrator may refer any application for administrative review of a proposed modification of a conditional use or site plan review to the DRB.

2.11 Appeals

(2) Interested Persons

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

- A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
- B. The Town of Stowe or an adjoining municipality;
- C. A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the municipality;
- D. Any ten (10) ~~voters or property owners within the municipality~~ persons who may be any combination of voters, residents, or real property owners within a municipality listed in Section 2.11(2)(B) who, by signed petition to the DRB allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; ~~and. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For the purposes of this section, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.~~
- E. Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

(4) Appeals to Environmental Court

An interested person who has participated in a regulatory proceeding of the DRB may appeal a decision rendered by the DRB within thirty (30) days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

- A. “Participation” in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- B. For all proceedings of the DRB that are on the record, appeals to the Environmental Court shall be taken on the record in accordance with the Rules of Civil Procedure.

- C. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Municipal Clerk, or the Zoning Administrator, if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Court to intervene.

- D. Designated Areas. Notwithstanding subsection (A) of this section, a determination by the DRB that a residential development will not result in an undue adverse effect on the character of the area affected shall not be subject to appeal if the determination is that a proposed residential development seeking conditional use approval under Section 3.7 is within a designated downtown development district, designated growth center, or designated neighborhood development area. Other elements of the determination made by the DRB may be appealed.

Section 2.14(4)

(4) Decisions

Any action or decision of the DRB shall be taken by the concurrence of a majority of the members of the Board. At the close of the hearing, the DRB shall vote to authorize the Zoning Administrator to draft a Findings of Fact and Notice of Decision. The DRB shall issue a decision within forty-five (45) days after the adjournment of the hearing. A written decision issued by the DRB need not be adopted at an open meeting since the decision will be a public record (1 V.S.A. 312(F)). The approval of the decision may be done electronically. Electronic approvals shall be considered deliberative sessions not open to the public. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective on the 46th day. In addition:

- A. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.
- B. In rendering a decision in favor of the applicant, the DRB may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of “the Act”, these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:
 - 1. The submission of a three (3) year performance bond, escrow account, or other form or surety acceptable to the Selectboard, which may be extended for an additional three (3) year period with the consent of the owner(s), to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or
 - 2. A requirement that no zoning permit be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval.
- C. A decision rendered by the DRB for a housing development or the housing portion of a mixed-use development shall not:
 - 1. Require a larger lot size than the minimum as determined in the Zoning Regulations;
 - 2. Require more parking spaces than the minimum as determined in the Zoning Regulations and 24 VSA §4414;
 - 3. Limit the building size to less than that allowed in the Zoning Regulations, including reducing the building footprint or height;
 - 4. Limit the density of dwelling units to below that allowed in the Zoning Regulations; and

5. Otherwise disallow a development to abide by the minimum or maximum applicable standards.

However, a decision may require modifications to the applicable standards listed in (1)-(5) if the DRB issues a written finding stating:

- (a) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in Zoning Regulations, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and
 - (b) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the Zoning Regulations.
- D. All decisions of the DRB shall be sent by certified mail, within the required forty-five (45) day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

3.4 Lot and Yard Requirements

- (1) Structure Setback Lines: (NOTE: The actual setback requirements for each district are listed on Table 6.2.)
 - A. Front Yard Setback: The distance from the street line to the closest portion of any structure, including rooflines, porches and sills, except steps.
 - B. Side Yard Setback: The distance from the side lot line to the closest portion of any structure, including rooflines, porches and sills, except steps. The side lot line shall be any lot line that is not a front or rear lot line.
 - C. Rear Yard Setback: The distance from the rear lot line to the closest portion of any structure, including roof lines, porches and sills except steps. The rear lot line shall be the lot line most distant from and is most parallel to the front lot line.
 - D. In the case of a corner lot, the required front yard setback shall apply on all streets. Side yard setbacks will apply to the remaining sides.
 - E. When a lot has no frontage on a street; the front setback shall be the side of the lot where the ROW from a street meets the lot.
- (2) Dimensional requirements and property setbacks are not applicable to: public utility structures no more than 100 sq. ft. in area, bus shelters, handicap access ramps, lampposts, patios or terraces at grade level, swing sets and similar playground equipment, flag poles, barbecue pits, decorations such as statues or similar items, playhouses, signs and fences that are not part of a structure, and dumpster/recycling bins and associated screening.

Section 3.6 Lots Lying in More Than One Zoning District (Split Lots)

- (1) In the case of lots lying in more than one (1) district, the ~~provisions-dimensional requirements of any-the less restrictive~~ district may be applied for ~~the-a~~ distance of not over ~~one hundred (100') thirty (30')~~ feet into any other adjacent district.
- (2) ~~O~~In such split lots, the maximum allowed density of development shall be determined by calculating the allowed density for the acreage of the lot in each zoning district and adding the totals.
- (3) ~~O~~In such split lots, the maximum allowed building coverage shall be determined by calculating the allowed building footprint for the acreage of the lot in each zoning district and adding the totals. Said coverage shall be permitted anywhere on the lot. In RR districts that do not have a maximum building coverage, a maximum coverage of five (5%) percent shall be used to calculate the maximum coverage allowed for a split lot.
- (4) When subdividing a split lot, the maximum number of lots shall be determined by calculating the number of lots that would be allowed for the acreage of the lot in each zoning district (including fractions) and adding the totals. The required minimum lot size shall be that needed for the zoning district that will contain the proposed buildings and structures. (For example, a 10.8 acre parcel, with 9 acres in RR 5 and 1.8 acres in RR2, is permitted to have a 2-lot subdivision. $9/5$ acres per lot = 1.8 plus $1.8/2$ acres per lot = .9 for a total of 2.7 or an allowance for 2 lots.)
- (5) ~~O~~In such split lots, the principal and accessory uses shall be located only on that portion of the lot zoned to permit the proposed use.
- (6) ~~O~~In such split lots, the required setbacks shall be those established for the zoning district in which a structure or building is located.
- (7) ~~O~~In such split lots, ~~t~~The DRB may waive coverage, density, setback and lot ~~size-area~~ requirements ~~to-for~~ the portion of the lot in the least-less restrictive of the zoning districts ~~for the lot~~ when it is found that:
 - A. The portion of the lot in the more restrictive district is minimal and the proposed development is ~~predominately~~ located entirely within ~~one-(1)the less restrictive~~ zoning district; ~~and/or~~
 - B. The proposed development will not materially alter the essential character of the neighborhood or district, as defined under the Regulations, in which the property is located; and
 - C. The proposed development will not substantially or permanently impair or interfere with the lawful use or development of, or access to, an adjacent property; and
 - D. The proposed development will not be detrimental to public health, safety or welfare; and
 - E. The applicant is proposing adequate mitigation of any potential adverse impacts to adjoining properties through site design, landscaping and screening, or other mitigation measures.
- ~~B.~~ ~~The intended purpose of the zoning districts are satisfied and the character of the area is not adversely affected by the proposed waiver(s).~~

Section 3.7 Conditional Uses

- (1) Conditional Uses shall be constructed, established, enlarged, or altered only upon approval of the DRB in accordance with the standards and procedures specified in this section. Renovation of a structure involving an existing or contemplated conditional use, and changes from one ~~permitted~~ conditional use to another (e.g., a change from retail to office), requires a determination by the Zoning Administrator as to whether a zoning permit ~~and, hence, a hearing before the DRB~~ is ~~necessary~~required.
- (2) Purpose: The purpose of conditional use review is to allow certain uses only in accordance with general and specific standards prescribed by these Regulations and only if the DRB, under the procedures in these Regulations, determines that the proposed use will conform to those standards. The general standards shall require that the proposed conditional use not result in an undue adverse effect on the capacity of existing or planned community facilities, the character of the area affected, traffic on roads and highways in the vicinity, bylaws and ordinances in effect, and the utilization of renewable energy resources, as further described below.
- (3) The DRB may approve a conditional use application with conditions as necessary to ensure compliance with these regulations and the above-referenced standards.
- (4) During the public hearing, Conditional use approval shall be granted by the DRB only upon finding that the applicant has demonstrated that the proposed development shall not result in an undue adverse effect on any of the following: ~~the DRB must determine that the use will conform to the following set of standards:-~~
 - A. ~~Standards of evaluation 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 and services. The applicant and DRB shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of existing and planned community services and facilities. Community facilities and services that may serve a proposed development include schools, emergency services, municipal water supply and wastewater systems, public parks and trail networks, and public utilities. Approval ~~may~~ shall be required from electric, fire and police departments, and if applicable, from the public works department for town sewer ~~hook up~~ and ~~village~~ water connections;
 2. Traffic on roads and highways in the vicinity. The applicant and DRB shall consider the projected impact of traffic resulting from the proposed development on the condition, capacity, safety, efficiency and use of existing and planned roads, bridges, intersections and associated highway infrastructure in the vicinity of the proposed development; and shall not approve a project that would result in significant congestion, or the creation of unsafe conditions for motorists or pedestrians. Applicant may be required to provide turn lanes or appropriate traffic control measures;

- i. Commonly accepted transportation standards (e.g., Vermont Agency of Transportation, Institute of Transportation Engineers) shall be used to identify trip generation rates and to evaluate traffic impacts.
- ii. A traffic impact analysis, prepared by a qualified transportation professional, is required for any project that generates 75 or more peak hour trips, or as otherwise deemed necessary by the DRB to address existing or proposed site, road and traffic conditions. The study shall include directional distributions, levels of service, design considerations and capacity determinations, and recommend appropriate traffic mitigation measures and road improvements.
- iii. Proposed development shall incorporate planned highway improvements, including planned right-of-way improvements or realignments, in site design and traffic analyses.
- iv. Conditions shall be imposed as necessary to avoid or mitigate undue adverse impacts to existing and planned road and intersection improvements and levels of service. Such conditions may include the phasing of development in relation to planned highway improvements, traffic management strategies, or physical improvements to the road network required to serve the proposed development, to be paid for and installed by the applicant, and the submission of a development agreement, performance bond, or other surety as approved by the Selectboard, for the installation of such improvements.

~~2.3.~~ The character of the area affected. The applicant and DRB shall consider the location, scale, type, density and intensity of the proposed development in relation to the character of the area affected, as defined by applicable zoning district purpose statements and specifically stated and relevant policies and standards of the as defined by the purpose of the zoning district within which the project is located and specifically stated policies and standards of the Stowe Town Plan.;

~~3.4.~~ Regulations and ordinances then in effect. The applicant and DRB shall consider whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of these Regulations. No development shall be approved in violation of existing municipal bylaws and ordinances.;

~~4.5.~~ Utilization of renewable energy sources. The proposed development shall not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of such resources.

~~B. — Other standards for evaluation are that the use:~~

In addition, in accordance with 24 VSA §4414(3)(C) and 10 VSA §6086, the DRB must find that the applicant has demonstrated that the proposed development will not result in an undue adverse effect on any of the following:

6. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This standard is intended to insure that as development is proposed, reasonable consideration is given to the potential visual impacts on neighboring properties, the local community, and on the scenic resources of Stowe. The DRB must apply a two-part test to determine whether a project satisfies this standard. First, it must

determine whether the project will have an adverse effect. The DRB considers whether the proposed project will be in harmony with its surroundings and whether it will “fit” the context within which the project will be located. In making this evaluation, the DRB may examine a number of specific factors, including but not limited to the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability for the project's context of the colors and materials selected for the project, the locations from which the project can be viewed, and the potential impact of the project on open space. If the project “fits” its context, then the project is not adverse and the review under this standard ends. If the DRB concludes that the project has an adverse effect under this standard, the DRB must move to the second part of the test and evaluate whether the adverse effect is “undue.” The DRB shall conclude that adverse effect is “undue” if it reaches a positive finding with respect to any one of the following factors:

- i. Does the Project violate a clearly, written community standard intended to preserve the aesthetics or scenic beauty of the area?
- ii. Does the Project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?
- iii. Has the applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the Project with its surroundings?

Under the first factor, the DRB must determine whether the project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area where the project would be located. In evaluating whether a project violates a clear written community standard, the DRB may evaluate the Stowe Town Plan and other municipal documents to discern whether a clear, written community standard exists and should be applied in the review of the impacts of the project.

Under the second factor, the DRB must determine whether the Project offends the sensibilities of the average person. This includes whether the Project would be so out of character with its surroundings or so significantly diminish the scenic qualities of the area as to be offensive or shocking to the average person. If the DRB concludes that the project, as designed, would be offensive or shocking to the average person, the project does not meet this standard.

The DRB has the authority to impose conditions necessary to alleviate adverse impacts with respect to the conditional use standards. In judging whether there should be mitigation, the DRB looks to the steps that the applicant has taken or may take to reduce the impacts of a project on the character of the area where it is proposed; the DRB must consider whether there are generally available mitigating steps that have or should be taken to improve the harmony of the project with its surroundings. If the DRB finds that the applicant has failed to take available mitigation measures to minimize the impact of the project, the project fails to meet this standard.

5.7. Will not result in undue water, noise or air pollution. The applicant must provide sufficient evidence to document that the project will not result in undue water, air,

and noise pollution. Whether pollution is “undue” usually depends on facts such as the nature and amount of pollution, the character of the surrounding area, whether the activity complies with applicable environmental criteria and standards, whether the pollutant will cause adverse health effects, and whether effective measures will be taken to reduce the pollution. When considering the undue impact of noise, the ~~Board~~ DRB shall consider the existing noise levels in the area of the development, the impact on other (or off-site) properties, and the level of noise customarily generated from uses permitted within the zoning district.

Site Plan Review Standards. In addition to the general standards set forth in Section 3.7 above, and the 10 V.S.A. § 6086 standards, the DRB shall also apply all applicable site plan review standards as set forth in Section 3.16. Compliance with such standards shall be a requirement of conditional use approval.

~~6.1. Access management. Adequate access management shall be provided in accordance with Section 3.1.~~

~~7. Shared Access. In appropriate instances, including the presence of compatible adjacent uses; areas characterized by congestion and frequent and/or unsafe turning movements; parcels having direct access to more than one public road; and within districts with specific access management standards, the Board may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.~~

~~8. Circulation and parking. Parking shall be provided per the requirements of Section 14 of these regulations and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. The majority of parking shall generally be located to the rear or interior side (side not fronting on public road) of buildings and large, uninterrupted expanses of parking should be avoided. Driveway connections to parking areas on adjacent properties shall be required where feasible; in the event that such connections allow for shared parking between properties; the over all parking requirements may be reduced pursuant to Section 14.3 of these regulations.~~

~~9. Pedestrian circulation and access. Pedestrian circulation within the site, and access through the site to adjacent properties along public roads, should be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property’s location, site conditions and proximity to other facilities. In addition, adequate parking and access for people with disabilities shall also be provided.~~

~~10. Landscaping and screening. Landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over 2 square feet; loading and unloading areas and other outdoor utilities, including solar installations, shall be provided as part of proposed site development plans. Such plans shall include detailed specifications, including size, type and location, of all~~

~~existing and proposed planting and landscape materials and indicate fencing or other screening mitigation measures and shall be designed to conform to the terms and conditions of Section 4.6 of these regulations.~~

~~11. Stormwater Management: The applicant shall, at the request of the DRB, submit a plan for the management of stormwater generated by the proposed development. All stormwater management plans shall meet the applicable State of Vermont Stormwater Discharge Regulations.~~

~~C. In addition to other provisions of this section, the DRB shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. The DRB may waive the specific requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.~~

~~1. Additional MRV, MRC, VC, VR, MC and LVC Standards: Within the MRV, MRC, VC, VR, MC and LVC Districts, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. To help achieve these objectives, the following standards shall apply:~~

~~a. Driveways and Road Edge Treatment: The Board shall require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.~~

~~b. Front Yard Treatment: Required front yards shall be limited to landscaping and yard area, sidewalks and public spaces and shall not be used for parking or outdoor storage. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.~~

~~c. Parking: Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.~~

~~d. Pedestrian Circulation and Sidewalks: Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.~~

~~e. Internal Road Network and Traffic Mitigation: Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a~~

~~connector (“side”) street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of-way to provide access to and through adjacent properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).~~

~~f.—Orientation of buildings within the site: Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front yard landscaping. Drive thru lanes and drive up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.~~

~~g.—VR Treatment of Front Yards and Driveways:~~

~~—In any VR District, a continuous strip not less than ten (10') feet wide shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and may be traversed only by permitted driveway or pedestrian walks. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.~~

~~h.—LVC and MC Treatment of Front Yards and Driveway Intersections~~

~~(i)—Front Yards: In LVC and MC, a continuous strip not less than ten (10') feet wide out of the minimum required front yard shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and which may be traversed only by permitted driveways or by pedestrian walks. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.~~

~~(ii) Driveway intersections with streets or highways shall be located and designed as approved by the Selectboard, or State Highway Dept. if a state highway. Driveways shall be located not less than one hundred (100') feet from street intersections, where possible, and shall enter the street in such a manner as to provide the maximum sight distance possible.~~

~~i. Additional MRV and MRC standards: In addition to the conditional review criteria of these regulations, the DRB shall find that the proposed development is designed to achieve a scale and pattern of development characteristic of traditional village settlements. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project. To this end:~~

~~(i) Buildings should be multi-story;~~

~~(ii) Buildings generally shall include a prominent entrance(s) oriented to all public roads, and be designed to maximize pedestrian accessibility and presentation to the streetscape. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained;~~

~~(iii) Buildings should reflect an overall diversity in size and style, with no single building being out of scale or incompatible with neighboring properties. The visual mass and scale of buildings deemed to be excessively large should be reduced through appropriate design changes, such as a reduction of building's height or width; separation into two or more structures and/or designing a building's façade to interrupt the over-all mass;~~

~~(iv) Expansion of existing uses should emphasize infill development (i.e. the construction of new buildings on existing lots) in a manner, which reinforces pedestrian access and a compact village-scale development pattern.~~

~~2. Additional HT, RR, MOD, UMR Standards: Within the Highway Tourist (HT), (Rural Residential (RR), Meadowland Overlay (MOD)) and Upper Mountain Road (UMR) Districts, site plans shall re-enforce efficient traffic circulation, preserve such important landscape features as open fields, scenic vistas, natural and cultural focal points and a well landscaped highway corridor. To help achieve these objectives, the following standards shall apply:~~

~~a. Front Yard Treatment: A continuous strip not less than twenty (20') feet deep, measured from the edge of the highway right of way, shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. In addition, no portion of the~~

~~front yard may be used for storage or for any purpose except as provided herein.~~

- ~~b. Parking: Parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under section 14.3 of these regulations. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.~~
- ~~e. Driveway Access: Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.~~
- ~~d. Additional HT Standards: In addition to the conditional use criteria of these regulations, the DRB shall find that proposed development is designed in a manner that promotes an overall high quality of design and construction and, where appropriate, incorporates traditional building materials.~~
- ~~e. Additional UMR Standards: In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:
 - ~~(i) Adequacy and appropriateness architectural design and visual context of the project. Generally, architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.~~
 - ~~(ii) Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.~~~~
- ~~f. Additional RR Standards: Within the Rural Residential (RR) Districts the following is required:
 - ~~(i) Treatment of front yard and driveways for all conditional uses in the RR districts: A continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot in all RR Districts, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into~~~~

~~account the unique features/circumstances of a site while still providing proper landscaping.~~

~~(ii) Supplemental Standards for Development in the RR-1 District: In addition to the conditional use criteria set forth in these regulations, the DRB shall find that development permitted as a conditional use in the RR-1 District is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:~~

- ~~▪ Adequacy and appropriateness of architectural design and visual context of the project. Generally, architectural designs should reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.~~
- ~~▪ Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.~~

~~3. Additional West Branch Community Service District (WBCS) Standards of Development:~~

~~a. Within the sixty (60') foot setback from district boundaries, the West Branch of the Little River, and Town Highways, a greenbelt shall be maintained. Uses permitted within the sixty (60') foot setback and greenbelt shall be limited to landscaping, approved driveways, bicycle and pedestrian paths.~~

~~b. The DRB may require that the property be adequately landscaped to provide visual screening from neighboring properties and Town Highways. Methods of providing visual screening may include fencing, berms or densely planted vegetation, in addition to other landscaping techniques. The criteria used by the DRB in determining the adequacy of such screening shall include whether outdoor storage of materials or equipment is proposed, existing land cover and vegetation and the extent to which the project design and site plan is compatible with the surrounding area.~~

~~c. In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's traditional agrarian setting and rural character. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project.~~

~~d. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the project shall not be generated.~~

~~e.a. The storage or use of hazardous materials shall not pose a threat to public safety and health.~~

3.8 Conditional Use & Site Plan Review Application Submission Requirements

A. The following information is required for all conditional use and site plan review applications, unless waived by the DRB:

- (1) Building elevations and floor plans.
- (2) Site Plan drawn in an appropriate scale on paper not smaller than 18" X 24" showing boundaries of the property and including the following:
 - A. Locator map of an appropriate scale showing the relation of the property boundaries and road frontage to at least two (2) intersecting roads in the vicinity.
 - B. Name of project, name and address of property owner.
 - C. Names of adjoining property owner(s).
 - D. Name of firm preparing plan, scale, north point and date of preparation.
 - E. Existing features including lot area, structures, streets, driveways, waterways, wetlands, easements, rights-of-way, land use and deed restrictions, parking spaces and landscaping features.
 - F. Proposed features including structures, streets, driveways, traffic circulation, parking areas, loading areas, pedestrian walks, water supply, sewage disposal area and lighting locations.
- (3) Landscaping plan showing in detail size, variety, and location of all new plantings proposed, along with other landscaping elements such as berms, fences, gardens, walls, boulders, etc. When appropriate, this plan may be shown on the Site Plan in (1) above.
- (4) Parking Plan with the spaces delineated and a legend explaining the number of spaces required based upon the proposed use of the property. See Section 14 for specific requirements. When appropriate, this plan may be shown on the Site Plan in (1) above.
- (5) Stormwater Drainage Plan showing natural and proposed contour intervals may be required depending upon the nature of the project. The DRB will determine if necessary.
- (6) Site Grading Plan showing natural and proposed contour intervals may be required depending upon the nature of the project. The DRB will determine if necessary.
- (7) Lighting Plan with specifications for all existing and proposed exterior light fixtures (locations to be shown on site plan).
- (8) Statement of the time schedule for completion of buildings, parking spaces and landscaping.
- (9) Any other material that the DRB deems appropriate.

B. A technical review meeting with the appropriate municipal staff shall be required prior to submittal of an application for site plan or conditional use review for projects including, but not limited to, the following: construction of new private or public roads, new connections to municipal utilities, or construction of utilities proposed to be accepted by the Town.

3.14 Affordable Housing Density Bonus

(1) ~~Density Bonus:~~

~~In the VC 10, VC 30, LVC, MRV, MRC Within any area served by municipal sewer and water infrastructure and for a Planned Unit Development, the DRB may, in the instance of an applicant seeking approval for a proposed development creating affordable dwelling units an affordable housing development, including mixed-use developments, of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units, may, increase the number of dwelling units permitted as follows:~~

a) A density bonus of no more than an additional 40% beyond the maximum number of units allowed in the underlying zoning district. Applications seeking this density bonus shall be allowed to exceed maximum height limitations of the underlying zoning district by one floor. The bonus floor must either be subsurface parking located underneath the building and containing a minimum of 50% of the required number of parking spaces or a top floor under a minimum 3/12 pitched roof.

~~up to an additional fifty (50%) percent, beyond the maximum number which could be permitted in the DRB's judgment, if the land were to be developed in conformance with the underlying zoning regulations for the district(s) in which such land is situated.~~

(2) Prior to granting a density bonus, the DRB must give due consideration to site conditions which otherwise limit development, such as shallow depth of soil, wetness or steep slopes. The DRB shall only grant a Density Bonus in instances where at least ~~fifty~~ twenty (~~50~~20%) percent of the total number of dwelling units, or a minimum of five units, whichever is greater, in the project are to be perpetually Affordable Housing (as defined by these regulations). The DRB may not impose upon, nor require a landowner to apply for or accept, a density bonus.

(3) Conditions of Approval:

As a condition of approval, the DRB shall require the applicant to file an affidavit indicating which of the proposed dwelling units are to be perpetually affordable and stating the legal mechanism to be used to assure affordability in perpetuity. The affidavit shall be submitted, reviewed and approved by the DRB and recorded in the Town of Stowe Land Records prior to the issuance of a Zoning Permit for construction.

Section 3.16- Site Plan Review

- A. Purpose. Site plan review is intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure.
- A.B. Applicability: All proposed development other than a single-family or two-family dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval by the DRB unless the proposed development qualifies for administrative review by the Zoning Administrator under Section 2.7.
- B.C. Standards and Conditions. In reviewing site plans, the DRB may impose, in accordance with the regulations, appropriate conditions and safeguards with respect to the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and other matters specified in the regulations, as follows:~~The DRB may consider and impose appropriate safeguards, modifications and conditions relating to the following standards:~~
1. Access management. Adequate access management shall be provided in accordance with Section 3.1.
 2. Shared Access. In appropriate instances, including the presence of compatible adjacent uses; areas characterized by congestion and frequent and/or unsafe turning movements; parcels having direct access to more than one public road; and within districts with specific access management standards, the Board may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.
 3. Circulation and parking. Parking shall be provided per the requirements of Section 1~~5~~4 of these regulations and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. ~~The majority of p~~Parking shall ~~generally~~ be located to the rear or interior side (side not fronting on public road) of buildings and large, uninterrupted expanses of parking ~~should-shall~~ be avoided. Driveway connections to parking areas on adjacent properties shall be required where feasible; in the event that such connections allow for shared parking between properties; the over-all parking requirements may be reduced pursuant to Section 1~~5~~4.3 of these regulations.
 4. Pedestrian circulation and access. Pedestrian circulation within the site, and access through the site to adjacent properties along public roads, ~~should-shall~~ be provided unless it is determined by the DRB that such facilities are unnecessary. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. In addition, adequate parking and access for people with disabilities shall also be provided.

5. Landscaping and screening. Landscaping details and screening of garbage collection areas, outdoor storage, ~~commercial-mechanical and~~ ventilation systems over 2 square feet; loading and unloading areas and other outdoor utilities, including solar installations, shall be provided as part of proposed site development plans. Such plans shall include detailed specifications, including size, type and location, of all existing and proposed planting and landscape materials and indicate fencing or other screening mitigation measures and shall be designed to conform to the terms and conditions of Section 4.6 of these regulations.
6. Stormwater Management: Temporary and permanent stormwater management and erosion control measures shall be provided per the requirements of Section 3.12. For projects involving less than ½ acre of additional impervious surfaces, The applicant shall, at the request of the DRB may require the Applicant to-submit a plan for the management of stormwater generated by the proposed development. All stormwater management plans shall meet the applicable State of Vermont Stormwater Discharge Regulations.
7. Outdoor Lighting. The installation of outdoor lighting must conform with the standards set forth in Section 4.8.

- C. In addition to other provisions of this section, the DRB shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. The DRB may waive the specific requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.

4.1. Additional MRV, MRC, VC, VR, MC and LVC Standards: Within the MRV, MRC, VC, VR, MC and LVC Districts, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. To help achieve these objectives, the following standards shall apply:

j.a. Driveways and Road Edge Treatment: The Board shall require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.

k.b. Front Yard Treatment: Required front yards shall be limited to landscaping and yard area, sidewalks and public spaces and shall not be used for parking or outdoor storage. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.

l.c. Parking: Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.

~~m~~.d. Pedestrian Circulation and Sidewalks: Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.

~~n~~.c. Internal Road Network and Traffic Mitigation: Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a connector (“side”) street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of-way to provide access to and through adjacent properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).

~~o~~.f. Orientation of buildings within the site: Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front-yard landscaping. Drive-thru lanes and drive-up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.

~~p~~.g. VR Treatment of Front Yards and Driveways:

In any VR District, a continuous strip not less than ten (10') feet wide shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and may be traversed only by permitted driveway or pedestrian walks. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

~~q~~.h. LVC and MC Treatment of Front Yards and Driveway Intersections

~~(iii)~~(i) Front Yards: In LVC and MC, a continuous strip not less than ten (10') feet wide out of the minimum required front yard shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and which may be traversed only by permitted driveways or by pedestrian walks.

Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

~~(iv)~~(ii) Driveway intersections with streets or highways shall be located and designed as approved by the Selectboard, or State Highway Dept. if a state highway. Driveways shall be located not less than one hundred (100') feet from street intersections, where possible, and shall enter the street in such a manner as to provide the maximum sight distance possible.

~~4.1.~~ Additional MRV and MRC standards: In addition to the conditional review criteria of these regulations, the DRB shall find that the proposed development is designed to achieve a scale and pattern of development characteristic of traditional village settlements. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project. To this end:

~~(v)~~(i) Buildings should be multi-story;

~~(vi)~~(ii) Buildings generally shall include a prominent entrance(s) oriented to all public roads, and be designed to maximize pedestrian accessibility and presentation to the streetscape. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained;

~~(vii)~~(iii) Buildings should reflect an overall diversity in size and style, with no single building being out of scale or incompatible with neighboring properties. The visual mass and scale of buildings deemed to be excessively large should be reduced through appropriate design changes, such as a reduction of building's height or width; separation into two or more structures and/or designing a building's façade to interrupt the over-all mass;

~~(viii)~~(iv) Expansion of existing uses should emphasize infill development (i.e. the construction of new buildings on existing lots) in a manner, which reinforces pedestrian access and a compact village-scale development pattern.

~~5.2.~~ Additional HT, RR, MOD, UMR Standards: Within the Highway Tourist (HT), (Rural Residential (RR), Meadowland Overlay (MOD)) and Upper Mountain Road (UMR) Districts, site plans shall re-enforce efficient traffic circulation, preserve such important landscape features as open

fields, scenic vistas, natural and cultural focal points and a well landscaped highway corridor. To help achieve these objectives, the following standards shall apply:

~~g.a.~~ Front Yard Treatment: A continuous strip not less than twenty (20') feet deep, measured from the edge of the highway right-of-way, shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. In addition, no portion of the front yard may be used for storage or for any purpose except as provided herein.

~~h.b.~~ Parking: Parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under section 14.3 of these regulations. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.

~~i.c.~~ Driveway Access: Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.

~~j.d.~~ Additional HT Standards: In addition to the conditional use criteria of these regulations, the DRB shall find that proposed development is designed in a manner that promotes an overall high quality of design and construction and, where appropriate, incorporates traditional building materials.

~~k.e.~~ Additional UMR Standards: In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:

~~(iii)(i)~~ Adequacy and appropriateness architectural design and visual context of the project. Generally, architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.

~~(iv)(ii)~~ Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

~~l.f.~~ Additional RR Standards: Within the Rural Residential (RR) Districts the following is required:

~~(iii)(i)~~ Treatment of front yard and driveways for all conditional uses in the RR districts: A continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot in all RR Districts, which strip shall be suitably

landscaped. Only driveways and pedestrian walks may traverse the required strip. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

~~(iv)~~(ii) Supplemental Standards for Development in the RR 1 District: In addition to the conditional use criteria set forth in these regulations, the DRB shall find that development permitted as a conditional use in the RR 1 District is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:

- Adequacy and appropriateness of architectural design and visual context of the project. Generally, architectural designs should reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.
- Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

6.3. Additional West Branch Community Service District (WBCS) Standards of Development:

- a. Within the sixty (60') foot setback from district boundaries, the West Branch of the Little River, and Town Highways, a greenbelt shall be maintained. Uses permitted within the sixty (60') foot setback and greenbelt shall be limited to landscaping, approved driveways, bicycle and pedestrian paths.
- b. The DRB may require that the property be adequately landscaped to provide visual screening from neighboring properties and Town Highways. Methods of providing visual screening may include fencing, berms or densely planted vegetation, in addition to other landscaping techniques. The criteria used by the DRB in determining the adequacy of such screening shall include whether outdoor storage of materials or equipment is proposed, existing land cover and vegetation and the extent to which the project design and site plan is compatible with the surrounding area.
- c. In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's traditional agrarian setting and rural

character. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project.

- d. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the project shall not be generated.
- e. The storage or use of hazardous materials shall not pose a threat to public safety and health.

4.1 Accessory Dwellings

A. One (1) attached or detached dwelling unit, which is accessory to a single-family dwelling, may be permitted in any district subject to the following requirements:

1. The maximum living-habitable floor area of an accessory dwelling unit shall not exceed 900 square feet for single-family dwellings under 1,800 square feet of living-habitable floor area.
2. The maximum living-habitable floor area of an accessory dwelling unit shall not exceed 50% of the square feet of living-habitable floor area for single-family dwellings over 1,800 square feet of living-habitable floor area. However, in no case, shall the maximum accessory dwelling unit living-habitable floor area exceed 1,200~~2,500~~ square feet or 30% of the total living-habitable floor area of the single-family dwelling, whichever is greater.
3. Living-Habitable floor area means the space in the building used for living, sleeping, eating, and cooking. Utility spaces, unfinished basements, attics, garages, and other similar unfinished areas are not considered living-habitable floor area.
4. The accessory dwelling unit shall contain no more than two bedrooms.
5. Applicable dimensional requirements specified in these regulations are met.
6. On-site parking shall be provided for the residents of the accessory dwelling unit in accordance with Table 14.2.
7. The accessory dwelling unit shall be served by the same access and driveway as the primary single-family dwelling.
- ~~7. The single family dwelling or the accessory dwelling unit must be owner occupied, occupied by a member of the owner's family, or rented for a period of no less than a consecutive twelve month period. This provision does not apply to accessory dwelling units that were lawfully created prior to [add the effective date of the amendments.]~~

4.12 Protected Public Uses

- (1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that these regulations do not have the effect of interfering with the intended functional use:
 - A. State or community-owned and operated institutions and facilities;
 - B. Public and private schools and other educational institutions certified by the state Vermont Agency of Education;
 - C. Churches and other places of worship, convents, and parish houses;
 - D. Public and private hospitals;
 - E. Regional solid waste management facilities certified under 10 V.S.A., Chapter 159; and
 - F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606(a).
 - G. Emergency shelters. Regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

Section 4.20 – Cannabis Establishments

- A. PURPOSE. The purpose of these ~~bylaws-provisions~~ is to provide for the placement of cannabis establishments in suitable locations. Restrictions on the location, size, and operation of such facilities are necessary to protect residential neighborhoods, civic and educational institutions, and public gathering places from any adverse secondary impacts associated with cannabis establishments and to ensure that such uses operate in a safe manner. It is also meant to maintain the character of Stowe as reflected in the Stowe Town Plan where scale is an important consideration.
- B. APPLICABILITY. The provisions of this section shall apply to all cannabis establishments within the Town of Stowe. Cannabis establishments are individually defined under Section 16.
- C. USE. Cannabis establishments including cannabis cultivator (indoor) [Tier 1-3], ~~cannabis cultivator (indoor) [Tier 4-6], cannabis cultivator (outdoor) [Tier 1-3], cannabis cultivator (outdoor) [Tier 4-6]~~, cannabis manufacturers (Tier 1-2), cannabis manufacturer (Tier 3), cannabis wholesaler, cannabis retailer, ~~and~~ cannabis testing laboratory, and cannabis propagation cultivator are allowed within designated zoning districts as shown on ~~Table of Uses 6- Table 6.1 Permitted and Conditional Uses. Cannabis Cultivator (indoor) [Tier 4-6] and Cannabis Cultivator (outdoor) [Tier 4-6] is a prohibited use.~~
- D. APPLICATION REQUIREMENTS. In addition to the requirements of ~~these Interim Bylaws~~ this section, applications for cannabis establishments shall include the information required under Section 2.6 and Section 3.8 ~~of the Town of Stowe Zoning Regulations.~~
- E. GENERAL STANDARDS. The following standards apply to cannabis establishments in all districts in which such uses are allowed. Cannabis establishments are also subject to conditional use review under Section 3.7 of these Regulations. If there is a conflict between a standard in this section and a standard in another section of the Zoning Regulations, the more restrictive shall apply. The following standards are to be used by the Development Review Board in reviewing applications and shall serve as requirements for approval of such applications.
1. USE. The retail sale of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use or be permitted as an accessory to the manufacturing, cultivation, wholesaling, or warehousing of cannabis, or to other non-retail operations related to cannabis permitted by 7 V.S.A. §863. If a cannabis establishment wants to change to another type of establishment, such change of use must be reviewed and approved under these regulations.
 2. HOME OCCUPATIONS. Cannabis establishments shall not be permitted as a home occupation under Section 4.4.
 3. SIZE LIMITATION. A cannabis retailer shall not exceed 1,500 square feet in retail floor area. Retail floor area shall mean the floor area dedicated to the display and sale of cannabis and cannabis products and shall not include storage, employee areas, and other spaces not accessible to customers or members of the public.
 4. LOCATION. At a minimum, no cannabis retailer shall be located within the following distances from the specified land uses listed below. If any of the specified land uses listed below subsequently locates within the distance noted in Section 4.20(E)(4)(1) of a lawfully existing cannabis retailer, this provision shall not be used to eliminate or restrict that cannabis retailer.

- a) 500 feet of a licensed childcare facility or any public or private school certified by the Vermont Agency of Education. The distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.
 - b) 250 feet of a municipal park or recreational facility. For the purpose of these Bylaws, the Stowe Recreation Path is considered a recreational facility. Except for the Stowe Recreation Path, the distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located. For the Stowe Recreation Path, the distance shall be measured from the nearest entrance or exit of the retail establishment to the centerline of the Stowe Recreation Path.
5. SEPARATION OF RETAIL CANNABIS ESTABLISHMENTS. Cannabis retailers not located within the same building must be separated from one another by at least 500 feet. The distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.
6. SIGNAGE & ADVERTISEMENT. Cannabis establishments may be identified with signage in accordance Section 14 of the Zoning Regulations and the following:
- a) Signage placed on the interior of windows or doors is prohibited except as follows:
 1. All public entrances must have a non-interior illuminated warning sign indicating that only those age twenty-one (21) or older may enter. Such sign shall be no larger than four (4) square feet in area.
7. DISPLAY OF MERCHANDISE & OUTDOOR STORAGE. Displays of merchandise and outdoor storage associated with a cannabis retailer shall be in accordance with this section.
- a) Cannabis plants, cannabis, cannabis products, and paraphernalia shall be screened from view from any exterior windows and must not be displayed in a location that would be visible from a public vantage point.
 - b) Outdoor storage of cannabis plants, cannabis, cannabis products, paraphernalia, or related supplies is prohibited.
 - c) Cannabis retailers must not conduct outdoor sales of any kind.
 - d) Any common areas shared with other uses or another cannabis establishment within the same building, including, but not limited to storage areas, hallways, and building facilities, must be clearly identified as such within the application. Display and/or storage of cannabis plants, cannabis, cannabis products, and paraphernalia within common areas shared with other uses is prohibited.

~~8. PARKING REQUIREMENTS. Parking for cannabis establishments shall be as follows:~~

Use	Required Number of Parking Spaces
Cannabis retailer	1 space for every 300 sq. ft. of gross floor excluding storage
Cannabis cultivator (indoor), cannabis cultivator (outdoor), cannabis manufacturer, cannabis wholesaler, and cannabis testing laboratory.	1 space for every person employed at peak times

~~9.8. LANDSCAPING & SCREENING. Landscaping and screening for cannabis establishments shall be required per the provisions of Section 4.6. of these Regulations.~~

~~10.9. SECURITY PLAN. Sufficient and appropriate security measures to deter and prevent unauthorized entrance into cannabis establishments and the theft of cannabis and cannabis products must be provided at all times.~~

- A. Applications for cannabis establishments shall include a security plan that explains how the establishment will be secured including:
- i. A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured; and
 - ii. A description of how all cannabis and cannabis products will be secured within the operation; and
 - iii. A description of on-site security provided during hours of operation; and
 - iv. A description of all alarm systems and automatic lighting or other systems that will be used to provide security after hours.

~~11.10. PERFORMANCE STANDARDS. Cannabis establishments must at all times comply with the performance standards and requirements set forth in Section 4.17 of the Zoning Regulations.~~

~~12.11. ADDITIONAL CONDITIONS. The DRB may impose such reasonable conditions on a permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of these Regulations.~~

Section 4.21 Mixed Use

Any combination of permitted or conditional uses may be allowed within a single building or on a single lot, subject to the following requirements:

1. Each of the proposed uses must be allowed as either a permitted or conditional use within the zoning district in which the mixed use is located. For mixed uses that include one or more conditional uses, conditional use review shall be required under Section 3.7; otherwise, site plan review under Section 3.16 shall be required.
2. The uses in combination must meet all applicable standards for the district in which the mixed use is proposed, including but not limited to minimum lot area, density, setback, and maximum building coverage and height requirements; or the mixed use must be part of a planned unit development (PUD) that has been approved in accordance with Section 13.
3. The mixed use must meet all applicable general regulations under Section 3 and any applicable specific use standards under Section 4. Shared access and parking to serve all uses shall be required unless it is determined by the DRB that a safety hazard may result due to site, traffic or road conditions.
4. The development of three (3) or more single-family dwellings, or three (3) or more tiny houses, or more than two (2) two-family dwellings, or more than one (1) multi-family dwelling, or any combination thereof on a single lot shall require planned residential development approval or be subdivided into separate parcels.

Section 4.22 Drive-Through Facilities

1. Drive-through facilities may be allowed in specified districts in association with specified uses in accordance with the following standards:
 - a) A drive-through facility is composed of one or more stacking lanes and a service area. The stacking lane is the space occupied by vehicles queuing for drive-through service. The service area includes all the space and elements (pick-up windows, transaction windows, speakers, automated teller machines, etc.) used to provide drive-through service.
 - b) Stacking lanes (where vehicles queue for service) and service areas must be located to the side or rear of the building. The stacking lane shall be designed so that at no time vehicle traffic in the stacking lane interferes with internal circulations, driveways, public highways, or loading zones.
 - c) Stacking lanes must be clearly signed, marked and separated from travel lanes.
 - d) Stacking lanes must not block access to parking, loading and service areas.
 - e) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.
 - f) No stacking lane or space may be located within a minimum required setback.
 - g) Each stacking space within a stacking lane must be a minimum of 18 feet in length by 9 feet in width.
 - h) The service area must incorporate a roof overhang, canopy, awning or similar structure that provides weather protection and connects the building elements.
 - i) Drive-through facilities must meet setback requirements and be screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.
 - j) Any application for a drive through facility must submit a technical review by a traffic consultant to determine adequate stacking lane length and aisle width.
 - k) Any pharmacy with a drive through must be located within the pharmacy portion of the business and may only be used to dispense prescription medical items which would be required to be purchased at the pharmacy counter if the purchaser were inside the building.

Section 4.23 Areas Served by Municipal Water and Sewer Infrastructure

1. Purpose. The purpose of these provisions are to enable new opportunities for housing development in areas served by municipal water and sewer infrastructure and to comply with the requirements set forth in Act 47; the Vermont HOME Act of 2023.
2. Applicability. The provisions of this section apply to land development in areas served by municipal water and sewer infrastructure. The provisions of this section will take precedence where they impose a lesser restriction than another provision of these Regulations. If there is a conflict between the provisions of this section and other requirements of these Regulations, the less restrictive provision shall apply unless otherwise specifically noted.
3. Density. In areas served by municipal water and sewer infrastructure residential density shall not exceed the maximum density of five (5) dwelling units per acre unless the underlying zoning district allows for additional residential density.
 - a. In RR district areas that are also served by municipal water and sewer infrastructure residential density shall be calculated based on the total lot area minus any land area within the Flood Hazard Overlay District, the Fluvial Erosion Hazard District, the Meadowland Overlay District, Class 2 wetlands and wetland buffers, steep slopes of greater than 15%, and/or lands classified as open space under an approved Planned Unit Development.
4. Building Height. Except for SKI-PUDs and PUDs, the maximum building height shall be the same as the underlying zoning district except for projects seeking an affordable housing density bonus under Section 3.14 or projects seeking a waiver under Section 10.9.
5. Maximum Building Coverage. Except for SKI-PUDs, in RR district areas also served by municipal water and sewer infrastructure, the maximum building coverage shall be 8% for all uses except for single-family and two-family dwellings. Maximum building coverage in all other districts that are also served by municipal water and sewer shall be the same as the underlying zoning district.
6. Parking Requirements. Parking requirements are set forth in Section 15.
7. Access. In areas served by municipal water and sewer infrastructure access to newly created parcels, and to existing contiguous parcels under common ownership or control, shall be provided internally from a shared driveway or development road that intersects the public highway. Additional indirect access via an adjacent parcel to serve all or part of the subdivision is also allowed.

Section 6.1 Prohibited Uses

The following uses are prohibited in all zoning districts:

- (1) Drive-up windows except for banks and financial institutions, and pharmacies.
- (2) Junkyards
- (3) Retail establishments with a gross interior square footage greater than 15,000 sq. ft.
- (4) Helipads (helicopter Landing areas for the landing and take-off of aircraft that requiring permit approval from the Vermont Transportation Board regulates as a restricted landing area under 5 V.S.A., Section 207, and involving more than 10 takeoffs or landings each year.
- ~~(4)(5) Cannabis Cultivator (indoor) [Tier 4-6] and Cannabis Cultivator (outdoor) [Tier 4-6].~~

Table 6.1 Permitted and Conditional Uses

Note: See Section 12.8 for Village-PUD uses.

Except for a second single-family dwelling, tiny house, or two-family dwelling per footnote 3 of Table 6.3 only one principal use or structure shall be located on a single lot, unless otherwise allowed as a mixed-use under Section 4.21 or, with the approval of the DRB as part of a planned residential development under Section 13 or subdivision approval under the Subdivision Regulations.

USE	RR-1	RR-2	RR-3 & 5	UMR	HT	MRV	MRC	VR	VC	LVC MC	WBCSD
Commercial, General											
Automobile, Car Wash					C	C	C			C	C
Automobile, Gas Station					C	C	C		C	C	
Automobile, Repair and Service					C	C	C		C	C	C
Automobile, Sales						C	C			C	C
Automobile Sales, Accessory					C	C	C		C	C	C
Bar (Tavern)					C	C	C		C	C	
Bar (Tavern), Accessory	C			C	C	C	C		C	C	
Bank				C	C	C	C		C	C	
Nightclub					C	C	C		C	C	
Nightclub, Accessory				C	C	C	C		C	C	
Offices, Professional and Business	C			C	C	C	C	C	C	C	C
Pharmacy						C	C		C	C	
Restaurant				C	C	C	C		C	C	
Restaurant, Accessory				C	C	C	C		C	C	
Retail Sales, up to 5,000 sq. ft.					C	C	C		C	C	C
Retail Sales, up to 15,000 sq. ft.											C
Retail Sales, Accessory	C			C	C	C	C		C	C	C
Commercial Services											
Campground, Commercial	C	C	C								
Club, Private / Seasonal	C	C	C	C	C	C	C	C	C	C	
Construction Businesses and Trades									C		C
Daycare Center	C			C	C	C	C		C	C	C
Daycare, Home, Over Six (6) Children	C			C	C	C	C		C	C	C
Daycare, Home, Six (6) Children Maximum	P	P	P	P	P	P	P	P	P	P	P
Funeral Home					C	C	C		C	C	
Golf Course, Commercial	C	C	C	C	C	C	C	C	C	C	C
Kennel				C	C	C	C			C	C
Laundromat/Dry Cleaning				C	C	C	C		C	C	C
Service Establishment	C			C	C	C	C		C	C	
Summer Camp	C	C	C								
Veterinary Hospital	C	C	C	C	C	C	C		C	C	C

USE	RR-1	RR-2	RR-3 & 5	UMR	HT	MRV	MRC	VR	VC	LVC MC	WBCSD
Health Care											
Assisted Living Facility	C	C	C	C	C	C	C	C	C	C	C
Clinic				C	C	C	C	C	C	C	C
Extended Care Facility	C	C	C	C	C	C	C	C	C	C	C
Health Care Facility				C	C	C	C	C	C	C	C
Health Services				C	C	C	C	C	C	C	C
Hospital				C	C	C	C	C	C	C	C
Intermediate Care Facility	C	C	C	C	C	C	C	C	C	C	C
Long Term Care Facility	C	C	C	C	C	C	C	C	C	C	C
Nursing Home	C	C	C	C	C	C	C	C	C	C	C
Retirement Home	C	C	C	C	C	C	C	C	C	C	C
Institutional / Government											
Cemetery	C	C	C	C	C	C	C	C	C	C	
Church, Place of Worship	C	C	C	C	C	C	C	C	C	C	C
Convent, Parish House	C	C	C	C	C	C	C	C	C	C	C
Cultural Art Center					C	C	C	C	C	C	C
Ice Skating Rink					C	C	C	C		C	C
Library	C	C	C	C	C	C	C	C	C	C	
Museum	C	C	C	C	C	C	C	C	C	C	C
Recreation Facility, Indoor				C	C	C	C	C	C	C	C
Recreation Facility, Outdoor	C	C	C	C	C	C	C	C		C	C
School, Private or Public	C	C	C	C	C	C	C	C	C	C	C
Solid Waste Facility									C		
State or Community-Owned Facility	C	C	C	C	C	C	C	C	C	C	C
Telephone Exchange	C	C	C	C	C	C	C	C	C	C	C
Lodging / Resort											
Bed and Breakfast, Five (5) Rooms or less	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast, Over Five (5) Rooms	C	C	C	C	C	C	C	C	C	C	C
Conference Center					C	C	C	C	C	C	C
Convention Facility					C	C	C	C	C	C	C
Hotel, Lodging Facility, Motel				C	C	C	C		C	C	
Resort				C	C	C	C		C	C	
Resort PUD ** Not allowed in RR3 and RR5 unless served by municipal water and sewer.	C	**	**	C	C	C	C		C		
Ski Area, Commercial	C	C	C	C	C	C	C	C	C	C	C
Residential											
Boarding House, 2 – 5 Rooms	P	P	P	P	P	P	P	P	P	P	P
Boarding House, Over 5 Rooms	C	C	C	C	C	C	C	C	C	C	C
Camp, Private Seasonal	P	P	P								

USE	RR-1	RR-2	RR-3 & 5	UMR	HT	MRV	MRC	VR	VC	LVC MC	WBCSD
Dwelling Unit, Accessory (Accessory Apartment)	P	P	P	P	P	P	P	P	P	P	P
Dwelling Unit, Multi-family (5 or more units)	C	C	C	C	C	C	C	C	C	C	C
Dwelling Unit, Single-family (Not more than two per lot/per footnote 3 of Table 6.3)	P	P	P	P	P	P	P	P	P	P	P
Dwelling Unit, Single-family (More than two single family dwellings per lot)	C	C	C	C	C	C	C	C	C	C	C
Dwelling Unit, Two-family (Not more than two one two-family building dwellings/lot per footnote 3 of Table 6.3)	P	P	P	P	P	P	P	P	P	P	P
Dwelling Unit, Two-family (More than one two family dwelling building/lot)	C	C	C	C	C	C	C	C	C	C	C
Dwelling Unit, Three & Four-family*	C	C	C	C	C	C	C	C	C	C	C
Dwelling Unit, Three & Four-family when served by municipal sewer and water infrastructure*	P	P	P	P	P	P	P	P	P	P	P
Group Home, Eight (8) Persons Maximum	P	P	P	P	P	P	P	P	P	P	P
Group Home, Over Eight (8) Persons					C	C	C	C	C	C	
Home Occupation	P	P	P	P	P	P	P	P	P	P	P
Mobile Home Park		C	C								
Tiny House (Not more than two per lot/per footnote 3 of Table 6.3)	P	P	P	P	P	P	P	P	P	P	P
Tiny House (More than two per lot)	C	C	C	C	C	C	C	C	C	C	C
Miscellaneous											
Accessory Use, Permitted Use	P	P	P	P	P	P	P	P	P	P	P
Accessory Use, Conditional Use	C	C	C	C	C	C	C	C	C	C	C
Agriculture/Farming	P	P	P	P	P	P	P	P	P	P	P
Communication Tower/Antenna											
Commercial	C	C	C	C	C	C	C	C	C	C	C
Residential	P	P	P	P	P	P	P	P	P	P	P
Gravel Pit	C	C	C								
Industrial PUD										C ¹	
Parking Lot	C	C	C	C	C	C	C	C	C	C	C
Parking Structure ²					C	C	C		C	C	C
Industry, Light				C	C	C	C		C	C	C

¹ MC only

² Parking structures are an allowed use within a SKI-PUD subject to conditional use review.

Note: See Section 5.14 for Forest Reserve District Uses

USE	RR-1	RR-2	RR-3 & 5	UMR	HT	MRV	MRC	VR	VC	LVC MC	WBCSD
Planned Unit Development	C	C	C	C	C	C	C	C	C	C	C
Storage and Warehousing, Indoor										C	C
Storage and Warehousing, Outdoor											C
Storage, Outdoor, Accessory										C	C
<u>Emergency Shelter</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis Cultivator, Indoor (Tier 1, 2, 3)</u>			<u>C</u>	<u>C</u>							<u>C</u>
<u>Cannabis Cultivator, Outdoor (Tier 1, 2, 3)</u>			<u>C</u>	<u>C</u>							<u>C</u>
<u>Cannabis Manufacturer (Tier 3)</u>											<u>C</u>
<u>Cannabis Manufacturer (Tier 1-2)</u>				<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis Retailer</u>						<u>C</u>					
<u>Cannabis Testing Laboratory</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis Wholesaler</u>											<u>C</u>
<u>Cannabis Propagation Cultivator</u>			<u>C</u>	<u>C</u>							

* Each residential category is a separate use. Although listed on the same line in the table, a change from three units to four units is a change of use.

Table 6.2 Dimensional Requirements

Note: See Section 132.8 for Village-PUD dimensional requirements

Zoning District	Min. Lot Area	Min. Lot Width (Ft.)	Setbacks			Maximum	Maximum
			Min. Front	Min. Side	Min. Rear	Building	Building
			Yard (Ft.)	Yard (Ft.)	Yard (Ft.)	Coverage	Height
RR-1 Motel, Hotel, Lodging	1 acre 5 acres	150	50	30	40	8% ¹	28
RR-2	2 acres	200	60	50	50	N/A	28
RR-3	3 acres	250	70	60	60	N/A	28
RR-5	5 acres	300	70	75	75	N/A	28
VC-10	10,000	4060	10	10	10	N/A 50%	28/35 ^{3&4}
VC-30	30,000	125	10	20	20	30%	28/35 ³
VR-20	20,000	100	20	10	40	30%	28
VR-40	40,000	150	30	25	50	15%	28
HT	1 acre	180	50	50	50	10%	28
UMR Residential Motel, Hotel, Lodging Other uses	1 acre 5 acres 2 acres	200	50	50	50	8%	28
MRV/MERC²	20,000	100	20	10	20	20% N/A	28/35 ³
LVC	20,000	125 100	10	10	10	N/A 20%	28/35 ³
MC	20,000	125	20	20	50	20%	28
WBCSD	1 acre	125	60	35	35	20%	28

¹ For conditional uses only

² Minimum setback from Rural Residential District Boundary is 50 feet

³ 35 feet for mixed-use buildings or mixed-use developments with pitched roofs, with a minimum 3:12 pitch, containing at least 2 affordable dwelling units.

⁴ Where the elevation and topography of the building site allows, the maximum building height may exceed 35 ft however the maximum building height not to exceed 35 ft above the height ground elevation of the Main Street side of the Akeley Memorial Building/Stowe Town Offices when 50% or more of the required parking is located under the building.

Table 6.3 Density Standards
Note: See Section 132.8 for Village-PUD density standards.

Zoning District	Single-Family & Tiny House & Two Family	Two-Family	Multi-Family ¹	Lodging Units ²
RR-1	1 per acre ³	3 units per acre	3 units per acre	5 units per acre
RR-2	1 per 2 acres ³	1 unit per 2 acres	1 unit per 2 acres	N/A
RR-3	1 per 3 acres ³	1 unit per 3 acres	1 unit per 3 acres	N/A
RR- 5	1 per 5 acres ³	1 unit per 5 acres	1 unit per 5 acres	N/A
VC-10	1 per 10,000 <u>8,500</u> sq. ft.	1 unit per 2,500 sq. ft.	1 unit per 2,500 sq. ft. ⁴	1 unit per 1,000 sq. ft.
VC-30	1 per 30,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 2,500 sq. ft.
VR-20	1 unit/ 20,000 sq. ft. ³	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.	N/A
VR-40	1 unit/ 40,000 sq. ft. ³	1 unit per 20,000 sq. ft.	1 unit per 20,000 sq. ft.	N/A
HT	1 per acre	3 units per acre	3 units per acre	1 unit per 5,000 sq. ft.
UMR	1 per acre	3 units per acre	3 units per acre	1 unit per 7,500 sq. ft.
MRV	1 per 20,000 <u>8,500</u> sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 <u>2,500</u> sq. ft. ⁴	1 unit per 3,500 sq. ft.
MCR	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 <u>2,500</u> sq. ft. ⁴	1 unit per 3,500 sq. ft.
LVC	1 per 20,000 <u>8,500</u> sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 <u>2,500</u> sq.ft. ⁴	1 unit per 3,500 sq. ft.
MC	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 5,000 sq. ft.
WBCSD	1 per acre	2 units per acre	3 units per acre	N/A

Note: There will be no maximum density for Retirement Homes, as defined in these regulations.

A “tiny house” as defined in these regulations, shall be subject to the same density standards as multi-family dwelling units as indicated for each zoning district, provided that they are deed restricted to prohibit rentals of less than one year or the Applicant agrees to a zoning condition of approval requiring that the tiny houses provide year-round housing with lease terms of no less than twelve (12) continuous months.

¹ For the purpose of density calculations, multi-family includes all multi-family units as well as all residential units within a mixed-use building

² Density calculations are to exclude the portion of the lot occupied by other uses and their associated densities.

³ ~~In the RR and VR districts, a~~ second single-family dwelling, ~~or~~ tiny house, ~~or~~ two-family dwelling on one parcel is a permitted use when the parcel is equal or greater than double the minimum acreage for that district. Minimum separation between dwellings shall be twice the side yard setback for the district.

⁴ The DRB may grant a density bonus up to two (2) additional dwelling units per acre in instances involving the provision of ~~year-round affordable~~ housing in mixed-use buildings ~~or mixed-use developments~~.

Section 10.9 Dimensional Waivers for Historic Buildings and All Buildings Within the Overlay District:

- (1) Following recommendation from the HPC, the DRB may grant a waiver from the dimensional requirements of the underlying zoning district or from the 50' setback from watercourses if it finds that granting the waiver will result in the preservation and renovation of the historic building, or the preservation of the historic pattern of land use of the surrounding area. A watercourse setback waiver must also conform to the conditional use standards in Section 3.7(2)(B)(1), 3.7(2)(B)(2) and 3.7(2)(B)(8). Waivers may be granted for projects including but not limited to small additions, accessory buildings, porches, dormers, windows and changes to the roofline.

The DRB may grant a waiver from the maximum building height up to a maximum limit of thirty-~~five~~^{three} (3~~5~~³) feet ~~for 2-story buildings and forty (40') feet for 3-story buildings.~~ The DRB may grant a building height waiver for projects including but not limited to buildings or building additions which contain subsurface or first floor covered parking; mixed-use buildings or mixed-use building additions which provide year-round housing; and buildings or building additions which contain stepped back upper floors. For lots containing frontage along Main Street between the intersections of Sunset Street and Mountain Road/VT-108 in order to grant a building height waiver the DRB must find that the proposed building or building addition does not exceed the height of the adjacent buildings.

Section 13.4 Planned Residential Development (Known as Residential Planned Unit Development in “the Act”.)

(5) Standards for Development

- A. Except for the HT, VC, LVC, MRV, MRC, and MC zoning districts, a PRD must involve a parcel of land must be a minimum of three (3) acres in size to be eligible for consideration as a PRD. In the HT, VC, LVC, MRV, MRC, and MC zoning districts, there is no minimum land area required for PRDs. In addition, the project All PRDs regardless of zoning district must consist of a minimum of three (3) dwelling units.

Section 14.11 Signs Exempt from These Regulations and Not Requiring a Permit

(10) Signs, including portable signs, within the commercial districts, SKI-PUD and Resort PUD ~~that are~~; no larger than twelve sq. ft. and either placed entirely on an attached porch or deck, ~~that~~ ~~are~~ not visible from a public road or right-of-way, or are at least 50 ft. from the highway ROW, ~~within the commercial districts, SKI-PUD and Resort PUD.~~

15.1 Parking Facilities Required

- (1) Parking Facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged, and all premises otherwise developed after the adoption of this bylaw. Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time. The safe and adequate location of access points (entry and exit) shall be provided. Adequate and appropriate illumination for pedestrian and vehicular safety will be provided.
- (2) In the MRV, MRC, VC, Village PUD, MC and LVC districts, new parking spaces should be designed to re-enforce an internal street network by maximizing the use of parallel parking or angle parking on streets, but not on numbered State highways. In these districts, required parking may be constructed in the street or highway right-of-way with approval by the DRB and the Director of Public Works. With such approval, these new spaces will be counted toward any spaces required under these regulations. These spaces shall be considered public parking and may not be reserved for private use.
- (3) In the HT, ~~and UMR,~~ VC-10, LVC, MRV & MRC districts, parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided elsewhere in these regulations. Projects involving the upgrade and expansion of pre-existing conditional uses built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue parking within front yards.
- (4) Parking facilities shall be designed to minimize the visibility of parked vehicles from off-site through location, landscaping and screening. Parking shall generally be located to the rear of interior side (side not fronting on public road) of buildings and large, uninterrupted expanses of parking should be avoided. Driveway connections to parking areas on adjacent properties shall be required where feasible; in the event that such connections allow for shared parking between properties, the over-all parking requirements may be reduced pursuant to these regulations.

Table 15.2- Minimum Parking Requirements

RESIDENTIAL	# of Parking Spaces Per Dwelling Unit
Single detached or attached dwelling; including cooperative and condominium units <u>Residential Dwelling Unit</u>	1 2
Duplex (Units larger than 400 sq. ft.)	2 2
Duplex (Units up to 400 sq. ft.)	1 1
Multi-family (Units larger than 400 sq. ft.)	2 2
Multi-family (Units up to 400 sq. ft.)	1 1
Housing for the Elderly	1
Home occupations	1-2 spaces per dwelling unit and 1 per additional employee
Boarding House, Bed and Breakfast	2-1 spaces per dwelling unit plus 1 1/2 per guest room

<u>Cannabis Retailer</u>	<u>1 space for every 300 sq. ft. of gross floor excluding storage</u>
<u>Cannabis cultivator (indoor), cannabis cultivator (outdoor), cannabis manufacturer, cannabis wholesaler, cannabis testing laboratory, and cannabis propagation cultivator.</u>	<u>1 space for every person employed at peak times</u>
COMMERCIAL	
Nightclubs, Restaurants, Theaters	1 space for every 3 seats or participants plus 1 space for each person employed at peak times ¹
Motels, Hotels, Lodging Facility	1 space for every guest room plus 1 space for each person employed at peak times ²
Retail Stores, Offices, Banks, Service Establishments	1 space for every 300 sq. ft. of gross floor excluding storage; no less than 3 spaces
Industrial plants, wholesale establishments	1 space for every person employed at peak times
INSTITUTIONAL/PUBLIC	
Assembly Halls, Outdoor places of assembly or public recreation, Houses of Worship	1 space for every 3 seats or participants plus 1 space for each person employed at peak times
Hospital	1 space for every patient room plus 1 space for each person employed at peak times
<u>Any use not otherwise named in this Table</u>	<u>1 space for every 400 sq. ft of gross floor area. The DRB may increase or decrease this standard if deemed appropriate to accommodate the parking needs of an individual applicant. The DRB shall seek to require sufficient parking spaces to meet anticipated demand but also seek to avoid excess parking areas.</u>

15.2 Modification of Parking Requirements

- (1) With approval of the DRB the actual construction of parking spaces in lots requiring fifty (50) or more parking spaces may be reduced by twenty (20%) percent, lots requiring seventy-five (75) or more parking spaces may be reduced twenty-five (25%) percent, and lots requiring one hundred (100) or more parking spaces may be reduced by thirty (30%) percent provided that this space be dedicated to green belt and remain available for future parking. All calculations shall be rounded up to the next whole number.
- (2) Where the DRB determines that a unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater or lesser than the requirements of this section. Unique usage or special conditions may include any one of the following:
 - A. Proximity of the intended use to public parking areas and/or on-street parking;
 - B. Proximity of the intended use to lodging facilities;

- C. Properties that were developed prior to the adoption of the Stowe Zoning Regulations;
- D. Properties that are nonconforming with respect to the amount of on-site parking for the use that currently exists that wish to expand that use;
- E. The addition of outdoor seating.

~~F.~~ A building with multiple uses.

~~F.G.~~ Affordable housing developments.

~~G.H.~~ The existence or availability of employer "transit passes" and rideshare programs, public transit routes, and public parking spaces in the vicinity of development.

(3) Village Parking District

- A. The VC-10 district is designated as the Village Parking District. In recognition of the historic character and relatively high density of the area, access to public transit and its "walking village" nature served by multiple use parking and public parking areas, the number of parking spaces required for commercial uses, including commercial uses within mixed-use buildings, shall be fifty (50%) percent of the number required in Table ~~44~~15.2.
- B. In lieu of providing the amount of required parking on-site, an applicant within the Village Parking District, with the approval of the DRB, may pay to the municipality a Parking Impact Fee based on the project's parking shortfall. Each project shall provide enough on-site parking such that this shortfall shall not exceed fifty (50%) percent. The amount of the fee shall be equal to \$10,000 per parking space times the number of spaces not provided on-site. An annual maintenance fee agreement will be made a part of the arrangements for off-site parking.

Section 13.6 (Uses allowed in the VILPUD)

(4) Conditional Land Uses Permitted

B. In the Residential/Industrial/Business Zone

1. All of the uses in the Residential Zone.
2. Industrial Unit: an Industrial Unit is any building or locale where the following work or activities take place: Manufacturing; warehousing and enclosed storage; truck storage and shipping; printing; publishing; research and development laboratories; public utilities. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat shall not be generated that is detectable at the boundaries of each industrial building. Each Industrial Unit shall consist of a total of two thousand one hundred seventy-eight (2,178) sq. ft. of interior building space, whether on one (1) floor or more than one (1) floor regardless of the number of industrial users occupying the said space. Exterior storage and accessory buildings or uses shall not be included in calculating the two thousand one hundred seventy-eight (2,178) sq. ft., but the exterior storage and accessory buildings shall not exceed one thousand (1,000) sq. ft. per each Industrial Unit.
3. All of the uses in the residential/business zone.

C. In the Residential/Business Zone:

1. All of the uses in the Residential Zone.
2. Business Units: A Business Unit is any building or part of a building or locale where an individual commercial operation, profession or trade is carried on, including stores, service establishments and offices of all kinds and types.

Without limiting the generality of the foregoing, “Business Units” shall include: Theaters, bowling alleys, tennis courts, ice rinks, billiard parlors, convention or art centers, and similar places of commercial amusements; professional and business offices and financial institutions; cannabis testing laboratories, licensed and unlicensed restaurants, provided that all food and beverages are served to customers while seated at tables or counters inside the building or while seated at tables outside the building, but this shall not prohibit salad bars, buffets, ice cream shops or a catering business for the sale of food to be consumed elsewhere, public parks and playgrounds, community recreation buildings or centers, libraries, museums, municipal fire or police stations, telephone exchanges or maintenance buildings, clinics, convalescent homes or homes for the aged, private clubs, the principal activity of which is not carried on as a business; hospitals, schools, small shops making and selling crafts, commercial kennels or veterinary hospitals, places for making cider, syrup, jams and jellies, hotels and motels.

A hotel or motel consists of Lodging Units. A Lodging Unit is a rentable accommodation whose maximum design capacity is four (4) people. A room with two (2) double beds equals one (1) Transient Unit; a suite with two (2) twin single beds plus sofa bed equals one (1) Lodging Unit; a suite with two (2) double beds plus sofa bed equals one and one-half (1-½) units. One (1) Lodging Unit equals one-half (½) Business Unit.

Convalescent homes, homes for the aged, hospitals, and school dormitories shall consist of Lodging Units, and every eight (8) persons housed in these places shall constitute one (1) Business Unit. For example, a Convalescent Home with beds for twenty four (24) patients shall constitute three (3) Business Units.

3. Time shared or Interval Ownership Dwelling and/or Lodging Units.

4. Emergency shelters.

4.5. Any use that the DRB finds to be similar to a use permitted under this Section in its effect upon the character of the vicinity, traffic patterns and flows and its effect on the value of neighboring properties.

5.6. Individual Business Units may be merged and/or divided after they are constructed, but the total number may never exceed the total number for which permits have been issued, and which are specified in the affidavit referred to in Section 13.7 of the Stowe Village PUD.

D. These conditional uses shall be subject to the conditional use standards of these regulations

DEFINITIONS

Accessory Dwelling: A distinct dwelling unit that is clearly subordinate to a ~~has been added onto or created within, or is appurtenant to, a single-family homedwelling~~ and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. ~~;~~

Affordable Housing: means either of the following:

(A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the county median annual income, as defined by the U.S. Department of Housing and Urban Development; or

(B) Rental housing with lease terms of no less than twelve (12) months for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the county median annual income, as defined by the U.S. Department of Housing and Urban Development;~~Any Dwelling Unit that is; 1) Renting for a monthly rent not more than thirty (30%) percent of the total monthly household income of low to moderate income households; or 2) Housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowners association fees, and assessments that do not add up to more than thirty (30%) percent of the total monthly household income of low to moderate income households. Low to moderate income households shall be defined to be a household earning income(s) equal to or less than the median annual income adjusted for household size, as determined by the United States Department of Housing and Urban Development.~~

Affordable Housing Development. A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units must preserve their affordability in perpetuity.

Boarding House: A dwelling unit or part thereof in, which for compensation, provides seasonal or long-term lodging housing and a common kitchen and living space ~~and meals are provided.~~ Boarding houses must provide rental terms of no less than thirty (30) days.

Boarder: An individual other than a member of the family, who occupies a dwelling unit or part thereof for a consideration, is furnished sleeping accommodations, ~~meals,~~ and may be provided personal care, financial services, counseling or other such services.

Cannabis. Cannabis shall have the same meaning as defined under 7 V.S.A. § 831.

Cannabis Cultivator (Indoor) [Tier 1, 2, 3]. A Cannabis Cultivator (indoor) [Tier 1, 2, 3] means a person who has a Tier 1, 2, or 3 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904.

Cannabis Cultivator (Indoor) [Tier 4, 5, 6]. A Cannabis Cultivator (Indoor) [Tier 4, 5, 6] means a person who has a Tier 4, 5, or 6 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904.

Cannabis Establishment. Cannabis establishment means a cannabis cultivator, propagation cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the Vermont Cannabis Control Board to engage in commercial cannabis activity per 7 V.S.A. § 861.

Cannabis Manufacturer (Tier 1-3). A Cannabis Manufacturer means a person who has a manufacturer license from the Vermont Cannabis Control Board to produce cannabis products from cannabis plants, including edibles, oils, and other such products per 7 V.S.A. § 906.

Cannabis Product. Cannabis product shall have the same meaning as defined under 7 V.S.A. § 831.

Cannabis Retailer. A Cannabis Retailer means a person who has a retailer license from the Vermont Cannabis Control Board to sell cannabis and cannabis products to the general public per 7 V.S.A. § 907. No other license type may sell to the general public.

Cannabis Testing Laboratory. A Cannabis Testing Laboratory means a person who has a testing laboratory license from the Vermont Cannabis Control Board to test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public per 7 V.S.A. § 908.

Cannabis Wholesaler. A Cannabis Wholesaler means a person who has a wholesaler license from the Vermont Cannabis Control Board who may purchase cannabis and cannabis products from other licensees and sell them to licensees per 7 V.S.A. § 905.

Cannabis propagation cultivator or propagation cultivator means a person licensed by the Vermont Cannabis Control Board to cultivate cannabis clones, immature plants, and mature plants per 7 V.S.A. § 904.

Emergency Shelter. Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

Integrated License. Integrated License means a person holding an integrated license from the Vermont Cannabis Control Board may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." 7 V.S.A. § 909.

Landing Area. An area of land designed and maintained for the landing and take-off of aircraft that the State of Vermont regulates as a designated restricted landing area under 5 V.S.A. Chapter 9.

Mixed-Use Development: A single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.

Drive-Up Window: a commercial facility where a customer may drive a motor vehicle onto the premises and to a window or a mechanical device through or by which the customer is provided service without exiting the vehicle.

An area “served by municipal sewer and water infrastructure” means:

(i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

(I) State regulations or permits;

(II) identified capacity constraints; or

(III) municipally adopted service and capacity agreements; or

(ii) an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude:

(I) flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, areas within a zoning district or overlay district the purpose of which is natural resource protection, and wherever year-round residential development is not allowed;

(II) areas with identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements;

(III) areas served by sewer and water to address an identified community-scale public health hazard or environmental hazard;

(IV) areas serving a mobile home park that is not within an area planned for year-round residential growth;

(V) areas serving an industrial site or park;

(VI) areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or (VII) areas that, through an approved Planned Unit Development under section 4417 of this title or Transfer of Development Rights under section 4423 of this title, prohibit year-round residential development.

(B) Municipally adopted areas served by municipal sewer and water infrastructure that limit sewer and water connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.

Unit, Two-Family Dwelling: A building ~~on a single lot~~ containing two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Unit, Multi-Family Dwelling: A residential building ~~on a single lot~~ containing ~~more than two (2)~~three (3) or more dwelling units in the same building, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units.