

TOWN OF BRATTLEBORO

LAND USE AND DEVELOPMENT REGULATIONS

Amended by the Brattleboro Selectboard Effective August 15, 2023
Original Adoption Effective December 8, 2015

Prepared by the Town of Brattleboro Planning Services Department and Planning Commission with technical assistance from PlaceSense. Funding provided through the Vermont Department of Housing and Community Development's Bylaw Modernization Program.

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PART 1. GENERAL

CHAPTER 100. LEGAL FRAMEWORK

This chapter establishes the legal foundation for these regulations.



Section 101. Title, Enactment and Authority

- 101.A These are the Town of Brattleboro's Land Use and Development Regulations.
- 101.B The Brattleboro Selectboard has adopted these regulations in accordance with and as authorized by the Vermont Planning and Development Act, 24 VSA Chapter 117. The application of these regulations is subject to the provisions of the Vermont Planning and Development Act.

Section 102. Purpose

- 102.A These regulations implement the policies of the Brattleboro Town Plan and the Vermont Planning and Development Act. They are intended to:
- (1) Provide for and promote the orderly development of Brattleboro;
 - (2) Ensure that land development protects public health, safety and welfare;
 - (3) Promote land development that protects natural, agricultural, scenic, cultural and historic resources;
 - (4) Promote land development that maintains or enhances quality of life and community character;
 - (5) Preserve the quality and function of ecological systems;
 - (6) Allow for housing to meet the needs of residents;
 - (7) Provide for safe and adequate vehicular, pedestrian and emergency access to and within development sites;
 - (8) Ensure the rate of growth does not exceed the existing capacity of, or town's ability to adequately provide, public services and facilities
 - (9) Establish sound development and engineering standards that result in well-constructed projects that do not burden the town with unreasonable costs to build, maintain or repair public infrastructure; and
 - (10) Promote approaches to land use and development that are consistent with smart growth principles.

Section 103. Equal Treatment of Housing

- 103.A These regulations are intended to allow the development of housing in accordance with statutory requirements. Manufactured homes, modular homes and prefabricated homes are allowed in Brattleboro under the same terms and conditions as conventional homes. Mobile home parks are allowed under the same terms and conditions as other residential subdivisions or developments. Multi-unit housing is allowed in appropriate districts.

Section 104. Applicability

- 104.A All land development in the Town of Brattleboro requires a zoning permit issued in accordance with these regulations unless specifically exempted in these regulations (see CHAPTER 110).

 Land development includes constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure; mining, excavating, filling or grading land; or changing or extending the use of land or a structure.

Section 105. Conflict with Other Laws

- 105.A If any provision of these regulations is more restrictive than any other law or regulation, then the provision of these regulations will apply. If any provision of another law or regulation is more restrictive than required under these regulations, then the provision of the other law or regulation will apply.

Section 106. Effective Date

- 106.A The Brattleboro Selectboard adopted these regulations on November 17, 2015 and they became effective on December 8, 2015. Upon taking effect, these regulations replaced any prior zoning and subdivision regulations. See Appendix A for a history of the town's adoption and amendment of these regulations.

Section 107. Amendment or Repeal

- 107.A These regulations may be amended or repealed at any time in accordance with state law.

Section 108. Severability

- 108.A If a court of competent jurisdiction invalidates any provision of these regulations, that decision will not affect the validity, application or enforcement of the remaining provisions of these regulations.

Section 109. Disclaimer of Liability

- 109.A These regulations do not create any liability on the part of the town, its officials, agents, employees or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

CHAPTER 110. EXEMPTIONS & LIMITATIONS

Section 111. General Exemptions

111.A Except within the Flood Hazard Overlay Districts (see [SECTION 251](#)), a zoning permit is not required for the following land development:

- (1) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety and to protect the structure from the elements. Further repair, reconstruction or demolition beyond the minimum necessary to stabilize and secure the structure will require a zoning permit ([SEE SECTION 128](#)).
- (2) Normal maintenance and repair as long as there is no change in the exterior dimensions of an existing structure or in the use of a structure or property.
- (3) Alteration or modification of a structure as long as there is no change to its exterior dimensions or use. Interior alterations or modifications that change the number of dwelling units or change the intensity of a use to the extent that would require additional parking under [SECTION 313](#) will require a zoning permit.
- (4) An increase in the floor area of a residence as long as there is no change to its exterior dimensions and no change in the number of dwelling units.
- (5) A home occupation that meets all of the standards below. A larger or more intensive home business will require a zoning permit (see [SUBSECTION 301.E](#)).
 - (a) The home occupation must be conducted entirely within the residence and/or an accessory building to the residence. There must not be any outdoor storage or display. Commodities must not be sold on the premises.
 - (b) The home occupation must be conducted by the resident(s) of the dwelling.
 - (c) The home occupation must clearly be secondary to the residential use and must not change the residential character of the property.
 - (d) The home occupation must not adversely impact the character of the neighborhood.
 - (e) There must be no exterior evidence of the home occupation except for a non-illuminated wall sign no larger than 1 square foot in area.
- (6) A patio, terrace, or similar unroofed, at-grade structure ancillary to a residential use that conforms to location and setback requirements (see [SECTION 301](#)).
- (7) A solar energy device installed on and projecting not more than 10 feet above the surface of a sloped roof, or a solar energy device of any height installed on a flat roof. Solar energy devices projecting not more than 10 feet above the roof surface may exceed district height requirements.
- (8) A fence or non-retaining wall not more than 6 feet in height or a retaining wall not more than 2 feet in height. Such fences and walls do not need to meet setback requirements, but must meet the standards in [SECTION 316](#). Agricultural fences and walls are exempt farm structures (see [SECTION 112](#)).

This chapter specifies what minor land development is allowed without a zoning permit and land development that is exempted from town regulation by state or federal law. It also identifies land development that the town has limited authority to regulate or must allow under certain circumstances as required by state or federal law.



- (9) A television antenna, radio antenna, satellite dish or similar device used to provide on-site communication service that meets the standards below. These devices may exceed district height requirements, but must conform to district setback requirements. These devices should be installed on the least visible location on the building or property where they can reasonably function.
 - (a) A roof-, wall-, or ground-mounted dish antenna with a face(s) not more than 15 square feet in area.
 - (b) A roof- or wall-mounted antenna that does not extend more than 12 feet above the roofline of the building it is attached to.
 - (c) A freestanding amateur radio antenna and its supporting structure that does not extend more than 50 feet above the ground.
- (10) An antenna used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes.
- (11) Garage sales, yard sales, or similar sales of personal property in accordance with the town ordinance and that occur:
 - (a) No more than 3 times for a total of 9 days in any calendar year;
 - (b) No more than 2 consecutive weekends; and
 - (c) During daylight hours.
- (12) Use of public or private land for hunting, fishing or trapping in accordance with state regulations. This does not include related recreational facilities, such as firing ranges or rod and gun clubs.
- (13) Minor grading, filling or excavating incidental to a lawful use that does not involve adding, removing or moving more than 50 cubic yards of material to, from or within a lot in any calendar year.
- (14) Construction or maintenance of a road, sidewalk, path, bridge, culvert, utilities, or other infrastructure within a public right-of-way. Work within public rights-of-way requires approval from the Brattleboro Public Works Department or Vermont Agency of Transportation, as applicable.
- (15) One detached accessory structure per lot not more than 100 square feet in area nor 12 feet in height, which is incidental to a lawful use of a parcel and is not used for human occupancy, nor for occupancy by nonfarm animals requiring a zoning permit in [PARAGRAPH 301.C](#). The structure must be fully compliant with all applicable base zoning district and/or accessory structure ([FIGURE 3-1](#)) dimensional standards.

Section 112. Agriculture and Forestry

- 112.A A zoning permit is not required to farm or harvest timber in accordance with the state's regulations and required practices.
- 112.B A zoning permit is not required to build a farm structure, but:

 The Vermont Agency of Agriculture establishes and enforces various rules and regulations for farming, including the Accepted Agricultural Practices (AAPs). The Vermont Division of Forestry establishes and enforces various rules and regulations for timber harvesting, including the Acceptable Management Practices (AMPs).

- (1) The landowner must complete a zoning permit application so the Administrative Officer can confirm that the project is exempt. The Administrative Officer will not charge an application fee and will not issue a zoning permit for an exempt farm structure.
 - (2) An exempt farm structure must meet setback and flood hazard requirements unless the applicant provides the Administrative Officer with a written waiver from the Vermont Secretary of Agriculture.
 - (3) An exempt farm structure may exceed building height or footprint requirements.
- 112.C A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

Section 113. Utility, Energy and Telecommunications Infrastructure

- 113.A A zoning permit is not required for land development that receives a Certificate of Public Good from the Public Service Board. This includes a small renewable energy system that is connected to the grid (net-metered).
- 113.B A zoning permit is not required for telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

Section 114. Railroad Facilities

- 114.A A zoning permit is not required for land development on railroad property to be used by the railroad for transportation-related purposes but:
- (1) The railroad must complete a zoning permit application so the Administrative Officer can confirm that the project is exempt. The Administrative Officer will not charge an application fee and will not issue a zoning permit for exempt land development.
- 114.B Land development on railroad property or by a railroad that is not transportation-related will require approval under these regulations under the same terms and conditions as comparable types of private development.

Section 115. Community Facilities

- 115.A Land development associated with a community facility requires approval under these regulations and must meet the same standards as comparable types of private development unless meeting the standard(s) will interfere with the intended function or use of the facility or infrastructure.
- 115.B Community facilities include:
- (1) Institutions and facilities owned and operated by the town or state;
 - (2) Schools and other educational facilities certified by the state;
 - (3) Places of worship and other religious facilities;
 - (4) Hospitals certified by the state;
 - (5) Waste management facilities certified by the state; and
 - (6) Emergency shelters without limitation as to duration or hours of operation.

Section 116. Accessory Dwelling Unit

- 116.A The Administrative Officer must issue a zoning permit for one accessory dwelling unit (ADU) within or associated with any single-unit dwelling that meets all the following:
- (1) The ADU is clearly subordinate to the primary dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.
 - (2) The ADU does not exceed 900 square feet or 30% of the total habitable floor area of the primary dwelling (prior to creation of the ADU), whichever is greater.
 - (3) The ADU meets applicable dimensional standards (see [SECTION 212](#)) and parking requirements (see [SECTION 313](#)).
 - (4) The owner will reside on the property in either the primary or accessory dwelling unit.

Section 117. Family Child Care Home

- 117.A The Administrative Officer must issue a zoning permit for a family child care home that meets all of the following:
- (1) A resident of the dwelling operates the family childcare home.
 - (2) The family child care home is registered or licensed by the state.
 - (3) The family child care home serves no more than 6 full-time and 4 part-time children in accordance with statute.

Section 118. Group Home

- 118.A A residential care home or group home operated under state licensing or registration that will serve not more than 8 residents who have a handicap or disability as defined in statute is a by-right use of a single-unit dwelling. No zoning permit is required for a lawfully existing single-unit dwelling to be used as a group home. A zoning permit may be required for other associated land development to the same extent as would be required if the property was occupied by any household.

CHAPTER 120. VESTED RIGHTS & PRE-EXISTING DEVELOPMENT

Section 121. Prior Permits and Approvals

- 121.A If the Administrative Officer lawfully issued a zoning permit before these regulations were adopted or amended, the applicant will not need a new or amended permit for the project. However, if the land development is not substantially completed or an extension is not received before the permit expires, the applicant will need to apply for a new zoning permit under the current regulations (see SECTION 424).
- 121.B If an applicant received approval for a phased project before these regulations were adopted or amended, the Administrative Officer will issue permits for the land development as approved irrespective of any change in these regulations. However, if the phased project as a whole is not substantially completed within the time frame specified in the approval, the applicant will need to apply for a new permit under the current regulations.
- 121.C If an applicant lawfully filed an approved subdivision plat in the town's land records, the plat will remain valid and will not expire irrespective of any change in these regulations.

This chapter preserves the rights of property owners to maintain lawfully established uses or structures and of applicants who have lawfully filed for and/or received permits or approvals when there are changes to these regulations. It also specifies how these regulations affect pre-existing land development.



Section 122. Complete Applications

- 122.A An application will be reviewed based on the regulations in effect when the Administrative Officer determined it was complete.

Section 123. Pre-Existing Uses

- 123.A Any use of land or a structure that lawfully existed prior to the adoption or amendment of these regulations will continue to be lawful use and it may continue to be carried out as it was prior to the adoption or amendment of these regulations.

Section 124. Pre-Existing Lots

- 124.A A lot that was legally subdivided, separately owned from surrounding properties, and existed as of the effective date of these regulations may be developed in accordance with all applicable provisions of these regulations, irrespective of whether it meets the minimum lot size and frontage standards for the district in which it is located, provided that:
- (1) It is at least one-eighth acre (5,445 square feet) in area; and
 - (2) It is not less than 40 feet wide or deep.

Section 125. Nonconformities

- 125.A This section applies to all nonconformities, which are lots, structures and uses that:
- (1) Lawfully existed on the effective date of these regulations;
 - (2) Do not comply or conform to the provisions of these regulations; and

- (3) Did comply or conform to any and all applicable laws, ordinances and regulations in effect at the time they were created, constructed or commenced.

125.B A nonconformity may continue to exist unchanged indefinitely.

125.C A nonconforming structure may undergo normal repair and maintenance provided that it is not made more nonconforming. The Administrative Officer may approve an enlargement or expansion of a nonconforming structure (without a waiver or variance) as allowed below:

- (1) Enlargement or expansion of a nonconforming structure provided:
 - (a) The addition does not encroach beyond the existing, nonconforming building line;
 - (b) The structure is not located in the Flood Hazard Overlay District;
 - (c) The structure is not subject to other conditions or restrictions from prior approvals or permits that would otherwise restrict the proposed addition; and
 - (d) The development would not otherwise require site plan or conditional use approval.
- (2) The Development Review Board may approve a waiver or variance to allow enlargement or expansion of a nonconforming structure beyond what is authorized in this section (see [SECTION 432](#)).

125.D Nonconforming uses must not be enlarged, extended, expanded or intensified except as allowed below:

- (1) The Development Review Board may grant conditional use approval to allow a nonconforming use to fully utilize the structure in which it is located to the extent that the structure existed when the use commenced.
- (2) The Development Review Board may grant conditional use approval to allow a nonconforming use to be changed to another nonconforming use if it determines the proposed use is of a less intensive nature and is more compatible with the uses allowed in the district.

Section 126. Abandonment and Discontinuance

126.A A zoning permit, and any applicable approvals, will be required to re-establish a nonresidential use if it has been abandoned or discontinued for more than 12 months. A lawful, vacant dwelling unit may be reoccupied at any time without a new zoning permit or any further approval under these regulations (building, health and/or safety codes may apply).

126.B A nonconforming use must not be re-established if it has been abandoned or discontinued for more than 12 months or if it has been changed to or replaced by a conforming use. Intent to resume a nonconforming use does not confer the right to do so. However, if a nonconforming use has been abandoned or discontinued as result of damage to the structure in which it was housed, that nonconforming use may be re-established once the structure has been repaired or rebuilt (see [SECTION 128](#)).

Section 127. Incomplete Land Development

- 127.A If land development authorized by a zoning permit is not substantially completed prior to the permit expiring (see [SECTION 424](#)), the applicant must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion. The site must be cleaned-up, secured and stabilized within 6 months after the permit expires.

Section 128. Damaged or Destroyed Structures

- 128.A Additional provisions apply to reconstructing damaged or destroyed structures within the Flood Hazard Overlay district, (see [SECTION 251](#)). The provisions of [SECTION 251](#) take precedence over the provisions of this section.
- 128.B Within 3 months of a structure being damaged or destroyed by any cause, the owner must act to either:
- (1) Stabilize and secure it as necessary to protect public health and safety and to protect it from the elements, prior to commencing reconstruction; or
 - (2) Demolish it remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion.
- 128.C The Administrative Officer may grant up to three 10-month extensions upon finding that the site does not pose a hazard to public health or safety and that the owner has reasonable cause for not commencing repair, reconstruction or demolition. .
- 128.D A zoning permit will not be required to repair or reconstruct a damaged or destroyed structure and use it as before provided that:
- (1) Repair or reconstruction commences within 3 months of the damage or destruction, or of the extension(s) granted under [SUBSECTION 128.C](#);
 - (2) The structure as repaired or reconstructed does not exceed the original floor area;
 - (3) The structure as repaired or reconstructed will be located within the original footprint.
- 128.E If a nonconforming structure is damaged or destroyed, the structure as repaired or reconstructed must not be more nonconforming than the original structure.

Section 129. Demolition

- 129.A A zoning permit is required to demolish a structure or part of a structure beyond normal repair and maintenance.
- 129.B Within 30 days after demolition is complete, all structural materials and debris must be removed from the site, the site must be restored to a natural grade, and ground cover must be re-established to prevent erosion unless otherwise specified as a condition of approval.
- 129.C If the structure to be demolished is listed as a contributing structure on the State Register of Historic Places and/or the National Register of Historic Places, the Development Review Board must review and approve the application as a conditional use before the Administrative Officer may issue a zoning permit unless the demolition has lawfully

been ordered due to public health, safety or welfare concerns. In granting conditional use approval for demolition of a contributing historic structure, the Development Review Board must find that either:

- (1) The rehabilitation of the structure would cause undue financial hardship to the owner;
or
- (2) The demolition is part of a redevelopment plan that will provide clear and substantial community benefits.

PART 2. ZONING DISTRICTS & STANDARDS

CHAPTER 200. GENERAL PROVISIONS

This chapter establishes zoning districts that implement the land use policies of the Brattleboro Town Plan.



Section 201. Establishment of Base Zoning Districts

201.A These regulations establish the following zoning districts as shown on the Official Zoning Map:

- (1) **DEVELOPED ZONING DISTRICTS**
 - (a) Urban Center (UC) District ([SECTION 221](#))
 - (b) Village Center (VC) District ([SECTION 222](#))
 - (c) Service Center (SC) District ([SECTION 223](#))
 - (d) Neighborhood Center (NC) District ([SECTION 224](#))
 - (e) Mixed Use Neighborhood (MU) District ([SECTION 225](#))
 - (f) Residential Neighborhood 3600 (RN-36) and 5400 (RN-54) Districts ([SECTION 226](#))
- (2) **RURAL ZONING DISTRICTS**
 - (a) Rural Residential (RR) District ([SECTION 231](#))
 - (b) Rural (RL) District ([SECTION 232](#))
- (3) **SPECIAL PURPOSE ZONING DISTRICTS**
 - (a) Waterfront (WF) District ([SECTION 241](#))
 - (b) Institutional (IN) District ([SECTION 242](#))
 - (c) Industrial (ID) District ([SECTION 243](#))

Section 202. Establishment of Overlay Zoning Districts

202.A These regulations establish the following overlay districts as shown on the Official Zoning Map:

- (1) Flood Hazard Overlay (FHO) District ([SECTION 251](#))
- (2) Historic Resource Overlay (HRO) District ([SECTION 252](#))
- (3) Missing Middle Housing Overlay (MMHO) District ([SECTION 253](#))

202.B The overlay districts recognize areas that are unique in their environmental or built characteristics. These areas require special consideration to further the purposes of these regulations and the Brattleboro Town Plan. Within an overlay district the standards of both the base and overlay district apply.

Section 203. Official Zoning Map

203.A The map(s) delineating the boundaries of the various base and overlay zoning districts established in this chapter are incorporated by reference into these regulations and adopted as part of these regulations. Together they constitute the Official Zoning Map.

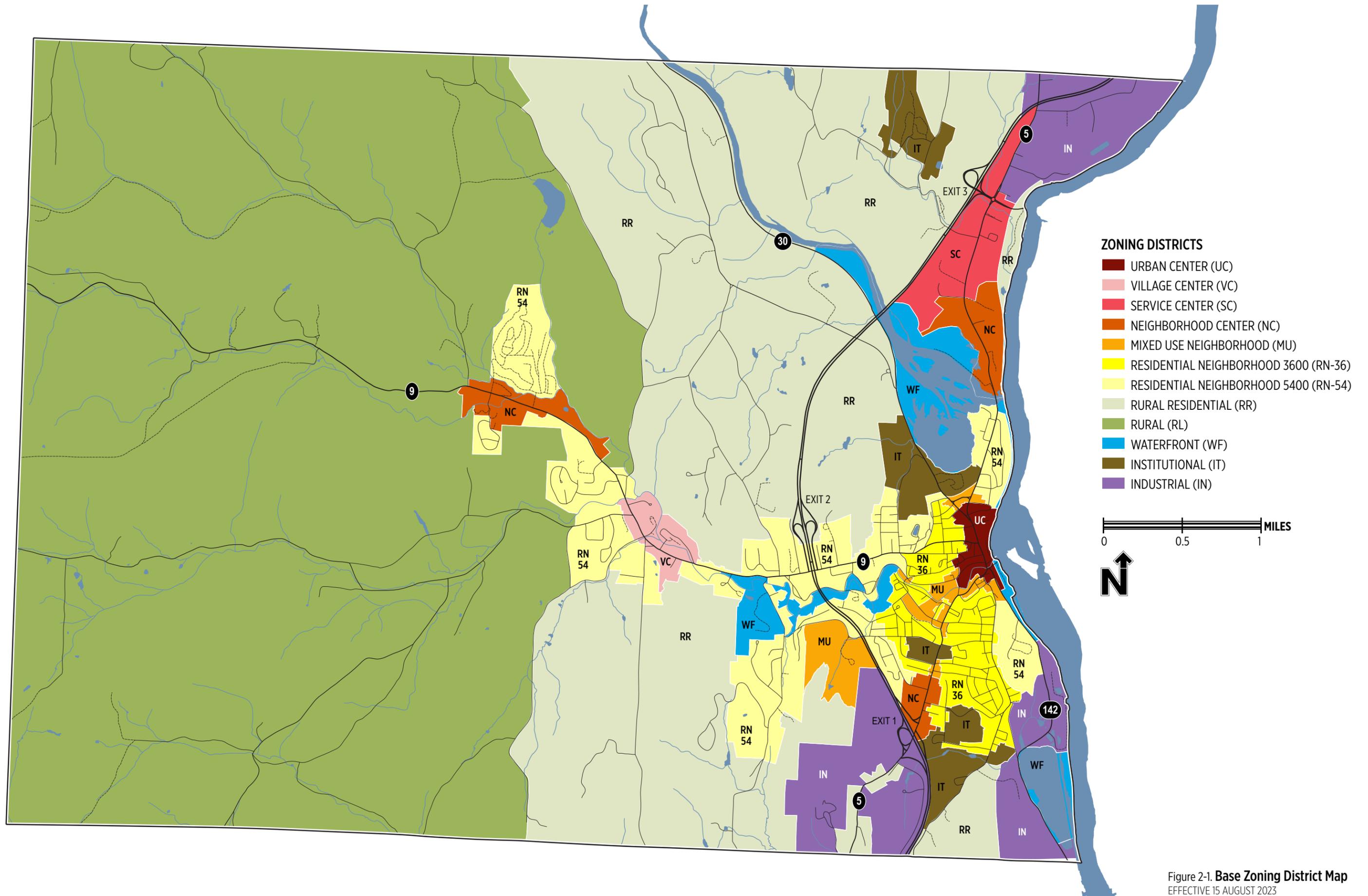
203.B The Official Zoning Map is on file in the Town of Brattleboro Planning Services Department office. Small-scale, unofficial versions are included as [FIGURE 2-1](#) and [FIGURE 2-2](#).

Section 204. Zoning District Boundaries

204.A The Administrative Officer will interpret boundaries shown on the Official Zoning Map as specified below when a specific distance or measurement is not shown on the map:

- (1) Boundaries that approximately follow streets, railroad lines or rights-of-way will be construed to follow the centerlines of such streets, railroad lines or rights-of-way.
- (2) Boundaries that approximately follow lot lines or municipal boundaries will be construed to follow such lines or boundaries.
- (3) Boundaries that approximately follow rivers, streams or water bodies will be construed to follow the centerlines of such rivers, streams or water bodies.
- (4) If any of the above natural or built features as they exist on the ground vary from their depiction on the Official Zoning Map, boundaries will be construed to follow the features as they exist on the ground at the time of the interpretation except that:
 - (a) A boundary line adjustment, lot merger or subdivision that changes the location of a lot line will not change the location of any zoning district boundary that follows that lot line.

204.B The Administrative Officer's interpretation of a zoning district boundary may be appealed to the Development Review Board in accordance with [SECTION 431](#).



ZONING DISTRICTS

- URBAN CENTER (UC)
- VILLAGE CENTER (VC)
- SERVICE CENTER (SC)
- NEIGHBORHOOD CENTER (NC)
- MIXED USE NEIGHBORHOOD (MU)
- RESIDENTIAL NEIGHBORHOOD 3600 (RN-36)
- RESIDENTIAL NEIGHBORHOOD 5400 (RN-54)
- RURAL RESIDENTIAL (RR)
- RURAL (RL)
- WATERFRONT (WF)
- INSTITUTIONAL (IT)
- INDUSTRIAL (IN)

0 0.5 1 MILES

N

Figure 2-1. Base Zoning District Map
EFFECTIVE 15 AUGUST 2023

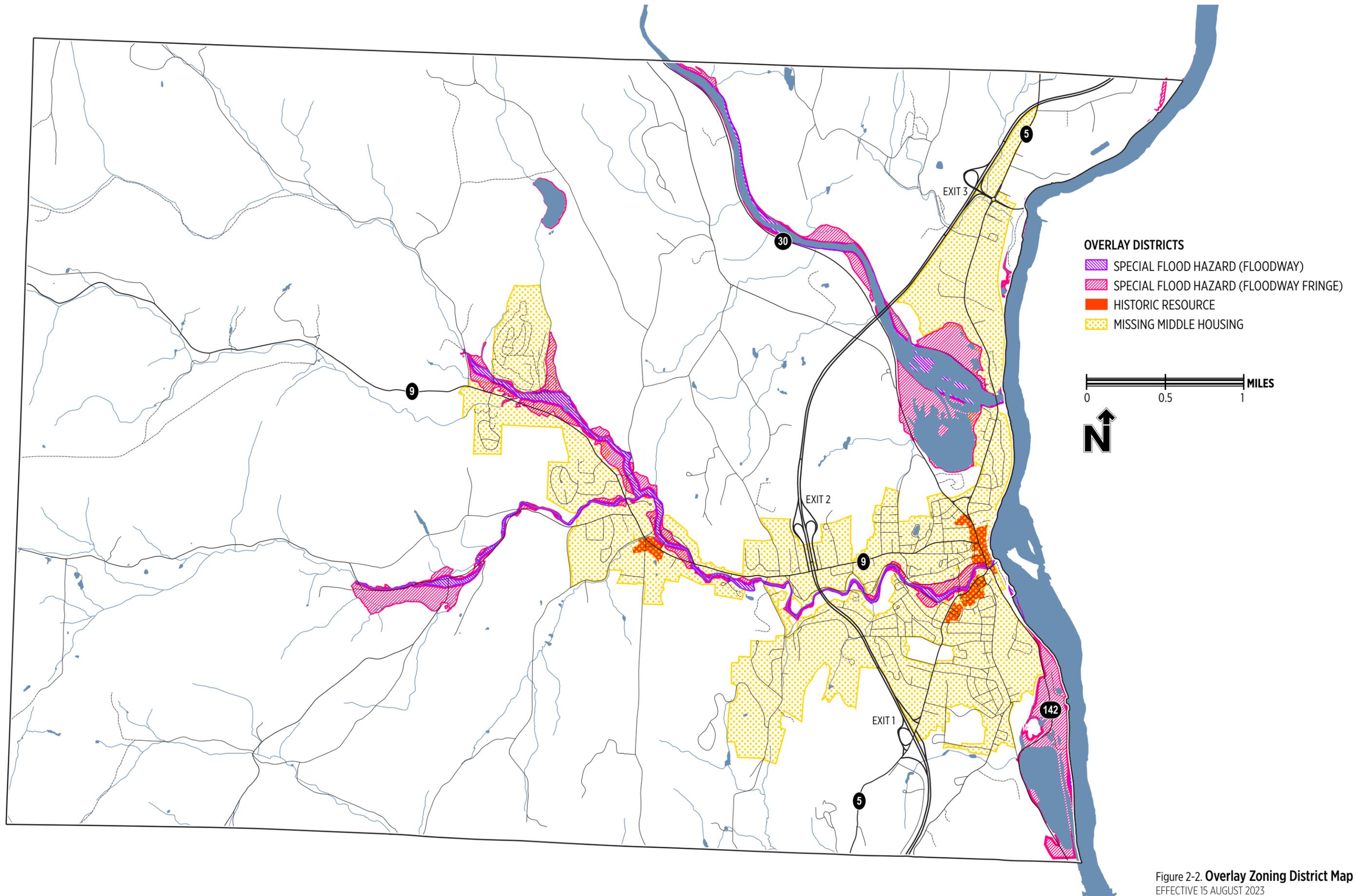


Figure 2-2. Overlay Zoning District Map
EFFECTIVE 15 AUGUST 2023

CHAPTER 210. USE & DIMENSIONAL STANDARDS

Section 211. Use Standards

This chapter describes the use and dimensional standards of the base zoning districts.



- 211.A **PERMITTED AND CONDITIONAL USES.** The principal uses that are allowed in each base zoning district as either a permitted or conditional use are listed in the use tables for the districts in [CHAPTER 220](#) through [CHAPTER 240](#).
- (1) A permitted use is compatible with the other uses allowed in the district, and therefore requires only an administrative permit. Permitted uses other than single-unit and two-unit homes may require site plan approval from the Administrative Officer or Development Review Board (see [SECTION 434](#)).
 - (2) A conditional use requires approval from the Development Review Board to assess whether the proposed use will be compatible with the character of area and the other uses allowed in the district (see [SECTION 434](#)). The Development Review Board may place conditions on the proposed use as it deems necessary to ensure compatibility.
- 211.B **ACCESSORY USES.** [SECTION 301](#) specifies the accessory uses that are allowed in each base zoning district.
- 211.C **NUMBER OF USES ON A LOT.** Any combination of permitted or conditional uses and accessory uses may be allowed on a single lot or within a single building in accordance with all applicable requirements of these regulations.
- 211.D **UNLISTED USES.** A use not specifically listed in the use table for each zoning district is prohibited unless the Administrative Officer finds that the unlisted use:
- (1) Is materially similar to a listed use in the same zoning district in accordance with [SUBSECTION 211.E](#); or
 - (2) Is required to be permitted by state or federal law.
- 211.E **MATERIALLY SIMILAR USES.** The Administrative Officer may determine that an unlisted use is materially similar to a listed use in the same zoning district and that it should be allowed to the same extent and subject to the same standards as that listed use if it has:
- (1) A structure or function classification code as determined by the American Planning Association's Land-Based Classification Standards (LBCS) that begins with the same 2 digits as a listed use allowed in the district, or if the use is not listed in the LBCS, the proposed use falls within the same industry classification as determined by the North American Industry Classification System (NAICS) as a listed use allowed in the district;
 - (2) Similar impacts on the neighborhood such as traffic, noise and lighting as a listed use in the same zoning district; and
 - (3) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as a listed use in the same zoning district.
- 211.F **ADMINISTRATIVE OFFICER APPEAL.** The Administrative Officer's determination with regard to an unlisted use may be appealed to the Development Review Board in accordance with [SECTION 431](#).

Section 212. Dimensional Standards

- 212.A **APPLICABILITY.** Land development must conform to the dimensional standards for the applicable zoning district unless:
- (1) The applicant receives a waiver or variance from the Development Review Board (see [SECTION 432](#));
 - (2) The subject lot or structure is a nonconformity and the proposed land development meets the requirements of [SECTION 125](#); or
 - (3) The land development will be approved under the provisions for planned unit development (see [CHAPTER 350](#)).
- 212.B **ESTABLISHMENT OF STANDARDS.** [CHAPTER 220](#) through [CHAPTER 240](#) establish the dimensional standards for lots and structures in each base zoning district. The sections in those chapters may include illustrations of the dimensional standards within a district. If there is any inconsistency between an illustration and the written standard, the written standard will apply. [CHAPTER 500](#) includes further guidance on interpreting the dimensional standards.
- 212.C **NUMBER OF PRINCIPAL BUILDINGS ON A LOT.** Multiple principal buildings may only be located on a lot as follows:
- (1) The total amount of development on the lot must not exceed the maximum density allowed in the district unless approved under the provisions for a planned unit development (see [CHAPTER 350](#)).
 - (2) No more than two detached single-unit homes may be located on any lot unless approved under the provisions for a planned unit development.
 - (3) Each building must meet the applicable dimensional standards and the distance between buildings must not be less than twice the side setback required in the district unless approved under the provisions for a planned unit development.
 - (4) Approval of multiple principal buildings on a lot will not constitute a right to subdivide or separately convey those structures except in accordance with the regulations in effect at the time of any proposed subdivision.
- 212.D **LOT SIZE.** The sections in [CHAPTER 220](#) through [CHAPTER 240](#) establish a minimum lot size in each base zoning district. In addition, the following will apply:
- (1) Any lot created under these regulations must meet the minimum lot size requirement for the district(s) in which it is located except that:
 - (a) Lots with on-site septic systems must be at least 1 acre.
 - (2) A pre-existing lot must not be reduced in size below the minimum requirement unless the reduction is a result of land being taken for a public purpose (ex. road widening).
 - (3) A pre-existing small lot may be used and developed in accordance with [SECTION 124](#).
 - (4) A lot that will include land in more than one zoning district must meet the minimum size for the district that the portion of the lot with street frontage is located in. If there will be street frontage in more than one district, the lot must meet the largest minimum requirement.
- 212.E **STREET FRONTAGE.** The sections in [CHAPTER 220](#) through [CHAPTER 240](#) specify the minimum frontage on a public or private street required for lots in each base zoning district. In addition, the following will apply:

- (1) All new lots created under these regulations must have the minimum frontage on a public or private street unless otherwise approved by the Development Review Board in accordance with [SECTION 311](#).
 - (2) [SECTION 311](#) establishes the minimum requirements for access to a pre-existing lot without frontage on public or private street.
 - (3) Corner lots must have the minimum frontage along each street.
 - (4) The Development Review Board may reduce the minimum frontage requirement to 15 feet for irregularly shaped lots or lots accessed by a shared driveway.
- 212.F **LOT COVERAGE.** The sections in [CHAPTER 220](#) through [CHAPTER 240](#) specify the maximum lot coverage allowed on lots in each base zoning district. Lot coverage includes all portions of the lot covered by buildings, driveways, parking areas or other impervious surfaces. Portions of a lot covered by pervious paving will be included in lot coverage unless the Development Review Board finds that the area covered with pervious paving will closely resemble and primarily function as green space (ex. overflow parking area with grass pavers).
- 212.G **SETBACK OR YARD.** The sections in [CHAPTER 220](#) through [CHAPTER 240](#) specify the setback or yard requirements for land development within each base zoning district. Accessory structures and uses may encroach into required yards as specified in [SECTION 301](#). Driveways may encroach into a required yard as specified in the district standards and in [SECTION 311](#). Parking areas must not encroach into a required yard except as authorized in the district standards and in [SECTION 313](#). Corner lots have two front yards and two side yards.
- 212.H **AVERAGE FRONT SETBACK.** Within the Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood and Residential Neighborhood districts, the Administrative Officer may approve land development that varies from the minimum and/or maximum front setback specified in [CHAPTER 220](#) through [CHAPTER 240](#) if the applicant can demonstrate that the proposed setback is consistent with the average in the neighborhood. The average must be based on measurements taken from no less than 5 previously developed lots on the same side of the same street, in the same zoning district, and within 500 feet of the subject property.
- 212.I **RIPARIAN SETBACK.** Natural woody vegetation must generally be maintained or re-established within the specified setback from all rivers, streams, natural ponds or wetlands in accordance with the provisions of [SECTION 333](#) and [SECTION 335](#).
- 212.J **HEIGHT.** Structures must not exceed a height of 35 feet except as specifically authorized in these regulations. In addition, the following will apply:
- (1) The sections in [CHAPTER 220](#) through [CHAPTER 240](#) specify minimum and/or maximum height requirements for principal buildings.
 - (2) [SECTION 301](#) specifies height requirements for accessory structures.
 - (3) Height limits do not apply to:
 - (a) Belfries, spires, steeples, cupolas, domes, clock or bell towers, or similar architectural features not used for human habitation.
 - (b) Skylights, parapet walls, cornices, chimneys, antennas (see [SUBSECTION 111.A AND 113.B](#)), ventilators, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.

- (c) Industrial structures within the Industrial District.
- (d) Utility poles, electrical substations and similar types of infrastructure located within utility corridors or public rights-of-way.
- (e) Renewable energy structures (see [SUBSECTION 111.A AND 113.B](#)).
- (4) Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.
- (5) The Administrative Officer must notify the Brattleboro Fire Department of any application to construct or increase the height of a structure that will measure more than 60 feet from its lowest point at ground level to its highest point. The Fire Department's determination that it would be unable to adequately serve the proposed structure will be grounds for denial of a zoning permit.
- (6) Where a minimum building height is specified:
 - (a) Buildings with a footprint of less than 6,000 square feet must maintain that height along the entire facade and for a depth of at least 20 feet as shown in [FIGURE 2-3](#).
 - (b) Buildings with a footprint of 6,000 square feet or more must maintain that height along at least 30% of the facade and for a depth of at least 30 feet as shown in [FIGURE 2-3](#).
- (7) Affordable housing development served by municipal sewer and water infrastructure may exceed any maximum height limitations of the applicable zoning district by one story provided that the proposed building complies with the Vermont Fire and Building Safety Code.

212.K **STORIES.** When building height is measured in stories, the following will apply:

- (1) For residential buildings, any story where the finished floor level is entirely above grade and where at least 60% of the floor area has a ceiling height of 7 feet or more.

Figure 2-3. **Minimum Building Height**



- (2) For nonresidential or mixed-use buildings, the first story must be at least 12 feet and no more than 24 feet in height from finished floor to finished ceiling. Upper stories must be at least 8 feet and no more than 16 feet in height from finished floor to finished ceiling. The Development Review Board may allow for increased story height to accommodate a particular industrial or commercial function.
- (3) Mezzanines with a floor-to-ceiling height of at least 7 feet and exceeding 33% of the floor area below will be counted as an additional story.
- (4) Basements and attics will not be counted as stories (see definition in [CHAPTER 530](#)).

Section 213. Other District Standards

- 213.A **APPLICABILITY.** The zoning districts may have specific standards for frontage, buildings and parking. These standards will apply to all development that requires major site plan approval. When the proposed development involves an addition, alteration, or renovation of an existing building or previously developed lot, these standards will only apply to the new or modified portions of the building or lot.
- 213.B **FRONTAGE STANDARDS.** These standards supplement the provisions of [SECTION 311](#) and [SECTION 315](#). They regulate the use and development of a lot's frontage (the area of the lot between the street and the front of the building) to further the purpose of the zoning district.
- 213.C **BUILDING STANDARDS.** These standards establish minimum architectural form and design requirements for buildings and facades to further the purpose of the zoning district.
- 213.D **PARKING STANDARDS.** These standards supplement the provisions of [SECTION 313](#). They regulate the location of parking, and waive or reduce the amount of parking required in some districts, to further the purpose of the zoning district.

CHAPTER 220. DEVELOPED ZONING DISTRICTS

Section 221. Urban Center (UC) District

This chapter establishes standards for the zoning districts in the largely developed areas of town that are served by municipal water and sewer.



221.A **PURPOSE.** The Urban Center District encompasses Brattleboro’s historic downtown business district, which is primarily characterized by multi-story block buildings built to the edge of the sidewalk that house a diverse mix of uses. The land within this district is served by municipal water and sewer, a grid street network, sidewalks, on-street and public parking, and public transit. The purpose of this district is to maintain a compact, vital urban center while preserving historic character and encouraging creative and efficient use of available space in accordance with the policies of the Brattleboro Town Plan. Specifically:

- (1) Mixed-use development is strongly encouraged.
- (2) Most new buildings should be multi-story and built to or close to the edge of the sidewalk with little to no separation from adjoining buildings except as necessary to accommodate pedestrian or vehicular access. Civic, religious or other specialized buildings may have greater setbacks, with green space separating the building from the street and adjacent buildings.
- (3) All efforts should be made to create a pedestrian-oriented environment within the district by providing a street frontage that encourages pedestrian activity, and creating or enhancing pedestrian connections between areas of activity.
- (4) Accommodation of pedestrians, bicyclists and public transit should take precedence over the needs or convenience of private motorists.
- (5) Creating new privately-owned, off-street surface parking is strongly discouraged in order to maximize use of limited land resources, provision and use of on-street and public parking is encouraged wherever feasible.

221.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-5 except that residential occupancy will not be permitted on the ground floor:

- (1) Within 30 feet of the sidewalk on Main Street or on Elliot Street between Main Street and Church Street; or
- (2) Of a storefront building for a depth of 30 feet from the sidewalk.

221.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 2,000 sf min Frontage: 30 ft min	Front: 20 ft max ^{AVE} Riparian: 15 ft min	n/a	Frontage Build-Out: 60% min Height: 2 stories min – 6 stories max

AVE = May vary based on neighborhood average. See SUBSECTION 212.H.
See CHAPTER 510 for further guidance on interpreting dimensional standards.

- 221.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) Buildings built to the edge of the sidewalk are strongly encouraged. If a building will be set back from the sidewalk, the space between the sidewalk and street must be designed as a plaza or pocket park intended for outdoor gathering, seating, dining or similar public or semi-public purposes.
 - (2) Vehicular access to the side or rear of buildings must not exceed 16 feet in width. Shared access between buildings is strongly encouraged and shared driveways or alleys may be up to 20 feet wide.
 - (3) Parking or service areas not screened from view at the front property line by a building must be screened by a wall, fence, or landscaping that is designed to maintain the street wall and encourage pedestrian activity.
 - (4) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
 - (5) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.
- 221.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 48 feet in width.

Figure 2-4. Urban Center Illustrated Frontage Standards

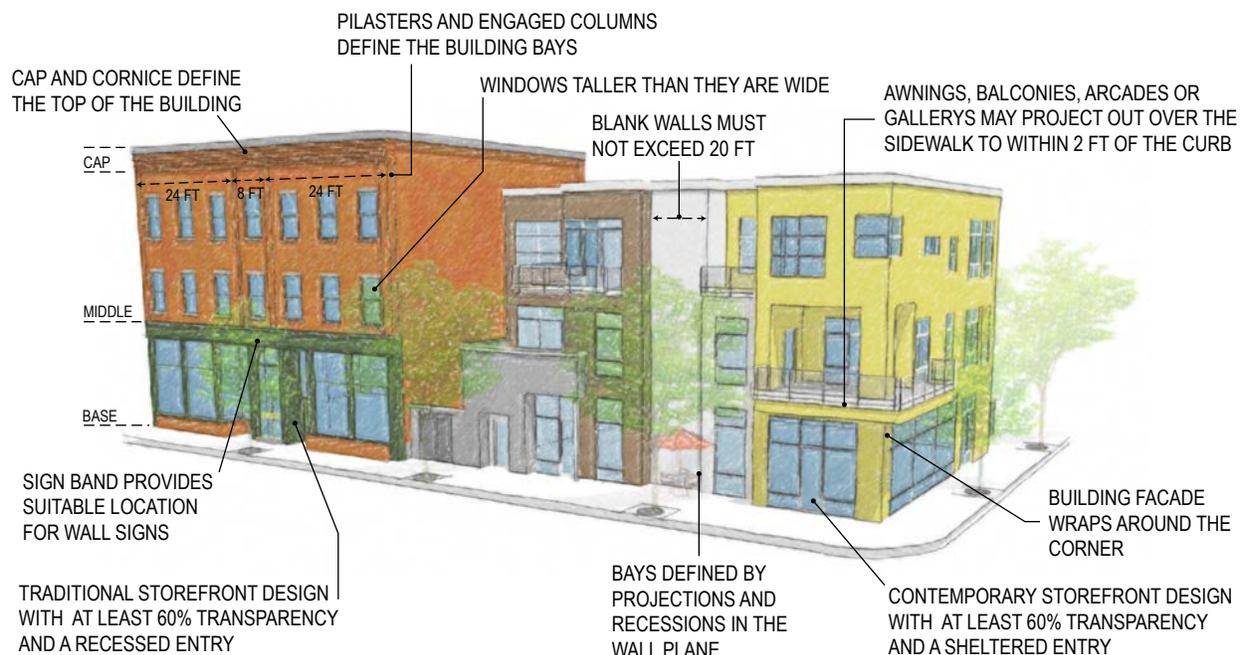


Figure 2-5. **Urban Center Use Table**

PERMITTED USES	
Accessory dwelling	Movie theater
Triplex (3 units)	Amphitheater
Quadraplex (4 units)	Indoor games facility
Multi-unit dwellings (5 or more units)	Exhibition, convention or conference structure
Other specialized residential structures	Religious facility
Retirement housing	Government facility, office or courthouse
Congregate living	Other community structures
Assisted living	Fitness, sports, gym or athletic club
Skilled-nursing services	Nature or recreational park
Bed and breakfast or inn	Medical clinic building
Rooming or boarding house	Grade school
Hotel or motel	College or university
Shop or store, no drive-through and less than 25,000 sf	Trade or specialty school
Bank, no drive-through	Library
Professional services	Museum or exhibition hall or pavilion
Administrative or business services	Art gallery
Services to buildings or dwellings	Public safety facility
Food services (restaurant), no drive-through	Supervision or rehabilitative services
Bar or drinking place	Social assistance or charitable services
Food service contractor	Child day care
Personal services	Services for the elderly and disabled
Pet and animal sales or services	Parking structure or garage
Construction-related business	Bus stop shelter
Laboratory	Rail transportation facility
Media broadcast facility or studio	Road passenger and transit services
Computer data center	Utility structures
Publishing	Communication antenna
Information services or data processing	Agriculture and forestry
Performance theater	
CONDITIONAL USES	
Single-unit attached dwelling	Miscellaneous manufacturing
Duplex (2 units)	Wholesale trade establishment
Shop or store, with drive-through or 25,000 sf or more	Sports arena
Open market or market shop	Marina or yacht club
Lawn, garden or farm supply sales	Hospital
Bank, with drive-through	Funeral home or cremation facility
Rental or leasing, no outdoor storage	Surface parking
Veterinary services	Air transportation facility
Light industrial	Truck and freight transportation services
Warehouse or storage, no outdoor storage	Water supply related facility
Mini-warehouse, within a portion of a multi-use building	Sewer related facility
Beverage products manufacturing	Communication tower
	Greenhouse

- (2) Building facades must be designed with a regular fenestration pattern on all stories. Solid or blank walls must not exceed 20 feet in length.
- (3) Buildings that are 3 or more stories in height must incorporate a base, middle and cap. The base must include an entryway with transparent windows. The middle may include windows and/or balconies. The cap must include the area from the top floor to the roof of the building, and must include a cornice or roof overhang.
- (4) Corner buildings must wrap the corner and provide two facades that conform to the requirements of this section.
- (5) On attached buildings, floor levels, windowsills, moldings and cornices must align with those of adjacent buildings to the maximum extent feasible.
- (6) The ground floor of commercial or mixed use buildings must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that interior spaces are visible and accessible from the street. At least 60% and not more than 90% of the total surface area of the front ground floor elevation must be public entrances and transparent windows (including retail display windows).
- (7) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance. A principal entrance and the ground floor level must align with the sidewalk elevation.
- (8) Doors opening onto the sidewalk must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
- (9) All street-level retail uses with sidewalk frontage must have an individual entrance and direct access to the sidewalk.
- (10) Upper floor windows must be taller than they are wide. Multiple windows may be grouped within a horizontal opening.

Figure 2-6. **Urban Center Illustrated Building Standards**



- (1) Adding additional stories to pre-existing, non-historic, single-story buildings is strongly encouraged, as is replacing such structures with multi-story buildings that conform to the requirements of this section. When neither of these alternatives is feasible, the facade must be at least 24 feet in height as measured from the sidewalk.

221.F **PARKING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) The minimum on-site parking requirements in [SECTION 313](#) do not apply to any new or modified use.
- (2) No new, private, off-street, surface parking is permitted within this district. The Development Review Board may:
 - (a) Waive this requirement if it is the only feasible option to provide the minimum amount of accessible parking required to comply with the Americans with Disabilities Act.
 - (b) Approve the relocation or redesign of existing surface parking in accordance with these regulations provided that the total area of surface parking on the lot is not increased.
 - (c) Approve development of parking decks or structures provided that the total parking footprint on the lot is not increased.
 - (d) Approve at-grade or below ground parking located within or under a building provided that the parking is screened from view.
- (3) No off-street parking is permitted in front of the principal building on the lot and any pre-existing front parking must be removed to the maximum extent feasible. Applicants will be required to remove any pre-existing front parking if the proposed development involves a new principal building.
- (4) A bicycle rack must be provided within 200 feet of each nonresidential entryway. Public bicycle racks may count towards this requirement. A single bicycle rack may serve multiple entrances.

Section 222. Village Center (VC) District

222.A **PURPOSE.** The Village Center District encompasses the center of West Brattleboro village, which is primarily characterized by mixed-use, two and three-story, sloped roofed, clapboard-sided, detached buildings built close to the road and one another as documented in the West Brattleboro Master Plan. The land within this district is served by municipal water and sewer, limited on-street and public parking, sidewalks, and public transit. The purpose of this district is to maintain and enhance the traditional geographic extents and distinct character of West Brattleboro village, and its role as a small commercial and civic center for residents in the surrounding residential neighborhoods and the rural western portion of town, in accordance with the policies of the Brattleboro Town Plan.

222.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-7.

222.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 3,600 sf min Frontage: 36 ft min Coverage: 80%	Front: 10 ft min – 30 ft max ^{AVE} Side: 6 ft min (0 ft for attached bldgs) Rear: 6 ft min (0 ft for attached bldgs) Riparian: 15 ft min ^{PD} or 25 ft min ^{UN}	n/a	Footprint: 6,000 sf max Frontage Build-Out: 40% min Height: 2 stories min – 4 stories max

AVE = May vary based on neighborhood average. See SUBSECTION 212.H.
 PD = Previously developed lot. UN = Undeveloped lot.
 See CHAPTER 510 for further guidance on interpreting dimensional standards.

222.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No more than 200 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 300 square feet to accommodate a shared driveway. Corner lots may have one 200-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in SECTION 311).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with SECTION 301.
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific

Paving includes asphalt, concrete, gravel, brick or any other impervious material placed on the ground to create a firm, level surface.



Figure 2-7. Village Center Use Table

PERMITTED USES	
Single-unit detached dwelling	Miscellaneous manufacturing
Single-unit attached dwelling	Publishing
Accessory dwelling	Information services or data processing
Duplex (2 units)	Performance theater
Triplex (3 units)	Movie theater
Quadruplex (4 units)	Amphitheater
Multi-unit dwellings (5 or more units)	Indoor games facility
Other specialized residential structures	Religious facility
Retirement housing	Government facility, office or courthouse
Congregate living	Other community structures
Assisted living	Fitness, sports, gym or athletic club
Skilled-nursing services	Nature or recreational park
Bed and breakfast or inn	Medical clinic building
Rooming or boarding house	Grade school
Shop or store, no drive-through	College or university
Open market or market shop	Trade or specialty school
Lawn, garden or farm supply sales	Library
Bank, no drive-through	Museum or exhibition hall or pavilion
Professional services	Art gallery
Veterinary services	Public safety facility
Administrative or business services	Supervision or rehabilitative services
Services to buildings or dwellings	Social assistance or charitable services
Food services (restaurant), no drive-through	Child day care
Food service contractor	Services for the elderly and disabled
Bar or drinking place	Surface parking
Personal services	Bus stop shelter
Pet and animal sales or services	Road passenger and transit services
Laboratory	Utility structures
Media broadcast facility or studio	Communication antenna
Computer data center	Agriculture and forestry
CONDITIONAL USES	
Hotel or motel	Sports arena
Lumber yard or building material sales	Exhibition, convention or conference structure
Rental or leasing	Funeral home or cremation facility
Construction-related business	Air transportation facility
Light industrial	Truck and freight transportation services
Warehouse or storage, no outdoor storage	Water supply related facility
Mini-warehouse, within a portion of a multi-use building	Sewer related facility
Beverage products manufacturing	Communication towers
Wholesale trade establishment	Greenhouse

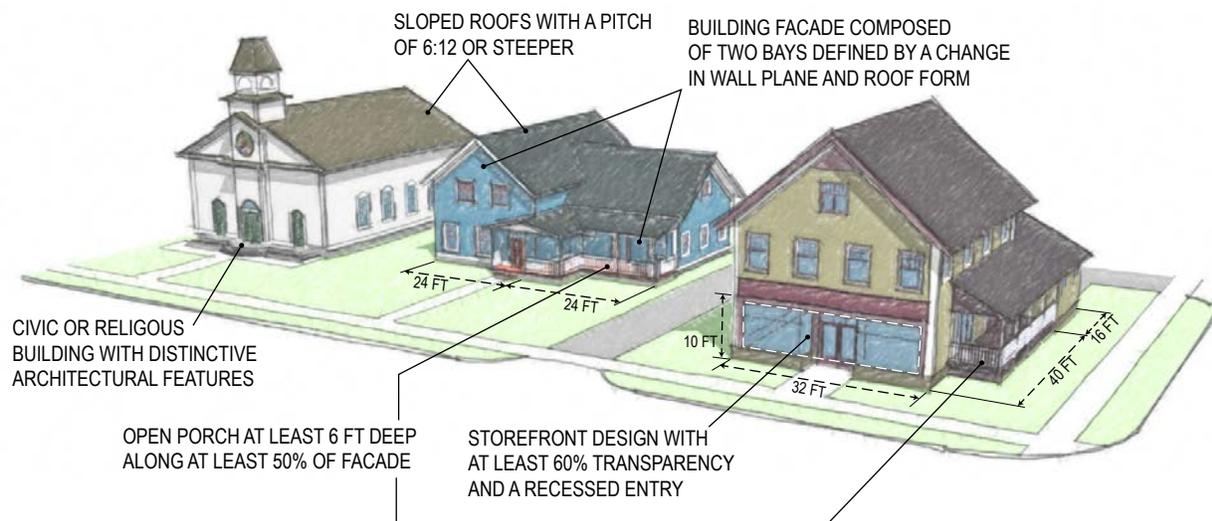
conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.

- (4) The front yard must be landscaped in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (5) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

222.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) Building design must be compatible with the architectural form, scale, massing and materials of traditional buildings found in this district as documented in the West Brattleboro Master Plan. Franchise or corporate architecture is prohibited.
- (2) Building facades must incorporate at least one of the following:
 - (a) A storefront design with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above the finished grade.
 - (b) An open porch, gallery or arcade at least 6 feet deep. A gallery or arcade must extend the full width of the facade. A porch must extend along no less than 40% of the facade.
 - (c) For civic or religious buildings, other distinctive architectural elements characteristic of such building types as approved by the Development Review Board.
- (3) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers,

Figure 2-8. Village Center Illustrated Building Standards



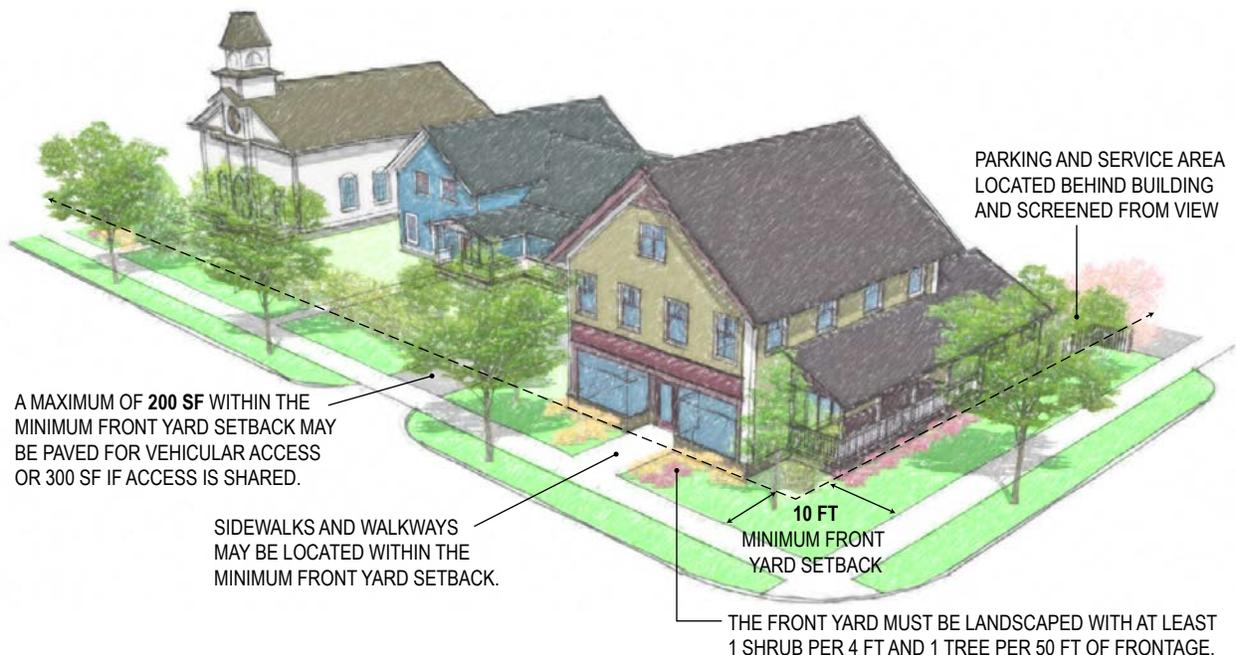
columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 40 feet in width.

- (4) Building facades must be designed with a regular fenestration pattern on all stories. Solid or blank walls must not exceed 20 feet in length.
- (5) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.
- (6) For buildings with a sloped roof, the pitch of the primary roof must not be less than 6:12. The pitch of secondary roofs (sheds, porches, dormers, etc.) may be less than 6:12.

222.F **PARKING STANDARDS.** In addition to the requirements of SECTION 313, the following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) The minimum on-site parking requirements in SECTION 313 will be reduced by 20% for nonresidential uses in consideration of the availability of on-street parking.
- (2) Large expanses of parking must be broken up into discrete parking units. A unit must not include more than 40 parking spaces. Units must be separated by a building, a green space at least 20 feet wide and landscaped in accordance with SECTION 315. The green space may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (3) Long rows of parking must be broken up into units of no more than 10 contiguous spaces separated by an island at least 8 feet wide by 16 feet deep and landscaped in accordance with SECTION 315. The islands may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (4) Pedestrian access must be provided from the parking lot to a principal entrance.
- (5) A bicycle rack must be provided within 200 feet of each nonresidential entryway. Public bicycle racks may count towards this requirement. A single bicycle rack may serve multiple entrances.

Figure 2-9. Village Center Illustrated Frontage Standards



Section 223. Service Center (SC) District

223.A **PURPOSE.** The Service Center District includes the Putney Road area around Interstate 91 Exit 3, which developed primarily as a commercial center providing shopping, dining, lodging, and other services to travelers and residents from throughout the region. The land within this district is located along Route 5, a major arterial highway, and is served by municipal water and sewer, public transit, and limited sidewalks. The purpose of this district is to maintain the role and function of these areas as regional service centers while encouraging a gradual transformation of their built environment towards more compact development patterns, a greater mix of uses, improved walkability, high-quality construction, and attractive landscaping, signage and lighting in accordance with the policies of the Brattleboro Town Plan.

223.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-10.

223.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 0.5 acre min Frontage: 90 ft min Coverage: 70%	Front: 20 ft min – 100 ft max Side: 20 ft min Rear: 20 ft min Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}	n/a	Frontage Build-Out: 20% min Height: 24 ft min – 5 stories max

PD = Previously developed lot. UN = Undeveloped lot.

See CHAPTER 510 for further guidance on interpreting dimensional standards.

223.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No more than 800 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see SECTION 311).
 - (b) Encroachments, including signs, may be located within the minimum front yard setback in accordance with SECTION 301.
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions.
- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) The front yard must be landscaped in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).

Figure 2-10. Service Center Use Table

PERMITTED USES	
Single-unit attached dwellings	Beverage products manufacturing
Accessory dwelling	Miscellaneous manufacturing
Triplex (3 units)	Wholesale trade establishment
Quadrplex (4 units)	Publishing
Multi-unit dwellings (5 or more units)	Information services or data processing
Retirement housing	Performance theater
Congregate living	Movie theater
Assisted living	Amphitheater
Skilled-nursing services	Indoor games facility
Bed and breakfast or inn	Sports arena
Rooming or boarding house	Exhibition, convention or conference structure
Hotel or motel	Religious facility
Shop or store, less than 25,000 sf	Government facility, office or courthouse
Open market or market shop	Other community structures
Malls or shopping centers	Fitness, sports, gym or athletic club
Fueling station	Nature or recreational park
Automobile repair or service structures	Medical clinic building
Automobile sales establishment	Grade school
Lawn, garden or farm supply sales	College or university
Lumber yard or building material sales	Trade or specialty school
Bank	Library
Rental or leasing	Museum or exhibition hall or pavilion
Professional services	Art gallery
Veterinary services	Public safety facility
Administrative or business services	Supervision or rehabilitative services
Services to buildings or dwellings	Social assistance or charitable services
Food services (restaurant)	Child day care
Bar or drinking place	Services for the elderly and disabled
Food service contractor	Bus stop shelter
Personal services	Road passenger and transit services
Pet and animal sales or services	Truck and freight transportation services
Construction-related business	Utility structures
Light industrial	Communication antenna
Laboratory	Communication tower
Media broadcast facility or studio	Composting facility
Computer data center	Greenhouse
Warehouse or storage	Agriculture and forestry
CONDITIONAL USES	
Single-unit detached dwelling	Wood products establishment
Duplex (2 units)	Hospital
Other specialized residential structures	Surface parking
Shop or store, 25,000 sf or more	Parking structure
Construction-related business with specialized machinery	Bus or truck maintenance facility
Manufacturing plant	Air transportation facility
Mini-warehouse, within a portion of a multi-use building	Water supply related facility
Large area distribution or transit warehouse	Sewer related facility

- (6) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

223.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 60 feet in width.
- (2) Building facades must screen any solid or blank walls exceeding 20 feet in length with a green space or raised planters not less than 10 feet deep and landscaped in accordance with [SECTION 315](#).
- (3) The facade of retail buildings must be designed as storefronts with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above the finished grade. For building facades composed of multiple bays, the storefront requirement will apply only to bays that incorporate a customer entrance.
- (4) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.
- (5) Single-story buildings with a footprint of less than 5,000 square feet must have a sloped roof. The slope of the primary roof must not be less than 6:12. The slope of secondary roofs (sheds, porches, dormers, etc.) may be less than 6:12.
- (6) Vehicular service bay doors should be on the side or rear of the building whenever feasible. Vehicle service bay doors facing the street must be set back at least 120 feet from the front property line.

Figure 2-11. **Service Center Illustrated Frontage Standards**



- (7) No drive-through windows, fuel station pumps, and similar auto-oriented features are permitted between the building frontline and street.
- (8) Accessory structures, including fuel station canopies, must be similar in architectural form and materials to the principal building.

223.F **PARKING STANDARDS.** In addition to the requirements of SECTION 313, the following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) Large expanses of parking must be broken up into discrete parking units. A unit must not include more than 80 parking spaces. Units must be separated by a building, a green space at least 20 feet wide and landscaped in accordance with SECTION 315, or a driveway designed like a street. The green space may be designed to serve as part of the site’s stormwater infrastructure (see SECTION 333).
- (2) Long rows of parking must be broken up into units of no more than 10 contiguous spaces separated by an island not less than 8 feet wide by 16 feet deep and landscaped in accordance with SECTION 315. The islands may be designed to serve as part of the site’s stormwater infrastructure (see SECTION 333).
- (3) Shared parking and access between adjacent properties is strongly encouraged. Adjacent parking lots that are not connected must be separated by a green space at least 40 feet wide and landscaped in accordance with SECTION 315.
- (4) Pedestrian access must be provided from the parking lot to a principal entrance.
- (5) A bicycle rack must be provided within 200 feet of each nonresidential entryway. Public bicycle racks may count towards this requirement. A single bicycle rack may serve multiple entrances.

Figure 2-12. Service Center Illustrated Building Standards



Section 224. Neighborhood Center (NC) District

224.A **PURPOSE.** The Neighborhood Center District includes portions of the Canal Street area north of Interstate 91 Exit 1, the Putney Road area south of Interstate 91 Exit 3, and the Route 9 area near Sunset Road, which have developed primarily as commercial centers. The land within this district is located on or in proximity to state highways, and is served by municipal water and sewer and public transit. The purpose of this district is to transform these areas into neighborhood-scale commercial centers with more compact and mixed-use development patterns, including higher-density residential infill and more connections to surrounding neighborhoods, improved walkability, and high-quality construction in accordance with the policies of the Brattleboro Town Plan.

224.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-13.

224.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 3,600 sf min Frontage: 36 ft min Coverage: 80%	Front: 10 ft min – 30 ft max ^{AVE} Side: 6 ft min (0 ft for attached bldgs) Rear: 6 ft min (0 ft for attached bldgs) Riparian: 15 ft min ^{PD} or 25 ft min ^{UN}	n/a	Footprint: 20,000 sf max ¹ Frontage Build-Out: 50% min Height: 24 ft min – 5 stories max

AVE = May vary based on neighborhood average. See SUBSECTION 212.H.

PD = Previously developed lot. UN = Undeveloped lot.

1 = A store, shop or multi-unit dwelling with a footprint in excess of 20,000 sf may be approved as a conditional use.

See CHAPTER 510 for further guidance on interpreting dimensional standards.

224.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No more than 300 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 400 square feet to accommodate a shared driveway. Corner lots may have one 300-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in SECTION 311).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with SECTION 301.
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.

Figure 2-13. **Neighborhood Center Use Table**

PERMITTED USES	
Accessory dwelling	Performance theater
Triplex (3 units)	Movie theater
Quadraplex (4 units)	Indoor games facility
Multi-unit dwellings (5 or more units)	Religious facility
Retirement housing	Government facility, office or courthouse
Congregate living	Other community structures
Assisted living	Fitness, sports, gym or athletic club
Skilled-nursing services	Nature or recreational park
Bed and breakfast or inn	Medical clinic building
Rooming or boarding house	Grade school
Shop or store, no drive-through	College or university
Bank, no drive-through	Trade or specialty school
Professional services	Library
Veterinary services	Museum or exhibition hall or pavilion
Administrative or business services	Art gallery
Services to buildings or dwellings	Public safety facility
Food services (restaurant), no drive-through	Supervision or rehabilitative services
Food service contractor	Social assistance or charitable services
Bar or drinking place	Child day care
Personal services	Services for the elderly and disabled
Pet and animal sales or services	Bus stop shelter
Laboratory	Road passenger and transit services
Media broadcast facility or studio	Utility structures
Computer data center	Communication antenna
Miscellaneous manufacturing	Greenhouse
Publishing	Agriculture and forestry
Information services or data processing	
CONDITIONAL USES	
Single-unit detached dwelling	Industrial park
Single-unit attached dwelling	Warehouse or storage
Duplex (2 units)	Beverage products manufacturing
Other specialized residential structures	Amphitheater
Hotel or motel	Sports arena
Open market or market shop	Exhibition, convention or conference structure
Malls or shopping centers	Marina or yacht club
Fueling station	Funeral home or cremation facility
Automobile repair or service structures	Parking structure or garage
Lawn, garden or farm supply sales	Air transportation facility
Lumber yard or building material sales	Truck and freight transportation services
Rental or leasing	Water supply related facility
Construction-related business	Sewer related facility
Light industrial	Communication towers
Manufacturing plant	Kennel

- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) The front yard must be landscaped in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (6) Loading areas or docks, service entrances, trash collection areas, dumpsters and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

Figure 2-14. Neighborhood Center Illustrated Frontage Standards

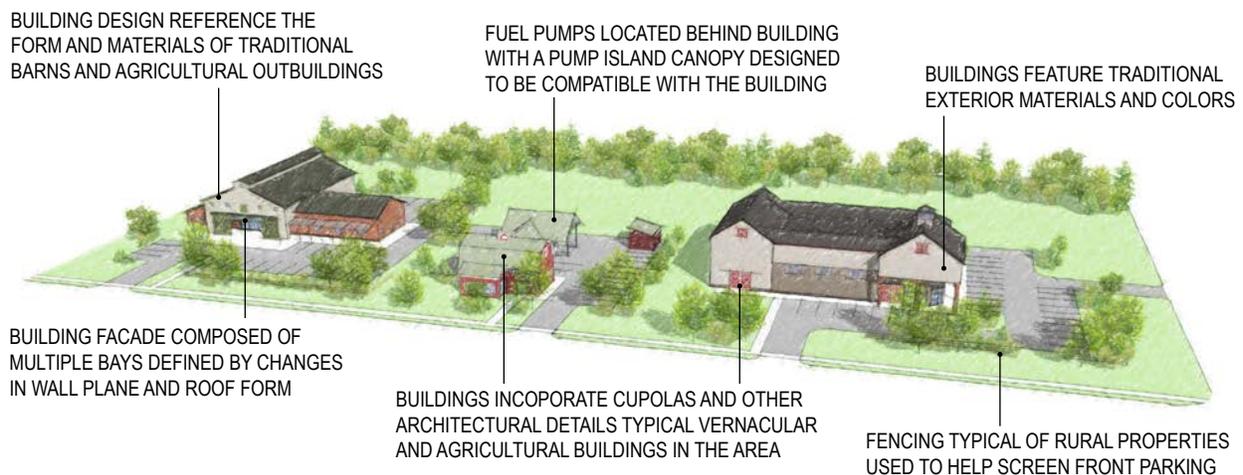


Figure 2-15. Neighborhood Center Illustrated Building Standards



- 224.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 48 feet in width.
 - (2) Building facades must screen any solid or blank walls exceeding 20 feet in length with a green space or raised planters not less than 10 feet deep and landscaped in accordance with [SECTION 315](#).
 - (3) The facade of retail buildings must be designed as storefronts with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above the finished grade. For building facades composed of multiple bays, the storefront requirement will apply only to bays that incorporate a customer entrance.
 - (4) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.
 - (5) Single-story buildings with a footprint of less than 5,000 square feet must have a sloped roof. The slope of the primary roof must not be less than 6:12. The slope of secondary roofs (sheds, porches, dormers, etc.) may be less than 6:12.
 - (6) Vehicular service bay doors must be on the side or rear of the building.
 - (7) No drive-through windows, fuel station pumps, and similar auto-oriented features are permitted between the building frontline and street.
 - (8) Accessory structures, including fuel station canopies, must be similar in architectural form and materials to the principal building.
 - (9) Within the West Brattleboro Neighborhood Center district, the following additional standards apply:
 - (a) Context-sensitive siting and design techniques should be used to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or

Figure 2-16. **West Brattleboro Neighborhood Center Illustrated Building Standards**



hedgerows. Buildings must be designed and located to maintain views from the street to the open fields and/or hillsides beyond the development site the greatest extent feasible. This can often be accomplished by aligning buildings with the narrow end facing the road so that view corridors are maintained through the side yards.

- (b) The adaptive re-use of existing historic and/or agricultural buildings is encouraged. Franchise or corporate architecture is prohibited.
- (c) Breaking up the mass of large roofs and buildings with multiple roof forms and secondary roof elements such as dormers, chimneys or cupolas is encouraged.

224.F **PARKING STANDARDS.** In addition to the requirements of [SECTION 313](#), the following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 10 parking spaces may be located between the building frontline and the street. Previously developed lots must eliminate any excess parking between the building frontline and the street.
- (2) Large expanses of parking must be broken up into discrete parking units. A unit must not include more than 40 parking spaces. Units must be separated by a building, a green space at least 20 feet wide and landscaped in accordance with [SECTION 315](#), or a driveway designed like a street. The green space may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (3) Long rows of parking must be broken up into units of no more than 10 contiguous spaces separated by an island at least 8 feet wide by 16 feet deep and landscaped in accordance with [SECTION 315](#). The islands may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (4) Shared parking and access between adjacent properties is strongly encouraged. Adjacent parking lots that are not connected must be separated by a green space at least 40 feet wide and landscaped in accordance with [SECTION 315](#).
- (5) Pedestrian access must be provided from parking areas to the principal entrance.
- (6) A bicycle rack must be provided within 200 feet of each nonresidential entryway. Public bicycle racks may count towards this requirement. A single bicycle rack may serve multiple entrances.

Section 225. Mixed Use Neighborhood (MU) District

225.A **PURPOSE.** The Mixed Use Neighborhood District encompasses land around the Urban Center, Service Center and Neighborhood Center districts that serves as a transitional area between those higher density and/or intensity districts and nearby residential neighborhoods. These areas accommodate a greater diversity of land uses, building forms, and smaller scale commercial uses. The district encourages the replacement of auto-centric uses with larger scale residential and mixed uses. The land within this district is served by municipal water and sewer, a well-developed street network, sidewalks in most areas, on-street and public parking in limited areas, and public transit. The purpose of this district is to provide flexibility for the creative and efficient use of land and buildings, to promote diverse housing opportunities, safe streets and improved streetscaping while protecting and enhancing historic and neighborhood character in accordance with the policies of the Brattleboro Town Plan.

225.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-17.

225.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 3,600 sf min Frontage: 36 ft min Coverage: 80%	Front: 10 ft min – 30 ft max ^{AVE} Side: 6 ft min (0 ft for attached bldgs) Rear: 6 ft min (0 ft for attached bldgs) Riparian: 15 ft min ^{PD} or 25 ft min ^{UN}	n/a	Footprint: 9,000 sf max Frontage Build-Out: 40% min Height: 2 stories min – 5 stories max

AVE = May vary based on neighborhood average. See SUBSECTION 212.H.
 PD = Previously developed lot. UN = Undeveloped lot.
 See CHAPTER 510 for further guidance on interpreting dimensional standards.

225.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No more than 200 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 300 square feet to accommodate a shared driveway. Corner lots may have one 200-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as lawn or landscaped green space except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in SECTION 311).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with SECTION 301.

Figure 2-17. Mixed Use Neighborhood Use Table

PERMITTED USES	
Single-unit detached dwelling	Personal services
Single-unit attached dwelling	Media broadcast facility or studio
Accessory dwelling	Information services or data processing
Duplex (2 units)	Religious facility
Triplex (3 units)	Fitness, sports, gym or athletic club
Quadrplex (4 units)	Nature or recreational park
Multi-unit dwellings (5 or more units)	Medical clinic building
Other specialized residential structures	Grade school
Retirement housing	Library
Congregate living	Museum or exhibition hall or pavilion
Assisted living	Art gallery
Skilled-nursing services	Social assistance or charitable services
Bed and breakfast or inn	Child day care
Rooming or boarding house	Services for the elderly and disabled
Shop or store, no drive-through	Bus stop shelter
Bank, no drive-through	Utility structures
Rental or leasing, no outdoor storage	Communication antenna
Professional services	Agriculture and forestry
Administrative or business services	
CONDITIONAL USES	
Open market or market shop	Performance theater
Lawn, garden or farm supply sales	Government facility, office or courthouse
Services to buildings or dwellings	Other community structures
Food services (restaurant), no drive-through	College or university
Bar or drinking place, up to 3,000 sf	Trade or specialty school
Food service contractor	Public safety facility
Pet and animal sales or services	Funeral home or cremation facility
Light industrial	Supervision or rehabilitative services
Laboratory	Surface parking ¹
Computer data center, up to 3,000 sf	Parking structure ¹
Miscellaneous manufacturing	Air transportation facility
Publishing	Road passenger and transit services

¹ = Limited to parking that serves residential properties in the immediate neighborhood. Parking structures must not be more than one story in height.

- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.
- (4) The front yard must be landscaped in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (5) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

225.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 40 feet in width.
- (2) Building facades must be designed with a regular fenestration pattern on all stories. Solid or blank walls must not exceed 20 feet in length.
- (3) Windows must be taller than they are wide except for storefront display windows. Multiple windows may be grouped within a horizontal opening.
- (4) Building facades and frontages must incorporate at least one of the following:
 - (a) A storefront;
 - (b) A decorative fence or wall no more than 4½ feet in height that extends along the front property line;

Figure 2-18. Mixed Use Neighborhood Illustrated Frontage Standards



- (c) An open porch at least 6 feet deep that extends along no less than 40% of the facade; or
 - (d) A covered stoop no less than 16 square feet in area at the principal entrance(s).
- (5) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.

225.F **PARKING STANDARDS.** In addition to the requirements of SECTION 313, the following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No parking may be located between the building frontline and the street, except:
 - (a) For residential parking within a lawful driveway.
 - (b) For the minimum amount of accessible parking required to comply with the Americans with Disabilities Act if it cannot be provided elsewhere.
 - (c) That no more than 30% of the area in front of the building and outside the minimum front yard setback may be surfaced with grass pavers or other suitable permeable surface and used for parking.
- (2) Previously developed lots must eliminate any excess nonresidential parking between the street and building frontline. Residential parking must be brought into conformance with the provisions of this section to the maximum extent feasible.
- (3) Parking must be screened from adjoining properties.

Figure 2-19. Mixed Use Illustrated Building Standards



Section 226. Residential Neighborhood 3600 (RN-36) and 5400 (RN-54) Districts

- 226.A **PURPOSE.** The Residential Neighborhood Districts are composed of high- to moderate-density residential neighborhoods extending outward from downtown Brattleboro and West Brattleboro village, and along the Route 9 corridor. While primarily residential in use, these neighborhoods vary significantly in the form and density of housing they offer, and include traditional neighborhoods, post-war suburban-style neighborhoods, multi-unit developments, townhouses and manufactured home parks. The land within these districts is generally served by municipal water and sewer. Walkability and proximity to public transit service, neighborhood stores, schools, parks and other amenities varies by neighborhood. The purpose of these districts is to allow a diverse range of housing, encourage an increase in and improvement of the town’s housing stock, and promote more compact, walkable neighborhoods in balance with protection of neighborhood character and quality of life, and in accordance with the policies of the Brattleboro Town Plan.
- 226.B **USE STANDARDS.** The permitted and conditional uses allowed in these districts in accordance with SECTION 211 are listed in FIGURE 2-20.
- 226.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in these districts in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

	LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
RN-36	Size: 3,600 sf min Frontage: 36 ft min Coverage: 80%	Front: 10 ft min – 30 ft max ^{AVE} Side: 6 ft min (0 ft for attached bldgs) Rear: 6 ft min (0 ft for attached bldgs) Riparian: 15 ft min ^{PD} or 25 ft min ^{UN}	n/a	Footprint: 6,000 sf max Height: 3 stories max
RN-54	Size: 5,400 sf min Frontage: 48 ft min Coverage: 70%	Front: 15 ft min – 40 ft max ^{AVE} Side: 10 ft min (0 ft for attached bldgs) Rear: 10 ft min (0 ft for attached bldgs) Riparian: 15 ft min ^{PD} or 25 ft min ^{UN}	n/a	Footprint: 4,000 sf max Height: 3 stories max

AVE = May vary based on neighborhood average. See SUBSECTION 212.H.
 PD = Previously developed lot. UN = Undeveloped lot.
 See CHAPTER 510 for further guidance on interpreting dimensional standards.

- 226.D **FRONTAGE STANDARDS.** The following standards apply to development in these districts that requires major site plan approval in accordance with SECTION 213:
 - (1) No more than 300 square feet of land within the front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
 - (2) The remainder of the minimum front yard setback must be maintained or established as lawn or landscaped green space except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in SECTION 311).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with SECTION 301.

Figure 2-20. **Residential Neighborhood Use Table**

Applies to both RN-36 and RN-54 districts.

PERMITTED USES	
Single-unit detached dwelling	Rooming or boarding house
Single-unit attached dwelling	Retirement housing
Accessory dwelling	Nature or recreational park
Duplex (2 units)	Bus stop shelter
Triplex (3 units)	Utility structures
Quadraplex (4 units)	Communication antenna
Multi-unit dwellings (5 or more units) in existing residential buildings	Agriculture and forestry
CONDITIONAL USES	
Multi-unit dwellings (5 or more units) in new construction	Fitness, sports, gym or athletic club
Other specialized residential structures	Grade school
Congregate living	Cemetery
Assisted living	Child day care
Skilled-nursing services	Services for the elderly and disabled
Bed and breakfast or inn	Surface parking ³
Shop or store ¹	Parking structure ³
Professional services ²	Air transportation facility
Religious facility	

¹ Limited to a neighborhood market up to 2,000 sf that is located on Western Avenue east of I-91 or on South Main Street.

² Limited to 2,000 sf unless it is located on Western Avenue east of I-91. There must be at least one dwelling unit on the property.

³ Limited to parking that serves residential properties in the immediate neighborhood. Parking structures must not be more than one story in height.

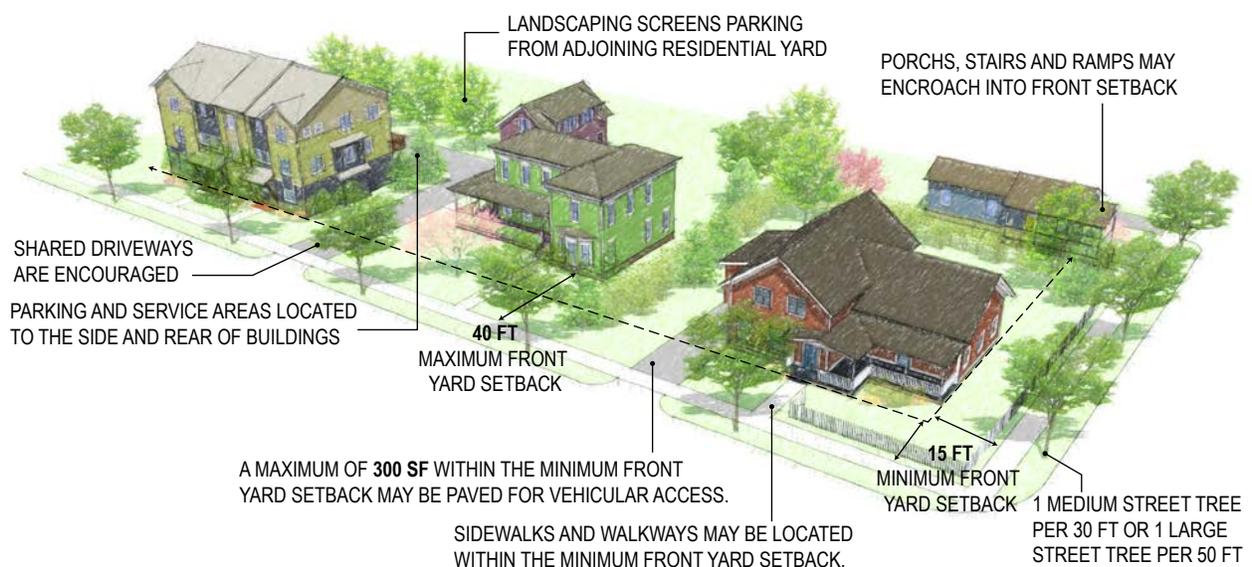
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed unless the Development Review Board approves the addition or retention of parking in the front yard setback where site specific conditions dictate and where new or existing parking is surfaced with pervious pavers, landscaped, and designed to mitigate light trespass or glare from headlights to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.
- (4) The front yard must be landscaped in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see SECTION 333).
- (5) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

226.E **BUILDING STANDARDS.** The following standards apply to development in these districts that requires major site plan approval in accordance with SECTION 213:

- (1) Principal buildings must be residential in character and compatible with the form and scale of buildings typical in the neighborhood.
- (2) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 40 feet in width.
- (3) Building facades and frontages must incorporate at least one of the following:
 - (a) A decorative fence or wall no more than 4½ feet in height that extends along the front property line;

Figure 2-21. Residential Neighborhood Illustrated Frontage Standards

Illustrated dimensional standards are for the RN-54 district, but illustrated design concepts are relevant to both RN districts.



- (b) An open porch at least 6 feet deep that extends along no less than 40% of the facade;
 - (c) A covered stoop no less than 16 square feet in area at the principal entrance(s).
- (4) A principal entrance must face the street. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.
 - (5) Windows must be taller than they are wide except for storefront display windows. Multiple windows may be grouped within a horizontal opening.
 - (6) Single-story buildings must have a sloped roof. The pitch of the primary roof must not be less than 6:12. The pitch of secondary roofs (sheds, porches, dormers, etc.) may be less than 6:12.
- 226.F **PARKING STANDARDS.** In addition to the requirements of [SECTION 313](#), the following standards apply to development in these districts that requires major site plan approval in accordance with [SECTION 213](#):
- (1) No parking may be located between the building and the street, except:
 - (a) For residential parking within a lawful driveway.
 - (b) For the minimum amount of parking required to comply with the Americans with Disabilities Act if it cannot be provided elsewhere.
 - (c) That no more than 30% of the area in front of the building and outside the front yard setback may be surfaced with grass pavers or other suitable permeable surface and used for residential parking.
 - (2) Previously developed lots must eliminate any excess nonresidential parking between the street and building. Residential parking must be brought into conformance with the provisions of this section to the maximum extent feasible.
 - (3) Parking must be screened from adjoining properties.

Figure 2-22. Residential Neighborhood Illustrated Building Standards

RESIDENTIAL NEIGHBORHOOD DISTRICT ALLOWS A RANGE OF HOUSING TYPES
 DIVERSE BUILDING TYPES CAN BE COMPATIBLE WITH ONE ANOTHER THROUGH CAREFUL ATTENTION TO MASSING, SCALE, FACADE ELEMENTS, AND DESIGN ELEMENTS THAT CREATE AND MAINTAIN PRIVACY FOR RESIDENTS



CHAPTER 230. RURAL ZONING DISTRICTS

Section 231. Rural Residential (RR) District

This chapter establishes standards for the zoning districts in the rural areas of town that are generally not served by municipal water and sewer.



231.A **Purpose.** The Rural Residential District encompasses land primarily west of Interstate 91 that is rural in character but is relatively close to the developed areas of town and accessible from improved public roads, which has made these areas a suitable and attractive location for low-density residential development. This land is generally not served by municipal water and sewer, and extension of infrastructure into this district is discouraged. The purpose of this district is to provide opportunities for rural housing and to encourage thoughtful siting of new development in order to protect rural character, farmland, forestland, open space and important natural resources in accordance with the policies of the Brattleboro Town Plan.

231.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-23.

231.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 1.5 acres min Frontage: 150 ft min Coverage: 30% max	Front: 40 ft min Side: 20 ft min Rear: 40 ft min Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}	Residential: 1 du per 1.5 ac max Nonresidential: 0.1 FAR max	Height: 35 ft max

PD = Previously developed lot. UN = Undeveloped lot.
 See CHAPTER 510 for further guidance on interpreting dimensional standards.

231.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) No more than 800 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space.
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions.
- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) The front yard must be landscaped in an informal and naturalized manner in accordance with SECTION 315. The green space within the minimum front yard setback may be designed to serve as part of the site’s stormwater infrastructure (see SECTION 333).

Figure 2-23. Rural Residential Use Table

PERMITTED USES	
Single-unit detached dwelling	Camps, camping or related establishments
Single-unit attached dwelling	Nature or recreational park
Accessory dwelling	Cemetery
Duplex (2 units)	Bus stop shelter
Retirement housing	Utility structures
Religious facility	Communication antenna
Golf course	Agriculture and forestry
CONDITIONAL USES	
Triplex (3 units)	Grade school
Quadraplex (4 units)	College or university
Rooming or boarding house	Trade or specialty school
Assisted living	Art gallery
Skilled-nursing services	Child day care
Bed and breakfast or inn	Air transportation facility
Shop or store, no drive-through, up to 2,000 sf	Communication tower
Open market or market shop	Stable or equine facility
Lawn, garden or farm supply sales	Greenhouse
Veterinary services	Kennel
Skiing facility	Mining, extracting, quarrying & stone cutting
Marina or yacht club	Game and fishing retreats and reserves
Fitness, sports, gym or athletic club	

- (6) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be located to the side or rear of the building and screened from view at the front property line.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line.

231.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) Context-sensitive siting and design techniques should be used to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or hedgerows.
- (2) To preserve rural character, open space must be maintained within and/or around the site. Building designs should incorporate opportunities for visual and physical access to that open space.
- (3) Vehicular service bay doors should be on the side or rear of the building whenever feasible. Vehicle service bay doors facing the street must be set back at least 120 feet from the front property line.

231.F **PARKING STANDARDS.** In addition to the requirements of [SECTION 313](#), the following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 2 rows of parking may be located between the building frontline and the street. Previously developed lots must eliminate any excess parking between the building frontline and the street.
- (2) Long rows of parking must be broken up into units of no more than 10 contiguous spaces separated by an island at least 8 feet wide by 16 feet deep and landscaped in accordance with [SECTION 315](#). The islands may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (3) Parking must be screened from adjoining properties.

Section 232. Rural (RL) District

232.A **PURPOSE.** The Rural District encompasses land primarily in the western, upland portion of Brattleboro, which features large tracts of undeveloped woodlands, working farmland and very-low density residential development. This land is not served by municipal water and sewer or by roads that are capable of accommodating heavy traffic, and extending or upgrading infrastructure in this district is strongly discouraged. The purpose of this district is to protect these remote and relatively inaccessible rural lands from fragmentation, development and undue environmental disturbance by maintaining a very low-density settlement pattern and large tracts of working lands or natural areas in accordance with the policies of the Brattleboro Town Plan.

232.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-24.

232.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 3.0 acres min	Front: 40 ft min	Residential: 1 du per 3.0 ac max	Height: 35 ft max
Frontage: 300 ft min	Side: 20 ft min	Nonresidential: 0.1 FAR max	
Coverage: 20% max	Rear: 40 ft min		
	Riparian: 50 ft min ^{PD} or 100 ft min ^{UN}		

PD = Previously developed lot. UN = Undeveloped lot.
See CHAPTER 510 for further guidance on interpreting dimensional standards.

232.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) The dominant view from rural streets should be of woodland and farmland. Development must be sited and designed to fit into the rural landscape to the maximum extent feasible.
- (2) No more than 800 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions.
- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) Natural vegetation must be maintained or restored within the remainder of the minimum front yard setback except that no more than 10% of the setback may be mowed lawn.

Figure 2-24. Rural Use Table

PERMITTED USES	
Single-unit detached dwelling	Bus stop shelter
Accessory dwelling	Utility structures
Duplex (2 units)	Communication antenna
Skiing facility	Stable or equine facility
Camps, camping or related establishments	Composting facility
Nature or recreational park	Agriculture and forestry
Cemetery	Game and fishing retreats and reserves
CONDITIONAL USES	
Single-unit attached dwelling	Golf course
Rooming or boarding house	Air transportation facility
Bed and breakfast or inn	Communication tower
Open market or market shop	Greenhouse
Lawn, garden or farm supply sales	Kennel
Veterinary services	Mining, extracting, quarrying & stone cutting
Exhibition, convention or conference structure	Support functions for animal production
Fitness, sports, gym or athletic club	

- 232.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) Context-sensitive siting and design techniques should be used to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or hedgerows.
 - (2) To preserve rural character, open space must be maintained within and/or around the site. Building designs should incorporate opportunities for visual and physical access to that open space.
- 232.F **PARKING STANDARDS.** In addition to the requirements of [SECTION 313](#), the following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) No parking may be visible from the front property line. Techniques for accomplishing this may include:
 - (a) Buffers of natural vegetation;
 - (b) Fences or walls appropriate for a rural setting;
 - (c) Change in elevation or naturalistically landscaped berms; and/or
 - (d) Locating parking far enough from the street or behind buildings.
- 232.G **WATER SUPPLY PROTECTION STANDARDS.** The following standards apply to all land development within the watershed of the Pleasant Valley Reservoir (the source protection area for the municipal water supply):
- (1) A naturally vegetated riparian buffer of not less than 100 feet must be retained or re-established, and maintained, between any area of use and all surface waters.
 - (2) Forestry and harvesting of forest products must be undertaken in accordance with best management practices to prevent run-off, erosion and sedimentation.
 - (3) Agriculture and farming activities must be undertaken in accordance with accepted agricultural practices to prevent run-off, erosion and sedimentation.

CHAPTER 240. SPECIAL PURPOSE ZONING DISTRICTS

Section 241. Waterfront (WF) District

This chapter establishes standards for the zoning districts that are characterized by specific physical characteristics or uses.



241.A **PURPOSE.** The Waterfront District includes land along the Connecticut and West Rivers, Whetstone Brook and other tributary streams.

The purpose of this district is to encourage the management or development of these lands in accordance with the policies of the Brattleboro Town Plan and in a manner that takes advantage of their proximity to water through means such as:

- (1) Fostering new or expanded water-dependent and recreation-oriented uses.
- (2) Protecting and enhancing water quality and the ecological function of riparian areas.
- (3) Contributing to a system of pathways and greenways along major streams and rivers.
- (4) Providing visual and/or physical access to surface water resources as a site amenity.

241.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-25](#).

241.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#) unless a waiver or variance is granted under [SECTION 432](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 0.5 acres min	Front: 20 ft min	Residential: 2 du/ac max	Footprint: 8,000 sf max
Frontage: 90 ft min	Side: 20 ft min	Mixed Use: 0.4 FAR max	Height: 35 ft max
Coverage: 40% max	Rear: 20 ft min	Nonresidential: 0.2 FAR max	
	Riparian: 50 ft min ^{PD} or 100 ft min ^{UN}		

PD = Previously developed lot. UN = Undeveloped lot.
See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

241.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan review in accordance with [SECTION 213](#):

- (1) No more than 400 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 600 square feet to accommodate a shared driveway. Corner lots may have one 400-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the front yard setback must be maintained or established as green space, except:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate pedestrian facilities along the street, the Development Review Board may require the applicant to provide a sidewalk or off-road path, particularly when it would enhance access to waterfront or recreation resources.
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).

Figure 2-25. **Waterfront Use Table**

PERMITTED USES	
Single-unit detached dwelling	Fitness, sports, gym or athletic club
Single-unit attached dwelling	Camps, camping or related establishments
Accessory dwelling	Nature or recreational park
Duplex (2 units)	Art gallery
Rooming or boarding house	Bus stop shelter
Retirement housing	Utility structures
Bed and breakfast or inn	Water supply related facility
Open market or market shop	Communication antenna
Indoor games facility	Agriculture and forestry
Marina or yacht club	Game and fishing retreats and reserves
CONDITIONAL USES	
Triplex (3 units)	Warehouse or storage
Quadraplex (4 units)	Beverage products manufacturing
Multi-unit dwellings (5 or more units)	Miscellaneous manufacturing
Hotel or motel	Amphitheater
Shop or store, up to 2,000 sf	Sports arena
Lawn, garden or farm supply sales	Exhibition, convention or conference structure
Rental or leasing	Other community structures
Professional services	Skiing facility
Administrative or business services	Golf course
Personal services	Museum or exhibition hall or pavilion
Services to buildings or dwellings	Sewer related facility
Food services (restaurant)	Air transportation facility
Bar or drinking place	Stable or equine facility
Food service contractor	Greenhouse
Media broadcast facility or studio	

- (3) No parking is permitted within the front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.
- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) The front yard must be landscaped in an informal and naturalized manner in accordance with [SECTION 315](#). The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (6) Loading areas or docks, parking garage or service entrances, trash collection areas, dumpsters, and similar utilitarian elements must be screened from view at the front property line and from shorelines or stream banks.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be camouflaged or screened from view at the front property line and from shorelines or stream banks.

241.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) Context-sensitive siting and design techniques should be used to fit new buildings into the landscape in a manner that maintains or enhances views of the water, public access, natural vegetation within riparian corridors, and water quality.
- (2) Building and site designs with compact footprints are strongly encouraged to minimize the amount of impervious surface in this district.
- (3) Buildings must be located the greatest distance from shorelines or stream banks feasible given the characteristics of the proposed use and subject property.
- (4) For properties that front on the Connecticut River, West River or Whetstone Brook, site designs must accommodate a corridor for a pedestrian path within or adjacent to the minimum required riparian setback that is not less than 10 feet wide. Applicants are strongly encouraged, and the Development Review Board may require the applicant, to construct a pedestrian path within the designated corridor as a component of the overall site design.
- (5) Building facades must be composed of bays that incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, pilasters, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation. A bay must not exceed 40 feet in width.
- (6) A principal entrance must face either the street or the water. Pedestrian access must be provided from the public sidewalk or street to a principal entrance.
- (7) The design and materials of the facade must be continued on any building elevation that will be visible from the front property line or from shorelines or stream banks.

241.F **PARKING STANDARDS.** In addition to the requirements of [SECTION 313](#), the following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) Parking in excess of the minimum amount required under [SECTION 313](#) must not be approved unless the applicant submits a professionally prepared parking study demonstrating a need for additional parking. Use of shared parking and building designs that incorporate parking within or under structures are strongly encouraged.
- (2) Large expanses of parking must be broken up into discrete parking units. A unit must not include more than 40 parking spaces. Units must be separated by a building, a green space at least 20 feet wide and landscaped in accordance with [SECTION 315](#). The green space may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)). Use of permeable paving is strongly encouraged, particularly for low-volume parking areas.
- (3) Long rows of parking must be broken up into units of no more than 10 contiguous spaces separated by an island at least 8 feet wide by 16 feet deep and landscaped in accordance with [SECTION 315](#). The islands may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (4) Pedestrian access must be provided from parking areas to the principal entrance.
- (5) A bicycle rack must be provided within 200 feet of each nonresidential entryway. Public bicycle racks may count towards this requirement. A single bicycle rack may serve multiple entrances.

Section 242. Institutional (IT) District

242.A **PURPOSE.** The Institutional District includes various major institutions located throughout Brattleboro, primarily educational and healthcare facilities. These institutions generally have substantial landholdings, are developed with multiple buildings and facilities, and often feature a mix of uses including office, service, residential and recreational activities. The purpose of this district is to provide flexibility for the ongoing use and management of these complex sites in response to the particular characteristics, mission and needs of each institution and in accordance with the policies of the Brattleboro Town Plan.

242.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-26.

242.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 0.5 acres min Frontage: 90 ft min	Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}	Mixed Use: 1.0 FAR max Nonresidential: 0.6 FAR max	

PD = Previously developed lot. UN = Undeveloped lot.
See CHAPTER 510 for further guidance on interpreting dimensional standards.

242.D **MASTER PLAN REQUIRED.** Development may only be permitted within this district in accordance with an approved master plan. Approval of an amended master plan will be required for development that proposes to deviate from a previously approved master plan. For institutions without a previously approved master plan, a master plan approved in accordance with the planned unit development provisions of these regulations will be required prior to the Administrative Officer issuing a zoning permit for development that constitutes a substantive change in the physical facilities or use of the institution.

242.E **DEVELOPMENT STANDARDS.** The location, scale and form of new development must be compatible with the character, setting and function of the institution, and any approved master plan. The dimensional, frontage, building and parking standards of the surrounding zoning district(s) must be used to guide development within this district to the extent that such standards are compatible with the character and function of the institution.

Figure 2-26. Institutional Use Table

PERMITTED USES	
Accessory dwelling	Grade school
Retirement housing	College or university
Congregate living	Trade or specialty school
Assisted living	Library
Skilled-nursing services	Museum or exhibition hall or pavilion
Bank, no drive-through	Art gallery
Professional services	Public safety facility
Food service contractor	Cemetery
Publishing	Supervision or rehabilitative services
Information services or data processing	Social assistance or charitable services
Religious facility	Child day care
Golf course	Services for the elderly and disabled
Camps, camping or related establishments	Bus stop shelter
Nature or recreational park	Utility structures
Hospital	Communication antenna
Medical clinic building	Agriculture and forestry
CONDITIONAL USES	
Single-unit detached dwelling	Performance theater
Single-unit attached dwelling	Amphitheater
Duplex (2 units)	Indoor games facility
Triplex (3 units)	Sports arena
Quadraplex (4 units)	Exhibition, convention or conference structure
Multi-unit dwellings (5 or more units)	Government facility, office or courthouse
Other specialized residential structures	Other community structures
Bed and breakfast or inn	Skiing facility
Rooming or boarding house	Fitness, sports, gym or athletic club
Hotel or motel	Funeral home or cremation facility
Food services	Air transportation facility
Personal services	Water supply related facility
Laboratory	Communication towers
Media broadcast facility or studio	Stable or equine facility
Computer data center	Greenhouse
Miscellaneous manufacturing	Game and fishing retreats and reserves

Section 243. Industrial (IN) District

243.A **PURPOSE.** The Industrial District includes several tracts of land reserved for industrial uses, particularly larger-scale uses that require highway or rail access, generate substantial traffic, and/or have impacts that are incompatible with mixed-use areas. These locations are generally served by municipal water and sewer and existing utilities, and are located in proximity to interstate highway and rail access. The purpose of this district is to bolster the town and regional economy by providing suitable sites for large or intensive industrial uses, and limiting use of suitable industrial sites for development that could be accommodated elsewhere in town or that is incompatible with large-scale industry in accordance with the policies of the Brattleboro Town Plan.

243.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with SECTION 211 are listed in FIGURE 2-27. Commercial and other nonindustrial uses within this district must minimize their impact on industrial activity. Particularly, they must not generate customer traffic that would interfere with the truck access and movement needed to serve nearby industrial operations. Accessory office, retail or service uses must clearly be subordinate to their associated industrial activity and limit their impact on nearby industrial operations.

243.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with SECTION 212 unless a waiver or variance is granted under SECTION 432:

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 3.0 acres min Frontage: 180 ft min Coverage: 60% max	Front: 40 ft min ^A or 20 ft min ^B Side: 40 ft min ^C or 20 ft min ^D Rear: 40 ft min ^C or 20 ft min ^D Riparian: 50 ft min ^{PD} or 100 ft min ^{UN}	Nonresidential: 0.6 FAR max	

A = Frontage directly on Route 5 or Route 142. B = Frontage on another road or the railroad.
 C = Adjacent property is in another zoning district. D = Adjacent property is in the Industrial District.
 PD = Previously developed lot. UN = Undeveloped lot.
 See CHAPTER 510 for further guidance on interpreting dimensional standards.

243.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with SECTION 213:

- (1) The minimum front yard setback must be maintained or established as green space except that:
 - (a) Vehicular access, sidewalks and walkways may be located within the minimum front yard setback.
 - (b) Encroachments may be located within the minimum front yard setback in accordance with SECTION 301.
 - (c) Where properties abut the railroad, the Development Review Board may waive or modify setback, green space, landscaping and/or buffer requirements as necessary to accommodate rail access.
- (2) No parking or loading areas are permitted within the minimum front yard setback and any areas must be removed to the greatest extent feasible.
- (3) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.

Figure 2-27. Industrial Use Table

PERMITTED USES	
Construction-related business	Information services or data processing
Heavy construction business	Public safety facility
Light industrial	Surface parking
Manufacturing plant	Parking structure
Industrial park	Bus stop shelter
Laboratory	Bus or truck maintenance facility
Media broadcast facility or studio	Rail transportation facility
Computer data center	Road passenger and transit services
Heavy industrial	Truck and freight transportation services
Warehouse or storage	Utility structures
Mini-warehouse	Water supply related facility
Large area distribution or transit warehouse	Sewer related facility
Tank farms	Communication antenna
Beverage products manufacturing	Communication tower
Miscellaneous manufacturing	Composting facility
Wood products establishment	Mining, extracting, quarrying and stone cutting
Wholesale trade establishment	Agriculture and forestry
Salvage yard or recycling center	Support functions for animal production
Publishing	
CONDITIONAL USES	
Shop or store, factory retail store only	Government facility, office or courthouse
Automobile repair or service structures	Marina or yacht club
Automobile sales establishment	Fitness, recreational sports, gym or athletic club
Lawn, garden or farm supply sales	Trade or specialty school
Lumber yard or building material sales	Funeral home or cremation facility
Rental or leasing	Child day care
Services to buildings or dwellings	Air transportation facility
Food service contractor	Greenhouse
Personal services	Kennel
Pet and animal sales or services	

- (4) The front yard must be landscaped in accordance with [SECTION 315](#). The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).
- (5) The utilitarian nature of the intensive industrial development being encouraged within this district must be balanced with the town's goal to maintain or enhance the character of the main travel corridors through this district. The quality of materials, design and landscaping required for the properties fronting on Route 5 must be similar to what would be required for properties fronting on main highways within the Service Center zoning district.

243.E **BUILDING STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) Building facades located within 200 feet of Route 5 must:
 - (a) Screen any solid or blank walls exceeding 40 feet in length with landscaping in accordance with [SECTION 315](#).
 - (b) Minimize the number, size and visibility of vehicle doors and/or loading docks. To the greatest extent feasible given the nature of the proposed use and characteristics of the subject property, vehicle doors and loading docks must be located to the side or rear of the building.
- (2) Multi-lot or multi-tenant sites with a common design plan and shared access, parking and/or other facilities are strongly encouraged.

CHAPTER 250. OVERLAY ZONING DISTRICTS

Section 251. Flood Hazard Overlay (FHO) District

251.A **PURPOSE.** The Flood Hazard Overlay District regulates land development within the special flood hazard area in accordance with the policies of the Brattleboro Town Plan and to:

- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- (2) Ensure that land development within flood hazard areas is reasonably safe and does not reduce the ability of the floodplain to perform its natural function to store and transport flood waters; and
- (3) Manage flood hazard areas in accordance with the town's Hazard Mitigation Plan, state statute and federal regulations so that the Town of Brattleboro, its residents and businesses will be eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds.

251.B **PRECEDENCE.** Where any provision of this section imposes a greater restriction than another provision of these regulations or any other town, state or federal law or regulation, the provision of this section will take precedence.

251.C **LIABILITY.** The provisions of this section do not imply that land outside this overlay district or that land development undertaken in conformance with this section will be free from flooding. The provisions of this section will not create liability on the part of the Town of Brattleboro, or any town official or employee, for flood damage.

251.D **SPECIAL FLOOD HAZARD AREAS.** The provisions of this section apply to the special flood hazard area as established in the most recent flood insurance studies and maps published by the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. The flood insurance studies and maps are adopted by reference and incorporated into these regulations. If there is uncertainty with regard to the boundary of the special flood hazard area, the applicant may provide a letter of map amendment from FEMA to certify its location.

251.E **BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS.** The base flood elevations and floodway limits provided by the National Flood Insurance Program will be used to administer and enforce the provisions of this section where available. Where the National Flood Insurance Program has not provided base flood elevations and/or floodway limits, it will be the applicant's responsibility to provide the information necessary to demonstrate conformance with the standards of this section. The applicant must use data provided by FEMA, or other state or federal agencies, where available.

251.F **APPLICABILITY.** All development, as specifically defined in this section, requires a zoning permit from the Administrative Officer unless listed in [FIGURE 2-28](#) as exempt.

This chapter establishes standards for overlay zoning districts that supplement or supersede the standards for the base zoning district in order to protect significant resources.



For the purposes of this section, development means any human-made change to improved or unimproved land or structures including construction, mining, dredging, filling, grading, paving, excavating, drilling or storage. It includes interior modifications to buildings, which are not otherwise regulated by these regulations.



Figure 2-28. **Development Allowed in the Special Flood Hazard Area**

USE	OUTSIDE THE FLOODWAY	WITHIN THE FLOODWAY	NOTES
New structures other than water-dependent structures	C	–	
Non-substantial improvements to existing structures	P	C	
Substantial improvements to existing structures	C	C	Excludes reconstruction of substantially damaged structures (other than water-dependent structures) in floodway.
Demolition	EXEMPT	EXEMPT	See SECTION 129
Small accessory structures	P	–	Floor area 200 square feet or less.
Recreational vehicles	P	P	
Outdoor storage or junkyards	–	–	
At grade parking for existing structures	P	C	Paving must be pervious within floodway.
At grade parking for new structures	C	–	
Replacement water or wastewater systems	P	C	
Water or wastewater systems for new development	P	–	
Replacement storage tanks	C	C	Only in floodway if no other suitable area.
New storage tanks	C	–	
Building utilities	P	C	
Public utilities	C	C	
Critical facilities	–	–	
Fill needed to elevate existing structures	C	C	
Fill needed to elevate new structures	C	–	
Fill for purposes other than elevating structures	–	–	
Grading or excavating	C	C	
Road and stormwater infrastructure maintenance	EXEMPT	EXEMPT	
Road and stormwater infrastructure improvements	C	C	
Bridges, culverts & other water-dependent structures or uses	C	C	
Open space or recreation	EXEMPT	EXEMPT	No structures.
Ponds	C	C	
Stream channel management	C	C	
Agriculture and forestry	EXEMPT	EXEMPT	

P = Permitted Use C = Conditional Use – = Use Prohibited

Note: The land uses allowed in the underlying zoning district are allowed within the Special Flood Hazard Area to the extent that the proposed development conforms to this table and all applicable standards of this section.

- 251.G **USE STANDARDS.** Land uses and development will be allowed within this overlay district as specified in [FIGURE 2-28](#) and to the extent allowed in the base zoning district. Any use not listed as exempt, permitted or conditional in [FIGURE 2-28](#) is prohibited. A use listed as exempt in [FIGURE 2-28](#) is exempted from meeting the standards of this section, but still may require a zoning permit under other provisions of these regulations (see [CHAPTER 110](#)).
- 251.H **DEVELOPMENT STANDARDS.** Development within the special flood hazard area must conform to all of the following:
- (1) **All Development.** All development must be:
 - (a) Located outside the special flood hazard area or to the least hazardous location on the lot that could reasonably accommodate the proposed development;
 - (b) Reasonably safe from flooding;
 - (c) Adequately drained to reduce exposure to flooding;
 - (d) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure, including the effects of buoyancy;
 - (e) Constructed with materials resistant to flood damage;
 - (f) Constructed using methods and practices that minimize flood damage (following the flood construction requirements of the International Building Code or International Residential Code, as applicable, is strongly recommended);
 - (g) Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during a flood;
 - (h) Constructed with any fuel storage tanks located above the base flood elevation or placed underground, and securely anchored to prevent flotation; and
 - (i) Constructed without fully enclosed areas below grade on all sides (including below-grade crawl spaces and basements).
 - (2) **No Base Flood Elevation.** Where base flood elevations have not been determined, the applicant must demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the Town of Brattleboro, as certified by a registered professional engineer based on technical data that conforms to standard engineering practice.
 - (3) **Elevation Certificate.** The applicant must document the base flood elevation with an elevation certificate with the as-built elevation (consistent with the datum of the elevation on the town's current flood insurance rate maps), of the lowest floor, including basement, of all new, substantially improved, or floodproofed buildings (not including accessory buildings) in the special flood hazard area. The Administrative Officer must have a completed FEMA floodproofing certificate, and other certifications required under these regulations, on file prior to issuing a certificate of compliance. The Administrative Officer may require an inspection and/or a construction elevation certificate once the slab or foundation walls have been poured to ensure compliance with the requirements of this section.

- (4) **Residential Structures.** Dwellings, including manufactured homes, are prohibited within the floodway. Reconstruction of substantially damaged residential structures is prohibited within the floodway. New construction or substantial improvement of residential structures, including manufactured homes on their own lots, as allowed under [FIGURE 2-28](#) must be located and designed with the lowest floor (including basement) elevated at least 1 foot above the base flood elevation. Manufactured homes must be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement.
- (5) **Manufactured Home Parks.** Manufactured homes to be placed or substantially improved within a manufactured home park must be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement, and must have their lowest floor elevated at least 1 foot above the base flood elevation except:
- (a) If elevating a manufactured home within an existing manufactured home park to at least 1 foot above the base flood elevation is not possible, the lowest floor must be supported by reinforced piers or other equivalent foundation elements that are at least 48 inches above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (6) **Nonresidential Structures.** New construction or substantial improvement of nonresidential structures must either:
- (a) Be located and designed with the lowest floor (including basement) elevated at least 1 foot above the base flood elevation; or
- (b) Be designed so that at least to 1 foot above the base flood elevation the structure, together with attendant utility and sanitary facilities, is watertight with walls that will be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy as certified by a registered professional engineer or architect.
- (7) **Above-Grade Development within Floodways.** Encroachment (including fill) and above-grade development is prohibited within the floodway unless a registered professional engineer performs hydrologic and hydraulic analyses in accordance with standard engineering practice and certifies that the proposed development will:
- (a) Not result in any increase in flood levels during the base flood;
- (b) Not increase any risk to surrounding properties, facilities or structures from erosion or flooding; and
- (c) Not result in any net increase in impervious surface within the floodway.
- (8) **Below-Grade Development within Floodways.** Utilities may be placed underground within the floodway provided that a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
- (9) **Subdivisions and PUDs.** Applicants for new or expanded subdivisions, planned unit developments or manufactured home parks must provide base flood elevation data and design the project:
- (a) With lots, home sites and/or building envelopes located outside the special flood hazard area to the maximum extent feasible;
- (b) With lots, home sites and/or building envelopes that can be developed in accordance with the provisions of this section;

- (c) To be accessible by dry land outside the special flood hazard area;
 - (d) To minimize flood damage within flood-prone areas;
 - (e) To provide adequate drainage to reduce exposure to flood hazards; and
 - (f) With utilities and facilities, such as water, wastewater, and electrical systems, that will be located and constructed to minimize or eliminate flood damage.
- (10) **Fully Enclosed Areas Below the Lowest Floor.** Fully enclosed areas, not including basements, that are below the lowest floor and below the base flood elevation must be used solely for storage, parking and building access. This condition must be clearly stated on the zoning permit. Additionally, such areas must either:
- (a) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing floodwaters to enter and exit the enclosed area as certified by a registered professional engineer or architect; or
 - (b) Provide a minimum of two openings having a total net area of at least 1 square inch for every square foot of enclosed area subject to flooding. The bottom of all openings must be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves or other devices provided that they automatically allow floodwaters to enter and exit the enclosed area.
- (11) **Small Accessory Structures.** A small accessory structure (floor area of 200 square feet or less) does not have to be elevated above the base flood level provided that it meets the criteria of [PARAGRAPH \(10\)](#), above.
- (12) **Recreational Vehicles.** A recreational vehicle must be fully licensed and ready for highway use. It must be on its wheels or jacking system, be attached to the site by only quick disconnect type utilities, and have no permanently attached additions or accessory structures.
- (13) **Utilities.** New or replacement building or public utilities, including wastewater systems, must be located outside the special flood hazard area to the greatest extent feasible. When utilities will be located within the special flood hazard area, they must be:
- (a) Designed to minimize or eliminate the infiltration of floodwaters into the system;
 - (b) Designed to minimize or eliminate discharges from the system into floodwaters;
 - (c) Located to avoid impairment of the system during flooding; and
 - (d) Located to avoid contamination from the system during flooding.
- (14) **Stream Channel Management.** The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse must be maintained. Stream stability must not be reduced as a result of any stream channel management activities.
- (15) **Water-Dependent Structures.** Bridges, culverts and other water-dependent structures, which by their nature must be placed in or over a watercourse, must have a stream alteration permit from the Vermont Agency of Natural Resources.
- 251.I **NONCONFORMITIES.** Conditional use approval from the Development Review is required before the Administrative Officer may issue a permit to substantially improve, repair after substantial damage, relocate, replace or enlarge a nonconforming structure within the special flood hazard area in accordance with all of the following:
- (1) The proposed development conforms to the applicable development standards in [SUBSECTION 251.H](#).

- (2) A nonconforming structure that is substantially damaged or destroyed:
 - (a) Must not be substantially improved if located within the floodway unless it is a water-dependent structure.
 - (b) May be reconstructed in its original location outside the floodway only when the structure cannot be relocated to a less hazardous location on the property.
- (3) A nonconforming structure that is substantially damaged or destroyed must be rebuilt above the base flood elevation and must otherwise comply with all requirements of the National Flood Insurance Program.

251.J **VARIANCES.** In addition to the applicable criteria and procedures in [SECTION 432](#), the Development Review Board must only approve variances within the special flood hazard area in accordance with all of the following:

- (1) Variances may only be issued for new construction or substantial improvements on lots that are 1/2 acre or less in size, and contiguous to and surrounded by lots with existing structures that are constructed below the base flood elevation.
- (2) Variances may only be issued for development that is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (3) Variances must not be approved within the floodway unless the applicant can demonstrate that no increase in flood levels during the base flood would result.
- (4) The applicant must demonstrate that the granting of the variance will not:
 - (a) Result in increased flood heights, additional threats to public safety or extraordinary public expense;
 - (b) Create nuisances;
 - (c) Cause fraud on or victimization of the public; or
 - (d) Conflict with existing local laws or ordinances.

251.K **ADMINISTRATIVE REQUIREMENTS.** In addition to the requirements of [PART 4](#) of these regulations, the following special administrative procedures apply within this overlay district:

- (1) **Project Review Sheet.** An applicant proposing new development or substantial improvement within the flood hazard area must submit a Vermont Agency of Natural Resources Project Review Sheet as part of a complete application. The applicant must submit evidence that he/she obtained all state or federal permits identified on the Project Review Sheet prior to commencing any work.
- (2) **Referral.** The Administrative Officer must send a copy of all complete applications for development within the Special Flood Hazard Area to the State National Flood Insurance Program Coordinator. In accordance with [SECTION 422](#), the Administrative Officer must not act to approve or deny the application for 30 days following the referral or until comments have been received, whichever is sooner. If the application involves the alteration or relocation of a watercourse, the Administrative Officer must also send copies of the complete application to adjacent upstream and downstream communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, the Army Corps of Engineers, and the Federal Insurance Administrator.

- (3) **Certificate of Compliance.** The Administrative Officer must issue a certificate of compliance in accordance with [SECTION 428](#) for any development within the special flood hazard area. The Administrative Officer must inspect the premises and ensure that the applicant has acquired all permits identified on the Project Review Sheet.
- (4) **Records.** The Administrative Officer must properly file and maintain a record of all elevation certificates, as-built elevations, letters of map amendment, base flood elevations, floodway determinations, flood proofing certifications, and other data or certifications required under this section.
- (5) **Enforcement.** The Administrative Officer must send a copy of any notice of violation issued in accordance with [CHAPTER 470](#) within the special flood hazard area to the State National Flood Insurance Program Coordinator. If the violation is not resolved, the Administrative Officer must notify the Administrator of the National Flood Insurance Program in writing of the violation and request a denial of flood insurance for the property. The Administrative Officer must report any violation of the state's Accepted Agricultural Practices within the special flood hazard area to the Secretary of Agriculture for enforcement.

251.L **DEFINITIONS.** The terms below are specifically defined as used in this section. All other terms are as defined in [CHAPTER 530](#).

- (1) **BANKFULL DISCHARGE** means the flow of water that first overtops a channel's natural banks, and which occurs once every one to two years on average.
- (2) **BANKFULL WIDTH** (see definition of channel width).
- (3) **BASE FLOOD** means the flood having a 1% chance of being equaled or exceeded in any given year, commonly known as the 100-year flood.
- (4) **BASE FLOOD ELEVATION (BFE)** means the elevation of the water surface resulting from the base flood. The BFE is usually shown on the Flood Insurance Rate Map.
- (5) **BASEMENT** means any area of a building with a floor elevation that is below ground level on all sides.
- (6) **CHANNEL** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.
- (7) **CHANNEL WIDTH** means the width of a channel when it is flowing at a bankfull discharge. Also referred to as the bankfull width.
- (8) **COMMON PLAN OF DEVELOPMENT** means a phased project to improve a structure or lot over a period of time.
- (9) **CRITICAL FACILITIES** means structures the community identifies as essential to residents' health and welfare and that are especially important following a disaster such as fire and rescue facilities, hospitals, disasters, shelters, police stations, schools, nursing homes, water supply treatment facilities, grocery stores, and fueling stations.

Note that the definition of basement within this section is different than the definition that applies elsewhere in these regulations.



- (10) **DEVELOPMENT** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (11) **EXISTING MANUFACTURED HOME PARK** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the Town of Brattleboro adopted floodplain management regulations.
- (12) **EXPANSION TO AN EXISTING Manufactured Home Park** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) **FILL** means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity of land.
- (14) **FLOOD** means either:
- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of surface waters, the unusual and rapid accumulation or runoff of surface waters from any source, and/or mudslides caused by flooding that result in a river of liquid and flowing mud; or
 - (b) The collapse or subsidence of land along a water body as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels, or that is suddenly caused by an unusually high water level in a natural water body, accompanied by a severe storm, flash flood or similar unforeseeable event that results in flooding.
- (15) **FLOOD INSURANCE RATE MAP (FIRM)** means an official map on which the National Flood Insurance Program Administrator has delineated the special flood hazard areas and the risk premium zones within the town. The map for Brattleboro is now available in PDF or GIS formats as a Digital Flood Insurance Rate Map (DFIRM).
- (16) **FLOOD INSURANCE STUDY (FIS)** means an examination, evaluation and determination of flood hazards and the corresponding water surface elevations, or of mudslide and/or flood-related erosion hazards.
- (17) **FLOODPLAIN or FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source (see definition of flood).
- (18) **FLOOD PROOFING** means any combination of structural and non-structural additions, changes or modifications to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, buildings and their contents.
- (19) **FLOODWAY or REGULATORY FLOODWAY** means the channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot at any point. Special flood hazard areas and floodways may be shown on separate panels or sheets of the FIRM.

Note that the definition of development within this section is different than the definition of land development that applies elsewhere in these regulations, and that it includes interior modifications to buildings.



- (20) **HISTORIC STRUCTURE** means any structure that is:
- (a) Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
 - (c) Individually listed on the Vermont Register of Historic Places.
 - (d) Individually listed on a local inventory of historic places in communities with a federal- or state-approved historic preservation program.
- (21) **LETTER OF MAP AMENDMENT (LOMA)** means a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the special flood hazard area based on information provided by a registered professional engineer or surveyor. FEMA issues a LOMA when upon the landowner demonstrating that a structure or lot is located above the base flood elevation and has been inadvertently included in the special flood hazard area.
- (22) **LOWEST FLOOR** means the lowest floor of the lowest enclosed area within a building, including a basement. An unfinished or flood-resistant enclosure used solely for storage, parking or building access will not be considered a building's lowest floor if it is built in conformance with [PARAGRAPH 251.H\(10\)](#).
- (23) **MANUFACTURED HOME** means a building, transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition specifically excludes recreational vehicles.
- (24) **MANUFACTURED HOME PARK** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (25) **NEW CONSTRUCTION** means structures for which the start of construction commenced after the Town of Brattleboro adopted floodplain management regulations, and includes any subsequent improvements to such structures.
- (26) **NEW MANUFACTURED HOME PARK** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed after the Town of Brattleboro adopted floodplain management regulations.

Note that the definition of historic structure within this section is different than the definition that applies elsewhere in these regulations.



Note that the definitions of manufactured home and manufactured home park within this section are different than the definitions that apply elsewhere in these regulations.



- (27) **RECREATIONAL VEHICLE** means a vehicle that is:
 - (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (28) **SPECIAL FLOOD HAZARD AREA** means the floodplain within the Town of Brattleboro that is subject to being inundated by the base flood. The special flood hazard area is usually labeled Zone A or AE in the flood insurance study and on the flood insurance rate maps. The base flood elevation has not been determined in Zone A. In Zone AE, the base flood elevations are shown on the flood insurance rate maps.
- (29) **START OF CONSTRUCTION** means the date the Administrative Officer issued a zoning permit provided that the actual start of construction was within 180 days of the permit date. Development is subject to the flood insurance rate map and flood regulations in effect at the start of construction.
- (30) **START OF CONSTRUCTION, ACTUAL** means the date of:
 - (a) The first placement of permanent construction of a principal structure on a site, such as pouring a slab or footings, installing piles, constructing columns, or any work beyond the stage of site preparation or excavation;
 - (b) The placement of a manufactured home on a foundation; or
 - (c) The first alteration of any wall, ceiling, floor or other structural part of a building.
- (31) **STRUCTURE** means:
 - (a) A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
 - (b) A gas or liquid storage tank that is principally above ground; or
 - (c) A manufactured home.
- (32) **SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure that results in the cost of restoring the structure to its pre-damage condition equaling or exceeding 50% of the assessed value of the structure before the damage occurred.

Note that the definition of recreational vehicle within this section is different than the definition that applies elsewhere in these regulations.



Note that the definition of structure within this section is different than the definition that applies elsewhere in these regulations.



(33) **SUBSTANTIAL IMPROVEMENT:**

- (a) Means any reconstruction, rehabilitation, addition or other improvement of a structure that cumulatively over three years or over a common plan of development costs 50% or more of the assessed value of the structure before the start of construction of the improvement.
- (b) Means any repair of a substantially damaged structure.
- (c) But does not mean any improvement of a structure to correct existing violations of state or town health, sanitary or safety code identified by the applicable code enforcement officer to the minimum extent necessary to assure safe living conditions.
- (d) But does not mean any alteration of a historic structure that will not preclude the structure's continued designation as a historic structure.

Note that the definition of substantial improvement within this section is different than the definition that applies elsewhere in these regulations.



- (34) **TOP OF BANK** means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (35) **TOP OF SLOPE** means either:
 - (a) A break in slopes adjacent to steep-banked streams that have little or no floodplain; or
 - (b) A break in slope where the side slopes adjacent to an incised or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.
- (36) **VIOLATION** means the failure of a structure or other development to be fully compliant with the provisions of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this section is presumed to be in violation until that documentation is provided.

Section 252. Historic Resource Overlay (HRO) District

252.A **PURPOSE.** The Historic Resource Overlay District encompasses all National Register Historic districts in Brattleboro. The purpose of this overlay district is to protect the town's historic character by regulating exterior modifications to contributing historic structures and by requiring new structures to be compatible with and respond to their historic setting and context in accordance with the principles summarized below:

- (1) Buildings should function to meet today's needs just as they met certain needs at the time they were built. The changes required to meet new demands should be a compromise between the existing integrity of the structure and new functions. Good preservation seeks both of these goals.
- (2) Every attempt should be made to preserve as much of a historic building's original design, architectural details and building materials as is possible. When it is necessary to introduce modern elements to a historic building exterior, every effort should be made to maintain the building's overall architectural character.
- (3) New construction should be a product of its own time and not be a copy of an older architectural style with associated details no longer practical. The unity of an existing street or block should be a major consideration in the design of any new construction. Rather than copying a particular style, the new building should relate in materials, form, massing, proportion and rhythm of common elements to those present on the street or block.

252.B **USE STANDARDS.** Within this overlay district, all land development allowed (permitted or conditional use) in the base zoning district requires design approval from the Design Review Committee and must conform to the historic preservation standards of this section except for the following:

- (1) Subdivision of land.
- (2) Interior alteration or a change in use that will not result in any exterior modifications.
- (3) Normal repair and maintenance with materials of similar composition, type and appearance undertaken in accordance with the practices recommended in the [*Guidelines for Rehabilitating Historic Buildings*](#) developed by the U.S. Department of Interior's Technical Preservation Services (a link is provided on the town website). This includes any repainting of previously painted surfaces, irrespective of color, but does not include painting of existing, unpainted surfaces.
- (4) Exterior modifications to a noncontributing structure.
- (5) Demolition of a noncontributing structure.
- (6) The removal of a sign provided that no evidence of the sign's installation remains.
- (7) The replacement of a lawful sign provided that the replacement sign is no larger than the previously approved sign or is located entirely within the building's sign band.
- (8) Construction of a freestanding accessory structure with a footprint of no more than 200 square feet in area and a height of no more than 15 feet.
- (9) Non-substantial alterations as determined by the Administrative Officer.

252.C **DIMENSIONAL STANDARDS.** The dimensional standards within this overlay district will be as specified for the base zoning district.

- 252.D **HISTORIC PRESERVATION STANDARDS.** Applicants must demonstrate that the proposed land development will implement the practices recommended by the U.S. Department of Interior’s Technical Preservation Services in the [*Guidelines for Rehabilitating Historic Buildings*](#). The Secretary’s Standards for Rehabilitation are listed below and detailed recommendations on appropriate rehabilitation practices are available online (a link is provided on the town website). Applicants are also encouraged to refer to municipal resources such as the [*Design Guidelines for Downtown Brattleboro*](#) and the [*West Brattleboro Master Plan*](#) for further guidance on appropriate development practices within those areas. Within this overlay district, the applicant must:
- (1) Use a building or property for its historic purpose or a new use that requires minimal change to its defining characteristics.
 - (2) Retain and preserve the historic character of a building or property, and avoid removing historic materials or altering the historic features and spaces that characterize a building or property.
 - (3) Recognize that each building or property is a physical record of its time, place, and use, and not undertake changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings
 - (4) Recognize that most buildings or properties change over time, and retain or preserve those changes that have acquired historic significance in their own right.
 - (5) Preserve distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property or building.
 - (6) Repair rather than replace deteriorated historic features whenever feasible. If a feature is deteriorated to an extent that makes repair unfeasible, the replacement must match the original in design, color, texture, and other visual qualities and, where possible, materials.
 - (7) Not use chemical or physical treatments, such as sandblasting, that cause damage to historic materials. If the surface cleaning of structures is appropriate, the gentlest means possible must be used.
 - (8) Protect and preserve significant archeological resources affected by a project. If such resources must be disturbed, mitigation measures must be undertaken.
 - (9) Not destroy historic materials that characterize the property or building as a result of new additions, exterior alterations, or related new construction. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property or building.
 - (10) Design and construct any new additions and adjacent or related new construction in such a manner that if removed in the future, the essential form and integrity of the historic property or building would be unimpaired.
- 252.E **STANDARDS FOR NEW CONSTRUCTION.** New construction within this overlay district must meet the frontage and building standards of the base district, must incorporate frontage and facade elements that will contribute to a pedestrian-oriented streetscape, and must be compatible in form, massing, proportion and rhythm with its historic context.
- 252.F **REVIEW CRITERIA.** When reviewing applications within this overlay district, the Development Review Board must find that the proposed land development:
- (1) Appropriately rehabilitates contributing historic structures; and
 - (2) Is compatible with the historic character of its setting and other properties on the street or block.

Section 253. Missing Middle Housing Overlay (MMHO) District

253.A **PURPOSE.** This section is intended to facilitate creation of missing middle housing in the developed areas of Brattleboro. Missing middle housing is the range of residential building types between detached single-unit buildings and large multi-unit buildings. Missing middle housing is responsive to changing demographics and the desire for housing at different price points. Missing middle housing types can fit compatibly into the walkable residential and transitional neighborhoods around downtown Brattleboro and in West Brattleboro. Missing middle housing types include:

- (1) Duplex (2 units), side-by-side or stacked
- (2) Triplex (3 units), side-by-side or stacked
- (3) Fourplex (4 units), side-by-side or stacked
- (4) Townhouse (5-9 units), side-by-side or stacked
- (5) Cottage Court (3-9 units)
- (6) Cottage Row (3-9 units)
- (7) Courtyard Apartment Building (5-9 units)
- (8) Mansion Apartment Building (5-9 units)

253.B **APPLICABILITY.** A lot in one of the developed zoning districts ([CHAPTER 220](#)) that is served by municipal water and sewer may be developed or infilled with one of the missing middle housing types shown in [FIGURE 2-29](#) as a permitted use. This overlay supplements rather than replaces the underlying zoning district. It provides a simplified permitting process for qualifying missing middle housing. However, small-scale multi-unit housing that cannot meet the standards of this section may still be approved in accordance with the standards of the underlying district.

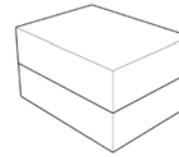
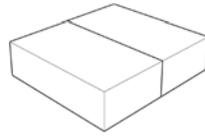
253.C **SITE PLAN REVIEW.** Development of three or more units of missing middle housing will be classified as a minor project for the purpose of site plan review under [SECTION 434](#). Minimum site design requirements of these regulations will apply except as specifically modified below:

- (1) **Vehicular Access.** Missing middle housing may be accessed from a shared or private driveway irrespective of the number of lots or units being served as specified below:
 - (a) Existing driveways will not have to be modified to provide access to missing middle housing.
 - (b) A lot with an existing building and driveway may be approved for a second driveway to serve new missing middle housing construction on either the subject or an adjoining lot.
 - (c) New driveways serving missing middle housing that are not more than 300 feet in length must:
 - (i) Be at least 10 feet wide;
 - (ii) Not have an average grade in excess of 12%; and
 - (iii) Meet the design standards and construction specifications of [SUBSECTION 312.F](#) and [SUBSECTION 312.G](#).
 - (d) New driveways serving missing middle housing that are more than 300 feet in length will be subject to the standards of [SECTION 311](#) and [SECTION 312](#).

- (2) **Pedestrian Access.** Missing middle housing must meet the public sidewalk requirements of [SECTION 311](#). Projects with more than 5 units must provide internal walkways as required in [SECTION 311](#). Parking area walkways will not be required for missing middle housing.
- (3) **Parking.** One off-street parking space is required for each unit of missing middle housing as specified below:
- (a) Tandem parking will be allowed irrespective of the number of units.
 - (b) Off-street parking requirements may be met by shared or off-site parking that is located within 1,300 feet of the building being served.
 - (c) Parking areas must be located behind the frontline of the building (if there are multiple buildings on a lot, this will be interpreted as the frontline of the building closest to the street).
 - (d) Parking areas may be located within 2 feet of side or rear property lines if screened with a privacy fence. Shared parking may be built across property lines.
 - (e) Single-story garages and carports may be located within 2 feet of side and rear lot lines and may be built to or over the lot line if shared between lots.
 - (f) Parking areas will not need to be designed to allow vehicle turnaround when serving missing middle housing projects with fewer than 5 units.
 - (g) Building levels where 60% or more of the floor area is used for parking will not count towards maximum building height.
- (4) **Landscaping.** Missing middle housing will not be required to provide building landscaping under [SUBSECTION 315.H](#), but must meet all other landscaping requirements.
- 253.D **MULTI-UNIT RESIDENTIAL BUILDING STANDARDS.** Missing middle housing approved under this section will not be subject to the standards of [SECTION 303](#).
- 253.E **CREATING LOTS FOR MISSING MIDDLE HOUSING.** Conventional fee simple or footprint lots may be approved for missing middle housing under [SECTION 443](#).
- 253.F **PRECEDENCE.** The provisions of this section will take precedence in the case of a conflict with any other provisions of these regulations except for the provisions of [SECTION 251](#) and [SECTION 252](#).
- 253.G **DIMENSIONAL STANDARDS.** The dimensional standards below apply to all new residential structures approved under this section. Other dimensional standards are specified for each missing middle housing type in [FIGURE 2-29](#). Existing structures that do not conform to the setback requirements of this section may be converted to missing middle housing provided there will be no increase in the degree of nonconformity.
- (1) Minimum Setback from Side or Rear Property Lines: 6 feet
 - (2) Minimum Front Setback: 10 ft
 - (3) Minimum Separation between Residential Buildings: 12 ft
 - (4) Minimum Unit Size: 300 sf plus 100 sf per bedroom. This standard will not apply to a cottage court or cottage row comprised of tiny houses.
 - (5) Minimum Yard Area: 180 sf per unit

Figure 2-29. Missing Middle Housing Type Standards

	DUPLIX, SIDE-BY-SIDE	DUPLIX, STACKED
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DESCRIPTION

A small, detached structure containing two dwelling units arranged side-by-side, each with its own entry from the street. The structure should be similar in scale and appearance to a small-to-medium single-unit house.

A small, detached structure containing two dwelling units arranged one above the other, each with its own entry from the street. The structure should be similar in scale and appearance to a small-to-medium single-unit house.

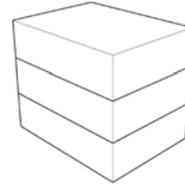
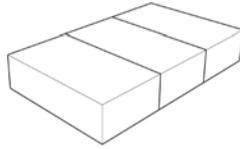
Minimum Lot Width	48 ft plus 12 ft per driveway	36 ft plus 12 ft per driveway
Minimum Unit Width	18 ft	24 ft
Number of Units	2	2
Maximum Height	2 full stories	2 full stories
Front Entry Type	Private (1 per unit)	Private (1 per unit)

EXAMPLES



TRIPLEX, SIDE-BY-SIDE

TRIPLEX, STACKED



DESCRIPTION

A medium sized detached structure containing three dwelling units arranged side-by-side each with its own entry from the street.

A small-to-medium sized detached structure containing three dwelling units, one on each floor, typically with one entry from the street for the ground floor unit and a second shared entry for the units above.

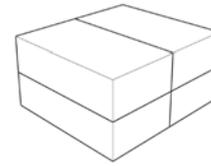
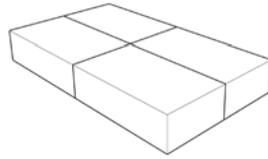
Minimum Lot Width	66 ft plus 12 ft per driveway	36 ft plus 12 ft per driveway
Minimum Unit Width	18 ft	24 ft
Number of Units	3	3
Maximum Height	2 full stories	3 full stories
Front Entry Type	Private (1 per unit)	Private for ground floor, upper units may share

EXAMPLES



FOURPLEX, SIDE-BY-SIDE

FOURPLEX, STACKED



DESCRIPTION

A medium sized detached structure containing four dwelling units each with a ground floor level and its own entry from the street, arranged either all four side-by-side or two side-by-side two deep.

A small to medium sized detached structure containing four dwelling units, two on each floor, typically with separate entries from the street for the two ground floor units and a third shared entry for the units above.

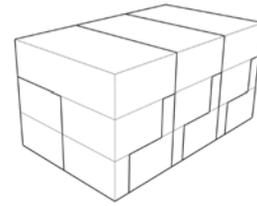
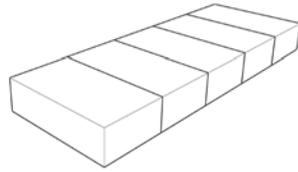
Minimum Lot Width	48 ft plus 12 ft per driveway	48 ft plus 12 ft per driveway
Minimum Unit Width	18 ft	18 ft
Number of Units	4	4
Maximum Height	2 full stories	2 full stories
Front Entry Type	Private (1 per unit)	Private for ground floor, upper units may share

EXAMPLES



TOWNHOUSE, SIDE-BY-SIDE

TOWNHOUSE, STACKED



DESCRIPTION

A medium to large sized detached structure containing five to nine dwelling units arranged side-by-side each with a ground floor level and its own entry from the street.

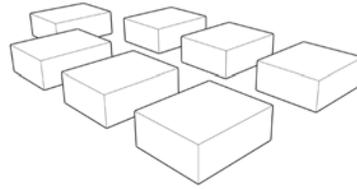
A medium to large sized detached structure containing five to nine dwelling units, each with living space on at least two floors and a private entry at ground level.

Minimum Lot Width	102 ft plus 12 ft per driveway	112 ft plus 12 ft per driveway
Minimum Unit Width	18 ft	20 ft
Number of Units	5 to 9	5 to 9
Maximum Height	2 full stories	3 full stories
Front Entry Type	Private (1 per unit)	Private (1 per unit)

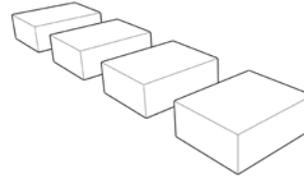
EXAMPLES



COTTAGE, COURT



COTTAGE, ROW



DESCRIPTION

A group of small detached structures arranged around a shared green visible from the street. The shared green is an important community-enhancing element and unit entrances should be from the shared green. The shared green must be at least 20 feet wide.

A group of small detached structures arranged in a row on one side of a shared green visible from the street. The shared green is an important community-enhancing element and unit entrances should be from the shared green. The shared green must be at least 12 feet wide.

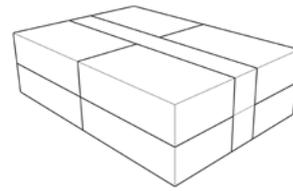
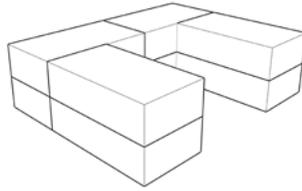
Minimum Lot Width	72 ft plus 12 ft per driveway	36 ft plus 12 ft per driveway
Minimum Unit Width	n/a	n/a
Number of Units	3 to 9	3 to 9
Maximum Height	1 full story	1 full story
Front Entry Type	Private (1 per unit)	Private (1 per unit)

EXAMPLES



APARTMENT BUILDING, COURTYARD

APARTMENT BUILDING, MANSION



DESCRIPTION

A medium-to-large sized detached structure consisting of three to nine side-by-side and/or stacked dwelling units oriented around a courtyard or green that is open to the street. All units are accessed from the courtyard. The courtyard or green must be at least 20 feet wide.

A medium-to-large sized detached structure consisting of three to nine units that should be similar in scale and appearance to a medium-to-large single-unit house.

Minimum Lot Width	84 ft plus 12 ft per driveway	48 ft plus 12 ft per driveway
Minimum Unit Width	n/a	n/a
Number of Units	3 to 9	3 to 9
Maximum Height	3 full stories	3 full stories
Front Entry Type	Private for ground floor, upper units may share	Shared, ground floor units may be private

EXAMPLES



PART 3. DEVELOPMENT STANDARDS

CHAPTER 300. SPECIAL USE STANDARDS

Section 301. Accessory Structures and Uses

This chapter provides supplemental regulations that address the unique development challenges of certain land uses. It establishes additional standards, exceptions to the standards or alternative standards for particular uses, structures and facilities.



- 301.A **APPLICABILITY.** This section applies to any subordinate use of a structure or land that is located on the same lot as the related principal use and that is clearly incidental to, and customarily found in conjunction with, the principal use or structure. An allowed principal structure or use includes accessory structures and uses in accordance with this section.
- 301.B **DIMENSIONAL STANDARDS.** Accessory structures and uses will be subject to the dimensional standards of the applicable zoning district for principal structures and uses unless a provision of this section states otherwise or provides an alternative standard. [FIGURE 3-1](#) establishes specific siting, height and setback standards for certain accessory structures and uses that will apply in all districts.
- 301.C **ANIMALS**
- (1) **Applicability.** The keeping of animals on property requires a zoning permit in accordance with the provisions of this subsection except:
 - (a) For agriculture as defined in these regulations (see [SECTION 112](#)).
 - (b) Within the Rural and Rural Residential districts.
 - (2) **Fowl.** The Administrative Officer may issue a zoning permit to maintain fowl on any property in accordance with the following:
 - (a) The fowl must be confined on the property with adequate fencing.
 - (b) A coop must be located at least 50 feet from any dwelling on an adjacent property.
 - (c) Manure must be managed to prevent odor and runoff.
 - (d) The keeping of roosters is prohibited unless approved by the Development Review Board as a conditional use.
 - (3) **Other Livestock or Wild Animals.** The keeping of other livestock or wild animals is prohibited unless approved by the Development Review Board as a conditional use. This provision will not apply to cats, dogs and other small domestic animals generally considered household pets provided that such animals are contained on the subject property and do not pose a hazard or nuisance.
- 301.D **ACCESSORY DWELLINGS.** Accessory dwelling units are allowed in accordance with [SECTION 116](#).

Figure 3-1. Accessory Uses and Structures

STRUCTURE	MAY BE LOCATED IN MIN REQUIRED YARD	MIN SETBACK	MAX HEIGHT
Arbors	Any	0 ft	12 ft
Berms	Any	0 ft	15 ft
Driveways	Any	0 ft	-
Equipment, ancillary (UC, VC, SC, NC districts)	Rear or side	5 ft	-
Fences (see SECTION 316)	Any	0 ft	-
Fire escapes, handicap ramps or similar accessibility structures	Any	0 ft	-
Flag poles	Any	10 ft	35 ft
Garages or carports, attached or detached	Rear or side	5 ft	-
Gates	Any	0 ft	-
Heating and cooling units	Rear or side	5 ft	-
Mailboxes	Any	0 ft	-
Pools, hot tubs, decks or patios	Rear or side	10 ft	-
Overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, window sills, chimneys, projections enclosing habitable space or similar architectural features	Any	See Note 1	-
Parking areas	Rear or side	10 ft	-
Porches (unenclosed), stoops, awnings or roof overhangs for sheltering people (excludes carports)	Front	See Note 2	-
Retaining walls (see SECTION 316)	Any	0 ft	4 ft
Sheds, workshops, artist studios, detached living space, and other one-story detached accessory structures (max 200 sf footprint each)	Rear or side	5 ft	15 ft
Sidewalks	Any	0 ft	-
Sports or recreation equipment (playsets, basketball hoops, etc.)	Any	5 ft	15 ft
Green stormwater infrastructure (see SECTION 333)	Any	0 ft	-

Note 1. Up to 3 ft into district setback. Encroachment into or over a street right-of-way will require approval from the town or state as applicable

Note 2. Up to 8 ft into district setback. Encroachment into or over a street right-of-way will require approval from the town or state as applicable

Note 3. Some minor accessory uses and structures do not require a zoning permit. See CHAPTER 110 to determine whether a permit is required.

Note 4. If the minimum setback established for the applicable zoning district in PART 2 is less than the minimum setback established in this table, the lesser district setback will apply

- 301.E **HOME BUSINESSES.** A home business that does not qualify as an exempt home occupation under [SUBSECTION 111.A\(5\)](#) may be allowed in any zoning district following review and approval by the Development Review Board as a conditional use in accordance with the provisions of this subsection:
- (1) The principal activities of the home business must be conducted within a primary or secondary structure on the parcel within an area not to exceed 40% of the total floor area of all structures on the property.
 - (2) The home business must be conducted by a resident of the dwelling.
 - (3) The home business may have one non-illuminated, free-standing sign, which may be no more than 4 square feet in area and 6 feet in height, and one non-illuminated, building-mounted sign, which may be no more than 4 square feet in area.
 - (4) There must not be any unenclosed outdoor storage or display associated with the home business.
 - (5) Resident, employee, and intermittent customer parking may be facilitated within a lawful driveway permitted with the residential use of the parcel. Additional off-street parking for a home business is prohibited, in keeping with its purpose as subordinate to residential uses and limited in scale.
 - (6) The home business must conform to the performance standards in [CHAPTER 320](#).
 - (7) The home business must be clearly secondary to the residential use.
- 301.F **ATM OR BANK BRANCH OFFICE.** An ATM or branch bank office may be allowed as an accessory use except within the Residential Neighborhood, Rural Residential and Rural districts in accordance with the following:
- (1) The structure, or portion of a structure, housing the ATM or office must not exceed a floor area of 1,200 square feet.
 - (2) If a new standalone structure will be constructed to house the ATM or office, that structure must meet all dimensional and other applicable standards for new principal buildings in the zoning district except that any minimum building height requirement will not apply.
 - (3) Drive-through facilities will only be permitted in districts that allow other drive-through uses and with approval from the Development Review Board.
 - (4) No additional parking will be permitted to serve the ATM or office.
- 301.G **FLEA MARKET.** A flea market may be allowed as an accessory use within the Rural Residential or Rural districts in accordance with the following:
- (1) The flea market must not operate and the owner must remove any associated merchandise, temporary or portable structures and other external evidence of the business between November 1 and March 31.
 - (2) Items not intended for outdoor use or storage must be kept within or under a roofed structure when the business is closed and during inclement weather.

Section 302. Temporary, Periodic and Portable Structures and Uses**302.A CONSTRUCTION-RELATED STRUCTURES AND USES**

- (1) Temporary construction-related structures are permitted in any district in accordance with and on the site of permitted land development in accordance with the provisions of this subsection. The permit for the land development will include approval of any construction-related structures and uses.
- (2) Construction-related structures may include, but are not limited to, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets and signs.
- (3) Construction dumpsters must be located and used in accordance with the following:
 - (a) A construction dumpster must not impede pedestrian or vehicular access or otherwise create an unsafe condition for pedestrian and vehicular traffic.
 - (b) Every construction dumpster must clearly identify the name and telephone number of its owner, and must be labeled as being for construction or demolition materials only.
 - (c) Every construction dumpster must be routinely emptied so it does not create an unsightly, dangerous or hazardous condition on the property resulting from the deposit and accumulation of construction or demolition materials.
- (4) Portable toilets must be located to provide the maximum practical setback and screening from streets and adjacent properties. Every portable toilet must clearly identify the name and telephone number of its owner. Every portable toilet must be routinely inspected and pumped out as needed.

302.B FOOD CARTS OR MOBILE FOOD VENDING UNITS

- (1) The Administrative Officer may issue a zoning permit for a food cart or mobile food vending unit located on private property in any zoning district where restaurants are an allowed use and in the Industrial district.
- (2) A zoning permit for a food cart or mobile food vending unit will be valid for one year and must be renewed by July 1 of each year. The operator must:
 - (a) Display the zoning permit on the cart or unit;
 - (b) Obtain and display a general business license; and
 - (c) Conform to applicable state health and safety codes.
- (3) The food cart or mobile food vending unit, and any associated site furniture, must:
 - (a) Be entirely located on private property;
 - (b) Not be located within any minimum required setback, buffer or right-of-way; and
 - (c) Not interfere with sight distance at any intersection.
- (4) The food cart or mobile food vending unit, and any associated site furniture, may be located within off-street parking areas provided that it does not:
 - (a) Reduce the number of parking spaces below the amount needed to accommodate the principal use(s) intended to be served by the parking area;
 - (b) Interfere with pedestrian or vehicular access or circulation; or
 - (c) Block visibility or otherwise create a traffic hazard within the parking area.

- (5) The operator must provide appropriate receptacles for trash, recyclables and food waste, or have an arrangement to use such receptacles otherwise available, within 10 feet of the food cart or mobile food vending unit.
- (6) A food cart or mobile vending unit must not have any signs permanently mounted on the site and the provisions of [SECTION 319](#) will not apply. The use may be advertised with:
 - (a) One or more signs mounted on the cart or unit, not to exceed a total sign area of 32 square feet.
 - (b) Signs affixed to any associated site furniture, not to exceed 3 square feet each.
 - (c) Up to 2 portable signs, not to exceed 8 square feet in area or 4 feet in height, that are located within 100 feet of the cart or unit. Such signs must not be placed within parking spaces or public rights-of-way, must not impede pedestrian or vehicular traffic, and must be secured so as not to cause a hazard to pedestrians or motorists.

302.C PUBLIC ASSEMBLY

- (1) **Applicability.** This subsection applies to all temporary structures, buildings or tents intended for public assembly use except for those that:
 - (a) Will be used for a period of 3 days or less for a private, non-commercial purpose;
 - (b) Will be used for a period of 7 days or less for a town-sponsored purpose;
 - (c) Will be used in conjunction with a parade or open air meeting that has received an event permit under the Brattleboro Code of Ordinances, Chapter 11, Article X; or
 - (d) Are shown on an approved site plan.
- (2) **Standards.** Temporary structures, buildings or tents intended for public assembly use must conform to the following:
 - (a) A temporary structure, building or tent must not remain on site for more than 14 consecutive days.
 - (b) Public assembly uses within a temporary structure, building or tent are prohibited between the hours of 10 p.m. and 8 a.m.
 - (c) The public assembly use must not exceed the noise standards of [SECTION 322](#).
 - (d) No more than 2 outdoor retail sales events may be held within a temporary structure, building or tent per premises per calendar year.

Section 303. Residential Structures and Uses

303.A ATTACHED HOUSING

- (1) **Applicability.** The provisions of this subsection apply to all attached dwelling units (duplex, townhouse or row house).
- (2) **Zoning Dimensional Standards**
 - (a) The dimensional standards of the applicable base and/or overlay zoning district will apply to the external walls of the attached housing structure as a whole, and will not be applied to the common, internal (party) walls of the structure.
 - (b) Base district minimum lot size will not be applied to fee simple attached housing lots created in accordance with the standards of this section.

- (3) **Lot Subdivision.** A lot that includes two or more attached dwelling units may be subdivided through the common wall into separate fee simple lots for each dwelling subject to the following:
 - (a) Each lot must have a minimum lot area of equal to or greater than the footprint of the dwelling unit plus applicable minimum setbacks for all property lines not divided along a common, internal (party) wall.
 - (b) Each lot must have a minimum lot frontage of 18 feet plus the applicable base district minimum single side setback for any exterior side wall, unless otherwise approved by the Development Review Board for a dimensional waiver, as a planned unit development, or by other applicable relief provided for in these Land Use and Development Regulations.
 - (c) Separate utility, water and wastewater lines must serve each lot and must not traverse any other lot. This provision may be waived upon the applicant recording a utility easement in the town land records.
- (4) **Footprint Lots.** An attached housing unit may alternatively be subdivided on footprint lots equal to the footprint of the unit in accordance with [SECTION 444](#) of these regulations.
- (5) **Building Design.** Attached dwelling units must be designed in accordance with the following:
 - (a) Units that have an attached garage (vehicle entrance) must locate the garage at or behind the building frontline.
 - (b) No contiguous group of dwelling units may exceed 400 feet of length along a frontage.

303.B MANUFACTURED HOUSING

- (1) **Applicability.** The provisions of this subsection apply to all manufactured homes, as defined in these regulations, whether located on an individual lot or in a manufactured home park.
- (2) **Foundation.** All manufactured homes must be attached to a permanent foundation system in compliance with the International Conference of Building Officials (ICBO) *Guidelines for Manufactured Housing Installation* and the following:
 - (a) All wheels, hitches, axles, transporting lights and removable towing apparatus must be permanently removed prior to installation of the manufactured home.
 - (b) The foundation must be excavated and must have continuous skirting or backfill, leaving no uncovered open areas except for vents and crawl spaces. The foundation must be located below grade or must include masonry skirting.
 - (c) All manufactured homes must be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof, or in accordance with the requirements of [SECTION 251](#) if within the Flood Hazard Overlay district.
- (3) **Individual Lots.** A manufactured home on an individual lot will be treated the same as any other type of single-unit dwelling under these regulations.
- (4) **Manufactured Home Parks.** The following standards apply to manufactured home parks:
 - (a) Manufactured home parks will be allowed in any district where detached single-unit dwellings are a permitted use.

- (b) A new or expanded manufactured home park must be approved as a planned unit development in accordance with the provisions of [CHAPTER 450](#).
 - (c) The maximum residential density within a manufactured home park will be 200% of the density allowed in the base zoning district provided that the manufactured home park fully conforms with the requirements of this subsection. If the manufactured home park does not conform, the maximum density will be as established in the base zoning district.
 - (d) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a manufactured home park. The park must meet all applicable dimensional standards around its perimeter. The lot coverage for the park as a whole must not exceed the maximum amount for the applicable district.
 - (e) Each manufactured home must be located on a site that has at least 300 square feet of private contiguous, usable yard area abutting the building with no dimension less than 10 feet.
 - (f) A manufactured home park must provide a minimum of 400 square feet of common open space suitable for community gardens and/or passive recreation use per home. The Development Review Board may waive or modify the common open space requirements for manufactured home parks consisting of 25 or fewer homes.
 - (g) A manufactured home must not be located closer than 20 feet to any other home within the park.
 - (h) All the homes within a manufactured home park must be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or improve traffic safety.
 - (i) A manufactured home park may include one or more community buildings or facilities to serve residents.
- (5) **Pre-Existing Parks.** The following standards apply to land development within pre-existing manufactured home parks:
- (a) Land development must not occur within a manufactured home park until the Administrative Officer has issued a zoning permit in accordance with these regulations, except as specifically exempted in [CHAPTER 110](#).
 - (b) A manufactured home may be replaced with another manufactured home provided that the new building will not be closer than 20 feet to any other home within the park and will not encroach into any required setbacks around the perimeter of the park. Notwithstanding if the existing manufactured home is nonconforming, a replacement may be permitted provided that the degree of nonconformity is not increased.
 - (c) The number of dwelling units within a manufactured home park must not be increased without review and approval by the Development Review Board as a planned unit development. Any increase in the number of units will require that the park be brought into conformance with the standards of this subsection to the maximum extent feasible. An increase in the number of units beyond the densities authorized in this subsection is prohibited.

- (d) Manufactured homes within a manufactured home park may be replaced with another form of housing following review and approval by the Development Review Board as a conditional use. At a minimum, the proposed land development must meet the setback, separation and private yard requirements of this subsection.
- (e) If more than 10% of the manufactured homes (as defined in these regulations) within a manufactured home park will be replaced with another form of housing, the entire manufactured home park will require review and approval by the Development Review Board as a planned unit development and the park must be brought into conformance with the standards of this subsection to the maximum extent feasible without imposing unsustainable costs on the park. Once a master plan is approved, further replacement of manufactured homes with other types of housing in accordance with that plan will be allowed as a permitted use.

303.C MIXED-USE BUILDINGS

- (l) **Building Design.** Applicants must design mixed-use buildings in accordance with the following:
 - (a) Mixed-use buildings must be oriented to and have an entrance facing the street.
 - (b) The private entrance(s) to dwelling units must be separated from the public entrance(s) to non-residential portions of the building. All dwelling units must be accessible from a private entrance.
 - (c) Windows, porches, balconies and entryways must comprise at least 30% of the length of the front elevation on each floor.
 - (d) Service and trash collection areas must be designed, located and managed to minimize their impact (noise, light, odors, etc.) on building residents.
 - (e) The Development Review Board may waive or modify the requirements of this subsection for redevelopment of existing buildings.

303.D MULTI-UNIT HOUSING

- (l) **Building Design.** Applicants must design multi-unit residential buildings (5+ units) in accordance with the following:
 - (a) Multi-unit buildings must be oriented to and have an entrance facing the street or a common open space.
 - (b) Windows, porches, balconies and/or entryways must comprise at least 30% of the length of the front elevation on each floor.
 - (c) The Development Review Board may waive or modify the requirements of this subsection for redevelopment of existing buildings.
 - (d) In the case of a conflict between a provision of this section and a provision of the Historic Resource Overlay District standards ([SECTION 252](#)), the Historic Resource Overlay District standards will take precedence.
 - (e) Multi-unit housing approved in accordance with the standards of the Missing Middle Overlay District ([SECTION 253](#)) will be exempt from the standards of this section.

- (2) **Open Space.** Except in the Urban Center district, multi-unit development of 10 units or more must provide a minimum of 800 square feet of open space, plus an additional 50 square feet for each additional unit beyond the initial 10 units, up to a required maximum of 10,000 square feet. The open space must be comprised of one or both of the following options:
- (a) **Common Open Space.** Common open space may be dedicated to active and passive recreational use by the tenants. Amenities can include, but are not limited to, seating areas, courtyards, playgrounds, swimming pools, patio areas, rooftop decks, space for indoor recreation activities and community gardens. The common open space requirement will be reduced by 50% if all dwelling units within the development will be located within ¼ mile radius from the nearest point of a publicly accessible recreational facility or park.
 - (b) **Private Open Space.** A combination of private porches, decks, balconies, and patios may account for up to 50% of the required open space in the development.
- (3) **Pedestrian Facilities.** Sidewalks must be constructed within the interior of the development to connect residential buildings with each other and with destinations including, but not limited to, parking, adjoining streets and sidewalks, mailboxes, trash disposal, and on-site amenities such as open space and recreation areas.

303.E SINGLE ROOM OCCUPANCY (SRO) FACILITY

- (1) Single room occupancy (SRO) facility is a building containing rooms rented as living quarters. The living quarter may have a private bathroom in addition to the occupied room. Single room occupancy housing units may share a kitchen with one or more other single room occupancy unit(s) in the same buildings and may also share a bathroom. A single room occupancy facility may be allowed in specified zoning districts (as a specialized residential structure) in accordance with the following:
- (a) The facility will not be subject to the density standard of the applicable zoning district.
 - (b) The facility must have a resident manager. The Development Review Board may waive the requirement for a resident manager for a facility with less than 10 units.
 - (c) The facility must provide a minimum of 400 square feet of common outdoor space accessible to all residents. The Development Review Board may reduce or waive this requirement for facilities within the Urban Center district that will be located within an existing building or located within ¼ mile of a public park.
 - (d) The facility must provide a minimum of one washing machine and one drying machine.
 - (e) The facility must provide at least one secure, enclosed bicycle storage space for every 2 units.
 - (f) The minimum parking requirement will be reduced to one parking space for every 2 units except within the Urban Center district where there is no minimum parking requirement.
 - (g) If a full kitchen is not provided in each unit, one full common kitchen must be provided for every 8 units without kitchens. A full kitchen includes a sink, refrigerator, and a cooktop and oven. Multi-story SROs are encouraged to have one kitchen per floor. The Development Review Board may waive this requirement

for facilities with a large community kitchen that can serve the number of rooms rented.

- (h) If the units do not include private full bathrooms, the facility must provide at least one common full bathroom for every 4 units. A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination.
- (i) A single room occupancy unit must be at least 150 square feet and not more than 500 square feet in area.
- (j) No single room occupancy unit may be occupied by more than 2 people.
- (k) Units must be the primary residence of the tenant. The minimum rental or tenancy period must not be less than 30 days.

Section 304. Lodging Structures and Uses

304.A BED-AND-BREAKFAST

- (1) A single-unit dwelling may be used as a bed-and-breakfast in specified zoning districts in accordance with the following:
 - (a) A bed-and-breakfast must not rent out more than 6 rooms to guests.
 - (b) Guests must not stay for a continuous period of more than 14 days.
 - (c) A resident of the dwelling must operate the bed-and-breakfast.
 - (d) Meals must not be provided to the general public.
 - (e) Guest parking must not be located between the building and the street except within a lawful driveway.

304.B CAMPGROUND

- (1) A campground must not exceed 10 campsites or cabins per acre.
- (2) A campground must have a resident manager. This provision will not apply to a site that provides primitive campsites as an accessory use to a park or recreation area.
- (3) A campground may include one single-unit dwelling for the campground manager, which may be occupied year-round.
- (4) The method of water supply and wastewater disposal at each campground must be in compliance with the regulations of the Vermont Department of Environmental Conservation.

304.C HOTEL OR MOTEL

- (1) A hotel or motel may include accessory uses such as restaurants, event venues, meeting spaces or spas that are open to the general public.
- (2) The number of guest rooms in a hotel or motel must not exceed 1 per 500 square feet of gross floor area.

- (3) An extended stay hotel or motel will be allowed only after review and approval by the Development Review Board as a conditional use. An extended stay hotel or motel includes any facility in which 50% or more of the guest rooms have facilities for the storage, refrigeration and preparation of food and are advertised, designed or utilized for weekly or monthly occupancy. An extended stay hotel or motel must be operated in accordance with the standards below or it will be considered a residential use and will be subject to all applicable regulations and codes for dwellings:
- (a) Extended stay occupancy will be defined as a guest room that is registered to or occupied by the same guests for a continuous period of more than 14 days.
 - (b) All guest rooms designed or used for extended stay occupancy must be a minimum of 300 square feet in area and must include full bathroom and kitchen facilities. A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination. A full kitchen includes a sink, a refrigerator, and a stove, range top or oven. The bathroom and kitchen facilities must be maintained in working order for the room to be used for extended stay occupancy.
 - (c) No more than 2 adults may occupy an extended stay room that is less than 450 square feet in area. No more than 4 adults may occupy an extended stay room that is 450 square feet or more in area.
 - (d) No more than 10% of the guest rooms may be registered to or occupied by the same guests for a continuous period of more than 90 days.
 - (e) No outdoor storage is allowed except for the parking of operable motor vehicles registered to a guest staying on the premises.
 - (f) A minimum of 100 square feet of usable open space suitable for passive recreation and accessible to all guests will be required per extended stay guest room. The open space area must not be less than 30 feet in any dimension.
- (4) The extended stay provisions of Paragraph (3) above will not apply to an establishment that is renting rooms to provide publicly funded housing assistance.

304.D INN

- (1) A single-unit dwelling may be used as an inn in specified districts in accordance with the following:
- (a) An inn must be residential in scale and character. Guests may be housed in the dwelling and/or any accessory buildings on the property.
 - (b) The number of guest rooms must not exceed 1 per 500 square feet of gross floor area. Within the Residential Neighborhood, Rural Residential and Rural zoning districts, an inn must not have more than 12 guest rooms.
 - (c) Guests must not stay for a continuous period of more than 14 days.
 - (d) The Development Review Board may approve accessory uses to an inn that are open to the general public such as restaurants, event venues or spas as a conditional use.
 - (e) The inn must have a resident manager.

304.E ROOMING OR BOARDING HOUSE

- (1) A single-unit dwelling may be used as a rooming or boarding house in specified zoning districts in accordance with the following:

- (a) A rooming or boarding house must not have more than 12 rental rooms.
- (b) No more than 2 adults may be housed in each room.
- (c) Rooms must not be offered for rent for less than a continuous period of 30 days.
- (d) A resident of the dwelling must operate the rooming or boarding house.
- (e) Rooms must not include private kitchen facilities.
- (f) Meals must not be provided to the general public.
- (g) The minimum parking requirement will be reduced to 0.5 parking spaces per rental room except within the Urban Center district where there is no minimum parking requirement.

Section 305. Commercial Structures and Uses

305.A ADULT ENTERTAINMENT

- (1) The purpose of this subsection is to mitigate the adverse secondary impacts associated with adult entertainment facilities while not unduly limiting freedom of speech and expression. Restrictions on the location and operation of such facilities are necessary to protect residential neighborhoods, civic institutions and public gathering places from the adverse secondary impacts associated with adult entertainment facilities including, but not limited to, crime, nuisance, disturbance of public order and indecency, and to protect public health, safety and welfare.
- (2) Adult entertainment uses may be allowed within the Service Center district following review and approval by the Development Review Board as a conditional use and in accordance with the following:
 - (a) The adult entertainment use must be comparable to a non-adult entertainment use allowed (permitted or conditional) in the applicable zoning district.
 - (b) Adult entertainment uses must not be located within 600 feet of an existing grade school, library, daycare facility, religious facility or public park. This distance will be measured from the property line of the subject lot to the nearest property line of the lot housing one of the listed uses. If a grade school, library, daycare facility, religious facility or public park subsequently locates within 600 feet of a lawfully existing adult entertainment use, this provision will not be used to eliminate or restrict that adult entertainment use.
 - (c) Adult entertainment uses not located within the same building must be separated from one another by at least 1,000 feet. This distance will be measured from the property line of the subject lot to the nearest property line of another lot housing an adult entertainment use.
 - (d) An adult entertainment use must not have any storefront window, marquee, sign or other display visible from a public vantage point depicting or portraying specified anatomical areas or specified sexual activities.
 - (e) Adult oriented merchandise must not be displayed in a location that would be visible from a public vantage point.
 - (f) Adult entertainment uses may be identified with signage in accordance with [SECTION 319](#). All text, symbols, logos or other graphics advertising an adult entertainment use must use only terms and imagery that would be typical and

expected for a comparable non-adult entertainment use and appropriate for a general audience.

- (g) A person under the age of 18 must not be permitted to enter or remain on the premises of an adult entertainment use. All public entrances must have warning sign indicating that only those age 18 or older may enter.
- (3) As used in this subsection:
- (a) Adult entertainment use means a store, theater, club, restaurant or other establishment that as a substantial component of the use offers: (i) adult oriented merchandise for sale, rental, exchange, loan or trade; (ii) live or recorded performances by entertainers who are clothed to reveal or emphasize specified anatomical areas and/or whose activities include or mimic specified sexual activities; and/or (iii) services by attendants who are clothed to reveal or emphasize specified anatomical areas and/or whose activities include or mimic specified sexual activities.
 - (b) Adult media means any magazines, books, movies, photographs, recordings or other forms of communication that are distinguished or characterized by an emphasis on matter depicting, describing or related to specified anatomical areas or specified sexual activities.
 - (c) Adult oriented merchandise means any goods, products, commodities or other wares that depict, describe or simulate specified anatomical areas or specified sexual activities including but not limited to sexually oriented toys or novelties and adult media.
 - (d) Sexually oriented toys or novelties means any instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
 - (e) Specified anatomical areas means: (i) less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - (f) Specified sexual activities means: (i) human genitals in a state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; (iii) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed, of oneself, or of one person by another; or (iv) excretory functions as part of or in connection with any of the activities set forth in this subsection.

305.B AUTOMOBILE REPAIR OR SERVICE

- (1) All automobile repair or service activities must be carried out within an enclosed building.
- (2) All body work and painting must be carried out within a fully enclosed building with a properly functioning ventilation system that meets state and federal requirements.
- (3) No vehicles may be parked within minimum required setbacks, including vehicles awaiting repair or pick-up.

- (4) All outdoor storage of vehicles, vehicle parts, tires, refuse or other materials must be in accordance with SECTION 318.
- (5) A non-operable, disabled, wrecked or partially dismantled vehicle must not be stored outside an enclosed building for more than 90 days except within a lawful salvage yard.
- (6) The following activities and equipment will be permitted only within an enclosed building:
 - (a) Lubrication equipment.
 - (b) Motor vehicle washing equipment.
 - (c) Hydraulic hoists and pits.

305.C CAR WASH

- (1) The provisions of this section apply to any car wash established as a permanent use. They do not apply to any temporary car-washing fundraising events that occur for no more than 3 consecutive days or the washing of personal vehicles on the owner's property.
- (2) All car washing and mechanized drying activities must be carried out within an enclosed building except that self-service bays may be open on two sides.
- (3) A car wash must not operate between the hours of 10 p.m. and 7 a.m.
- (4) A car wash must contain all wastewater on-site and prevent it from running off the property or into municipal storm drains.
- (5) A car wash must have properly functioning wastewater capture and recycling systems.

305.D DRIVE-THROUGH FACILITY

- (1) Drive-through facilities may be allowed in specified districts in association with specified uses in accordance with the following:
 - (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 (menu boards, pick-up windows, transaction windows, speakers, automated teller machines, etc.) used to provide drive-through service.
 - (b) Stacking lanes and service areas must be located to the side or rear of the building or site.
 - (c) Stacking lanes must be adequately sized and configured to accommodate queuing vehicles entirely on the premises while maintaining adequate traffic circulation on the premises.
 - (d) Stacking lanes must be clearly signed, marked and separated from travel lanes.
 - (e) Stacking lanes must not block access to parking, loading and service areas.
 - (f) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.
 - (g) No stacking lane or space may be located within a minimum required setback.
 - (h) Drive-through facilities must be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

305.E **FUELING STATION**

- (1) **Lots.** A fueling station must be located on a lot that is at least 20,000 square feet in area with at least 150 feet of frontage.
- (2) **Fuel Pumps and Islands.** All fuel pumps and islands must be set back at least 30 feet or the district minimum from all property lines, whichever is greater. Fuel pumps and islands must not be located between the principal building and the street.
- (3) **Canopies.** Fueling station canopies must be designed in accordance with the following:
 - (a) Canopies must be set back at least 20 feet from all property lines or the district minimum, if greater.
 - (b) Flat-roofed canopies must not exceed 18 feet in height or the height of the principal building, whichever is less. Pitched-roof canopies must not exceed the height of the principal building.
 - (c) Canopies must be architecturally integrated with the principal building on the site through the use of the same or compatible materials, colors and roof pitch, except within the Service Center district.
 - (d) Only the underside of canopies may be illuminated. Light fixtures must be recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches. Canopy lighting must be in accordance with [SUBSECTION 317.H](#).
 - (e) Signage other than pricing signs and franchise or corporate identification elements must not be mounted on or incorporated into freestanding canopies, except within the Service Center district.
 - (f) Pricing signs must not extend above the top edge or roofline of the canopy or below the bottom edge or underside of the canopy (see [SUBSECTION 319.H](#) for further guidance on pricing signs).
 - (g) Signs may be mounted on or incorporated into a canopy that is attached to a building to the same extent as otherwise allowed on that building. Canopy frontage will not be included when calculating the maximum sign area of building-mounted signs in accordance with [SECTION 319](#).
- (4) **Convenience Store.** A convenience store may be an accessory use to a fueling station. The floor area of convenience store must not exceed 2,000 square feet.
- (5) **Charging Stations.** Electric vehicle charging stations permitted as an accessory use within an approved parking area will not be subject to the provisions of this section.

305.F **NEIGHBORHOOD COMMERCIAL UNIT**

- (1) **Purpose.** This section enables the construction of small, pedestrian-oriented structures associated with neighborhood-scale commercial uses that would not otherwise be permitted as a primary use under existing base zoning district standards. These commercial uses – and the structures permitted to house them – are intended to be secondary to the existing residential use of the Residential Neighborhood districts and are meant to cultivate opportunities for “third spaces” of small, intermittent, and informal social gatherings which enhance the social and built fabric of the neighborhood in which they are located. Neighborhood Commercial Units are distinct from home occupations ([PARAGRAPH 111.A\(5\)](#)) and home businesses ([PARAGRAPH 301.E](#)) in

that they are intended to be a visible, albeit limited and unobtrusive presence in a residential neighborhood and are meant to serve their immediate neighborhood.

- (2) **Applicability.** Each parcel in the Residential Neighborhood zoning districts with an established residential primary use may apply for one neighborhood commercial unit (NCU) within any existing structure on the property or as new construction, whether attached to an existing structure or as a standalone secondary structure.
- (3) **Use Standards.** Within this structure, a range of low-intensity commercial uses not otherwise permitted in the base zoning district for standalone, primary use of a parcel can be permitted as a secondary, subordinate use on a primarily-residential property. Shop or store, personal services, library, museum, art gallery, and miscellaneous manufacturing are permitted accessory uses within a permitted Neighborhood Commercial Unit, while bank, professional services, food services (restaurant), bar or drinking place, beverage products manufacturing, publishing, information services or data processing industries, performance theater, movie theater, indoor games facility, other community structures, fitness, recreational sports, gym or athletic club, supervision or rehabilitation services, and social assistance, welfare and charitable services, may be approved by the Development Review Board as a conditional accessory use within a permitted Neighborhood Commercial Unit.
- (4) **Dimensional Standards.** The following dimensional standards apply to all Neighborhood Commercial Units:
 - (a) The Neighborhood Commercial Unit must be clearly subordinate to the existing primary structure on the same parcel, and have facilities and provisions appropriate for one or more of the above-listed permitted and/or conditional accessory uses.
 - (b) The building footprint of the Neighborhood Commercial Unit may not exceed 500 square feet in area, but the Neighborhood Commercial Unit use may make use of additional nonstructural outdoor space on the parcel within a 20-foot radius of the structure, and/or make use of the roof of the structure for outdoor seating area directly related to a food service Neighborhood Commercial Unit use.
 - (c) If attached to an existing structure, the Neighborhood Commercial Unit meets the accessory structure dimensional standards of [FIGURE 3-1](#) for “overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, windowsills, chimneys, projections enclosing habitable space or similar architectural features” as applied to the Residential Neighborhood districts dimensional standards in [PARAGRAPH 226.C](#).
 - (d) The Development Review Board may approve a Neighborhood Commercial Unit in the base district’s minimum front yard setback between the front property line and the above standard’s 3-foot encroachment as dimensional waiver.
 - (e) If detached from a primary structure, the standalone Neighborhood Commercial Unit must meet the same accessory structure dimensional standards as those in [FIGURE 3-1](#) titled “sheds, workshops, artist studios, and other one-story detached accessory structures not used for human habitation (max 200 sf footprint each)” as applied to the Residential Neighborhood districts dimensional standards in [PARAGRAPH 226.C](#).
 - (f) Neighborhood Commercial units are exempt from [PARAGRAPH 313.C](#) minimum parking requirements. A Neighborhood Commercial unit may make use of an

existing legal driveway serving as required parking for a one-unit or two-unit residence but must not create additional off-street parking beyond this.

- (g) The commercial use associated with the Neighborhood Commercial Unit must comply with the performance standards of [CHAPTER 320](#) and the Town of Brattleboro's ordinances outside the Land Use and Development Regulations.
- (h) A resident of the parcel must conduct the business associated with the Neighborhood Commercial Unit.
- (i) The Neighborhood Commercial Unit may have one non-illuminated, freestanding sign, which may be no more than 4 square feet in area and 6 feet in height, and one non-illuminated, building mounted sign, which may be no more than 4 square feet in area.
- (j) Unenclosed outdoor storage or display associated with the Neighborhood Commercial Unit is prohibited.

Section 306. Industrial Structures and Uses

306.A MINI-WAREHOUSE (SELF-STORAGE FACILITY)

- (1) A self-storage facility that includes multiple mini-storage buildings must be located on a lot that is at least 2 acres and not more than 5 acres in size.
- (2) The total area covered by mini-storage buildings must not exceed 50% of the lot. A lesser coverage may be necessary to meet the dimensional standards of the zoning district.
- (3) A self-storage facility that includes multiple mini-storage buildings must provide a Type B buffer along the front property line in accordance with [SECTION 314](#).
- (4) Single-story mini-storage buildings must have sloped roofs with a pitch of not less than 4:12 and must not exceed a height of 20 feet.
- (5) Mini-storage buildings fronting on the street must be oriented with their short side facing the street to the maximum extent feasible. If storage unit doors will face the street, the Development Review Board may require additional fencing or screening as deemed necessary to provide a pedestrian-friendly and attractive streetscape.
- (6) All mini-storage buildings on the premises must be compatible in design, materials and color with one another. The building exteriors must use muted or neutral colors that would help blend the buildings into the surrounding landscape and must not use intense or vibrant colors that would call attention to the buildings.
- (7) Outside or unenclosed storage is prohibited.
- (8) Storage of hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil is prohibited.
- (9) A storage unit renter must not engage in vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises.

Section 307. Transportation, Communication and Utility Structures and Uses**307.A SATELLITE DISH ANTENNAS**

- (1) **Applicability.** The standards of this subsection apply to satellite dish antennas not exempted in [SECTION 111](#).
- (2) **Location.** To the maximum extent feasible without restricting its operation, a satellite dish antenna must not be located or mounted:
 - (a) In the minimum required front or side yard;
 - (b) Between the principal building and the street, except if located on an approved accessory structure; and
 - (c) On the roof or wall of a building that faces the street.
- (3) **Screening.** A ground-mounted satellite dish antenna must be screened from view from streets and adjacent properties to the maximum extent feasible without restricting its operation.
- (4) **Height.** A roof-mounted satellite dish antenna may exceed district height requirements provided that it does not extend more than 10 feet above the roof surface.

307.B ENERGY GENERATION FACILITIES

- (1) **Applicability.** The standards of this subsection apply to energy generation facilities not exempted in [SECTION 111](#) or [SECTION 113](#).
- (2) **Setbacks.** An energy generation structure must be set back a distance equal to the structure's height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted.
- (3) **HEIGHT.** The height of a ground-mounted solar energy generating apparatus must not exceed 35 feet. A solar energy generating apparatus mounted on a building wall must not extend above the lowest portion of the roof. A solar energy generating apparatus mounted on a building roof must not extend more than 10 feet above the roof surface. The height of a wind energy apparatus must not exceed 120 feet.
- (4) **REMOVAL.** A facility that has been out-of-service for more than 180 days will be considered abandoned and the owner must remove it unless he/she can demonstrate to the Administrative Officer an intent to resume the energy generation use at a specified future time.

307.C UTILITY FACILITIES

- (1) **Applicability.** The standards of this subsection apply to utility facilities not exempted in [SECTION 111](#) or [SECTION 113](#).
- (2) **District Standards.** Minimum lot size and frontage requirements will not apply to lots housing utility facilities.
- (3) **Site Security.** Utility facilities must be designed and maintained to prevent unauthorized access and protect public safety.
- (4) **Buffer.** A Type D buffer (see [SECTION 314](#)) must be provided around the site perimeter.

307.D WIRELESS COMMUNICATIONS FACILITIES

- (1) **Purpose.** The purpose of this subsection is to:
 - (a) Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
 - (b) Accommodate the growing need and demand for wireless communications facilities;
 - (c) Encourage the location and collocation of wireless communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional antenna support structures;
 - (d) Provide for the replacement and/or removal of nonconforming or discontinued antennas and antenna support structures; and
 - (e) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Brattleboro.
- (2) **Applicability.** Except as specifically exempted in [SECTION 111](#) or [SECTION 113](#), the standards of this subsection apply to the installation, construction or modification of the following wireless communications facilities:
 - (a) Existing and proposed antennas and supporting structures;
 - (b) Replacement antennas and supporting structures;
 - (c) Broadcast antennas and supporting structures;
 - (d) Collocated and combined antennas on existing antenna supporting structures;
 - (e) Roof-mounted antennas and supporting structures;
 - (f) Surface-mounted antennas;
 - (g) Stealth wireless communications facilities; and
 - (h) Amateur radio antennas and support structures with an overall height greater than 50 feet.
- (3) **De Minimis Impact.** The Administrative Officer may administratively approve and issue a zoning permit for an application for a wireless communication facility if he/she determines that it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Administrative Officer will only consider an application to have a de minimis impact if it meets all of the following:
 - (a) The height and width of the facility or support structure, excluding equipment, antennas or ancillary improvements, will not increase;
 - (b) The total amount of impervious surface, including access roads, associated with the facility or support structure will not increase by more than 300 square feet;
 - (c) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet from the facility or support structure; and
 - (d) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of

the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.

- (4) **Pre-Application Conference.** Prior to submitting an application for a wireless communication facility under this subsection (excluding applications determined to have de minimis impact), the applicant must meet with the Administrative Officer and Planning Department staff for a pre-application conference. Among the matters to be addressed at the pre-application conference are:
- (a) The proposed location, type of facility, overall height and number of antennas;
 - (b) The expected date of application and preliminary schedule for development review;
 - (c) The ability of any proposed antenna supporting structure to accommodate future collocations;
 - (d) Alternative locations or facility configurations that may result in reduced impacts on adjacent properties and the surrounding neighborhood;
 - (e) Compatible colors for the proposed facility;
 - (f) The vantage points from which any required photo-simulated, post-construction renderings must be oriented; and
 - (g) Application requirements.
- (5) **Application Requirements.** Applicants for a wireless communication facility may be required to submit any the following to determine compliance with the provisions of this subsection:
- (a) A signed statement from the facility's owner or owner's agent state that the radio frequency emissions comply with Federal Communications Commission (FCC) standards for such emissions.
 - (b) Proof that the proposed wireless communications facility has been designed to withstand sustained winds of 110 mph and at 15-second wind gust of 130 mph.
 - (c) Proof that the proposed antenna supporting structure has been designed so that, in the event of a structural failure, the facility will collapse within the boundaries of the lot on which it is located.
 - (d) An FCC license, and construction development approval if applicable, to transmit radio signals in the Town of Brattleboro.
 - (e) The name, address and telephone contact information for the owner of any proposed or existing antenna supporting structure, and a statement that such information will be updated annually or more frequently if there is a change in ownership. Failure to report annually for two consecutive years will be considered evidence of possible discontinuance.
 - (f) A stamped structural analysis of the proposed wireless communications facility prepared by a professional engineer, indicating the proposed and future loading capacity of the facility.
 - (g) Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures and ancillary appurtenances as they would look after construction from locations determined during the pre-application conference.

- (h) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace.
 - (i) Shared use plan.
 - (j) Existing wireless communications facilities to which the proposed facility will be a hand-off candidate, including latitude, longitude and power levels of each.
 - (k) A graphical representation and an accompanying statement of the coverage area planned for the cell to be served by the proposed facility.
 - (l) A graphical representation and an accompanying statement of the search area used to locate the proposed facility.
 - (m) A radio frequency plot indicating the coverage of existing wireless communications sites and that of the proposed site sufficient to demonstrate geographic search area, coverage prediction and design radius.
 - (n) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility.
 - (o) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.
- (6) **Siting Priorities.** An antenna supporting structure may only be permitted if the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility. In order to justify the construction of an antenna supporting structure, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:
- (a) Collocated or combined antennas;
 - (b) Surface-mounted antennas;
 - (c) Roof-mounted antenna supporting facility; and
 - (d) Stealth wireless communications facility.
- (7) **Collocated or Combined Antennas.** The following standards will apply to all collocated or combined antennas:
- (a) Collocations must not increase the overall height of an antenna supporting structure except in accordance with [PARAGRAPH \(11\)\(A\)](#), below.
 - (b) Collocations will be approved only in accordance with the standards for visual impact and antenna-type expressed in [PARAGRAPH \(11\)\(D\)](#), below.
 - (c) Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.
- (8) **Surface-Mounted Antennas.** The following standards will apply to all surface-mounted antennas:
- (a) Surface-mounted antennas and associated ancillary appurtenances must maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible.

- (b) Transmission lines must be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.
 - (c) Surface-mounted antennas must be placed at least 15 feet above the ground and, where proposed to be placed on a building, must be placed so that no portion of the antenna is less than 3 feet below the roof line.
 - (d) Surface-mounted antennas will be approved only in accordance with the standards for visual impact and antenna-type expressed in [PARAGRAPH \(11\)\(D\)](#), below.
- (9) **Roof-Mounted Antenna Supporting Facilities.** The following standards will apply to all roof-mounted antennas:
- (a) Roof-mounted antennas may be placed only on commercial, industrial, institutional or multi-unit buildings at least 35 feet in height.
 - (b) The roof-mounted antenna, attachment device, equipment enclosure, and/or any ancillary appurtenance must not extend above the roof line of the building to which it is attached by more than 20 feet.
 - (c) Roof-mounted structures must have a monopole-type construction.
 - (d) Roof-mounted structures will be approved only in accordance with the standards for visual impact and antenna-type expressed in [PARAGRAPH \(11\)\(D\)](#), below.
 - (e) Roof-mounted structures, ancillary appurtenances, and equipment enclosures must maintain a galvanized gray finish unless the Development Review Board finds that another color will be more contextually compatible.
 - (f) Transmission lines placed on the exterior of a building must be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.
 - (g) Signs must not be placed on any roof-mounted structure, ancillary appurtenances or equipment enclosures.
 - (h) Roof-mounted structures must be screened by a parapet or other device in order to minimize their visual impact from the lot lines of the subject property. Roof-mounted facilities must be placed as near to the center of the roof as possible.
- (10) **Stealth Wireless Communications Facilities.** A stealth facility must not have antennas or ancillary equipment that is readily identifiable from a public vantage point as wireless communications equipment. Stealth facilities must be designed so that they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the Development Review Board will consider the following:
- (a) Overall height;
 - (b) The compatibility of the proposed facility with surrounding built and natural features;
 - (c) Scale;
 - (d) Color;
 - (e) The extent to which the proposed facility blends with the surrounding environment;

- (f) The extent to which the proposed facility has been designed to reasonably replicate a contextually-appropriate non-wireless structure or feature (ex. silo, flagpole, or tree); and
 - (g) The extent to which the proposed facility is not readily identifiable as a wireless communications facility.
- (11) **Antenna Supporting Structures.** The following standards will apply to all antenna supporting structures:
- (a) Antenna supporting structures must be set back a distance at least equal to their overall height from all lot lines (this does not include any guy-wire anchors). A nonconforming replacement structure must not be placed any closer to a lot line than the original structure and the height must not be increased if the minimum setback cannot be met.
 - (b) Antenna supporting structures must have a monopole-type construction except that broadcast structures taller than 200 feet, amateur radio antennas, and AM broadcast antennas may have a lattice-type construction.
 - (c) Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.
 - (d) Antennas must be configured on antenna supporting structures in a manner that is consistent with the character of neighborhood and that minimizes adverse visual impacts on adjacent properties. Antenna types that may be permitted (in order of preference) include: (i) flush-mounted; (ii) panel; (iii) whip; and (iv) dish. In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.
 - (e) No lights, signals or other illumination will be permitted on any antenna supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 - (f) Site lighting may be placed in association with an approved equipment enclosure in accordance with [SECTION 317](#). Site lighting must remain unlit except when authorized personnel are present.
 - (g) Signs must not be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or any fence or wall except for hazard notification signs as required by state or federal regulations and one identification sign not larger than 2 square feet attached to the access gate that lists the federal registration number (if applicable), name of the owner or contact person, and an emergency contact number.
 - (h) Antenna supporting structures must be designed to accommodate future collocations. The applicant must submit a shared use plan that commits the owner of the proposed antenna support structure to accommodate future collocations where reasonable and feasible.

- (i) A fence at least 8 feet in height from the finished grade with a locked gate and a Type C buffer (see SECTION 314) must enclose the base of the antenna supporting structure and associated equipment enclosures.
- (12) **Discontinuance.** The following applies to any antennas and antenna supporting structures that have not been used for a period of 180 days or more:
 - (a) The Administrative Officer may make a preliminary determination of discontinuance and may request documentation from the property owner regarding the structure's usage.
 - (b) If the owner does not provide evidence that the structure remains in use or that resumption of its use is eminent, the Administrative Officer may make a final determination that use of the structure has been discontinued. Upon making that determination, the Administrative Officer will send the property owner a written notice of discontinuance by certified mail.
 - (c) If the property owner does not respond to the notice of discontinuance within 90 days and adequately demonstrate that the structure is not discontinued, the Administrative Officer will send the property owner a declaration of discontinuance by certified mail.
 - (d) Within 120 days of the Administrative Officer issuing the declaration of discontinuance, the property owner must either: (i) dismantle and remove the facility; or (ii) apply for a permit under this subsection to reactivate the use of the structure as a wireless communications facility in full conformance with all applicable provisions of these regulations.

Section 308. Mining, Agricultural and Forestry Structures and Uses

308.A AGRICULTURAL ENTERPRISES

- (1) **Applicability.** Agricultural enterprises not otherwise provided for may be allowed as an accessory use to agriculture in any district following review and approval by the Development Review Board as a conditional use in accordance with the provisions of this subsection.
- (2) **Definition.** An agricultural enterprise is a small business that forms as a natural extension of a farm and is integrated with an active agricultural use including, but not limited to, on-farm cafes, corn mazes, pick-your-own operations, wine-tasting rooms, on-farm retail store or event venue, farming demonstrations or education, farm product or seed storage, farm product or by-product processing, and services provided to other farmers.
- (3) **Standards.** An agricultural enterprise must be:
 - (a) Subordinate to the agricultural operation. The Development Review Board may place limits on the operation of the business as deemed necessary to ensure that agriculture remains the principal use of the property.
 - (b) Integrated with the agricultural operation. The applicant must demonstrate that the proposed business and the agricultural operation are symbiotic and mutually beneficial. Retail or restaurant uses must have the sale or use of products produced on the farm as a core element of the business.

- (c) Located within or adjacent to other developed areas or activity centers on the farm unless the Development Review Board finds that the proposed use needs greater separation from agricultural activities or residential areas. Any land development associated with the agricultural enterprise must be located off primary agricultural soils to the maximum extent feasible.
 - (d) Appropriate in scale and intensity given the location. The Development Review Board may place limits on traffic generation, trucking, hours or seasons of operation, frequency of events, or other aspects of the business as deemed necessary to protect the character of the area and mitigate impacts on nearby landowners and public infrastructure.
 - (e) Located and designed to be compatible with the agricultural character of the property. Any buildings converted, modified or expanded to accommodate the business must retain their original form, massing and style, particularly as viewed from public vantage points. New structures must be similar in form, massing and style to residential or agricultural buildings typical in the area. The overall character of the property as viewed from public vantage points must be predominately rural and agricultural and must not be predominately commercial or industrial.
- (4) **Signs.** In addition to signs allowed in accordance with [SECTION 319](#), an agricultural enterprise may obtain a permit to:
- (a) Display not more than 6 temporary signs advertising products currently in season. Each sign must be no more than 8 square feet in area. Such signs may be installed on an approved free-standing sign or structure. The applicant may install not more than 3 permanent support structures for the seasonal signs provided that the overall height (included the mounted signs) will not exceed 8 feet. An individual seasonal sign must not be displayed for more than 90 days in any calendar year.
 - (b) Locate lawful signs on land farmed by the operator of the agricultural enterprise, irrespective of whether the agricultural enterprise is located on the same parcel of land as the sign and of ownership of the land where the sign will be located.
- (5) **Change of Use.** If at any time the agricultural enterprise is no longer accessory to an active agricultural use or does not otherwise conform to the standards of this section, a new permit will be required for a change of use in accordance with all applicable provisions of these regulations, including that the business must be an allowed use within the applicable zoning district (if it is not an allowed use, it may qualify as a rural enterprise under [SECTION 356](#)).

308.B EXTRACTION OPERATIONS

- (1) **Applicability.** The provisions of this subsection apply to quarrying and sand or gravel excavation. Quarrying is a land development activity principally designed to mine, extract or remove limestone, minerals or bedrock materials for commercial purposes. Sand or gravel excavation is a land development activity principally designed to mine, extract or remove unconsolidated sediments for commercial purposes. Quarrying and sand or gravel excavation may be allowed in specified districts after review and approval by the Development Review Board as a conditional use.
- (2) **Pre-Existing Sites.** An expansion of a pre-existing or previously approved extraction site will require a complete review of the use as if an original application was being made. The review will consider the relationship and coordination of activities between the

original site and the expanded portion of the site. The additional and cumulative impacts that will be caused by the combined operations on factors such as the environment, traffic, safety, noise, air pollution, neighborhoods and adjacent land uses will be of principal concern during this review.

- (3) **Setback Distances.** FIGURE 3-2 establishes minimum setback distances for specific on-site activities associated with an extraction operation from adjacent property.
- (4) **Buffer Yards.** A minimum buffer yard of 100 feet must be maintained adjacent to all property boundaries and street rights-of-way in accordance with the following:
 - (a) Excavation or storage of equipment or materials must not occur within the buffer yard.
 - (b) Natural vegetation must be maintained or supplemented as needed within the buffer yard as needed to meet the minimum requirements for a Type E buffer (see SECTION 314). The Development Review Board may require additional screening, including berms, to protect adjacent property owners from the impacts of the excavation activity.
 - (c) The Development Review Board may approve the location of vegetated earthen berms for erosion control or stormwater management purposes within the buffer yard.
- (5) **Operational Standards.** The following minimum operational standards will apply to all excavation operations unless otherwise approved by the Development Review Board:
 - (a) Any topsoil removed from the surface and retained on the site for reapplication to disturbed areas during reclamation must be carefully removed and stockpiled to prevent erosion.
 - (b) Extraction activities must be phased. A new phase must not begin until at least 50% of the active/current phase is reclaimed in accordance with the approved reclamation plan and the Administrative Officer has verified completion of the reclamation. The Development Review Board may place conditions on the size and sequence of the phases.
 - (c) The applicant must submit and implement plans for erosion control and stormwater management. The Administrative Officer may periodically inspect the site to ensure compliance with erosion control and stormwater management plans.
 - (d) An excavation operation must not cause the permanent lowering the water table of surrounding properties.

Figure 3-2. Setback Distances for Extraction Activities

Required Distance from Adjacent Property in the:	Developed Districts	Rural Districts	Industrial District
Excavation areas with an elevation change >10 ft	250 ft min	150 ft min	100 ft min
Stockpiles (long-term storage)	250 ft min	150 ft min	100 ft min
Stockpiles (short-term storage) and loading points	300 ft min	200 ft min	100 ft min
Crushing or processing	1,000 ft min	500 ft min	100 ft min
Blasting (from a developed property)	1,000 ft min	500 ft min	300 ft min

For the purposes of this subsection, developed districts include: Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use, Residential Neighborhood, Waterfront, and Institutional. Rural districts include Rural Residential and Rural.

- (e) An excavation operation must not cause the drainage of a wetland except as permitted by the Vermont Agency of Natural Resources.
 - (f) Excavation activity must not occur within riparian areas as established in [SECTION 334](#).
 - (g) Operational activities, including blasting, excavation, processing and hauling are prohibited between the hours 7 p.m. (or dusk if earlier) and 7 a.m. (or dawn if later). The Development Review Board may further limit hours as deemed necessary to mitigate impacts to adjacent properties and streets.
 - (h) Designated truck routes must be used for all hauling and access to the site to the maximum extent feasible. The Development Review Board may impose weight limits on trucks leaving the site if the streets serving the site are not suitable for heavy truck traffic. If limits are imposed, the applicant must maintain truck weight records as necessary to demonstrate compliance. The Administrative Officer may periodically inspect the records to ensure compliance with the established weight limits.
 - (i) The Development Review Board may impose fencing requirements as deemed necessary to protect safety and general welfare in the area.
 - (j) The applicant must install warning signs on the property and along haul routes as deemed necessary to protect safety and general welfare in the area.
 - (k) Operations must maintain compliance with town and state standards for noise, dust and vibration (see [CHAPTER 320](#)). All equipment and machinery must be operated and maintained in such a manner as to minimize dust, noise and vibration. Access and haul roads must be maintained in a dust-free condition by surfacing, watering or other treatment on a regular basis.
 - (l) Stockpiles must not exceed 50 feet in height. The Development Review Board may further restrict the height of stockpiles as necessary to mitigate their visibility from public vantage points and adjacent property.
- (6) **Reclamation Standards.** Sites must be reclaimed at the completion of extraction activities in accordance with the following:
- (a) No approvals or permits for subsequent land development on the extraction site will be issued prior to reclamation of the site.
 - (b) Topsoil capable of sustaining vegetative growth must be provided and evenly spread on all disturbed areas.
 - (c) Disturbed areas must be stabilized and seeded at the earliest possible time following completion of extraction operations in an area in accordance with the approved erosion control plan. Progressive reclamation practices must be implemented to continue to reclaim and stabilize disturbed areas prior to moving to a new phase. Final reclamation of each phase must be completed within 6 months of the completion of each phase of the operation.
 - (d) All equipment, stockpiles, debris, signs, and other materials or improvements associated with excavation must be removed from or lawfully buried on the site after completion of the extraction activity.
 - (e) Erosion control measures must be kept in place until permanent vegetation has been established on the site and erosion will be naturally controlled.

- (f) If the extraction activities will result in the creation of a water body, at the completion of the operation the water body must have a natural form with variation in shoreline and depth.
 - (g) Following reclamation, no slope on the site must exceed a grade of 3:1 (horizontal to vertical) over a distance of 30 feet. The Development Review Board may require a flatter angle if it is shown that the soil will not be stable at a 3:1 slope or that vegetation cannot be established on the 3:1 slope. The Development Review Board may waive this requirement for areas of exposed ledge.
 - (h) In addition to being seeded to prevent erosion, the reclaimed site must be landscaped. The applicant must submit a landscape plan that best suits the ultimate proposed use and design of the site provided that at least 8 large deciduous trees and 8 large evergreen trees are planted for each disturbed acre.
 - (i) The applicant must submit a master plan for the post-reclamation use of the site that demonstrates that the reclaimed site will be suitable for a use allowed in the district and for development in accordance with the applicable provisions of these regulations.
- (7) **Performance Bond.** The applicant must provide a performance bond or other financial security in an amount satisfactory to and approved by the town in accordance with [SECTION 414](#) to ensure that all standards are fully met during operation and that proper site reclamation is completed in a timely manner. Failure to stabilize the site, failure to make necessary repairs and improvements to streets damaged by the excavation activity, failure to reclaim the site as specified in the approved reclamation plan, or any other inconsistencies between the approved operation and reclamation plans and the actual extraction or reclamation activities carried out will be cause for the Town of Brattleboro to redeem the performance bond or other financial security to make the necessary repairs or corrections.
- (8) **Inspection and Monitoring.** As a condition of approval, the Development Review Board may require that the Administrative Officer inspect the site at a specified interval to ensure that the extraction activity is being undertaken in accordance with the approved plans. As a condition of approval, the Development Review Board may require on-going monitoring of the operation to ensure that extraction activities are not adversely impacting the natural environment, the surrounding neighborhood or public infrastructure.
- (9) **Permit Renewal.** Any permit issued under this section will expire 10 years from the date of issuance unless renewed by the Administrative Officer. The Development Review Board may require more frequent renewals if deemed necessary to implement the purposes of this subsection. The permit holder must apply for a renewal of the zoning permit prior to its expiration. The Administrative Officer may only renew the zoning permit for another 10-year period (or less if so established by the Development Review Board) upon finding that the extraction activity is in conformance with all applicable provisions of these regulations and conditions of approval.
- (10) **Review Criteria.** The Development Review Board must find that the proposed extraction activity will meet the criteria listed in [FIGURE 4-3](#) and all of the following:
- (a) Will not result in a danger to life or property due to: steep or unstable slopes; unsafe access to the property; excessive traffic; or proximity to existing or planned neighborhoods, parks and streets.

- (b) Will adequately mitigate visual, noise, dust and/or excessive on- or off-site environmental impacts on existing or planned neighborhoods, parks and streets.
- (c) Will adequately mitigate the effects of the use of trucks and heavy equipment on road safety and maintenance and will not cause excessive congestion of public streets providing access to the site.
- (d) Will not adversely affect the quality of air, groundwater or surface water, and will minimize impacts of significant ecological resources and natural communities.
- (e) Will not result in negative impacts on drainage patterns or stormwater management facilities.
- (f) Will adequately restore the site following completion of the excavation activity so that upon completion any adverse affects to scenic quality, natural landscapes, wildlife or habitat will be mitigated.
- (g) Will provide buffers to screen unsightly features of the excavation operation year-round from public vantage points and adjoining properties.
- (h) Will be appropriate in intensity and anticipated duration given the size and location of activity.

CHAPTER 310. SITE DESIGN & ENGINEERING STANDARDS

Section 311. Access and Circulation

311.A **PURPOSE.** The provisions of this section are intended to promote safe and efficient access to and circulation within a property for vehicular, bicycle and pedestrian traffic.

311.B **APPLICABILITY.** All land development must provide access and circulation in accordance with this section.

311.C **VEHICULAR ACCESS.** All land being developed or substantially improved must provide vehicular access from the street in accordance with the following:

- (1) **Number.** Shared access between adjacent properties is strongly encouraged. A lot must not be served by more than one access point except that:
 - (a) A corner lot may have one access point on each street provided that the spacing requirements specified below will be met.
 - (b) The Development Review Board may approve more than once access on a lot when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site.
 - (c) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety. The Development Review Board may allow the secondary access to be limited to emergency access.
- (2) **Spacing.** Access spacing will be measured from the inside curb or pavement edge of the proposed driveway to the inside curb or pavement edge of the adjacent or opposite driveway or street as shown in [FIGURE 3-4](#). Access points must be spaced as specified in [FIGURE 3-3](#). There is no spacing requirement between driveways serving single- and two-unit homes. The Development Review Board may:
 - (a) Require greater spacing given anticipated traffic, vehicle speed and sight distance.
 - (b) Reduce the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the town or state, as applicable.
- (3) **Cross Access.** Commercial, industrial or mixed-use lots that front on a state highway must provide an access connection to abutting undeveloped, commercial, industrial or mixed-use properties whenever physically feasible. The Development Review Board may require construction of the access or an easement with agreement for later construction of the access as a condition of approval.

This chapter establishes clear technical requirements for development intended to increase the consistency of development review decisions and result in high-quality site design that will protect and enhance community character and economic vitality.



Figure 3-3. Driveway Separation Standards

	UC & RN	VC & NC	All Other Districts
Distance between Street Intersections and Driveways	50 ft min	100 ft min	200 ft min
Distance between Driveways (excluding driveways serving single or two-unit dwellings)	30 ft min	60 ft min	120 ft min

- (4) **Separated Access.** Driveway approaches that separate entrance and exit lanes with a landscaped island are strongly encouraged for high traffic volume access points and will be required for driveway approaches with more than two travel lanes. The landscaped island separating the entrance and exit lanes must be at least 6 feet wide. Where there are existing or proposed sidewalks along the street, a pedestrian refuge at least 48 square feet in area must be provided within the island to facilitate pedestrian crossing.
- (5) **Angle.** The angle of the driveway approach must be as close to 90 degrees as physically possible and must not be less than 75 degrees for a two-way driveway and 60 degrees for a one-way driveway.
- (6) **Width.** Unless otherwise approved by the Development Review Board to improve traffic circulation and safety, the width of the driveway approach at the edge of the street must conform to [FIGURE 3-5](#).
- (7) **Grade.** The driveway approach and throat must not exceed a grade of 3% for a distance of 35 feet as measured back from the edge of the street.
- (8) **Turning Radius.** Unless otherwise approved by the Development Review Board to improve traffic circulation and safety, the inside turning radii of the driveway approach must conform to [FIGURE 3-5](#).
- (9) **Length.** Driveway length must be adequate to prevent vehicles entering and exiting the site from causing queuing on the roadway.
- (10) **Street Improvements.** The Development Review Board may require the applicant to construct a turn lane, traffic signal, roundabout or other street improvements to accommodate anticipated traffic and minimize congestion as warranted by a traffic study.

Figure 3-4. Illustrated Driveway Standards

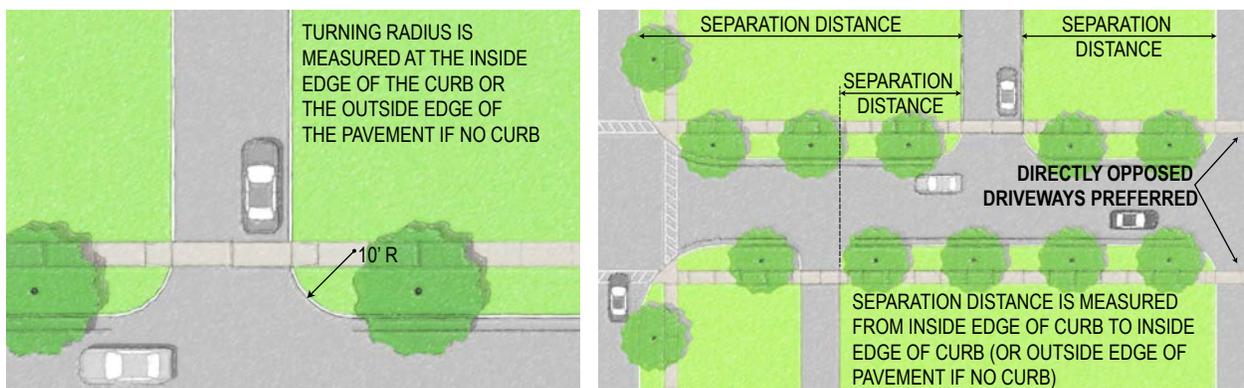


Figure 3-5. Driveway Approach Standards

	SINGLE-LANE WIDTH	DOUBLE-LANE WIDTH	INSIDE TURNING RADII
Residential	9 ft min - 12 ft max	9 ft min - 22 ft max	5 ft min - 15 ft max
Industrial	11 ft min - 16 ft max	18 ft min - 40 ft max	20 ft min - 50 ft max
Commercial and Other Uses	10 ft min - 14 ft max	18 ft min - 30 ft max	15 ft min - 35 ft max

- (11) **Access Permit.** If an applicant for development to be served by a new curb cut on a public road has not obtained a highway access permit or letter of intent from the town or state as applicable prior to applying for a zoning permit, the Administrative Officer may condition approval on the applicant receiving and submitting a copy of the highway access permit or letter of intent.
 - (12) **Pre-Existing Lots without Frontage.** The Development Review Board must approve access to any pre-existing lot without the required frontage on a street prior to the Administrative Officer issuing a zoning permit for any land development on the lot. Access must be provided to a street through a permanent easement or right-of-way at least 20 feet wide.
 - (13) **New Lots without Frontage.** The Development Review Board may approve the creation of a new lot without the minimum required frontage upon the applicant securing access to a street through a permanent easement or right-of-way at least 50 feet wide. The Development Review Board may reduce the width of that required right-of-way to not less than 20 feet if the lot will be:
 - (a) Less than 300% of the minimum lot size for the applicable zoning district; or
 - (b) Restricted to agriculture, forestry or open space uses through a legally enforceable and permanent means such as a conservation easement.
 - (14) **Nonconformities.** Applicants for land development on a previously developed site that requires major site plan approval must bring the site into conformance with the provisions of this section to the maximum extent feasible given the physical characteristics of the lot and the existing development.
- 311.D **PUBLIC TRANSIT.** If development will be located on an existing or proposed transit route, the Development Review Board may require the applicant to provide a designated bus stop and/or shelter on the site as deemed appropriate given the project location, proposed use and anticipated traffic.
- 311.E **BICYCLE ACCESS AND STORAGE.** Bicycle access and storage will be required in accordance with the standards specified for the zoning district in [PART 2](#) of these regulations and the following:
- (1) Bicycle racks must be located within 200 feet of a building entrance. Bicycle racks should be covered whenever feasible.
 - (2) The Development Review Board may require sites with high traffic volumes (ex. shopping plazas, institutions, campuses, industrial parks, etc.) to incorporate designated bicycle lanes or multi-use paths that provide safe and convenient routes between the street and the bicycle parking area(s) on the site.
 - (3) Bicycle lanes adjacent to vehicular travel lanes must be at least 5 feet wide. Separated bicycle or multi-use paths must be at least 8 feet wide.
- 311.F **PEDESTRIAN ACCESS.** All land development must provide safe and convenient pedestrian access in accordance with the standards specified for the zoning district in [PART 2](#) of these regulations and the following:
- (1) **Public Sidewalks.** If a lot fronts on a public street and a sidewalk exists along either side of that street within ¼ mile of the subject property, a sidewalk must be provided along the street frontage of the subject property unless otherwise recommended by the Department of Public Works as follows:

- (a) Curb ramps and crosswalks must be provided where driveways bisect public sidewalks.
 - (b) Public sidewalks and crosswalks must be constructed in accordance with the town's Public Works Specifications or VTrans' design specifications if within a state right-of-way.
 - (c) If public sidewalks will not be constructed within the street right-of-way, a maintenance easement will be required.
- (2) **Internal Walkways.** Continuous internal pedestrian walkways must be provided as follows:
- (a) Walkways must connect pedestrians to public sidewalks, transit stops, crosswalks, building entrances, bicycle and vehicle parking areas, adjacent development, and community spaces on or adjoining the site.
 - (b) Walkways must be at least 5 feet wide.
 - (c) Walkways must be hard-surfaced and meet all applicable requirements of the Americans with Disabilities (ADA) standards.
 - (d) Walkways must be separated or distinguished from driving and parking surfaces by a landscaped buffer, change in elevation and/or change in surface material.
- (3) **Parking Areas.** On sites with more than 10 parking spaces, walkways must be provided along the length of the building featuring a public entrance and along any facade facing public parking areas. Designated walkways must be provided within parking lots with more than 40 spaces that separate pedestrian and vehicular traffic.

Section 312. Streets and Driveways

- 312.A **PURPOSE.** The provisions of this section are intended to ensure that new or extended streets and driveways are designed and constructed to:
- (1) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic);
 - (2) Provide efficient access to property and avoid congestion on existing streets;
 - (3) Logically extend and improve the connectivity of the town's existing street, sidewalk and multi-use path network;
 - (4) Fit into the landscape and follow the natural terrain to the greatest extent feasible;
 - (5) Provide for livable neighborhoods and attractive streetscapes; and
 - (6) Not be excessively wide in order to calm traffic and minimize impervious surface.
- 312.B **APPLICABILITY.** All new or extended streets and driveways within a subdivision or development must be designed and constructed in accordance with this section. A vehicular way that provides access to not more than 3 lots will be considered a driveway. A vehicular way that provides access to more than 3 lots will be considered a street.
- 312.C **PUBLIC WORKS SPECIFICATIONS.** In the case of a conflict between a provision of this section and a provision of the town's Public Works Specifications, the Public Works Specifications will take precedence.
- 312.D **TECHNICAL REVIEW.** The Administrative Officer will forward all applications for new streets or driveways to the Department of Public Works and Brattleboro Fire Department for review and comment. The Development Review Board or Administrative Officer may condition or deny any approval or permit based on those comments.

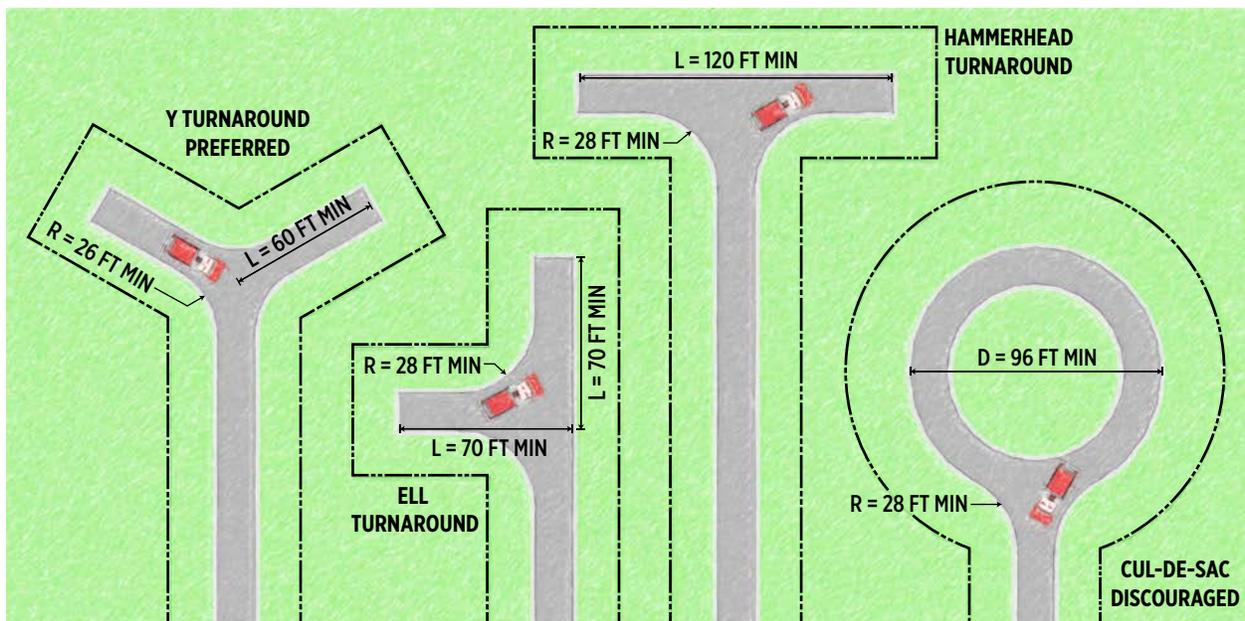
- 312.E **STREET DESIGN.** Streets within a subdivision or development must conform to the standards of [FIGURE 3-6](#) and this subsection.
- (1) **Street Type.** The applicant may propose a street type in accordance with the criteria below and must indicate the street type on subdivision or development plans. The Development Review Board must find that the type of street selected will be appropriate for the proposed use and anticipated traffic.
 - (a) An alley must only be used to provide access to rear parking or service areas for lots that front on another street.
 - (b) A lane must only be used if all the principal buildings served have sprinkler systems that conform to the applicable National Fire Protection Agency (NFPA) standards.
 - (c) A rural road must serve not more than 8 lots or dwelling units in the rural districts.
 - (2) **Right-of-Way.** The right-of-way must be wide enough to accommodate all travel lanes, parking lanes, bike lanes, sidewalks, medians, green strips, utilities and drainage.
 - (3) **Travel Lanes.** Travel lanes must be at least 9 feet and not more than 12 feet wide.
 - (4) **Parking Lanes.** Parking lanes must be at least 8 feet wide.
 - (5) **Bike Lanes.** The Development Review Board may require bike lanes on high-volume and/or high-speed streets upon consideration of bicycle use and existing bicycle accommodations on connecting streets. Maximum pavement width may be increased by up to 12 feet to accommodate bike lanes.
 - (6) **Pavement Width.** Pavement width is measured from the face of curb for curbed streets and the edge of pavement for uncurbed streets. Alleys and rural roads may be paved with a loose surface (ex. gravel). Lanes and streets must be paved with hard surface (ex. asphalt).
 - (7) **Corner Radius.** Corner radius is the minimum radius of the curb or edge of pavement at a street intersection. [FIGURE 3-6](#) provides a range of minimum and maximum corner radii. Applicants must select corner radii based on factors such as anticipated design vehicle, roadway widths, intersection controls, on-street parking, context, pedestrian activity, and desired design speeds.
 - (8) **Centerline Radius.** Centerline radius is the minimum radius of a circle formed by a curve that is tangent to the centerline of the road.

Figure 3-6. Street Geometric Design Standards

	ALLEY	LANE	STREET 1	STREET 2	RURAL ROAD
Right-of-way	20 ft min	40 ft min	50 ft min	60 ft min	50 ft min
Travel lanes	1	2	2	2	2
Parking lanes	0	0	1	2	0
Pavement width	10 ft min, 14 ft max	14 ft min, 24 ft max	28 ft min, 36 ft max	36 ft min, 44 ft max	18 ft min, 28 ft max
Corner radius	10 ft min, 20 ft max	10 ft min, 30 ft max	15 ft min, 40 ft max	15 ft min, 40 ft max	15 ft min, 50 ft max
Centerline radius	60 ft min	60 ft min	100 ft min	100 ft min	100 ft min
Grade	8% max	8% max	10% max	10% max	12% max
Sidewalks	-	5 ft min	5 ft min	5 ft min	-
Planting strip	-	5 ft min	6 ft min	6 ft min	-

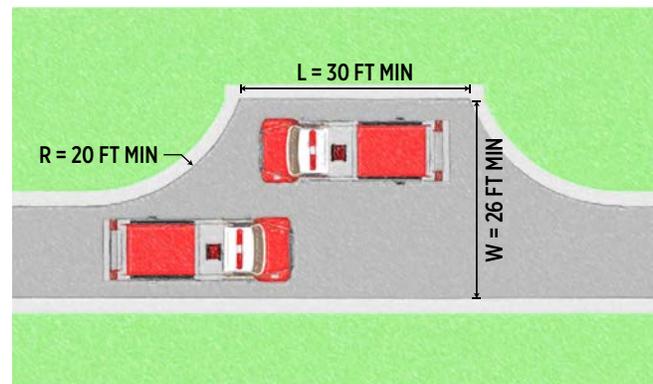
- (9) **Grade.** Streets must generally conform to the terrain and must not exceed the maximum grade specified in [FIGURE 3-6](#) as measured over any 100-foot section. The grade of a street at an intersection must not exceed 3% for a distance of 35 feet as measured back from the edge of the intersecting street. The Development Review Board may allow short street segments with steeper grades when recommended by the Department of Public Works. All streets must have a cross-slope of at least 1% and not more than 3%.
- (10) **Sidewalks.** Sidewalks are required along both sides of lanes and streets as follows:
- Sidewalks must be constructed of concrete or a similar material with equivalent durability and meet all applicable requirements of the Americans with Disabilities (ADA) standards.
 - The Development Review Board may allow a sidewalk to be constructed on only one side of a lane or street if the density of the subdivision or development is less than 4 dwelling units per acre (sidewalks are not required along rural roads in the Rural Residential and Rural districts).
 - The Development Review Board may allow the applicant to construct a hard-surfaced multi-use path at least 8 feet wide in lieu of sidewalks.
- (11) **Planting Strip.** The planting strip must be located between the curb or edge of pavement and the sidewalk parallel with the street. Planting strips designed to collect and infiltrate runoff are encouraged.
- (12) **Orientation.** Streets must be oriented to create lots that facilitate passive solar design and to terminate with views of prominent buildings or open spaces to the maximum extent feasible.

Figure 3-7. Turnaround Requirements for Dead-End Streets Illustrated



- (13) **Connectivity.** Discontinuous street systems are inefficient and cause undue congestion, while a well-connected street system disperses traffic efficiently and improves walkability. Accordingly, dead-end streets will be limited to a maximum length of 1,000 feet and may only be approved by the Development Review Board when at least one of the following apply:
- The dead-end street is planned to allow for future expansion. When a subdivision or development abuts undeveloped property, the street system must be designed to logically connect to that adjacent land to allow further subdivision. The Development Review Board may require construction of street stubs or condition approval on a future agreement to extend streets when adjacent property is developed.
 - Extreme topographic conditions or sensitive environmental features make construction of through streets impossible or undesirable.
 - The development site abuts the interstate or a previously developed site where a through connection is not possible. The Development Review Board may require a pedestrian connection between adjoining subdivisions or development if no vehicular connection is created.
 - The dead-end street will serve not more than 8 dwelling units.
- (14) **Turnarounds.** A dead-end street must terminate with a turnaround designed in accordance with [FIGURE 3-7](#). The “Y” configuration should be used unless another type is more suitable due to topographic or other physical conditions on the site.
- (15) **Pull-Offs.** Any street segment longer than 500 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 500 feet apart as shown in [FIGURE 3-8](#).
- (16) **Intersections.** Streets must intersect as close to 90 degrees as physically possible and must not intersect at less than 75 degrees or more than 105 degrees. Street intersections should be directly opposed whenever feasible. If not directly opposed, the centerline offset of street intersections must be at least 200 feet.
- (17) **Drainage.** Streets must be constructed with drainage facilities to divert run-off to vegetated areas. To the maximum extent feasible given existing site conditions, a minimum of 50 feet of natural vegetation must be maintained or established between streets and surface waters.
- (18) **Street Trees.** Street trees will be required in accordance with [SUBSECTION 315.F](#).
- (19) **Street Names.** Streets must be named in accordance with Vermont Enhance 9-1-1 Board Addressing Standards and the Town of Brattleboro Streets Ordinance. Street names must be identified on signs designed and located in accordance with the town policy. The applicant will be responsible for installing signs on new streets.

Figure 3-8. Pull-Off Requirements Illustrated



- (20) **Street Lights.** Street lights will be required only as necessary for safety and security. Street lights should be considered at intersections, crosswalks and high-traffic areas. Street lights must use fully-shielded fixtures and energy-efficient lamps. Street lights must not exceed 25 feet in height.

Figure 3-9. Driveway Design Standards

	PAVED WIDTH	MAXIMUM GRADE
Serving 1 lot and not more than 300 ft long	9 ft min	12% average
Serving 2-3 lots and not more than 500 ft long	12 ft min	10% average
Serving 1 lot and more than 300 feet long	10 ft min	12% over any 100-ft section
Serving 2-3 lots and more than 500 feet long	14 ft min	10% over any 100-ft section

- 312.F **DRIVEWAY DESIGN.** Driveways must conform to the standards of [FIGURE 3-9](#) and this subsection.
- (1) **Drainage.** Driveways must not block the flow of drainage in gutters or drainage ditches or pipes. Run-off from the driveway must not be discharged onto the traveled portion of the street. Run-off from the driveway must not unreasonably contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure. Where necessary, the applicant will be responsible for installing a culvert to carry run-off under the driveway. Such culverts must be sized to convey anticipated peak stormwater flows and be at least 18 inches in diameter, extend at least 2 feet beyond the driveway edges, and installed to minimize erosion damage at the inlet and outlet.
 - (2) **Sidewalks.** Sidewalks must be continued across driveways and must be thickened to a depth of 8 inches across the driveway. If the installation of a driveway requires disrupting an existing sidewalk, the applicant will be responsible for restoring or replacing it.
 - (3) **Turnarounds.** A driveway longer than 300 feet must terminate with a parking and turnaround area not more than 50 feet from the principal building that is adequately sized and surfaced to accommodate emergency vehicles.
 - (4) **Pull-Offs.** Any driveway longer than 500 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 500 feet apart as shown in [FIGURE 3-8](#).
- 312.G **CONSTRUCTION SPECIFICATIONS.** Streets, sidewalks and driveways must be constructed in accordance with the town's Public Works Specifications.

Section 313. Parking and Loading Areas

- 313.A **PURPOSE.** The provisions of this section are intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian-friendly environment.

- 313.B **APPLICABILITY.** Except within the Urban Center district, all development must provide off-street parking in accordance with this section and all nonresidential or mixed-use development must provide loading areas in accordance with this section. There are no minimum parking or loading requirements within the Urban Center district. Any on-site parking or loading areas that will be provided in the Urban Center district must be located and designed in accordance with the provisions of this section.
- 313.C **MINIMUM AMOUNT OF PARKING.** Except within the Urban Center district, all development must provide off-street parking in accordance with the following:
- (1) The minimum number of spaces will be determined based on [FIGURE 3-10](#) unless the applicant submits a professionally prepared parking study establishing the amount of parking needed.
 - (2) If uncertainty exists as to which ratio in [FIGURE 3-10](#) applies to a proposed use, the Administrative Officer will make a determination.
 - (3) The Development Review Board may reduce the amount of off-street parking required if:
 - (a) The applicant submits a parking study demonstrating that less parking will be needed;
 - (b) The applicant meets the requirements for shared parking in [SUBSECTION 313.E](#); or
 - (c) It finds that there is adequate on-street or public parking available within ¼ mile of the proposed development to meet all or a portion of the demand.
 - (4) To avoid requiring excess parking, these regulations have set a minimum parking requirement that may be less than what is required for a given proposed use. It is the applicant's responsibility to fully meet his/her actual parking need in accordance with the provisions of this section. The Development Review Board may require an applicant to provide more than the minimum amount of parking if it determines that the additional parking will be necessary. In particular, applicants for a multi-unit residential use that are proposing to provide only 1 space per dwelling unit should be prepared to demonstrate that this amount of off-street parking will be adequate given the location and characteristics of the housing.
- 313.D **MAXIMUM AMOUNT OF PARKING.** The Development Review Board must not approve creation of more than twice the minimum amount of parking calculated based on [FIGURE 3-10](#) unless the applicant provides a professionally prepared parking study demonstrating that the additional parking is necessary. The Development Review Board may condition approval of any parking in excess of the minimum on the additional area be surfaced with pervious materials and/or being phased so that it is constructed only as warranted to meet future demand.
- 313.E **SHARED PARKING.** The Development Review Board may approve a cooperative parking plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:
- (1) Calculate the total amount of shared parking required by:
 - (a) Determining the minimum parking requirements based on [FIGURE 3-10](#) for each use as if it were a separate use.

Figure 3-10. Minimum Parking Ratios

USE		MINIMUM PARKING SPACES
Residential	Single-unit, two-unit, accessory or multi-unit dwelling	1 per DU
	Retirement housing, assisted living or nursing homes	0.5 per DU (household living) 0.3 per bed (congregate living)
	Other residential	1 per DU (household living) 0.5 per bed (congregate living)
Lodging	Bed and breakfast, inn, rooming or boarding house	2 + 1 per guest room
	Hotel or motel	0.8 per guest room + 1 per 600 sf of public assembly space
Commercial	Retail, dining or service uses with high customer turnover	1 per 150 sf of GFA
	Retail, office or service uses with regular customer traffic	1 per 300 sf of GFA
	Office or service uses with limited customer traffic	1 per 600 sf of GFA
	Office or service uses with no regular customer traffic	1 per 900 sf of GFA
Industrial	Manufacturing or storage uses with no customer traffic	1 per 1,500 sf of GFA
	Research or development, data processing or similar office-like uses	1 per 900 sf of GFA
	Wholesale trade or industrial uses with customer traffic	1 per 600 sf of GFA
	Mini-warehouse (self-storage facility)	4 spaces + 2 for manager's quarters
Public Assembly	Facilities for mass assembly	1 per 6 seats 1 per 60 sf of assembly area if no seats
	Public places with high visitor turnover	1 per 150 sf of GFA
	Public places with regular visitor traffic	1 per 300 sf of GFA
	Public places with limited visitor traffic	1 per 600 sf of GFA
Institutional or Community Facility	Hospital	1 per 600 sf of GFA
	Medical clinic building	1 per 300 sf of GFA
	Grade school	0.1 per student + 1 per 300 sf of office space
	College or university	0.3 per student
	Trade or specialty school	1 per 300 sf of GFA
	Library	1 per 300 sf of GFA
	Museum or exhibition hall	1 per 1,200 sf of GFA
	Public safety facility	1 per employee + 1 per 300 sf of office space
	Funeral home	1 per 300 sf of GFA
	Supervision or rehabilitative services	1 per 600 sf of GFA
Social assistance, welfare or charitable services	1 per 300 sf of GFA	
Mining, Ag & Forestry	Stable or equine facility or greenhouse	1 per 600 sf of GFA
	Kennel	1 per 300 sf of GFA
	Mining, extracting, quarrying and stone cutting	1 per employee + 1 per facility vehicle
	Support functions for animal production	1 per 600 sf of GFA

Notes. When calculation of minimum parking requirements based on these ratios results in a fractional number, the number of spaces must be rounded up to the nearest whole number. If a proposed use is not listed, the Administrative Officer will set a ratio based on the listed use most similar to the proposed use.

DU = Dwelling Unit. GFA = Gross Floor Area.

High turnover uses are characterized primarily by an ongoing stream of customers or visitors arriving throughout the day and staying for a limited period of time (ex. convenience store, coffee shop or gym). Uses with regular traffic are characterized by customers or visitors arriving primarily at an expected or appointed time, and staying for moderate period of time (ex. sit-down restaurant, theater, medical office or hair salon). Uses with limited traffic are characterized by customers or visitors arriving infrequently and primarily by appointment (ex. attorney or accountant).

Figure 3-11. Shared Parking Percentages

Land Use	WEEKDAY		WEEKEND		Nighttime (12 AM – 6 AM)
	Daytime (9 AM – 4 PM)	Evening (6 PM – 11 PM)	Daytime (9 AM – 4 PM)	Evening (6 PM – 11 PM)	
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	70%	100%	70%	100%	70%
Dining	50%	100%	70%	100%	5%
Other Commercial	40%	100%	80%	100%	5%
Residential	50%	90%	80%	90%	100%

- (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in [FIGURE 3-11](#). The Administrative Officer may establish percentages for any unlisted use.
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Any shared or off-site parking must be located within 600 feet of the associated use(s). The parking area and building(s) served must be connected by a public sidewalk and/or pedestrian walkway.
 - (3) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 20 years, in the town land records. Should the use(s), parties involved, or terms of the agreement change in a manner that would alter the amount of parking provided or required, a revised agreement will need to be approved in accordance with this section and recorded. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of these regulations unless replacement parking is provided in accordance with this section.
 - (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

313.F LOCATION STANDARDS. Off-street parking and loading areas must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with [SUBSECTION 313.E](#).
- (2) Required parking and loading areas (inclusive of vehicle overhang) must be located on the lot in accordance with any parking standards specified for the zoning district in [PART 2](#) of these regulations and the following:
 - (a) Parking and loading areas must not be located within minimum required front setbacks as established for the applicable district in [PART 2](#).
 - (b) Parking and loading areas must not be located within side or rear setbacks as established in [FIGURE 3-1](#), except that shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with [SUBSECTION 313.E](#).

- (c) A loading area must be located to the side or rear of the building it serves.

313.G **DIMENSIONAL STANDARDS.** Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:
 - (a) Spaces serving a single-unit or two-unit home; or
 - (b) Tandem parking (a double-depth parking space with one vehicle parking the other in) approved by the Development Review Board for multi-unit housing, religious facilities or employee parking.
- (2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be not less than 16 feet wide.
- (3) **Loading Spaces.** Small off-street truck loading spaces must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area. Large off-street truck loading spaces must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a street right-of-way except:
 - (a) For parking that serves a single-unit or two-unit home and that does not require backing out onto an arterial street.

Paving includes asphalt, concrete, gravel, brick or any other impervious material placed on the ground to create a firm, level surface.



313.H **DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS.** Off-street parking and loading areas must conform to the following:

- (1) **Pavement.** Off-street parking and loading areas must be paved to provide a firm, level surface appropriate for the anticipated level of use in all seasons. Parking areas for more than 20 vehicles, drive-through lanes and large truck loading areas must be surfaced with asphalt or concrete. The Development Review Board may waive the surfacing requirement if a parking area will be:
 - (a) Located more than 100 feet from a watercourse; and
 - (b) Either surfaced with pervious pavers or accessed from an unpaved street.
- (2) **Layout.** Perpendicular (90 degree) parking is preferred and angled parking should be avoided unless necessitated by site-specific conditions.
- (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all surface water and minimize erosion in accordance with the provisions of [SECTION 333](#). Run-off and/or eroded surface materials must not flow onto adjacent streets or properties.
- (4) **Markings.** Parking areas with more than 10 spaces that are constructed with a paintable surface must demarcate the parking spaces with painted lines. If the surface is not paintable, the spaces must be demarcated however practical. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.

- (5) **Screening.** The side or rear yard buffer required under [FIGURE 3-12](#) must include a fence where a parking lot abuts residential property. The side or rear yard buffer must be a Type D buffer where a loading area abuts residential property (unless a Type E is already required by [FIGURE 3-12](#)).
 - (6) **Landscaping.** Parking lots must be landscaped in accordance with [SUBSECTION 315.I](#). The percentage of landscaping required under [SUBSECTION 315.I](#) will be reduced from 50% to 25% for rear parking lots that will be screened from view at the street by buildings.
 - (7) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state or federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.
 - (8) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within parking areas as an allowed accessory use in any zoning district. Development that will create more than 40 parking spaces for residents or employees must provide at least 1 electric vehicle charging station per 20 parking spaces. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
 - (9) **Maintenance.** Parking and loading areas must be maintained in good condition free of weeds, dust, trash and debris. A permit is required when one or more of the following are proposed for any developed site:
 - (a) Resurfacing of an existing parking lot with no changes to the configuration of drive aisles and parking spaces.
 - (b) Restriping of an existing parking lot with changes to the configuration of drive aisles and/or the number of parking spaces.
 - (c) Regrading of an existing parking lot.
 - (d) Modifying, adding and/or altering the existing on-site parking lot landscaping, e.g., landscapes planters.
- 313.I **PREVIOUSLY DEVELOPED SITES.** Applicants for land development on a previously developed site that requires major site plan approval must bring the site into conformance with the provisions of this section to the maximum extent feasible given the physical characteristics of the lot and the existing development. When modifying a previously developed site, the highest priority should be to eliminate any nonconforming parking within the minimum front yard setback.

Section 314. Buffers and Screening

- 314.A **PURPOSE.** The provisions of this section are intended to protect quality of life and community character by:
- (1) Providing a landscaped buffer between residential and nonresidential land uses; and
 - (2) Screening land uses that create visual clutter and distraction.
- 314.B **APPLICABILITY.** The provisions of this section apply to any development that requires major site plan review.

Figure 3-12. Buffer Type Required

		ABUTTING PROPERTY ZONING DISTRICT											
		UC	VC	SC	NC	MU	RN	RR	RL	WF	IT	IN	I-91
SUBJECT PROPERTY ZONING DISTRICT	Urban Center (UC)	-	-	-	-	A	B	-	-	A	-	-	-
	Village Center (VC)	-	-	-	-	-	B	B	-	-	-	-	-
	Service Center (SC)	-	-	-	B	B	-	D	-	-	C	B	D
	Neighborhood Center (NC)	-	-	B	-	B	B	C	-	B	B	-	D
	Mixed Use (MU)	A	-	B	B	A	B	-	-	A	A	-	-
	Residential Neighborhood (RN-36 & 54)	B	A	-	B	A	A	B	A	A	B	B	D
	Rural Residential (RR)	-	A	B	B	-	A	-	A	A	A	B	D
	Rural (RL)	-	-	-	-	-	A	A	-	-	-	-	-
	Waterfront (WF)	A	-	-	B	A	B	B	A	-	A	B	D
	Institutional (IT)	-	-	B	B	B	B	B	-	A	-	B	D
	Industrial (IN)	-	-	D	-	-	E	E	-	E	E	-	E

Figure 3-13. Buffer Type Standards

BUFFER TYPE	MIN WIDTH	TREES (PER 100 FT)			SHRUBS (PER 100 FT)			FENCE (F) WALL (W) BERM (B)
		LARGE	MEDIUM	SMALL	LARGE	MEDIUM	SMALL	
A	Option 1	10 ft	2	2	-	-	15	-
	Option 2	10 ft	2	2	-	5	-	-
B	Option 1	15 ft	3	4	3	5	-	-
	Option 2	10 ft	2	2	6	6	7	-
C	Option 1	15 ft	2	4	9	5	-	F or W
	Option 2	15 ft	2	2	11	5	5	F or W
D	Option 1	25 ft	2	4	9	7	4	F or W
	Option 2	25 ft	2	2	10	10	5	B
E	Option 1	30 ft	2	4	13	4	3	F or W
	Option 2	30 ft	2	4	10	8	6	B
N Minimum width may be reduced by 20% but must not be less than 10 ft. Any combination of trees or shrubs is acceptable provided that: the existing vegetation provides at least the number of equivalent planting units (see FIGURE 3-15); or the existing vegetation provides complete visual screening. No fence, wall or berm is required.								

Note: The applicant may propose a buffer composed of multiple types or options.

Figure 3-14. Planting Specifications

PLANT MATERIAL	MINIMUM CALIPER (AT PLANTING)	MINIMUM HEIGHT (AT PLANTING)	MINIMUM PLANTING AREA	MATURE OR MAINTAINED HEIGHT
Large Tree	2.5 inches for single-trunk trees (measured at 6 in above grade)	6 ft for multi-trunk trees	100 sf	≥50 ft
Medium Tree			24 sf	30 to <50 ft
Small Tree			16 sf	<30 ft
Large Shrub	-	30 inches	12 sf	≥6 ft
Medium Shrub	-	18 inches	8 sf	3 to <6 ft
Small Shrub	-	12 inches	6 sf	<3 ft

Figure 3-15. Equivalent Planting Units

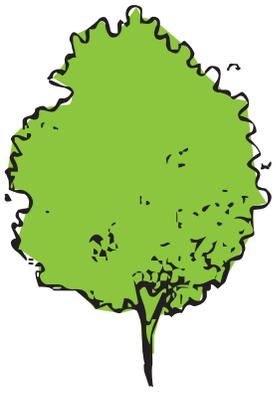
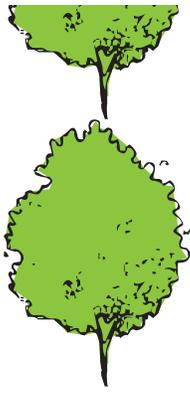
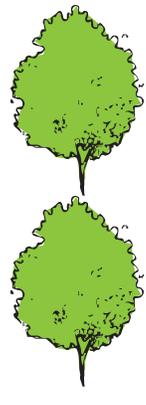
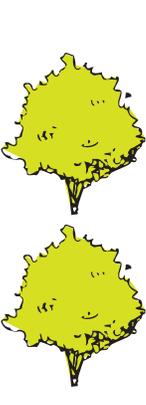
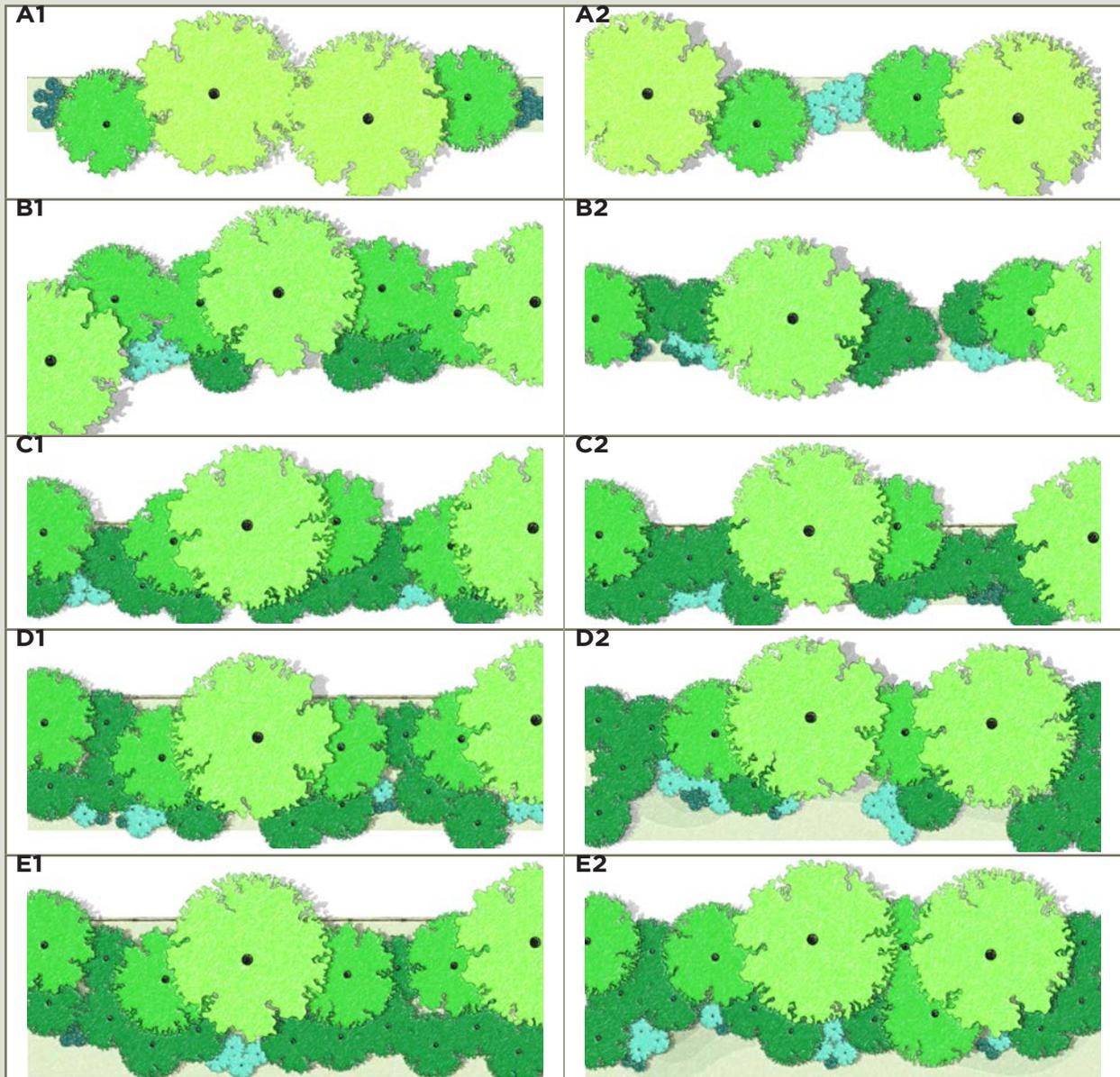
					
LARGE TREE 1.00 EPU	MEDIUM TREE 0.75 EPU	SMALL TREE 0.50 EPU	LARGE SHRUB 0.50 EPU	MEDIUM SHRUB 0.30 EPU	SMALL SHRUB 0.1 EPU

Figure 3-16. Buffer Types Illustrated



- 314.C **BUFFER TYPES.** FIGURE 3-13 establishes six types of buffers. As required by the provisions of this section, the applicant must either preserve existing vegetation or plant new trees or shrubs to provide buffers as follows:
- (1) **Side and Rear Yards.** Buffers must be provided along the side and rear lot lines as specified in FIGURE 3-12 based on the zoning district of the subject property and the abutting property, except that no buffer will be required if the abutting property is under common ownership with the subject property. For the purposes of determining buffer requirements, properties that abut the town line or Connecticut River will be considered to be abutting property in the same district as the subject property, and properties that abut the railroad will be considered to be abutting property in whatever district is on the other side of the tracks from the subject property.
 - (2) **Utilities.** All utility boxes, pump stations, substations, and similar above ground utilities must be screened from view from the street and abutting properties with a Type B Buffer, except if the infrastructure is more than 8 feet high it must be screened with a Type E Buffer.
 - (3) **Service Areas.** Off-street loading areas, refuse and outdoor storage areas, antennas and satellite dishes, mechanical equipment and similar service areas or features must be screened as viewed from the street and abutting properties with a Type C Buffer.
- 314.D **USE OF BUFFERS.** Buffers must be maintained as landscaped or naturally vegetated areas. No land development, parking or storage is allowed within the buffer except for minor improvements to accommodate use of the buffer for passive recreation or as part of the site's stormwater management system. The buffer may be counted as part of a required yard, setback or green space, as applicable.
- 314.E **NATURAL BUFFERS.** In order to encourage preservation of existing vegetation, the applicant may substitute a Type N Buffer for any other required buffer type for the entire or any portion of the required buffer.
- 314.F **BUFFER REDUCTION.** The Development Review Board may reduce the buffer requirements if a buffer exists on the abutting property that satisfies all or part of the minimum requirements of this section for both properties, and if the abutting property owner records a written agreement guaranteeing the continued future maintenance of the applicable area as a buffer in the town land records.
- 314.G **FENCES AND WALLS.** In addition to the standards of SECTION 316, fences or walls required as a buffer or screen must conform to the following:
- (1) Fences or walls must be a minimum of 6 feet in height when used in Type D, E, or F Buffers.
 - (2) No fence or wall will be required if an existing fence or wall on an abutting property meets the requirements of this section.
 - (3) The fence or wall must be completely opaque between a height of 1 and 5 feet above the ground. The fence or wall material must be made of wood, concrete, masonry, stone or metal. Corrugated or galvanized steel or metal sheets, and chain link fencing with inserts are not permitted. The support posts must be placed on and faced towards the inside of the subject property and the finished surface of the fence or wall must face the abutting property or street.

- 314.H **BERMS.** Berms must be at least 2 feet from ground level to their highest point. Berms must not have a slope greater than 3-to-1 (horizontal-to-vertical). The surface of the berm not planted with trees or shrubs must be covered with perennial herbaceous or woody ground cover and/or mulch.
- 314.I **PLANT MATERIALS.** Plant materials must conform to the minimum requirements of [FIGURE 3-14](#) and the following:
- (1) Where trees will be located under existing or proposed overhead utility lines, the applicant may substitute medium trees for large trees based on the equivalent plant units specified in [FIGURE 3-15](#). The Development Review Board may approve other substitutions based on the recommendation of a qualified landscape professional provided that at least the number of equivalent planting units is proposed and the resulting buffer will achieve the purpose of this section.
 - (2) Large trees required for Type D or E Buffers must be large shade trees that reach a mature height of at least 60 feet.
 - (3) At least 50% of the shrubs required for Type D and E Buffers must be evergreen.
 - (4) See [APPENDIX B](#) for recommendations and guidance on plant selection. Use of native species is strongly encouraged. Use of invasive species is prohibited.
 - (5) Plant materials must be maintained in a healthy condition and the buffer must function as intended. Dead or dying plants must be replaced within 1 growing season with comparable plant materials (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in [FIGURE 3-14](#).
- 314.J **PERFORMANCE BOND.** The Administrative Officer or Development Review Board may require the applicant to submit a performance bond to ensure that buffers and screening will be installed in accordance with the approved plans as a condition of approval in accordance with [SECTION 414](#).
- (1) If plant materials cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the Administrative Officer or Development Review Board may allow the applicant to install them within a reasonable time frame. The applicant must submit a performance bond to ensure that plant materials will be installed in accordance with the approved plans. The performance bond will be held until the work is completed. It will be released following the Administrative Officer inspecting the site and determining that the buffers and screening were installed in accordance with the approved plans and that the plant materials are healthy.
- 314.K **INSPECTION.** The Administrative Officer or Development Review Board may require that the Administrative Officer inspect the site to determine that the plant materials are healthy and that the buffers and screening are functioning as intended after several growing seasons as a condition of approval.

Section 315. Landscaping

- 315.A **APPLICABILITY.** The provisions of this section apply to any development that requires site plan review, as well as to subdivisions or PUDs except:
- (1) Subdivisions that create single-unit or two-unit residential lots will only be required to provide streetscape landscaping in accordance with [SUBSECTION 315.F](#).

- 315.B **PLANT MATERIALS.** See [APPENDIX B](#) for recommendations and guidance on plant selection. Plant materials must meet the specifications in [FIGURE 3-14](#). Use of native species is strongly encouraged. Use of invasive species is prohibited. The Development Review Board may approve substitutions based on the recommendation of a qualified landscape professional provided that at least the number of equivalent planting units is proposed (see [FIGURE 3-15](#)).
- 315.C **LANDSCAPE DESIGN PRINCIPLES.** Landscaping should be designed to fit into and enhance the site's natural features and setting, and to replicate the appearance of natural vegetation. Landscaping should feature a mix of plant materials arranged in informally shaped and spaced groupings. Linear, single species "soldier plantings" are strongly discouraged.
- 315.D **LANDSCAPE PLAN.** Applicants for major site plan approval must submit a landscape plan prepared by a licensed landscape architect or a certified horticulturist if landscaping will be altered or installed.
- 315.E **MAINTENANCE.** Landscaping required under this section or as a conditional of approval must be maintained in a healthy condition. Dead or dying plants must be replaced within 1 growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in [FIGURE 3-14](#).
- 315.F **STREETScape LANDSCAPING.** Street trees are required along existing public and private streets except within the Rural Residential, Rural and Industrial districts, and along new streets as specified in [SECTION 312](#) in accordance with the following:
- (1) Street trees must be planted within 3 feet of the edge of the street right-of-way unless otherwise recommended by the Department of Public Works.
 - (2) If a planting area at least 5 feet wide within or immediately adjacent to the street right-of-way does not exist, or is not feasible to establish as determined by the Department of Public Works, the Development Review Board may waive the street tree requirement.
 - (3) Where there are no existing or proposed overhead utility lines, street trees must be large trees. Where there are existing or proposed overhead utility lines 35 feet or more in height, street trees must be medium trees. Where there are existing or proposed overhead utility lines less than 35 feet in height, street trees must be small trees.
 - (4) The Development Review Board may waive the requirement for large street trees and allow the applicant to plant medium or small trees to accommodate sites with existing buildings or similar obstructions that could conflict with large trees as they mature. Applicants with tight spaces for planting should look for species that will be appropriately sized and shaped for the location (see [APPENDIX B](#)).
 - (5) Street trees must be planted with a reasonably even, linear spacing. Large trees must be planted at a minimum ratio of one for every 50 feet of frontage. Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage. The applicant may propose to shift the spacing by not more than 15 feet to accommodate site features or maintain sight distance.
 - (6) If street trees will be located on the property outside the street right-of-way, they may also be counted towards any required front yard landscaping.
 - (7) See [APPENDIX B](#) for recommended street tree species. Applicants are encouraged to contact the town Tree Warden for guidance on street tree selection and planting. Use of a diversity of tree species is strongly encouraged.

- (8) Preservation of existing trees to meet this requirement is strongly encouraged. The Development Review Board may waive the location, spacing and alignment standards above to allow existing trees within 10 feet of the edge of the street right-of-way to meet street tree requirements.

315.G **FRONT YARD LANDSCAPING.** When zoning district standards require green space within the minimum front yard setback, that area must be landscaped as follows:

- (1) A minimum of 1 medium shrub is required for each 5 feet of frontage and 1 medium tree is required for each 50 feet of frontage. The applicant may:
 - (a) Substitute small or large trees or shrubs based on the equivalent plant units specified in [FIGURE 3-15](#).
 - (b) Substitute perennial ornamental plants for not more than 50% of the total number of required shrubs. Ornamental plants will be counted as small shrubs under [FIGURE 3-15](#).
 - (c) Maintain existing vegetation to meet these requirements.
- (2) Front yard landscaping should be used or installed to:
 - (a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;
 - (b) Enhance and shade sidewalks and walkways;
 - (c) Screen parking areas; and/or
 - (d) Intercept and filter stormwater runoff.

Figure 3-17. Front Yard Landscaping Illustrated Standards



315.H **BUILDING LANDSCAPING.** Except within the Industrial and Urban Center districts, buildings with a footprint of 3,000 square feet or more that are set back 20 feet or more beyond the minimum front setback requirement must provide landscaping in accordance with the following:

- (1) A minimum of 1 medium shrub is required for each 2 feet and 1 medium tree is required for each 30 feet of exterior building perimeter. The applicant may:
 - (a) Substitute small or large trees or shrubs based on the equivalent plant units specified in [FIGURE 3-15](#).
 - (b) Substitute perennial ornamental plants for not more than 50% of the total number of required shrubs. Ornamental plants will be counted as small shrubs under [FIGURE 3-15](#).
 - (c) Maintain existing vegetation to meet these requirements.
- (2) Building landscaping must be located near the building and must be used or installed to:

- (a) Provide direction to and enhance building entrances;
 - (b) Enhance and shade walkways;
 - (c) Provide visual breaks along blank building facades; and/or
 - (d) Intercept and filter stormwater runoff (ex. rain garden).
- (3) Building landscaping must be planted in groupings and must be distributed around the portions of the building visible from public vantage points.

315.I **PARKING LOT LANDSCAPING.** Parking lots (not including vehicle sales lots) must be landscaped with large and/or medium trees to create a tree canopy that will provide shade for a minimum of 50% of the parking lot area (includes parking spaces and access aisles) in accordance with the following:

- (1) Each large tree will be considered to provide 1,200 square feet of shade. Each medium tree will be considered to provide 600 square feet of shade.
- (2) Planting islands must be at least 8 feet wide by 16 feet deep.
- (3) Incorporating parking lot landscaping into the site's stormwater management system is strongly encouraged.

Figure 3-18. Parking Lot Landscaping Illustrated Standards



315.J **PERFORMANCE BOND.** The Administrative Officer or Development Review Board may require the applicant to submit a performance bond to ensure that landscaping will be installed in accordance with the approved plans as a condition of approval in accordance with [SECTION 414](#).

- (1) If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the Administrative Officer or Development Review Board may allow the applicant to install the landscaping within a reasonable time frame. The applicant must submit a performance bond to ensure that landscaping will be installed in accordance with the approved plans. The performance bond will be held until the landscaping is completed. It will be released following the Administrative Officer inspecting the site and determining that the landscaping was installed in accordance with the approved plans and that the plant materials are healthy.

315.K **INSPECTION.** The Administrative Officer or Development Review Board may require that the Administrative Officer inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after several growing seasons as a condition of approval. An inspection is recommended when landscaping is integral to ensuring that the proposed development performs as approved (such as within green stormwater infrastructure or riparian buffers, or where there is a specific screening or aesthetic concern, for example).

Section 316. Fences and Walls

- 316.A **APPLICABILITY.** All non-agricultural fences and walls must be designed and located in accordance with the provisions of this section. As specified in [SECTION 111](#), fences and non-retaining walls not more than 6 feet in height and retaining walls not more than 2 feet in height do not require a zoning permit, but must conform to the standards below.
- 316.B **SETBACKS.** Fences or walls are not subject to setbacks and may be located within minimum required yards.
- 316.C **FRONT YARD.** Fences or non-retaining walls located within a required minimum front setback must not exceed a height of 4 feet and must not obscure vision above a height of 3 feet at any intersection.
- 316.D **SIDE OR REAR YARD.** Fences or non-retaining walls located with a side or rear yard must not exceed a height of 8 feet.
- 316.E **RETAINING WALLS.** Retaining walls must be located and designed as follows:
- (1) Except within the Industrial district, no individual retaining wall may exceed 16 feet in height except that:
 - (a) Pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.
 - (2) All retaining walls more than 4 feet in height must be designed by a professional engineer or licensed landscape architect, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.
 - (3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.
 - (4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 8 feet.
- 316.F **INDUSTRIAL DISTRICT.** Fence height restrictions do not apply in the Industrial District where:
- (1) The fence does not abut land another zoning district;
 - (2) The fence height and location does not reduce sight distance at intersections.
- 316.G **MATERIALS.** A fence or wall must be constructed of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron or other materials of similar durability. A fence or wall must not be constructed of barbed wire, razor wire or similar materials capable of inflicting significant physical injury unless required by state or federal regulation.
- 316.H **WAIVER.** The Development Review Board may modify the height and setback requirements for fences and walls upon the applicant demonstrating that:
- (1) The waiver is necessary due to physical site characteristics specific to the property, including but not limited to, topography or noise exposure;
 - (2) The relief requested is the minimum necessary;

- (3) The proposed fence or wall will not pose a hazard or substantial inconvenience to adjoining property owners, motorists or pedestrians; and
- (4) Landscaping or other design elements will minimize any adverse visual impacts of the fence or wall as viewed from public roads and adjoining properties.

Section 317. Outdoor Lighting

- 317.A **PURPOSE.** Outdoor lighting will be regulated to reduce its obtrusive and disruptive aspects, and will be limited to the minimum necessary for safety, security and nighttime use of property. It is the intent of this section to curtail degradation of the nighttime environment and reduce light trespass, glare and energy use by encouraging lighting designs that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient light sources, and discouraging the use of poorly shielded or directed light fixtures.
- 317.B **APPLICABILITY.** All outdoor lighting must be installed in accordance with the provisions of this section except for:
- (1) Public street lights.
 - (2) Decorative holiday lighting using low-wattage lamps.
 - (3) Lamps with an initial output of less than 2,000 lumens located on single-unit or two-unit residential property.
 - (4) Outdoor lighting required for farming or forestry practices.
- 317.C **LIGHTING PLAN.** Applicants for major site plan approval must submit an lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.
- 317.D **PREVIOUSLY DEVELOPED SITES.** An applicant seeking site plan approval must bring all outdoor lighting on the premises, including any previously installed and proposed new outdoor lighting, into conformance with this section.
- 317.E **LIGHTING CLASSES AND ZONES.** This section regulates outdoor lighting based on the following classes and zones:
- (1) **Class 1 Lighting** includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work activities occur after dark, assembly areas like amphitheaters, recreational facilities, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.
 - (2) **Class 2 Lighting** includes all outdoor lighting used for illumination of walkways, roadways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.
 - (3) **Class 3 Lighting** includes all outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting, landscape lighting and similar applications.
 - (4) **Lighting Zone 1** encompasses the Mixed Use, Residential Neighborhood, Rural Residential, Rural, and Waterfront zoning districts.

Figure 3-19. Light Fixture Shielding, Lamp Type and Time Limits

		ZONE 1	ZONE 2	LAMP TYPE	LIGHTING EXTINGUISHED
CLASS 1	Initial output <2,000 lumens	Fully shielded	Partially shielded	All types	-
	Initial output >2,000 lumens	Fully shielded	Fully shielded	All types	-
CLASS 2	Initial output <2,000 lumens	Fully shielded	Partially shielded	All types	After 10 p.m. (or 30 min after close of business if later) if the light is located more than 50 ft from the nearest building, display area or storage area.
	Initial output >2,000 lumens	Fully shielded	Fully shielded	"warm white" LED High-pressure sodium Low-pressure sodium	
CLASS 3	Initial output <2,000 lumens	Partially shielded	Partially shielded	All types	After 10 p.m. (or close of business if later)
	Initial output >2,000 lumens	Prohibited	Prohibited	-	

Figure 3-20. Total Outdoor Light Outputs

	ZONE 1	ZONE 2
Commercial, Industrial or Mixed Use		
All light fixtures (fully + partially shielded)	50,000 lumens/buildable acre	100,000 lumens/ buildable acre
Partially shielded light fixtures only	5,000 lumens/ buildable acre	10,000 lumens/ buildable acre
Multi-Unit Residential		
All light fixtures (fully + partially shielded)	10,000 lumens/dwelling	10,000 lumens/dwelling
Partially shielded light fixtures only	3,000 lumens/dwelling	3,000 lumens/dwelling

Figure 3-21. Spot or Flood Light Aiming

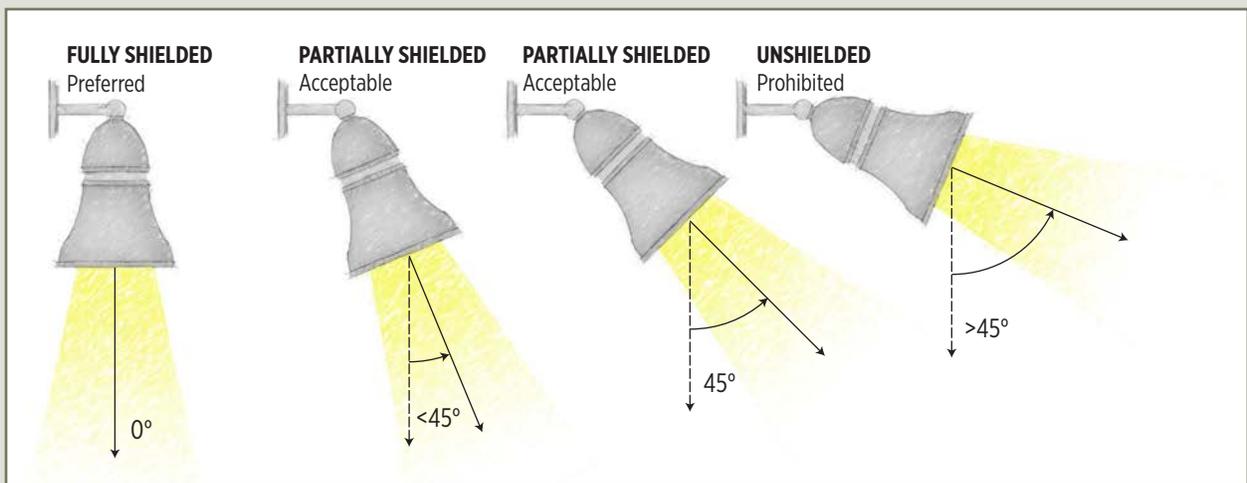


Figure 3-22. Light Fixtures Illustrated



FULLY SHIELDED FIXTURES (preferred). All light is projected downwards and the light source is not visible.



PARTIALLY SHIELDED FIXTURES (acceptable). Most of the light is projected downwards. Any light emitted outwards or upwards and/or the light source is only visible through decorative elements or translucent or diffusing materials.



UNSHIELDED FIXTURES (prohibited). Light is emitted outwards or upwards or the light source is visible. Frequently a shield can be added to such fixtures and/or they can be aimed in a manner that would convert them to a fully or partially shielded fixture.

- (5) **Lighting Zone 2** encompasses the Urban Center, Village Center, Service Center, Neighborhood Center, Institutional and Industrial zoning districts.

317.F **GENERAL STANDARDS.** All outdoor lighting must be kept to the minimum required for safety, security, and intended use in accordance with the following:

- (1) **Shielding.** All nonexempt outdoor light fixtures must be shielded as specified in [FIGURE 3-19](#) and illustrated in [FIGURE 3-22](#). All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.
- (2) **Total Output.** Total output from all nonexempt outdoor light fixtures on a site must not exceed the limits specified in [FIGURE 3-20](#). In presenting lighting plans, applicants should use existing sites in the area as a point of reference for describing the proposed lighting levels.
- (3) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lower light levels with more uniformity provide safer and more efficient lighting than higher light levels with less uniformity. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are strongly discouraged.
- (4) **Allowed Lamp Types.** All lamps must conform to the types specified in [FIGURE 3-19](#) and must be energy efficient.
- (5) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down as shown in [FIGURE 3-21](#). When aimed straight down, such light fixtures will be considered fully shielded; when aimed above straight down, they will be considered partially shielded. Use of flood or similar high-intensity lighting is discouraged.
- (6) **Freestanding Lights.** Freestanding light fixtures must not exceed 25 feet in height in the Service Center and Industrial districts and 20 feet in height in all other districts. Freestanding light fixtures may be located within setbacks. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.
- (7) **Light Trespass.** Any outdoor light fixture containing a lamp with an initial output of more than 10,000 lumens that will be located within 50 feet of a property line or a public right-of-way must be oriented and shielded to prevent light trespass over the adjacent property or right-of-way.
- (8) **Internally Illuminated Architecture.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated and that is not a sign will be considered partially shielded, Class 3 lighting.
- (9) **Luminous Tube Lighting.** Luminous tube lighting does not require shielding but it will be considered partially shielded lighting for the purposes of calculating total outdoor light output for the site.
- (10) **Time Limits.** Outdoor lighting must be extinguished as specified in [FIGURE 3-19](#). The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect the character of the area. Use of timers, dimmers and sensors is encouraged.

- 317.G **SIGN LIGHTING.** All sign lighting must conform to the following:
- (1) **Externally Illuminated Signs.** External illumination for signs will not count towards the site's total outdoor lighting output. External sign lighting must conform to the standards of [SUBSECTION 317.F](#). All upward directed sign lighting is prohibited.
 - (2) **Internally Illuminated Signs.** Internally illuminated signs will not count towards the site's total outdoor lighting output. Internally illuminated signs must be constructed with either:
 - (a) An opaque background and translucent text and symbols; or
 - (b) A colored background that is darker than the text and symbols.
 - (3) **Luminous Tube and Electronic Message Signs.** Luminous tube and electronic message signs will not count towards the site's total outdoor lighting output provided the lighting is located within the sign area (see [SECTION 319](#)). Any lighting extending beyond the sign area will be treated as Class 3 lighting and will count towards the site's total outdoor lighting output. Also see [PARAGRAPH 319.G\(7\)](#).
 - (4) **High Intensity Lights.** The use of laser source lights, searchlights or other high intensity lights for advertising purposes is prohibited.
 - (5) **Time Limits.** Sign lighting must be turned off by 9 p.m. within Lighting Zone 1 and 10 p.m. within Lighting Zone 2, or the close of business if later. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the area.
- 317.H **SPECIAL USE LIGHTING.** There are special standards for the following uses:
- (1) **Recreation Facilities.** Lighting for outdoor recreation facilities will be considered Class 1 Lighting and will be exempt from the lumens per acre limit specified in [FIGURE 3-20](#). The facility lighting must be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). Light fixtures must be fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass. Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal. All field lighting must be extinguished within 30 minutes of the cessation of play. Events must be scheduled so as to complete activity before 11 p.m. Illumination of the facility will be permitted after 11 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.
 - (2) **Frontage Row of Vehicle Display Areas.** Lighting for the frontage row of vehicle display areas will be considered Class 1 Lighting. All frontage row vehicle display area lighting must use properly installed and maintained fully-shielded light fixtures. The total outdoor light output for the frontage row of vehicle display areas will be exempt from the lumens per acre limit specified in [FIGURE 3-20](#), but must not exceed 60 lumens per square foot. Any frontage row of vehicle display light that exceeds the lumens per acre limit specified in [FIGURE 3-20](#) must be turned off after 10 p.m., or 30 minutes after the close of business if later. Lighting for the frontage row of vehicle display areas remaining on after the time limit will be considered Class 2 Lighting and must conform to the applicable standards of this section.

- (3) **Fueling Station Canopies.** Lighting for fueling station canopies will be considered Class 1 Lighting. All light fixtures mounted on or recessed into the lower surface of fueling station canopies must be fully shielded and use flat lenses. The total light output used for illuminating fueling station canopies must not exceed 60 lumens per square foot of canopy. The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per acre limit as specified in [FIGURE 3-20](#).

Section 318. Outdoor Storage or Display

- 318.A **APPLICABILITY.** The standards of this section apply to keeping any goods, junk, material or merchandise in an unroofed area for more than 24 hours except for storage incidental to agriculture or forestry in accordance with [SECTION 112](#).
- 318.B **CLASSIFICATION.** Outdoor storage and display is classified in [FIGURE 3-23](#). If a proposed outdoor storage use is not specifically listed, the Administrative Officer will determine its class based on its similarity to the function, characteristics and impacts of the listed storage uses.
- 318.C **GENERAL STANDARDS.** All outdoor storage and display must meet the standards established in [FIGURE 3-24](#) for their class.

Section 319. Signs

- 319.A **PURPOSE.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:
- (1) Protect public safety;
 - (2) Promote effective identification, communication and wayfinding; and
 - (3) Maintain and enhance an attractive visual environment that fosters a healthy economy.
- 319.B **APPLICABILITY.** All signs must be designed and installed in accordance with the provisions of this section. The Administrative Officer must issue a permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in [SUBSECTION 319.D](#).
- 319.C **PROHIBITED SIGNS.** The following signs are prohibited:
- (1) Off-premise signs, except for signs on a common scheme premises in accordance with [PARAGRAPH 319.G\(6\)](#).
 - (2) On-premise signs more than 1,500 feet from the main entrance of the advertised business or use, except for signs on a common scheme premises in accordance with [PARAGRAPH 319.G\(6\)](#).
 - (3) Abandoned signs.
 - (4) Signs attached to trees, utility poles, public benches, streetlights.
 - (5) Signs placed on any public property or public right-of-way, except for a political sign in accordance with [SUBSECTION 319.D](#) or a portable sign in accordance with [PARAGRAPH 319.G\(13\)](#).
 - (6) Signs that obstruct pedestrian traffic or visibility.
 - (7) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.

Figure 3-23. Classification of Outdoor Storage and Display

	PERSONAL STORAGE	GOODS FOR SALE OR LEASE	ALL OTHER STORAGE
CLASS 1	(1) Registered, operable passenger vehicles for personal use stored on the property at which the owner resides		(11) Construction materials, vehicles or equipment on a construction site
CLASS 2	(2) Personal property other than registered, operable passenger vehicles stored on the property at which the owner resides (3) Registered, operable passenger vehicles for business use stored on the property at which the business is located or the business owner resides	(4) Live plants and goods other than vehicles, equipment or machinery incidental to lawn, garden and farm supply	
CLASS 3		(5) Operable automobiles, light trucks, motorcycles, recreational vehicles, or lawn and garden equipment (6) Motor homes, mobile homes and prefabricated buildings (7) Monuments	
CLASS 4		(8) Heavy trucks or other industrial, construction or farm vehicles, equipment or machinery (9) Used, waste or salvage materials	(12) Storage incidental to maintenance or repair uses (13) Storage incidental to industrial uses (14) Storage incidental to dismantling, processing or recycling of used, waste or salvage materials (15) Storage of vehicles, including boats and recreational vehicles, equipment or machinery for more than 14 days (16) Bulk storage of fuel (17) Storage of hazardous materials, pesticides, herbicides, fertilizers or similar substances
CLASS 5		(10) Merchandise for sale or lease not listed above	

Figure 3-24. Outdoor Storage and Display Standards

	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5
Storage areas must be located 20 feet behind the front line of a principal building unless they are fully screened from view by the natural topography and vegetation or a Type B Buffer (see SECTION 314), or in the Industrial district, a fence (see SECTION 316).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Storage areas must not be located within the minimum required yards except for storage of passenger vehicles within a driveway or lawful parking space.	<input checked="" type="checkbox"/>				
Storage areas must be screened from adjoining residential lots by a Type C Buffer (see SECTION 314).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Storage areas must be screened from view at the street and from abutting residential or commercial buildings to a height of at least 6 feet and commensurate with the location and height of the proposed storage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Maximum lot area that may be used for storage. (Storage areas will be considered an impervious surface for the purposes of calculating lot coverage, which may further limit the total lot area that may be used for storage.)	20%	50%	50%	70%	30%

Checked boxes are required. Unchecked boxes are not required.

Figure 3-25. Sign Types Allowed

	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Wall Sign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Projecting or Hanging Sign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Directory Sign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Signs for Upper Floor Uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Free-Standing Sign, Multiple Uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free-Standing Sign, Single Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Free-Standing Sign, Entrance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic Message Sign	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary Sign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Portable Sign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Checked boxes are allowed. Unchecked boxes are not allowed.

Figure 3-26. Maximum Sign Area and Height

	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Building-Mounted Sign Area (per foot of building/tenant frontage)	2.0 sf	2.5 sf	1.5 sf	0.5 sf
Building-Mounted Sign Area (building setback >200 ft from street)	2.0 sf	3.0 sf	2.0 sf	1.0 sf
Building-Mounted Sign Area (multi-story commercial building)	extra 12 sf per upper story of commercial	extra 18 sf per upper story of commercial	-	-
Free-Standing Sign Area	12 sf	64 sf	16 sf	12 sf
Free-Standing Sign Area (multiple uses)	8 sf per use in NC district up to 36 sf total	extra 8 sf per use	-	-
Free-Standing Sign Height	6 ft	20 ft	10 ft	8 ft

Figure 3-27. Sign Types Illustrated



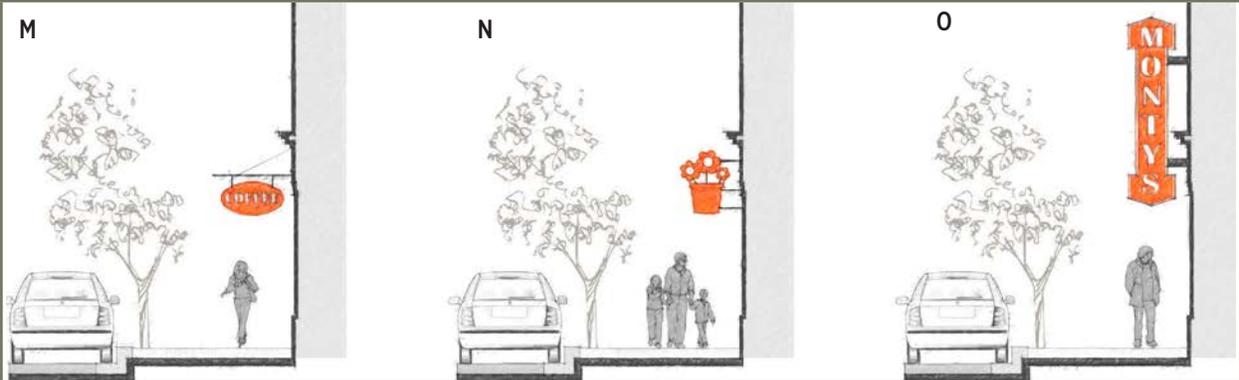
BUILDING IDENTIFICATION SIGNS (A) are integrated into the architectural design and provide information such as the name, address or construction date of the building. **BUILDING DIRECTORY SIGNS** (B) identify the name and location of building tenants. **PORTABLE SIGNS** (C) are small, movable signs that are placed directly outside the entrance to a place of business, commonly used to advertise restaurant menus or daily specials.



WALL SIGNS (D) are located on and parallel to a building wall. **WINDOW SIGNS** (E) are applied directly to a window or mounted or suspended directly behind a window. **TEMPORARY SIGNS** (F) are displayed on private property for a limited time, typically to advertise a special event.



AWNING SIGNS may be applied to the face (G), valance (H) or side (I) of an awning or canopy. Signs may be mounted partially or entirely above the upper edge of the valance and oriented parallel to the building (J). Signs may be suspended under an awning or canopy either parallel or perpendicular to the building (K). **MARQUEE SIGNS** (L) are canopy-type structures mounted over a theater entrance.



HANGING AND PROJECTING SIGNS are oriented perpendicular to the building and are suspended under a bracket, armature, or other mounting device (M) or otherwise structurally affixed to the building (N). **Blade signs** (O) are vertical signs that typically extend from one story to another.

- (8) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights except for electronic message signs in accordance with [PARAGRAPH 319.G\(7\)](#).
- (9) Internally illuminated signs except if located within the Service Center or Industrial zoning districts.
- (10) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device except for revolving barber poles not more than 4 feet tall.
- (11) Signs that use obscene, lewd, vulgar or indecent words or images.
- (12) Signs more than 150 square feet in area.
- (13) Signs, flags or banners mounted or extending more than 35 feet above the ground or, if building mounted, above the building's roofline.
- (14) Signs designed and located primarily to be visible from Interstate 91.
- (15) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

319.D EXEMPT SIGNS. The following signs do not require a zoning permit:

- (1) Public signs or notices erected or required by the town or state that are exempt from state regulation under 10 V.S.A. §494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal Information and guidance signs), including signs associated with public transit.
- (2) Flags or insignia of a government when displayed in accordance with applicable federal and state codes and when not displayed in connection with commercial promotion.
- (3) Temporary signs provided that they do not exceed 6 square feet in area per side, are not more than 4 feet in height (free standing) or 6 feet in height (wall mounted) and are not illuminated.
- (4) One open flag not more than 15 square feet or one open/closed sign not more than 2 square feet in area per business. The flag must be displayed only when the business is open. An open sign may be illuminated only when the business is open.
- (5) Posted, trespassing, hunting or similar signs not more than 2 square feet in area.
- (6) Non-illuminated name, address or similar identification signs not more than 2 square feet in area.
- (7) One non-illuminated wall sign for a home occupation not more than 1 square foot in area.
- (8) Non-advertising, decorative signs or banners on single-unit or two-unit residential property.

319.E SIGN ZONES. This section regulates signs based on the following zones:

- (1) **Sign Zone 1** encompasses the Urban Center, Village Center, Neighborhood Center and Mixed Use Neighborhood zoning districts.
- (2) **Sign Zone 2** encompasses the Service Center and Industrial zoning districts.
- (3) **Sign Zone 3** encompasses the Waterfront and Institutional zoning districts.

- (4) **Sign Zone 4** encompasses the Residential Neighborhood, Rural Residential and Rural zoning districts.

319.F **GENERAL STANDARDS.** All signs must conform to the following:

- (1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.
- (2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete foundations.
- (3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.
- (4) Signs must not be designed or located in a manner that would obstruct access to any fire escape, required exit, window or door.
- (5) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.
- (6) Sign lighting must meet the provisions of [SUBSECTION 317.G](#).

319.G **SPECIFIC STANDARDS.** All signs must conform to the following:

- (1) **Wall Signs.** Wall signs are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
 - (a) A building or tenant may have multiple wall signs.
 - (b) Wall signs may be mounted on any facade facing a street, public right-of-way or parking lot.
 - (c) The total area of all wall signs will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (d) A wall sign must not exceed 80% of the length of the tenant space (for multi-use buildings) or building frontage (for single-use buildings).
 - (e) The sign may be externally illuminated, and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (f) Wall signs that project more than 6 inches from the wall must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
- (2) **Projecting or Hanging Signs.** Projecting or hanging signs are allowed as specified in [FIGURE 3-25](#) when designed and placed for the purpose of identifying the business primarily by a pedestrian walking along the same side of the street as the business or under a building arcade or canopy in accordance with the following:
 - (a) There must not be more than one projecting or hanging sign per customer entrance.
 - (b) The sign must not exceed 8 square feet in area.
 - (c) The area of a projecting or hanging sign will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (d) The sign may be externally illuminated, and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (e) The sign must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.

- (f) The sign must not project more than 6 feet from the wall of the building on which it is mounted.
 - (g) The sign may encroach into required yards and over sidewalks to within 1 foot of the curb.
 - (h) Projecting signs must not be located closer than 24 feet to each other.
 - (i) If there will be multiple projecting signs mounted on a building, they must be compatible in type, scale and placement.
- (3) **Vertical Blade Signs.** Vertical blade signs are allowed as specified in [FIGURE 3-25](#) when designed and placed for the purpose of Identifying the business primarily by a pedestrian walking along the same side of the street as the business in accordance with the following:
- (a) There must not be more than one vertical blade sign per frontage.
 - (b) The area of a vertical blade sign will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (c) The width of the sign cannot exceed 2 feet and the thickness/depth of the sign cannot exceed 10 inches. Sign lettering shall be no more than 75% of the sign width.
 - (d) The sign must have a minimum clearance of 12 feet from the bottom of the sign to the grade below.
 - (e) The sign must not project more than 6 feet from the wall of the building on which it is mounted.
 - (f) The sign may encroach into required yards and over sidewalks to within 2 feet of the curb.
 - (g) Projecting signs must not be located closer than 24 feet to each other.
- (4) **Directory Signs.** Building-mounted directory signs are allowed as specified in [FIGURE 3-25](#) to identify uses that must be accessed from inside the building and in accordance with the following:
- (a) There must not be more than one directory sign per shared building entrance.
 - (b) The sign must not exceed 12 square feet in area.
 - (c) The sign must not be internally illuminated, but may be externally illuminated (see [SUBSECTION 317.G](#)).
 - (d) The area of a directory sign will not count towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
- (5) **Signs for Upper Floor Uses.** Building-mounted signs identifying upper floor uses are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
- (a) There must not be more than one sign per upper floor use.
 - (b) The sign may be a wall or projecting sign.
 - (c) The sign must be mounted above the ground floor level, preferably at the height and location of the advertised use.
 - (d) The sign must not be internally illuminated, but may be externally illuminated (see [SUBSECTION 317.G](#)).

- (e) The area of upper floor use signs will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (f) If there will be multiple upper floor use signs mounted on a building, they must be compatible in type, scale and placement.
- (6) **Free-Standing Signs.** Free-standing signs are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
- (a) There must not be more than one free-standing sign per site, except that sites with frontage on more than one street or more than one vehicular entrance from the street may have one free-standing sign on each street frontage or for each vehicular entrance.
 - (b) The size and height of a free-standing sign is as specified in [FIGURE 3-26](#). If there will be more than one free-standing sign per site, the total area of all the free-standing signs on the site must not exceed the maximum free-standing sign area specified in [FIGURE 3-26](#).
 - (c) The sign may be located within minimum required yards, but it must be set back at least 10 feet from all property lines.
 - (d) The sign may be externally illuminated and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (e) Free-standing signs must not be located closer than 50 feet to one another.
 - (f) Multi-use free-standing signs must not include any information other than the name of the site, its address and/or the name of tenants.
 - (g) Free-standing entrance signs must not include any information other than the name of the site or subdivision and its address.
- (7) **Common Scheme Premises Signs.** Signage for a single development site that consists of multiple uses, buildings or lots sharing a common entrance from the street must be designed and located in a comprehensive and coordinated manner in accordance with the following:
- (a) A common scheme premises may use free-standing signs that advertise multiple uses irrespective of whether the advertised uses are located on the same lot as the sign or the ownership of the lots.
 - (b) All signs located on a common scheme premises must be consistent with the site's approved signage master plan. The master plan must include proposed sign locations, sign types, and schematic design concepts for each sign type.
- (8) **Electronic Message Signs.** Electronic message signs are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
- (a) There must not be more than 1 electronic message sign per use except as specifically authorized in [SUBSECTION 319.H](#).
 - (b) Single-color, changeable-copy electronic message signs must not exceed 12 square feet in area.
 - (c) Multi-color changeable-copy electronic message signs are prohibited, except for theater marquees in accordance with [SUBSECTION 319.H](#).
 - (d) Changeable-copy electronic message signs must not flash, scroll, fade, brighten, dim or otherwise be animated or create the effect of movement.

- (e) The sign must not change its message more than once every 15 minutes except that time-temperature signs may switch messages once every 4 seconds.
 - (f) The brightness of the sign must not be of such an intensity as to cause unsafe conditions. Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The brightness of the sign must not exceed 0.3 foot-candles over ambient lighting conditions when measured from the front property line.
- (9) **Window Signs.** No more than 25% of any ground-level window may be obscured by signs, whether permanent or temporary, whether on the interior or exterior of the window, and whether physically mounted on the window or otherwise mounted so as to be primarily viewed through the window. Window signs will not be included when determining the total number and area of signs allowed on a site.
- (10) **Awnings and Similar Accessory Structures.** Signs on awnings or similar accessory structures attached to a building will be considered wall signs for the purposes of determining the total number and area of signs allowed on a site.
- (11) **Fuel Station Canopies.** Except within the Service Center district, the fascia of any fuel station canopy that incorporates corporate or franchise identification elements (including graphic elements in corporate colors) will be considered a wall sign for the purposes of determining the total number and area of signs allowed on a site. Within the Service Center district, only those portions of the canopy fascia that contain corporate or franchise names or logos will be considered a wall sign for the purposes of determining the total number and area of signs allowed on a site (graphic elements in corporate colors will not be included).
- (12) **Instructional and Wayfinding Signs.** Instructional and wayfinding signs that will not be legible from off the premises will be allowed without limitation and will not be counted when determining the total number and area of signs allowed on a site.
- (13) **Temporary Signs.** Temporary signs not exempt under [PARAGRAPH 319.D.3](#) will be allowed to advertise openings, sales or similar special events as specified in [FIGURE 3-25](#) and in accordance with the following:
- (a) There must not be more than one temporary sign per site except that multi-use sites in Sign Zone 2 may have not more than one temporary sign per use.
 - (b) A temporary sign must not be displayed for more than 21 days unless the Administrative Officer grants an extension.
 - (c) The Administrative Officer must only grant one permit for a temporary sign per site (or tenant within a multi-tenant property) within any 6-month period.
 - (d) A temporary sign must be securely attached to a building or a permanent free-standing sign.
 - (e) A temporary sign must not be more than 32 square feet in area. Temporary signs will not count towards the total amount of signs allowed under [FIGURE 3-26](#).
 - (f) A temporary sign must not be illuminated.
- (14) **Portable Signs.** Portable signs will be allowed to advertise daily specials, sales or similar information as specified in [FIGURE 3-25](#) and in accordance with the following:
- (a) There must not be more than one portable sign per business.
 - (b) A portable sign must only be placed out when the business is open.

- (c) A portable sign must not be more than 8 square feet in area or 4 feet in height. A portable sign will not count towards the total amount of signs allowed under [FIGURE 3-26](#).
- (d) A portable sign may be placed on the public sidewalk not more than 12 feet from the associated customer entrance provided that the sign does not restrict the sidewalk to a clear width of less than 3 feet. If the business entrance is down an alley, the portable sign may be located further than 12 feet from the customer entrance.
- (e) A portable sign must not be illuminated.

319.H **SPECIAL USE SIGNS.** There are special standards for the following uses:

- (1) **Theaters.** In addition to the signs otherwise allowed under this section, a theater may have either:
 - (a) A marquee, which may advertise current or upcoming movies, shows or performances. The marquee may project not more than 6 feet from the building and must not be more than 4 feet high and 12 feet wide. The three faces of the marquee may be used as signs. The marquee will not count towards the total amount of signs allowed under [FIGURE 3-26](#). In Sign Zones 1 and 2, the marquee may use a multi-color, changeable-copy electronic message sign and will not be subject to the size limitation of [PARAGRAPH 319.G\(7\)](#). The multiple faces of the marquee will be considered one electronic message sign.
 - (b) Temporary wall or window signs, which may advertise current or upcoming movies, shows or performances. These signs may be mounted in permanently installed frames. These signs will not count towards the total amount of signs allowed under [FIGURE 3-26](#) or be subject to the limitations of [PARAGRAPH 319.G\(8\)](#) or [PARAGRAPH 319.G\(12\)](#). The total area of these signs must not exceed 32 square feet except that multiplexes may have another 8 square feet of signs per additional theater.
- (2) **Fueling Stations.** In addition to the signs otherwise allowed under this section, a fueling station may have one or both of the following pricing signs, which will not count towards the total amount of signs allowed under [FIGURE 3-26](#):
 - (a) One pricing sign affixed to each pump. Each sign must not be more than 3 square feet in area. Pricing signs may be single-color changeable-copy electronic message signs and will not be subject to the limitation of [PARAGRAPH 319.G\(8\)\(A\)](#) provided that the standards of [PARAGRAPH 319.G\(8\)\(C\)-\(D\)](#) are met.
 - (b) One free-standing pricing sign per road frontage. Each sign must not be more than 12 square feet in area. Pricing signs may be single-color changeable-copy electronic message signs and will not be subject to the limitation of [PARAGRAPH 319.G\(8\)\(A\)](#) provided that the standards of [PARAGRAPH 319.G\(8\)\(C\)-\(D\)](#) are met.
- (3) **Farm Stands or Markets.** In addition to the signs otherwise allowed under this section, a farm stand or market may display not more than 4 non-illuminated signs advertising seasonal products. Such signs will not count towards the total amount of signs allowed under [FIGURE 3-26](#). Each sign must not be more than 4 square feet in area and must not be displayed more than 90 days in any calendar year.

- 319.I **SIGN AREA.** Sign area will be determined in accordance with the following:
- (1) The sign area will include all the elements that serve primarily to communicate the sign’s message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign’s message, it will be included in the calculation of sign area.
 - (2) The area of a sign will be calculated by drawing a rectangle around all the elements that serve to communicate the sign’s message. The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.
 - (3) Sign area will only include one side of a double-sided sign. The Development Review Board may modify the sign area requirements for three-dimensional signs.
 - (4) The calculated area of a non-rectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle as specified in [FIGURE 3-28](#).

Figure 3-28. Sign Area Adjustment for Non-Rectangular Signs

% NEGATIVE SPACE WITHIN SIGN AREA RECTANGLE	% REDUCTION IN CALCULATED AREA
<30%	-
30% to <50%	15%
50% to <70%	30%
70% or more	45%



- 319.J **SIGN MAINTENANCE.** All signs must be maintained in a safe, legible and well-kept condition.
- 319.K **SIGN REMOVAL.** All signs must be removed within 90 days of its associated use being changed or terminated (if the sign is nonconforming see [SUBSECTION 319.L](#)). For lawful, conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered and the support components may remain.
- 319.L **NONCONFORMING SIGNS.** The following apply to lawfully existing, nonconforming signs:
- (1) A nonconforming sign must not be altered, modified or reconstructed except if the alteration, modification, reconstruction or relocation:
 - (a) Will bring the sign into conformance with these regulations; or
 - (b) Will be limited to the replacement or repainting of a sign panel, individual letters or graphics within the same sign area with no change in the sign’s primary content. No changes beyond normal repair and maintenance will be allowed to the structure or framing. The sign must not be relocated.
 - (2) Otherwise a nonconforming sign must be brought into conformance with these regulations when:
 - (a) There is a change in the primary content of the sign, except as authorized in [PARAGRAPH \(2\)](#) above;

- (b) An applicant proposes land development requiring major site plan approval; or
 - (c) The sign has been damaged to the extent that the cost of repair or restoration will exceed 30% of the replacement value of the sign immediately prior to the damage.
- (3) A nonconforming sign must be removed within 6 months of its associated use being changed or terminated. Both the message and support elements of the sign must be removed.
- (4) The primary content of the sign includes the text or graphics that must be included on the sign for the average person to be able to identify the business being advertised. It would typically include business names or logos, but would not typically include secondary elements such as owner names, addresses, phone numbers, advertising for products available on the premises, or affiliations.

319.M **DISTINCTIVE SIGNS.** Distinctive signs may be allowed as follows:

- (1) **Purpose.** The provisions of this subsection are intended to encourage unique, visually interesting and creative signs that contributes to an identifiable, distinctive, high-quality built environment.
- (2) **Applicability.** Applicants may seek conditional use approval for distinctive, building-mounted signs that do not conform to the standards of this section within the Urban Center, Village Center, Neighborhood Center, Mixed Use Neighborhood, and Waterfront districts.
- (3) **Review Criteria.** The applicant must demonstrate that the proposed distinctive sign:
 - (a) Will not adversely affect public safety, including traffic and pedestrian safety;
 - (b) Will help define and place a strong visual emphasis on the street and other public open spaces;
 - (c) Will direct attention to buildings or building uses in a manner that adds variety to the pedestrian experience;
 - (d) Will not use standard sign proportions but will rather be scaled and placed so that the sign relates to the building; and
 - (e) Will be a unique visual element that complements the building design.

319.N **VIOLATIONS.** In addition to the enforcement procedures of [CHAPTER 470](#), the Town of Brattleboro may remove any sign found to be in violation of this section or to be posing a hazard at the owner's expense.

CHAPTER 320. NUISANCE & HAZARD PREVENTION STANDARDS

Section 321. Applicability and Purpose

- 321.A The provisions of this chapter apply to all nonresidential land use and development except for agriculture and forestry in accordance with SECTION 112.
- 321.B The provisions of this chapter are intended to protect neighborhood character and quality of life by preventing nonresidential land use and development from creating or contributing to adverse off-site impacts.

This chapter establishes standards intended to limit the impact of development on the surrounding neighborhood.



Section 322. Noise

322.A Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of property.

Figure 3-29. Maximum Noise Levels

RECEIVING PROPERTY	7 AM TO 10 PM	10 PM TO 7 AM
Residential or Undeveloped	55 dBA	45 dBA
Commercial or Institutional	60 dBA	50 dBA
Industrial or Agricultural	70 dBA	60 dBA

- 322.B Specifically, development must not generate noise in excess of the sound levels specified in FIGURE 3-29 except that the noise levels specified in FIGURE 3-29 will not apply during construction.
- 322.C The Development Review Board may approve sound levels in excess of what is allowed under FIGURE 3-29 for a specified period, frequency and/or purpose.
- 322.D The Administrative Officer will use the following procedures to determine noise levels:
 - (1) Any sound level meter used to measure noise levels must, at a minimum, conform to the specifications of the American National Standards Institute (Type S2A).
 - (2) The operator must calibrate the sound level meter immediately prior to its use.
 - (3) The sound level will be measured using the “A” weighting scale and the “slow” meter response.
 - (4) The sound level will be measured from:
 - (a) A location within the property receiving the noise that is at least one foot beyond the boundary of the property generating the noise; and
 - (b) At a height of 3 to 5 feet above the ground.
 - (5) The sound level will be measured as an average over a period of 15 minutes or more.

Section 323. Glare

- 323.A Lighting must not be used in such a manner that it produces glare on streets or nearby property.
- 323.B Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.

Section 324. Odors

- 324.A Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of property is prohibited.

Section 325. Vibration

- 325.A Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction.
- 325.B The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose.

Section 326. Electrical or Radio Interference

- 326.A No use or process must create interference with electrical or radio apparatus beyond the property line.

Section 327. Waste Storage

- 327.A Storage of wastes that attract insects or rodents, or otherwise create a health hazard is prohibited.
- 327.B Waste must be stored in tightly sealed storage containers unless specifically approved otherwise by the Development Review Board.

Section 328. Particulate Matter and Airborne Solids

- 328.A Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities.
- 328.B Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of property is prohibited.

Section 329. Flammable, Toxic or Hazardous Substances and Wastes

- 329.A Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank.
- 329.B Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources.

CHAPTER 330. NATURAL RESOURCE PROTECTION STANDARDS

Section 331. Steep Slopes

This chapter establishes standards intended to limit the impact of development on environmental quality and natural resources.



- 331.A **PURPOSE.** This section is intended to limit disturbing or clearing steep slopes for development in order to:
- (1) Protect human life and property;
 - (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality;
 - (3) Avoid the increased cost of providing services to remote or difficult to access areas of town; and
 - (4) Preserve the scenic character of the town’s hillsides and ridgelines.
- 331.B **APPLICABILITY.** The provisions of this section apply to any development that proposes to disturb or clear land on steep slopes (15% or greater) that exceeds the threshold amount(s) specified in [FIGURE 3-30](#) except that the provisions of this section do not apply to:
- (1) Agriculture and forestry activities in accordance with [SECTION 112](#).
 - (2) Any small area of steep slopes that measures less than 500 square feet.
 - (3) Any area with steep slopes <30% in the Industrial district.
- 331.C **DEFINITION.** For the purposes of this section, disturbing or clearing includes any activity that removes the existing, natural vegetative cover from the ground as a precursor to or component of land development. It does not include normal property maintenance activities such as removing hazard or diseased trees, or the harvesting of timber for personal use.
- 331.D **MEASURING SLOPE.** Applicants may rely on the best available elevation and slope data available from the town or state (see the Vermont Agency of Natural Resource’s Natural Resource Atlas) or may provide a professionally prepared topographic survey to determine the extents of any steep slopes on the property.
- 331.E **DISTURBANCE AND CLEARING LIMITS.** Applicants must plan development to limit the amount of disturbance or clearing on steep slopes to the percentage of such slopes on the lot specified in [FIGURE 3-30](#). The Development Review Board may establish building envelopes and limit the amount of disturbance or clearing outside such envelopes as deemed necessary to further the purposes of this section.
- 331.F **CONDITIONAL USE.** Any land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amount(s) specified in [FIGURE 3-30](#) will require conditional use approval from the Development Review Board. In addition to the conditional use criteria specified in [SECTION 435](#), the Development Review Board will consider the extent

Figure 3-30. Disturbance or Clearing on Steep Slopes

SLOPE	CONDITIONAL USE THRESHOLD	DISTURBANCE OR CLEARING LIMIT
15% to <20%	4,000 sf or more of land in this slope category.	No more than 40% of the land in this slope category.
20% to <25%	3,000 sf or more of land in this slope category.	No more than 20% of the land in this slope category.
25% to <30%	2,000 sf or more of land in this slope category.	No more than 10% of the land in this slope category.
30% or more	All development, disturbance or clearing of land is prohibited in this slope category	

to which the proposed development conforms to the design guidelines established in [SUBSECTION 331.G](#).

- 331.G **DESIGN GUIDELINES.** To the maximum extent feasible, development on steep slopes should be designed to:
- (1) Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface to maximum extent feasible in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
 - (2) Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
 - (3) Preserve prominent skyline ridge silhouettes and locate development below skyline ridges.
 - (4) Produce a final grade that is compatible with surrounding natural terrain. Create a harmonious transition between graded slopes and the natural terrain.
 - (5) Avoid creating continuous unbroken slopes or linear slopes. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
 - (6) Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping. Avoid creating slopes steeper than 3-to-1. Consider use of retaining walls rather than cut-and-fill banks.
 - (7) Vary the pad elevations on sites with multiple structures to follow the natural terrain.
 - (8) Provide roads and drives that follow existing contours.
 - (9) Use compact building forms and or multi-story buildings to minimize building footprint. Use split- or multi-level building forms that step up or down the slope. Use rooflines that follow or relate to the slope.

Section 332. Erosion Control

- 332.A **PURPOSE.** This section is intended to promote construction practices on construction or demolition sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.
- 332.B **APPLICABILITY.** All construction or demolition activities that will disturb or stockpile soil must include appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies (for further guidance see the Vermont Agency of Natural Resource's Low Risk Site Handbook for Erosion Prevention and Sediment Control). The provisions of this section apply to any land development that will disturb soil except that:
- (1) Projects that require a state construction general or individual permit are exempted from the provisions of this section. In that case, any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.
- 332.C **EROSION CONTROL PLAN REQUIRED.** Applicants must submit and implement a professionally prepared erosion control plan for land development activities that exceed the threshold

amount(s) of soil disturbance specified in [FIGURE 3-31](#) in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

332.D **EROSION CONTROL PRACTICES.** Land development activities must be undertaken in accordance with the following practices:

- (1) Limit the size of the construction area to the minimum necessary to accommodate the proposed development in order to reduce the potential for erosion, runoff, flooding and water quality impairment. Significant existing trees within the construction area should be preserved where possible.
- (2) Mark site boundaries to identify the limits of construction with flags or fencing. The site boundaries should include storage and access areas. No soil compaction should occur outside the delineated construction area. Trees to be preserved within the construction area should be protected by fencing that at a minimum encloses the area around their drip line.
- (3) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
- (4) Stabilize and maintain the construction entrance to prevent mud from being tracked onto streets.
- (5) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
- (6) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment.
- (7) Treat and filter any water pumped out of the construction area before allowing it to flow off the site or to be discharged to a storm drain or water body.
- (8) Slow down any concentrated flows of runoff by installing stone check dams in drainage channels.
- (9) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete. All areas of disturbance should have permanent stabilization within 48 hours of reaching final grade with recognition that this might not be possible in every case, particularly for construction occurring between mid-October and mid-April. If seeding is not possible, other appropriate measures must be taken to control erosion.
- (10) Regularly inspect the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to inspect just before and after any significant rainfall.

Figure 3-31. Erosion Control Plan Required

SLOPE	THRESHOLD FOR ENGINEERED PLAN
<15%	An erosion control plan is required for development disturbing 20,000 sf or more of soil in this slope category.
15% to <20%	An erosion control plan is required for development disturbing 10,000 sf or more of soil in this slope category.
20% to <25%	An erosion control plan is required for development disturbing 5,000 sf or more of soil in this slope category.
25% or more	An erosion control plan is required for development disturbing 2,500 sf or more of soil in this slope category.

- (11) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (12) In order to promote water infiltration and plant health:
 - (a) Any compacted soil should be tilled prior to the final seeding and mulching; and
 - (b) Topsoil removed during construction must be stockpiled and spread back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or retained and amended.

Section 333. Stormwater Management

333.A **PURPOSE.** This section is intended to promote low impact development (LID) practices, including green stormwater infrastructure (GSI) on development or redevelopment sites that preserve or restore the natural hydrology of the land in order to minimize stormwater-related water quality impairments and flooding. All land development, including soil disturbance, soil compaction, and clearing of natural vegetation, reduces the ecological function and water storage capacity of the land. The cumulative impacts of impervious surfaces, soil disturbance and soil compaction, particularly in developed areas, significantly increases stormwater runoff rates, thereby exacerbating flooding. The standards of this section are intended to improve upon past stormwater management practices by promoting “best fix” retrofits on previously developed sites and by addressing the cumulative impact of stormwater generated by small and mid-sized development activities

 *Impervious surface means any surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.*

333.B **APPLICABILITY.** All land development requiring a permit or approval under these regulations must include appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure or downstream water bodies. No land development may increase the peak flow or reduce the quality of stormwater run-off leaving the site. Property owners must maintain and repair stormwater management facilities as necessary for them to function properly. Specifically:

- (1) **Single-Unit and Two-Unit Residential Development.** Land development on a single-unit or two-unit residential property must demonstrate compliance with [SUBSECTION 333.E](#).
- (2) **Multi-Unit Residential and Nonresidential Development.** Land development on a multi-unit, mixed-use or nonresidential property that:
 - (a) Will result in less than 15,000 square feet of impervious surface (existing and proposed) on the lot must demonstrate compliance with [SUBSECTION 333.F](#).
 - (b) Will result in 15,000 square feet or more of impervious surface (existing and proposed) on the lot must submit a stormwater management plan prepared by a professional engineer or licensed landscape architect demonstrating that green stormwater infrastructure facilities will be provided to manage at 1 inch of rainfall from all impervious surfaces on the lot in accordance with the Vermont Stormwater Manual.

- (3) **Development Requiring a State Permit.** Land development that obtains a state stormwater discharge permit will be assumed to have met the requirements of this section. Applicants are strongly encouraged to incorporate LID/GSI practices into such projects. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.
- 333.C **RETROFIT OF PREVIOUSLY DEVELOPED SITES.** Applicants must retrofit previously developed sites not exempted under [SUBSECTION 333.B](#) to bring them into conformance with the provisions of this section. If the amount of existing pervious surface on the lot is less than 20% of the amount of existing impervious surface, the applicant may provide for adequate stormwater management through conventional, structural means in accordance with the town's public works specifications and the Vermont Stormwater Manual rather than through low impact development and green stormwater infrastructure practices.
- 333.D **WAIVERS.** An applicant may request that the Development Review Board modify the standards of this section and allow all or a portion of the site's stormwater run-off to be managed through conventional, structural means in accordance with the town's public works specifications and the Vermont Stormwater Manual rather than through low impact development and green stormwater infrastructure practices by demonstrating:
- (1) Soils, slopes, natural resource buffers, well or septic buffers, or pre-existing development limit the suitability of the site for low impact development and green stormwater infrastructure practices;
 - (2) That the proposed design represents the minimum amount of impervious surface required to accommodate the proposed use; and
 - (3) That reasonable efforts have been made to maximize on-site collection and reuse, dispersion, filtration, infiltration, and evaporation of run-off given site-specific conditions.
- 333.E **STANDARDS FOR SINGLE-UNIT AND TWO-UNIT RESIDENTIAL PROPERTIES.** Proposed land development on single-unit or two-unit residential properties not exempted under [SUBSECTION 333.B](#) must meet one of the options below:
- (1) **LID Option.** Lots that meet all of the following criteria will be assumed to provide adequate stormwater management:
 - (a) Total impervious surface on the lot must not exceed 7,500 square feet;
 - (b) The amount of pervious surface on the lot must be at least 25% of the total lot area; and
 - (c) A vegetated, pervious surface that is at least 20 feet wide if wooded or 30 feet wide if lawn or meadow must be maintained downslope of any impervious surface on the lot.
 - (2) **GSI Option.** All impervious surfaces on the lot must drain to a green stormwater infrastructure facility designed in accordance with the Vermont Low Impact Development Guide for Residential and Small Sites, the area of which must be at least 10% of the area of the impervious surface draining to it.

- (3) **Stormwater Plan Option.** The applicant may submit a stormwater plan prepared by a professional engineer or licensed landscape architect demonstrating that green stormwater infrastructure facilities designed in accordance with the Vermont Low Impact Development Guide for Residential and Small Sites will be provided to manage at least 1 inch of rainfall from all impervious surfaces on the lot.

333.F **STANDARDS FOR MULTI-UNIT RESIDENTIAL, MIXED-USE AND NONRESIDENTIAL PROPERTIES.** Proposed land development on multi-unit residential, mixed-use and nonresidential properties not exempted under [SUBSECTION 333.B](#) that will result in less than 15,000 square feet of impervious surface on the lot must meet one of the options below:

- (1) **LID Option.** Lots that meet all of the following criteria will be assumed to provide adequate stormwater management:
 - (a) The amount of pervious surface on the lot must be at least 15% of the total lot area; and
 - (b) A vegetated, pervious surface that is at least 40 feet wide if wooded or 60 feet wide if lawn or meadow must be maintained downslope of any impervious surface on the lot.
- (2) **GSI Option.** All impervious surfaces on the lot must drain to a green stormwater infrastructure facility designed in accordance with the Vermont Stormwater Manual, the area of which must be at least 10% of the area of the impervious surface draining to it.
- (3) **Stormwater Plan Option.** The applicant may submit a stormwater plan prepared by a professional engineer or licensed landscape architect demonstrating that green stormwater infrastructure facilities designed in accordance with the Vermont Stormwater Manual will be provided to manage at least 1 inch of rainfall from all impervious surfaces on the lot.

Figure 3-32. LID/GSI Practice Selection Matrix

	LAND USE			SOURCE AREA		
	Single- or Two-Unit	Multi-Unit or Nonresidential	Existing Development	Rooftop	Non-Roof Impervious	Disturbed Pervious
Bioretention System	○	●	⊙	●	●	●
Rain Garden	●	⊙	⊙	●	●	●
Swale	●	●	⊙	●	●	●
Vegetated Buffer	●	●	●	●	●	●
Dry Well	●	●	●	●	○	○
Infiltration Trench	⊙	●	●	●	●	○
Pervious Pavement	●	●	⊙	○	●	○
Rain Barrel	●	⊙	⊙	●	○	○
Cistern	●	●	⊙	●	○	○
Green Roof	●	●	●	●	○	○
Stormwater Planter	○	●	●	●	○	○
Micro-Bio Inlet	○	○	●	○	●	●

● = Suitable ⊙ = Possibly Suitable ○ = Unsuitable

333.G **LID/GSI PRACTICES.** Common LID/GSI practices are briefly described in [APPENDIX C. FIGURE 3-32](#) offers guidance on the appropriate use of those practices. Applicants are also encouraged to refer to the *Vermont Low Impact Development Guide for Residential and Small Sites* for further guidance.

Section 334. Riparian Areas

334.A **PURPOSE.** This section is intended to protect and enhance the overall quality, natural function, ecological health, scenic benefits, and recreation potential of the town’s water resources by limiting and mitigating the impact of development within riparian areas.

334.B **APPLICABILITY.** The provisions of this section apply to all land within 50 feet of all mapped surface waters outside the Urban Center and Mixed Use zoning districts as measured from the top of bank. That area will be referred to as the “riparian area” in this section. A “riparian setback” is established in each zoning district, which will comprise all or a portion of the “riparian area” depending on the district and property type.

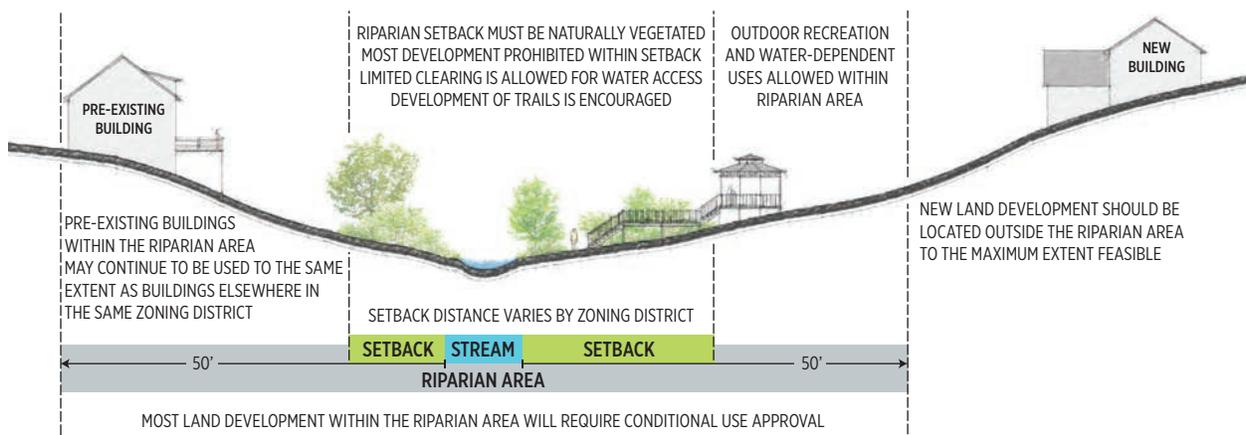
334.C **RIPARIAN AREA BEYOND THE RIPARIAN SETBACK.** Water-dependent structures or uses, outdoor recreation uses, low impact development (LID) or green stormwater infrastructure (GSI) practices (see [SECTION 333](#)), and uses within pre-existing buildings are allowed within the riparian area outside the riparian setback. All other land development will require conditional use approval when located within a riparian area.

A water-dependent structure or use means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function (ex. bridge or dock).

334.D **RIPARIAN AREA WITHIN THE RIPARIAN SETBACK.** Land development must not occur and natural woody vegetation must be maintained or re-established within the riparian setback except that:

- (1) Water-dependent structures or uses, public recreation facilities, and public trails or walkways are permitted within the riparian setback. Development of public trails and/or granting of easements for such trails is encouraged within riparian areas, particularly to establish, extend and/or connect to existing or planned community trails such as along the West River, the Whetstone Brook, and the Connecticut River.

Figure 3-33. Riparian Area Standards Illustrated



- (2) On previously developed sites, redevelopment may be allowed within the same footprint as conditional use. The applicant must demonstrate that the proposed development cannot reasonably be relocated to an area on the lot outside the riparian setback.
- (3) Up to 20% of the area within the riparian setback or 800 square feet, whichever is greater, may be used for private water access, outdoor recreation, or outdoor seating. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.
- (4) The natural woody vegetation within the riparian setback may be a component of the site's low impact development (LID) or green stormwater infrastructure (GSI) practices to management stormwater (see [SECTION 333](#)). LID/GSI practices or conventional stormwater infrastructure must not significantly compromise the existing functions of naturally-vegetated riparian setbacks.
- (5) The Development Review Board may approve removing natural woody vegetation from a larger portion of the setback as a conditional use in accordance with the criteria in [SUBSECTION 334.F](#).

334.E **PREVIOUSLY DEVELOPED SITES.** Pre-existing development within riparian areas will be regulated as follows:

- (1) The pre-existing development may continue.
- (2) A pre-existing building or developed site may be used for any purpose allowed in the zoning district. The requirement for conditional use approval will only be triggered if the applicant is proposing exterior modifications to a pre-existing building or developed site within the riparian area.
- (3) Pre-existing development must not be expanded into the riparian setback except in accordance with [SUBSECTION 334.D](#).
- (4) On previously developed residential lots, natural woody vegetation will not have to be re-established on areas within the riparian setback maintained as lawns or gardens. Pre-existing lawn or garden areas within the riparian setback must not be expanded except in accordance with [SUBSECTION 334.D](#).

334.F **REVIEW CRITERIA.** When reviewing a site plan or conditional use application within riparian areas, the Development Review Board must find that the proposed land development meets the criteria listed in [FIGURE 4-3](#) and all of the following:

- (1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the riparian area;
- (2) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions of the surface water and land within the riparian area; and
- (3) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the scenic qualities and recreational potential of the surface water and land within the riparian area.
- (4) If the site was previously developed, it will be brought into conformance with the standards of this section to the maximum extent feasible.

Section 335. Wetlands and Vernal Pools

- 335.A **PURPOSE.** This section is intended to preserve and protect the natural function and ecological health of the town’s wetlands and vernal pools by minimizing or mitigating the impact of land development within or adjacent to them.
- 335.B **APPLICABILITY.** The provisions of this section apply to any land identified as a Class I, II or III wetland or vernal pool by the Vermont Agency of Natural Resources, in the town’s Natural Resource Inventory or as delineated in the field by a qualified professional, as well as any required buffer (see [FIGURE 3-34](#)).
- 335.C **EXEMPTIONS.** The following activities will be exempted from the provisions of this section:
 - (1) Low impact development (LID) or green stormwater infrastructure (GSI) practices within a required buffer (see [SECTION 333](#)) approved by the Vermont Agency of Natural Resources.
 - (2) Stream stabilization, wetland restoration, or similar ecological activities approved by the Vermont Agency of Natural Resources.
 - (3) Nature preserves, trails, or similar educational or passive recreation uses approved by the Vermont Agency of Natural Resources.
 - (4) Water-dependent structures or uses approved by the Vermont Agency of Natural Resources.
- 335.D **CONDITIONAL USE.** Except as exempted in [SUBSECTION 335.C](#), development, including any disturbance or clearing, within a wetland or required wetland buffer will require conditional use approval from the Development Review Board. In addition to the conditional use criteria specified in [SECTION 435](#), the Development Review Board will consider the extent to which the proposed development conforms to the design guidelines established in [SUBSECTION 335.E](#).
- 335.E **DESIGN GUIDELINES.** To the maximum extent feasible, land development within or near wetlands or vernal pools must be designed to:
 - (1) Locate land development on portions of the lot outside wetlands, vernal pools or buffers. Keep disturbance and clearing to a minimum within wetlands, vernal pools or buffers.
 - (2) Avoid filling wetlands or vernal pools.
 - (3) Avoid removing natural vegetation from wetlands, vernal pools or buffers.
 - (4) Design with the natural grade of the land to minimize earthwork and maintain natural drainage characteristics. Consider use of retaining walls to reduce the amount of cut and fill needed for slopes.
 - (5) Limit road and utility crossings through wetlands, vernal pools or buffers. Consider use of shared driveways. Locate unavoidable crossings at the narrowest section of the wetland, vernal pool or buffer, or use existing crossings (ex. farm or forest road) for access to upland areas on the lot.
 - (6) Minimize the amount of impervious surface. Consider use of pervious materials.

Figure 3-34. **Wetland and Vernal Pool Buffers**

FEATURE	NATURALLY VEGETATED BUFFER
Class I Wetland	100 ft
Class II Wetland	50 ft
Class III Wetland	25 ft
Vernal Pool	50 ft

- (7) Avoid water withdrawal or changes in drainage patterns that will direct water away from the wetland or vernal pool.
- (8) Avoid locating outdoor light fixtures within wetlands, vernal pools or buffers. Use shielded light fixtures to direct artificial light away from wetlands, vernal pools or buffers.
- (9) Maintain or establish densely planted areas between wetlands or vernal pools and nearby development. Use native species to prevent the proliferation of invasive species and improve wildlife habitat.

335.F **REVIEW CRITERIA.** When reviewing a conditional use application under this section, the Development Review Board must find that the proposed land development meets the criteria listed in [FIGURE 4-3](#) and all of the following:

- (1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland, vernal pool or buffer;
- (2) The amount of development, disturbance and clearing within the wetland, vernal pool or buffer will be minimized; and
- (3) Any adverse ecological impacts will be appropriately mitigated.

CHAPTER 340. SUBDIVISION STANDARDS

Section 341. Standards For All Subdivisions

This chapter establishes standards for the subdivision of land into two or more lots.



- 341.A **GENERAL.** The land to be subdivided must be suitable for use without endangering public health or safety, and adversely impacting the environment, neighboring properties or the character of the area. To the maximum extent feasible, a subdivision must:
- (1) Follow and extend the planned settlement pattern (including lot size, lot configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district and the planning goals and policies expressed in the Brattleboro Town Plan.
 - (2) Connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors.
- 341.B **PROTECTION OF NATURAL RESOURCES.** Subdivision boundaries, lot layout and development envelopes must be located and configured to avoid undue adverse impacts to wetlands, surface waters, flood hazard areas and their required buffers and setbacks. Due regard must be shown for all other natural and cultural features that, if preserved, will increase the attractiveness and value of the subdivision. The subdivider must submit a design statement demonstrating that the proposed subdivision meets this standard.
- 341.C **RENEWABLE ENERGY.** Subdivision boundaries, lot layout and development envelopes must be located and configured to take advantage of any potential inherent in the site for passive solar gain, reduced energy demand and production of energy from renewable sources.
- 341.D **FLOOD HAZARD OVERLAY DISTRICT.** In addition to all applicable provisions of this chapter, subdivision of land within the Flood Hazard Overlay District must comply with the provisions of [SECTION 251](#).
- 341.E **LOTS**
- (1) The size, shape and orientation of lots must comply with applicable zoning district standards.
 - (2) All lots must front on a street and must have the minimum frontage width required for the applicable zoning district.
 - (3) A lot must meet the minimum lot frontage and front setback requirements for the applicable zoning district along any lot line that abuts a street.
 - (4) The subdivision plat must show all setbacks required in the applicable zoning district.
- 341.F **DEVELOPMENT ENVELOPES.** Each lot must have one or more designated development envelopes in accordance with this subsection:
- (1) Development envelopes identify and limit the area(s) of a lot where structures, and parking must be located. Access and utility features and rights-of-way may be located outside a development envelope.
 - (2) A development envelope must not include any land within zoning district setbacks.
 - (3) For lots less than 1 acre in size, the zoning district setback requirements may be used to define the development envelope.

- (4) For lots 1 acre or more in size, a development envelope generally must be limited to not more than 1/2 acre (21,780 square feet) if one principal building will be located on an individual lot or not more than 2 acres (87,120 square feet) if multiple principal buildings will be located on a common lot. The Development Review Board may increase or decrease these standards as deemed appropriate given the specific characteristics of the subject property and the proposed development.
 - (5) The Development Review Board may waive the requirements of this subsection for lots not intended for development purposes (ex. conserved land). The Development Review Board must condition approval of such lots on the subdivider permanently restricting future development through legally enforceable means such as a conservation easement, deed restriction and/or notation on the plat.
- 341.G **DRIVEWAYS.** All driveways within a subdivision must be designed and constructed in accordance with the provisions of [SECTION 311](#). A driveway must not serve more than 3 lots or dwelling units (an access serving more lots or dwellings is a street and must meet the standards of [SECTION 312](#)).
- 341.H **WATER AND WASTEWATER**
- (1) A subdivision must have sufficient water and wastewater capacity available for its needs.
 - (2) A subdivision must not result in an unreasonable burden on the town's existing or planned water or sewer systems.
 - (3) The subdivider must demonstrate that all lots within a subdivision comply with state water and wastewater regulations.
 - (4) The Development Review Board may approve a subdivision conditional upon the subdivider obtaining all necessary water or wastewater permits or allocations. The final subdivision plat must not be signed and recorded until the subdivider receives and provides a copy of those permits or allocations to the Administrative Officer.
 - (5) The Development Review Board may waive the requirements of this subsection for lots not intended for development purposes (ex. conserved land). The Development Review Board must condition approval of such lots on the subdivider permanently restricting future development through legally enforceable means such as a conservation easement, deed restriction and/or notation on the plat.
- 341.I **EROSION CONTROL AND STORMWATER MANAGEMENT.** The proposed subdivision must implement erosion control and stormwater management measures in accordance with [SECTION 332](#) and [SECTION 333](#).
- 341.J **DEBRIS.** The subdivider must dispose of all debris generated during the course of construction (ex. stumps, limbs, brush, weeds, boulders, rocks, litter, scrap building materials, etc.) in accordance with state regulations. The subdivider must indicate any area within the subdivision proposed for the burial of such debris on the plat. On-site burial of debris must not be located:
- (1) Within 200 feet of a private water supply;
 - (2) Within 50 feet of a property line or street right-of-way;
 - (3) Within the Flood Hazard Overlay District;
 - (4) Within wetlands, riparian areas, or their required buffers; or

- (5) Within 200 feet of the source isolation zone of a public water supply or the source of a public water supply, whichever is greater.

341.K **TOPSOIL.** Topsoil removed during the course of construction must be stockpiled on-site. The stockpiled topsoil must be redistributed to provide even cover on all disturbed areas to be seeded or planted. If soils have been compacted within disturbed areas, reasonable efforts must be made to repair the compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments.

Section 342. Standards For Major Subdivisions

342.A **STREETS.** All new streets within a subdivision must be designed and constructed in accordance with the provisions of [SECTION 312](#).

The subdivision of a parcel into 5 or more lots in a 10-year period or a subdivision requiring a new or substantially improved street is a major subdivision.



342.B **UTILITIES.** All lots within a subdivision must be served by utilities (may include electric, gas, telephone, fiber optic and/or cable television) in accordance with the following:

- (1) All utility lines within the subdivision must be located underground. The Development Review Board may waive all or a portion of this requirement on sites where:
 - (a) It is not technically feasible due to physical conditions (This will be interpreted to mean that the trench through which the underground lines would run cannot be excavated by a conventional backhoe or trencher without blasting, or more than incidental jackhammering or similar activities.);
 - (b) The first lot to be served will be 600 feet or more from an existing utility line; or
 - (c) The average distance between service connections within the subdivision will be more than 300 feet.
- (2) Utility lines must be located within street rights-of-way to the maximum extent feasible. The subdivider must establish utility easements to be shown on the plat, as necessary to ensure access to any utilities not located within street rights-of-way.
- (3) The Development Review Board may require the subdivider to provide utility easements to facilitate the future provision of utilities to adjacent land outside the subdivision.

342.C **FUTURE MAINTENANCE.** The subdivider must establish legally enforceable means to ensure the future maintenance of any common lands, buildings or facilities such as easements, covenants, owners associations, and/or maintenance agreements.

342.D **FIRE PROTECTION.** The subdivision must provide adequate water storage or distribution facilities for fire protection. The Development Review Board may require the subdivider to install infrastructure to suppress or fight fire such as sprinkler systems, fire hydrants, dry hydrants, cisterns or ponds.

342.E **LANDSCAPING.** The subdivision must be screened and landscaped in accordance with [SECTION 314](#) and [SECTION 315](#). The subdivider must submit a landscape plan prepared by a licensed landscape architect. Existing vegetation must be retained within the subdivision to the maximum extent feasible.

- 342.F **MUNICIPAL IMPACT.** The subdivider must submit a completed Municipal Impact Questionnaire demonstrating that the proposed subdivision:
- (1) Will not cause an unreasonable burden on the ability of the municipality to provide educational, municipal and governmental services; and
 - (2) Is in conformance with the Brattleboro Town Plan.
- 342.G **PERFORMANCE BOND.** Before the subdivision plat is signed, the subdivider must either (as specified by the Development Review Board):
- (1) File a certified check or performance bond with the Town Clerk in an amount specified by the Development Review Board adequate to cover the full cost of required improvements and in accordance with [SECTION 414](#).
 - (2) Sign a written agreement to complete all required improvements to the satisfaction of the Director of Public Works as documented in a letter signed by the Town Manager and submitted to the Administrative Officer prior to any sale of, or agreement to sell, property within the subdivision served by the improvements.
- 342.H **INSPECTION OF IMPROVEMENTS.** The subdivider must notify the Director of Public Works that construction of required improvements will commence at least 5 days prior to such work commencing. The Director of Public Works may periodically inspect, or have inspected, the construction of required improvements. If such construction is found to not be in accordance with the approved plans and specifications and the subdivider refuses to bring the construction into conformance, the violation will be reported to the Town Manager and Administrative Officer for appropriate action by the town, which may include calling the performance bond funds so the town can complete the required improvements as approved.
- 342.I **MAINTENANCE BOND.** If the proposed subdivision includes public improvements intended to be accepted by the town, the subdivider will be required to file a maintenance bond prior to dedication in an amount specified by the Selectboard adequate to cover the cost of repairs should the improvement deteriorate due to improper construction and in accordance with [SECTION 414](#). The subdivider must maintain such improvements, including snow removal from streets and sidewalks, until the Selectboard accepts them.
- 342.J **CONSTRUCTION DRAWINGS.** The subdivider must provide the Administrative Officer with a complete reproducible set of as-built construction drawings before the town will accept any public improvement (ex. street, easement, utility line, etc.) in accordance with [SECTION 415](#).

Section 343. Standards for Neighborhood Subdivisions

- 343.A **PURPOSE.** This section is intended to promote a denser neighborhood development pattern through the regulation of block size, the scale of the street relative to the anticipated uses, street connectivity, additional pedestrian connections, and requirements for open space such as neighborhood parks or urban plazas.
- 343.B **APPLICABILITY.** The standards of this section apply to subdivision of land within all zoning districts except the Rural Residential and Rural districts.
- 343.C **LOT YIELD.** The maximum number of lots within a subdivision will be calculated by dividing the total land area within the subdivision by the minimum lot size for the zoning district with the result rounded down to the nearest whole number. If the subdivision includes

land within multiple zoning districts, the calculation will be made for the land within each district separately and the individual results will be added together to produce a total number of lots for the subdivision.

343.D **STREETS AND BLOCKS.** A pattern of interconnecting streets must create blocks within the subdivision that are designed as a logical extension of existing streets and blocks within the neighborhood and that are laid out in response to the natural terrain. New streets must be interconnected within the subdivision and with streets adjacent to the subdivision to the maximum extent feasible. New blocks must be similar in size and arrangement to existing blocks within the neighborhood.

343.E **LOTS**

- (1) Lots within the subdivision must be similar in size and arrangement to the existing development pattern of the surrounding neighborhood.
- (2) Side lot lines must be generally at right angles to straight roads and radial to curved roads. Variations from perpendicular lot lines of up to 15 degrees will be accepted. The Development Review Board may waive or modify this requirement to allow lot lines to follow natural features (ex. streams or significant grade changes).
- (3) Rear lot lines must be generally parallel to front lot lines. Variations from parallel lot lines of up to 15 degrees will be accepted. The Development Review Board may waive or modify this requirement to allow lot lines to follow natural features (ex. streams or significant grade changes).
- (4) Flag, through and other irregularly-shaped lots must be avoided and will only be approved when existing site features, topography, or block and lot arrangement allow no suitable alternative. The Development Review Board may reduce the minimum required frontage for such lots to not less than 20 feet.

Figure 3-35. Neighborhood Subdivisions Standards Illustrated

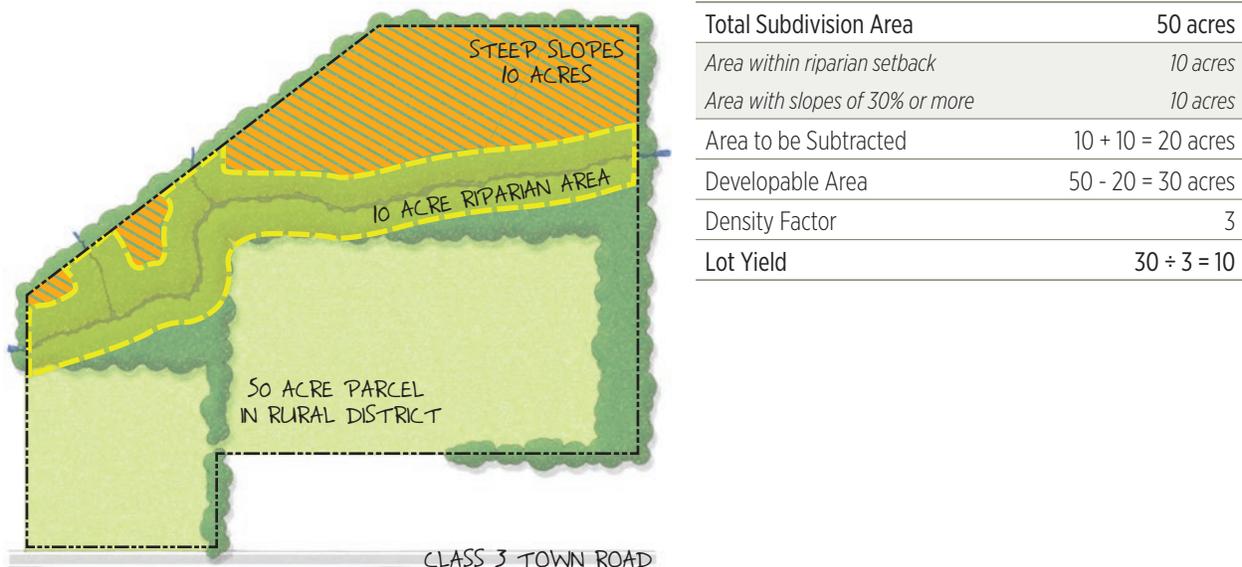


- 343.F **COMMON OPEN SPACE.** Subdivisions intended to accommodate residential development must provide common open space suitable for passive recreational use in accordance with the following:
- (1) Appropriate common open spaces include plazas, squares, greens, parks, community gardens and linear greenways along surface waters.
 - (2) Common open space must be designed to maximize accessibility, encourage social interaction, facilitate ease of maintenance.
 - (3) The subdivision must provide a minimum of 400 square feet of common open space suitable for community gardens and/or passive outdoor recreation per dwelling unit or 10,000 square feet, whichever is greater.
 - (4) The Development Review Board may waive or modify the requirements of this subsection for subdivisions consisting of 25 or fewer single-unit residential lots with private yards or for subdivisions where all dwellings will be located within a ¼-mile walk of a public park.

Section 344. Standards for Rural Subdivisions

- 344.A **PURPOSE.** This section recognizes that not all land is equally suited for development and that each parcel has unique characteristics. It is intended to provide landowners with flexibility to design a subdivision that is compatible with the specific features of a site and that results in:
- (1) Environmentally sensitive and efficient use of land.
 - (2) Lots and structures grouped on less environmentally sensitive areas to:
 - (a) Reduce the amount of infrastructure and impervious surface required;
 - (b) Minimize land disturbance and removal of vegetation during construction; and
 - (c) Reduce erosion and sedimentation resulting from land development.

Figure 3-36. Lot Yield Example Calculation



- (3) Retention of interconnected greenways, wildlife travel corridors and open spaces through the community.
- 344.B **APPLICABILITY.** The standards of this section apply to subdivision of land within the Rural Residential and Rural districts.
- 344.C **SINGLE LOT DIVISION.** Irrespective of the lot yield provisions below, a developed residential lot at least 3 acres and less than 6 acres in size may be subdivided once to create two lots. If each lot cannot meet the minimum requirement for 150 feet of frontage, then the two lots must share a curb cut and driveway. Any resubdivision of either lot following approval of a single lot division must fully conform to the rural subdivision requirements of these regulations.
- 344.D **LOT YIELD.** A preliminary determination of the maximum number of lots within a subdivision will be made at the pre-application conference by Brattleboro Planning Department staff and confirmed during the Development Review Board's hearing on the proposed subdivision in accordance with the provisions of this subsection. The maximum number of lots within a subdivision will be calculated by dividing the developable area within the subdivision by the applicable density factor with the result rounded down to the nearest whole number.
- (1) **Developable Area.** Any land with one or more of the physical features listed below will be subtracted from the total area within the subdivision to calculate the developable area. Brattleboro Planning Department staff will provide the subdivider with information about the location and total area of those physical features on the subject property based on the best available data in the town's Geographic Information System. The subdivider may hire qualified professionals to produce a topographic survey or wetland delineation for use in determining lot yield rather than rely on data provided by the Planning Department.
- (a) Surface waters (ex. lakes, ponds, streams).
 - (b) Wetlands and required buffers.
 - (c) Riparian setbacks as established in the applicable zoning district.
 - (d) Slopes of 30% or more that comprise an area of 5,000 square feet or more.
- (2) **Density Factor.** The density factor will be based on road access and zoning district as follows:
- (a) The density factor for a subdivision to be accessed from a Class 4 town road will be 12.
 - (b) The density factor for a subdivision in the Rural Residential district not accessed from a Class 4 town road will be 1.5.
 - (c) The density factor for a subdivision in the Rural district not accessed from a Class 4 town road will be 3.
- (3) **Remaining Yield.** If any lot within the subdivision (including the parent parcel) is intended to have the potential for resubdivision, its remaining lot yield or development rights must be notated on the plat.
- (4) **Density in PUDs.** If the subdivision will be designed as a planned unit development in accordance with [CHAPTER 350](#), it may be eligible for a higher density of development than a conventional subdivision approved under this section.

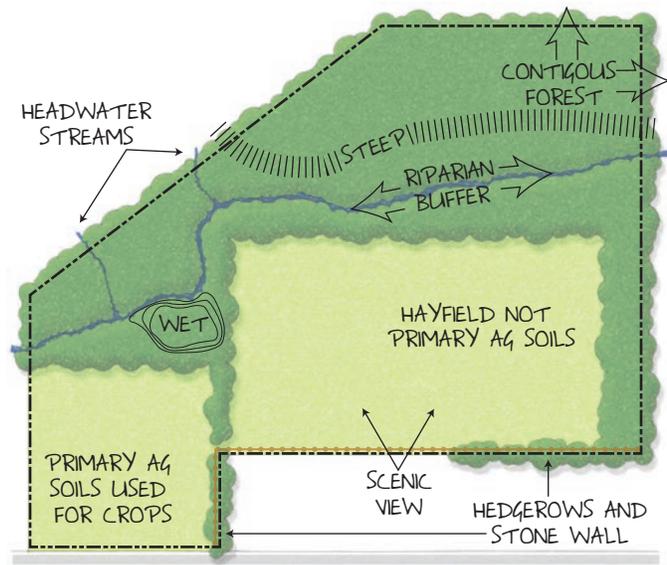
344.E **SITE ANALYSIS.** The subdivider must conduct an analysis of site conditions, including an assessment of the natural resources and physical features found on the site. The purpose of this analysis is to identify areas that are better suited for development, the unique features of the property that should be incorporated into the design, and sensitive resources that should be avoided or remain undisturbed. A site analysis must consist of one or more maps showing:

- (1) Areas of unbuildable land including, but not limited to, wetlands, surface waters, steep slopes and easements.
- (2) Wetland and riparian setbacks or buffers required under these regulations.
- (3) Areas within the Flood Hazard Overlay District.
- (4) Existing roads, utility corridors and easements.
- (5) Productive agricultural land, fields and meadows.
- (6) Wooded areas, tree lines and hedgerows.
- (7) Known plant or animal habitats, including those that may be unique, rare or endangered, and wildlife travel corridors.
- (8) Cultural resources including, but not limited to, historic homes, barns or other structures, stone walls, foundations and cemeteries, particularly if these features are visible from public vantage points.
- (9) Public viewsheds into the property.
- (10) Views from within the property.
- (11) Trails in public use (with or without legal easements).
- (12) Unique features (ex. specimen or landmark trees, rock outcroppings, meadows) or topographic features, which are attractive elements that could be showcased as part of the design.

344.F **SUBDIVISION DESIGN GENERALLY.** The subdivider must design the subdivision based on the site analysis and following the sequence of steps listed below:

- (1) Generally identifying the areas to be developed and the areas to remain undisturbed.
- (2) Siting infrastructure, utilities and access.
- (3) Laying out lot lines.

Figure 3-37. Site Analysis Example



- 344.G **PROTECTION OF AGRICULTURAL RESOURCES.** On sites that include productive farmland, the design of the subdivision must:
- (1) Locate and configure lots in a manner that maximizes the amount of productive farmland remaining available for agricultural use;
 - (2) Include appropriate separations and buffers between residential lots and land intended for future agricultural use; and
 - (3) Minimize conversion of primary agricultural soils on productive farmland to non-agricultural uses.
- 344.H **MINIMUM LOT SIZE AND FRONTAGE.** To promote environmentally sensitive and efficient use of land, the subdivider may reduce the minimum lot size to 20,000 square feet and the minimum lot frontage to 150 feet irrespective of district dimensional standards.
- 344.I **MAJOR SUBDIVISION DESIGN IN THE RURAL DISTRICT.** A major subdivision within the Rural district must be designed as a conservation subdivision in accordance with [SECTION 355](#).

Figure 3-38. Rural Subdivision Design Process



Based on the site analysis, select areas most suitable for development and areas with resources to be preserved.

Locate the access to the area(s) to be developed. Identify suitable locations for needed infrastructure (wells, septic, electric, etc.). Establish development envelopes and lot lines.

CHAPTER 350. PLANNED UNIT DEVELOPMENT (PUD) STANDARDS

Section 351. Applicability

- 351.A Applicants may propose land development that deviates from the standards of the base zoning district(s) in accordance with the provisions of this chapter.

This chapter establishes standards for planned unit developments (PUDs) that are intended to encourage coordinated and creative land development by providing developers with flexibility and incentives for projects that further the town's planning goals.



Section 352. Cottage Cluster Development

- 352.A **PURPOSE.** The purpose of this section is to address the need for smaller and more affordable housing choices in response to changing household demographics and living preferences. The intent is to encourage development of pocket neighborhoods composed of cottages sited around common open space that are pedestrian-oriented and minimize the footprint and visibility of auto-oriented features like parking and garages.
- 352.B **APPLICABILITY.** Cottage cluster developments are permitted in the Residential Neighborhood and Rural Residential districts.
- 352.C **DIMENSIONAL STANDARDS.** The following will apply within a cottage cluster development:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a cottage cluster development. The development must meet all applicable dimensional standards around its perimeter.
 - (2) The lot coverage for the development as a whole must not exceed 60%.
 - (3) The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 352.D **USE.** Nonresidential principal uses are prohibited within a cottage cluster development.
- 352.E **CLUSTER SIZE.** The development must be designed as one or more clusters composed of 3 to 12 cottages arranged around a common open space.
- 352.F **COTTAGE DESIGN.** A cottage as allowed under this section must be a single-unit or two-unit detached dwelling that:
- (1) Has a footprint of not more than 1,200 square feet if single-unit or 1,600 square feet if two-unit. Attached garages will be included in the footprint calculation and must not exceed a footprint of 360 square feet.
 - (2) Has a total floor area that does not exceed 180% of its footprint. Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet will not be included in the floor area calculation.
 - (3) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.
- 352.G **COMMON OPEN SPACE.** The development must include one or more common open spaces in accordance with the following:
- (1) A minimum of 400 square feet of common open space suitable for community gardens and/or passive outdoor recreation is required per cottage.

- (2) Each cottage must have a principal entryway that faces a common open space and that is not separated from the open space by a street or driveway. Garage doors must not face the common open space.
- (3) A minimum of 50% of the cottages must directly abut a common open space and each cottage must be connected to a common open space by a walkway not more than 60 feet long.
- (4) A common open space must have cottages abutting on at least two sides.
- (5) The common open space must be landscaped and must not be used for parking, utility, trash collection or other service functions. Green stormwater and renewable energy infrastructure may be located within common open space provided that such functions do not unreasonably interfere with recreational use and aesthetic enjoyment of the common open space.

352.H **ACCESSORY BUILDINGS.** Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 360 square feet and a height of not more than 18 feet. A private, detached carriage house that includes an accessory dwelling unit may have a footprint of not more than 60% of the associated cottage and a height of not more than 18 feet. Shared or common accessory buildings must have a footprint of not more than 1,200 square feet and a height of not more than 20 feet.

352.I **COMMUNITY BUILDINGS.** The development may include one or more community buildings that are clearly incidental to the cottages and that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. A community building must be commonly-owned by the residents. A community building must be compatible in scale, design and height to the cottages.

352.J **VEHICULAR ACCESS AND PARKING.** The development must provide vehicular access and parking in accordance with the following:

- (1) Vehicular access and on-site parking will not be required to/on each lot or cottage. The development may provide one or more common off-street parking areas or structures with pedestrian walkways connecting the parking and the cottages.
- (2) Vehicular access and parking must not be located within the front yard or the common open space, or between the cottages and the common open space.
- (3) Vehicular access and parking should be located primarily around the periphery of the development or each cottage cluster and should be designed to have minimal visibility from the common open space and from public vantage points beyond the development. Shared driveways, rear alleys and narrow lanes should be used to the maximum extent feasible.
- (4) Unless otherwise approved by the Development Review Board, vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of these regulations.

Section 353. Traditional Neighborhood Development

- 353.A **PURPOSE.** The purpose of this section is to encourage land development in a manner consistent with the historic development principles and patterns of Brattleboro's pre-war neighborhoods. Traditional neighborhood developments:
- (1) Combine a variety of housing types with small-scale commercial and civic uses in a compact, walkable neighborhood setting;
 - (2) Feature a highly interconnected street network, sidewalks and building setbacks appropriate to create a public realm built on a human scale; and
 - (3) May not be appropriate where severe environmental constraints, such as steep slopes, wetlands or streams, preclude street interconnections and high impervious surface coverage (consider a conservation subdivision for such sites).
- 353.B **APPLICABILITY.** Traditional neighborhood developments are permitted in the Village Center, Neighborhood Center, Mixed Use and Residential Neighborhood districts on sites that are 2 acres or more in size. A traditional neighborhood development must include not less than three principal residential buildings and 12 dwelling units.
- 353.C **DIMENSIONAL STANDARDS.** The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a traditional neighborhood development except as specifically modified in this section. The development must meet all applicable dimensional standards around its perimeter. Lot coverage will be calculated for the development as a whole and will not apply to individual lots within the development. The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 353.D **USE.** The uses allowed within a traditional neighborhood development will be as established in the base zoning district.
- 353.E **BLOCKS.** Block length within a traditional neighborhood development must not exceed 1,000 feet. Block perimeter must not exceed 1,600 feet.
- 353.F **HOUSING TYPES.** Traditional neighborhood developments with more than three buildings must have a mix of housing types with no single housing type accounting for more than 75% of the total number of units.
- 353.G **BUILDING DESIGN.** Buildings within a traditional neighborhood development must be designed in accordance with the following:
- (1) At least 80% of principal buildings must front on, be oriented to and have entrance facing a street or common open space.
 - (2) At least 50% of single-unit dwellings must have an open front porch at least 60 square feet in size with a minimum dimension of 6 feet on any side.
 - (3) Loading areas must not be oriented to a street and must adjoin alleys or parking areas to the rear of the principal building.
 - (4) Non-residential buildings must conform to the architectural standards of the base zoning district.

- 353.H **STREET DESIGN.** Streets within a traditional neighborhood development must be designed with narrow lanes, sidewalks and street trees. Streets must be laid out and designed to discourage through and high speed traffic to the maximum extent feasible.
- 353.I **PARKS AND OPEN SPACE.** Within a traditional neighborhood development, a minimum of 1/4 acre or 5% of total site, whichever is greater, must be reserved as park(s) and/or open space available for public recreational use.

Section 354. Campus Development

- 354.A **PURPOSE.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of institutional uses, and office or business parks.
- 354.B **APPLICABILITY.** Campus developments are permitted in the Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use, Institutional and Industrial districts on sites that are 2 acres or more in size. For the purposes of this section, a campus is a self-contained development that includes multiple buildings and/or lots that:
- (1) Are commonly owned and/or managed;
 - (2) Are located in proximity to and related to one another;
 - (3) Are oriented and organized around common open space areas;
 - (4) Are connected with pedestrian walkways; and
 - (5) Accommodate primarily institutional, office or light industrial uses that have a shared, common, and/or similar purpose and function.
- 354.C **DIMENSIONAL STANDARDS.** The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a campus development. The development must meet all applicable dimensional standards around its perimeter. Lot coverage for the development as a whole must not exceed 70% or the district maximum, whichever is less. The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 354.D **DENSITY.** There will be no maximum residential density within a campus development (provided that residential use is allowed in the base zoning district). Floor area ratio for the development as a whole must not exceed the maximum for the applicable district.
- 354.E **USE.** The uses allowed within a campus development will be as established in the base zoning district and as follows:
- (1) Any institutional, office or light industrial use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use.
 - (2) The Development Review Board may approve uses not otherwise allowed in the base zoning district within a campus development as a conditional use upon determining that the proposed use is incidental to or supportive of the principal purpose of the campus development as follows:
 - (a) The amount of floor area within the campus development occupied by such uses must not exceed 20% of the total floor area within the development.

- (b) Retail, day care, personal service or similar customer-oriented uses must be located, designed and operated principally as a convenience to campus residents or employees.

- 354.F **BUILDING DESIGN.** Buildings within a campus development must be designed as follows:
- (1) Buildings taller than 3 stories must be set back a distance equal to or exceeding twice their height from parcels abutting the perimeter of the campus development. The Development Review Board may reduce this setback requirement to the district minimum if the proposed development within the campus will be compatible in scale and intensity with the existing or planned development pattern on the adjacent parcel(s).
 - (2) Buildings must be oriented to streets, common open space areas or pedestrian walkways. Buildings must not be oriented to parking lots.
- 354.G **OPEN SPACE.** At least 30% of the total area of the campus must be reserved as common open space, including parks, greens, courtyards or quads developed for community gardening or passive recreational use but excluding outdoor areas developed for active recreational use (ex. sports courts or fields).
- 354.H **PEDESTRIAN ACCESS.** All principal buildings within a campus development must be connected with a system of sidewalks or paths. The Development Review Board may require the applicant to extend sidewalks along nearby public streets into the campus.
- 354.I **VEHICULAR ACCESS.** Vehicular access to a campus development must be provided in a manner that minimizes traffic impacts on surrounding neighborhood streets. To the maximum extent feasible, vehicular access must be provided from an arterial street.
- 354.J **PARKING.** In addition to all the applicable provisions of [SECTION 313](#), off-street surface parking must be located to the rear of principal buildings and, to the maximum extent feasible, around the periphery of the campus.
- 354.K **SIGNAGE.** The campus development must have an approved common scheme signage plan and the campus will be considered a “common scheme premises” for the purposes of regulating signage under [SECTION 319](#). The campus may have an entrance sign not more than 64 square feet in area and 20 feet in height at its principal street entrance. Any secondary entrance may have a sign that is not more than 32 square feet in area and 12 feet in height. All other signage must be designed and located so as to be primarily visible from within the campus.

Section 355. Conservation Subdivision

- 355.A **PURPOSE.** The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space and rural character.
- 355.B **APPLICABILITY.** Conservation subdivisions are permitted in the Residential Neighborhood, Rural Residential, Rural, and Waterfront districts. They are required for all major subdivisions in the Rural district.
- 355.C **DENSITY.** The density of a conservation subdivision must not exceed the maximum density as determined based on the applicable zoning district standards (total area to be subdivided divided by the residential density).
- 355.D **DIMENSIONAL STANDARDS.** The following will apply within a conservation subdivision:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a conservation subdivision. The subdivision must meet all applicable dimensional standards around its perimeter.
 - (2) Lot coverage for the subdivision as a whole must not exceed the district maximum.
 - (3) Development within the subdivision must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 355.E **USE.** Nonresidential principal uses are prohibited within a conservation subdivision except for community buildings and agricultural enterprises. All forms of residential use and buildings will be permitted within a conservation subdivision except for multi-unit buildings with 5 or more dwelling units and live-work units.
- 355.F **CONSERVATION AREAS.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:
- (1) The following will be considered primary conservation resources and must be included in the conservation area:
 - (a) Wetlands;
 - (b) Mapped flood hazard and river corridor areas; and
 - (c) Severely steep slopes (30% or greater);
 - (2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:
 - (a) Primary agricultural soils;
 - (b) Riparian areas (see [SECTION 334](#));
 - (c) Moderately steep slopes (15% to <30%);
 - (d) Woodlands that are part of a contiguous forest block at least 50 acres in size; and
 - (e) Scenic views into the property from public vantage points.
 - (3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
 - (4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the town, state and/or a land trust or conservancy. The conservation easement must prohibit further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources.

- (5) Conservation areas must not be cleared, graded, filled or subject to construction except:
 - (a) The Development Review Board may allow streets and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the site to be developed. Disturbance of the conservation area must be the minimum necessary to provide adequate access.
 - (b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area.
 - (c) Community gardens, trails and passive recreation amenities may be developed within conservation areas in accordance with the approved plan.
 - (d) Accepted agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use in accordance with the terms of the easement.

355.G **DEVELOPMENT AREAS.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:

- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or dwelling units separated by open space.
- (2) At least 40% of the lots or dwelling units must abut a conservation area.
- (3) All lots or dwelling units not directly abutting a conservation area must have direct pedestrian access to the conservation area(s) from a continuous system of sidewalks, paths or trails. The Development Review Board may waive the access requirement for conservation areas intended for agricultural use.
- (4) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
- (5) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing streets).

355.H **COMMUNITY BUILDINGS.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.

355.I **APPLICATION REQUIREMENTS.** In addition to all other applicable requirements, the applicant must submit:

- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see [SUBSECTION 355.F](#)) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
- (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see [SUBSECTION 355.F](#)) and any public or conserved lands over an aerial photo base map.

Section 356. Rural Enterprise Development

- 356.A **PURPOSE.** This section recognizes that Brattleboro’s rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate enterprises that are compatible in use, scale and intensity with maintaining the town’s rural character and supporting economically viable farm and/or forest lands in the town and region by:
- (1) Adding value to local farm or forest products;
 - (2) Direct marketing of local farm or forest products;
 - (3) Engaging in agritourism or education; and/or
 - (4) Offering goods or services needed for farming or forestry.
- 356.B **APPLICABILITY.** Rural enterprises are permitted in the Rural Residential and Rural districts on sites that are 9 acres or more in size and that are not accessed from a Class 4 town highway.
- 356.C **DIMENSIONAL STANDARDS.** The following will apply within a rural enterprise development:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a rural enterprise development. The development must meet all applicable dimensional standards around its perimeter.
 - (2) Lot coverage for the development as a whole must not exceed the district maximum.
 - (3) All land development, except for agriculture and forestry, must be set back at least 120 feet from the side and rear lot lines at the perimeter of the rural enterprise development.
 - (4) The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 356.D **DENSITY.** The density of the development as a whole must not exceed the maximum for the applicable district.
- 356.E **USE.** In addition to the uses allowed in the base zoning district, the Development Review Board may approve any of the uses listed in [FIGURE 3-39](#) as part of a rural enterprise in accordance with the following:
- (1) Dependence on locally produced farm or forest products must be an essential component and distinguishing hallmark of any proposed retail, food service or industrial use.
 - (2) Providing guests, visitors or students with an opportunity to learn about or interact with farming or forestry operations must be an essential component and distinguishing hallmark of any proposed lodging, camping, entertainment, event or educational use.
 - (3) The total combined floor or site area within a rural enterprise devoted to retail sales must not exceed 12,000 square feet.
- 356.F **BUILDING DESIGN.** Buildings within a rural enterprise development must be sited and designed as follows:
- (1) Context-sensitive siting and design techniques must be used to fit new buildings into the working landscape in a manner that maintains rural character and incorporates existing site elements such as open fields and meadows, tree lines, landmark trees,

Locally produced means agricultural or silvicultural products that are raised, grown or harvested within Vermont or within 30 miles of Vermont.



Figure 3-39. Rural Enterprise Development Use Table

Bed and breakfast or inn (see SECTION 304)	Exhibition, convention or conference structure
Shop or store	Other community structures
Open market or market shop	Camps, camping or related establishments
Lawn, garden or farm supply sales	Trade or specialty school (see SECTION 115)
Lumber yard or building material sales	Museum or exhibition hall
Veterinary services	Outdoor facility or pavilion (see SECTION 115)
Food services (restaurant)	Stable or equine facility
Food service contractor	Composting facility (see SECTION 112)
Pet and animal sales or services	Greenhouse (see SECTION 112)
Light industrial	Support functions for animal production
Miscellaneous manufacturing (see SECTION 306)	Game and fishing retreats and reserves
Wood products establishments	

hedgerows, stone walls, or topographic features. To preserve rural character, open space (working lands or natural areas) must be maintained within and/or around the development.

- (2) Building designs must incorporate vernacular New England architectural forms and materials. Designs that reference the form and materials of traditional farmsteads characterized by a cluster of residential buildings, barns and/or agricultural outbuildings are strongly encouraged. The adaptive re-use of existing historic and/or agricultural buildings is encouraged.
- (3) Building designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing. Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.

356.G **PARKING.** In addition to all the applicable provisions of SECTION 313, off-street surface parking must be sited and designed to minimize its visibility from the street in accordance with the following:

- (1) Parking must be set back at least 40 feet from the street.
- (2) There must not be more than two rows of parking between a building and the street. The Development Review Board may waive this limit if the parking will be screened by a natural change in elevation and/or buffer of natural vegetation.
- (3) The Development Review Board may waive requirements for asphalt or concrete pavement, for marking parking spaces, and for electric vehicle charging spaces under SUBSECTION 313.H.

356.H **SIGNAGE.** The rural enterprise development must have an approved common scheme signage plan and the development will be considered a “common scheme premises” for the purposes of regulating signage under SECTION 319. The development may have an entrance sign not more than 32 square feet in area and 12 feet in height and may display temporary seasonal signs to the same extent as allowed for agricultural enterprises under SUBSECTION 308.A. All other signage must be designed and located as required under SECTION 319 for Sign Zone 3, irrespective of whether the base zoning district is otherwise included in Sign Zone 3.

PART 4. ADMINISTRATIVE PROCEDURES

CHAPTER 400. ROLES & RESPONSIBILITIES

Section 401. Administrative Officer

- 401.A The Selectboard will appoint an Administrative Officer to administer these regulations in accordance with the Vermont Planning and Development Act.
- 401.B The Administrative Officer will assist applicants in determining whether and which town permits or approvals will be needed for a project, provide applicants with application forms, inspect projects during construction, maintain records, respond to complaints and violations, and perform all other tasks necessary to administer these regulations.
- 401.C The Administrative Officer must enforce the provisions of these regulations literally and may only issue a zoning permit for development that conforms to these regulations.

This chapter identifies the various town employees, officials and committee members involved in reviewing development applications and administering these regulations.



Section 402. Planning Commission

- 402.A The Planning Commission is responsible for preparing revisions to the town plan and these regulations, and making recommendations to the Selectboard with regard to any proposed amendment of the Brattleboro Town Plan and these regulations. The Planning Commission may prepare and recommend the adoption of additional regulations, ordinances, codes, or other mechanisms for implementing the policies of the Brattleboro Town Plan. The Planning Commission may undertake studies and make recommendations on planning and land development policies and issues in Brattleboro generally.
- 402.B The Selectboard appoints members to the Planning Commission in accordance with the Brattleboro Town Charter and the Vermont Planning and Development Act.

Section 403. Development Review Board

- 403.A The Development Review Board performs development review functions as specified in these regulations and in accordance with their adopted rules of procedure.
- 403.B The Selectboard appoints members to the Development Review Board in accordance with the Brattleboro Town Charter and the Vermont Planning and Development Act.
- 403.C The Administrative Officer refers applications to the Development Review Board as required under these regulations.

Section 404. Advisory Committees

- 404.A **CONSERVATION COMMISSION.** The Selectboard appoints members to the Conservation Commission. The Conservation Commission may participate in the review of land development projects that due to their size, nature or location have the potential to affect environmental quality. The Conservation Commission may provide written comments and

recommendations on the environmental conservation aspects of any application, which the Administrative Officer will send to the applicant and Development Review Board. The Conservation Commission's comments and recommendations are intended to provide general direction to the applicant and Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the Development Review Board's decision on the application.

- 404.B **TECHNICAL REVIEW COMMITTEE.** The Technical Review Committee is an advisory staff committee comprised of representatives from town departments. The committee reviews development applications as requested by the Administrative Officer prior to consideration by the Development Review Board and provides coordinated feedback to the applicant and the Development Review Board. Committee members may provide written comments and recommendations, which the Administrative Officer will send to the applicant and Development Review Board, indicating all applicable regulations, requirements and identifiable impacts of the proposed major land development project. In assessing those impacts, committee members must consider the cumulative impact of land development. The committee's comments and recommendations are intended to provide general direction to the applicant and Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the Development Review Board's decision on the application.
- 404.C **DESIGN REVIEW COMMITTEE.** The Selectboard appoints members to the Design Review Committee. As specified in [SECTION 252](#), the Design Review Committee reviews applications for land development within the Historic Resource Overlay District. The committee will provide written comments and recommendations regarding design modifications that would further the purposes of these regulations, which the Administrative Officer will send to the applicant and Development Review Board, if applicable. The Design Review Committee's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the final decision on the application.

CHAPTER 410. FEES & FILING REQUIREMENTS

Section 411. Permit Fees

- 411.A The Selectboard will establish fees for the Administrative Officer or other town employees to charge for administering these regulations. These fees may include the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections during construction.
- 411.B An applicant must pay the applicable fee(s) when submitting an application. Until the applicable fee(s) are paid, the Administrative Officer will not deem the application complete.

This chapter authorizes administrative actions such as charging fees to cover the cost of administering these regulations and requiring performance bonds to ensure compliance with these regulations.



Section 412. Technical and Legal Review

- 412.A The Administrative Officer or Development Review Board may hire qualified professionals to provide an independent technical or legal review of an application when deemed necessary to ensure compliance with these regulations, the cost of which will be paid by the applicant.

Section 413. Monitoring and Inspection

- 413.A The Administrative Officer or Development Review Board may condition approval upon periodic monitoring or inspection when deemed necessary to ensure ongoing compliance with these regulations, the cost of which will be paid by the applicant.

Section 414. Performance Bonds and Development Agreements

- 414.A The Administrative Officer or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to ensure the completion of required improvements. The amount, form, manner of execution and period of the bond or surety must meet statutory requirements and be satisfactory to the Selectboard. The bond or surety will only be released after certification by the applicant and determination by the Administrative Officer or Town Engineer that the required improvements have been satisfactorily completed.
- 414.B The Administrative Officer or Development Review Board may require the applicant to enter into a development agreement with the town to detail the applicant's and town's responsibilities for implementing required improvements to serve the proposed land development. A development agreement may govern the timing, financing and coordination of private and/or public facilities and improvements in accordance with these regulations.

Section 415. As-Built Drawings and Designer Certifications

- 415.A The Administrative Officer or Development Review Board may require an applicant to file as-built drawings as a condition of approval and/or prior to issuing a certificate of

compliance. As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the town.

- 415.B The Administrative Officer or Development Review Board may require the applicant to provide certification(s) from the project designer(s) attesting that land development was constructed in accordance with the approved plans as a condition of approval and/or prior to issuing a certificate of compliance.

Section 416. Other Approvals, Permits or Certifications

- 416.A The Administrative Officer or Development Review Board may require an applicant to file a copy of any other approvals, permits or certifications for the land development including, but not limited to, state or federal wetland permits, state stormwater permits, state wastewater and water supply permits, town wastewater allocation, town or state highway access permits, state energy certificates and/or state Act 250 permits.
- 416.B The Administrative Officer may issue a zoning permit conditional upon the filing of any other approvals, permits or certifications and may require such filing prior to the start of construction or to issuing a certificate of compliance as appropriate.

CHAPTER 420. ZONING PERMIT PROCEDURES

Section 421. Applying for a Zoning Permit

- 421.A Prior to applying for a zoning permit or related development approval, an applicant is encouraged to meet with the Administrative Officer and Planning Department staff for a preliminary review of the proposal and a discussion of the applicable provisions of these regulations, permitting requirements, application materials, fees, and review procedures.
- 421.B The Administrative Officer will determine whether proposed land development will require a zoning permit or any other type of development approval and will provide applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
- 421.C The Administrative Officer will notify the prospective applicant of any fees or other charges that may apply to the proposed land development.
- 421.D The Administrative Officer will provide the applicant with a copy of the state energy standards for residential or commercial buildings as applicable.
- 421.E To apply for a zoning permit or related development approval, the applicant must submit the completed form(s), supporting materials and all applicable fees to the Administrative Officer.
- 421.F It is the applicant's responsibility to provide the information and materials necessary to prove the proposed land development meets all applicable standards of these regulations. The Administrative Officer may waive an application requirement upon finding the information is not necessary to determine compliance with these regulations. The Administrative Officer may require an applicant to provide additional information as necessary to determine compliance with these regulations. The Administrative Officer must keep written documentation of any application requirement waived or additional material requested as part of his/her office records.
- 421.G The Administrative Officer must determine whether the application is complete promptly after the applicant submits it. The Administrative Officer must inform the applicant in writing of his/her determination. If the application is incomplete, the Administrative Officer must inform the applicant of what additional information is required.
- 421.H The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in [SECTION 431](#).

This chapter establishes the process that applicants will follow to apply for zoning permits and the process the Administrative Officer will follow to review and act on zoning permit applications, and issue and administer zoning permits and related development approvals.



Section 422. Reviewing and Referring a Zoning Permit Application

- 422.A Once the Administrative Officer determines that an application is complete, he/she must act within 30 days to approve, deny or refer it to the Development Review Board for a development approval. If the Administrative Officer must notify a state agency before he/she may issue the permit, the 30 days will not commence until the time allowed for the state agency to comment has elapsed.
- 422.B If the Administrative Officer does not act on a complete application within 30 days, the

applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted a "deemed approval" of the application.

- 422.C The Administrative Officer must not approve an application and issue a zoning permit that does not meet all the applicable standards and requirements of these regulations. In particular, the Administrative Officer must not approve an application and issue a zoning permit if the land use or development requires the approval of the Development Review Board and the applicant has not received such approval.

Section 423. Approving or Denying a Zoning Permit Application

- 423.A The Administrative Officer must approve or deny applications in writing and specifically provide the following information:
- (1) When approving an application, the Administrative Officer must inform the applicant that he/she must post a notice of the zoning permit (to be provided by the Administrative Officer) in a visible location on the subject property throughout the 15-day appeal period and that he/she must not commence the land use or development until the appeal period has ended.
 - (2) When denying an application, the Administrative Officer must inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision and must include a copy of [SECTION 431](#), which explains the appeal process.
- 423.B The Administrative Officer may issue a zoning permit with conditions as necessary to ensure compliance with these regulations. Specifically, the Administrative Officer must condition any zoning permit to construct a new dwelling unit or to add bedrooms to a dwelling unit on the applicant obtaining a state wastewater permit or town wastewater allocation, as applicable prior to the start of construction.
- 423.C The Administrative Officer must post a copy of the zoning permit in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.
- 423.D The Administrative Officer must deliver an original, signed copy of the zoning permit or the notice of zoning permit to the Town Clerk for recording within 30 days after it becomes effective. The Administrative Officer must also file a copy of the permit as part of his/her office records and send a copy to the Listers, the Fire Department and the Public Works Department.

Section 424. Zoning Permit Effect, Expiration and Extension

- 424.A A zoning permit takes effect on the 16th day after the Administrative Officer issues it provided that no appeal is lawfully filed during the previous 15 days. If an appeal is filed, the zoning permit will not take effect until the appeal is decided.
- 424.B A zoning permit and any associated Development Review Board approval expires two years from the date the permit takes effect unless:
- (1) The Development Review Board specifies otherwise as a condition of approval;
 - (2) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration; or

- (3) The applicant receives an extension of not more than 12 months from the Administrative Officer prior to the zoning permit's expiration. The Administrative Officer may only grant one such extension upon finding good cause for the delay and that any improvements completed to date conform to the permit requirements and these regulations.

424.C If a zoning permit expires before the applicant commences the use and/or substantially completes the construction authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

Section 425. Amending a Zoning Permit or Site Plan

425.A An applicant may request in writing that the Administrative Officer amend a zoning permit or approved site plan.

425.B The Administrative Officer must only approve an amendment to a zoning permit or approved site plan upon finding that the proposed amendment conforms to all applicable provisions of these regulations and is not a material change.

425.C The Administrative Officer must notify the Development Review Board upon approving an amendment to an approved site plan.

425.D The Administrative Officer may decline to amend an approved site plan or refer the request to the Development Review Board (see SECTION 438).

 A material change means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.

Section 426. Revoking a Zoning Permit

426.A If an applicant omitted or misstated a material fact on an application or at a hearing, the Administrative Officer may revoke any zoning permit that was issued.

Section 427. Inspections During Construction

427.A The Administrative Officer may inspect any land development under construction authorized by a zoning permit as necessary to ensure compliance with these regulations and any permit conditions.

Section 428. Certificate of Compliance

428.A As a condition of approval, the Development Review Board or Administrative Officer may require the applicant to receive a certificate of compliance before the land development authorized by a zoning permit may be occupied, used or commenced. A certificate of compliance will be required for any of the following:

- (1) Creating a new dwelling unit.
- (2) Constructing a new principal building on a lot.
- (3) Any land development within the Flood Hazard Overlay District.

428.B If land development will be constructed in phases, the applicant may be required to apply for a certificate of compliance for each phase. The Development Review Board or

- Administrative Officer may require the applicant to obtain a certificate of compliance for the current phase prior to the Administrative Officer issuing a zoning permit for the next phase.
- 428.C The Administrative Officer will provide applicants with the necessary form to apply for a certificate of compliance.
- 428.D The Administrative Officer must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Administrative Officer may inspect the subject property and consult with other town departments or state agencies as necessary to determine compliance.
- 428.E If the Administrative Officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- 428.F The Administrative Officer must only issue a certificate of compliance upon finding that:
- (1) The fully completed land development conforms to the requirements of the zoning permit and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations.
 - (2) All infrastructure connections are fully complete and conform to Department of Public Works Specifications, permit requirements and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations.
 - (3) The applicant has filed any required documents with the town including, but not limited to, as-built drawings, floodplain elevation certificate, floodproofing certificate, energy certificate, wastewater permit or allocation, access permit, stormwater permit, or fire department inspection.
- 428.G The Administrative Officer must approve or deny applications for certificate of compliance in writing. When denying an application, the Administrative Officer must:
- (1) State the reasons for the denial; and
 - (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision and must include a copy of [SECTION 431](#), which explains the appeal process.
- 428.H If the Administrative Officer denies the certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.
- 428.I If the Administrative Officer denies the certificate of compliance and finds a violation of these regulations, he/she must commence appropriate enforcement action under [CHAPTER 470](#).
- 428.J The Administrative Officer may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 12 months. The Administrative Officer may require the applicant to submit a performance bond in accordance with [SECTION 414](#) to ensure full completion of the outstanding required improvements. The applicant must apply for a permanent certificate of compliance prior to the expiration of any temporary certificate.

CHAPTER 430. DEVELOPMENT REVIEW PROCEDURES

Section 431. Appeals of the Administrative Officer

431.A An interested person may appeal any action or decision of the Administrative Officer to the Development Review Board.

This chapter establishes what is required of applicants applying for various types of development approvals from the Development Review Board, and the review process and criteria to be used for each type of application.

431.B To appeal, an interested person must file two copies of a notice of appeal and any applicable fees with the Administrative Officer within 15 days of the date the action or decision.

An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on his/her property, or a group of 10 people living, voting or owning property in the town. The full definition is found in Subsection 531.I.

The Administrative Officer will forward a copy to the Development Review Board.

431.C A notice of appeal must be in writing and must include all of the following information:

- (1) The name and address of the appellant (the person filing the appeal);
- (2) A copy of the Administrative Officer's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);
- (3) A brief description of the subject property;
- (4) A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied; and
- (5) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.

431.D A notice of appeal may also include a request for a stay of enforcement. To request a stay of enforcement, the appellant must include a sworn statement with the notice of appeal that irremediable damage will directly result if the Development Review Board does not grant the stay.

431.E The Development Review Board must either:

- (1) Hold a public hearing on the appeal in accordance with [SECTION 462](#) and [SECTION 464](#).
- (2) Reject the appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the Development Review Board determines that it decided the issues in an earlier appeal.

431.F An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action taken or decision made by the Administrative Officer.

431.G If no interested person appeals the Administrative Officer's action or decision to the Development Review Board within 15 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

431.H An appeal may not be filed by an interested person meeting the 10 persons definition on character of the area grounds if the project has a residential component that includes affordable housing.

Section 432. Waivers and Variances

- 432.A **PURPOSE.** This section is intended to provide a mechanism for adjusting a requirement of these regulations when it is limiting the reasonable use or development of a property.
- 432.B **APPLICABILITY.** The Development Review Board may approve:
- (1) Waivers that authorize minor adjustments to the dimensional standards of these regulations as specified in [FIGURE 4-1](#), except that waivers must not be approved within the flood hazard area.
 - (2) Variances that authorize more substantial adjustments to the standards of these regulations or adjustments within the flood hazard area.
- 432.C **PROHIBITED.** An applicant must not seek a waiver or variance to create a lot that does not meet the applicable zoning district standards (ex. minimum lot size or frontage).
- 432.D **APPLICATION.** The applicant must file a complete zoning permit application and a written request for a waiver or variance with the Administrative Officer that includes all of the following:
- (1) A brief description of the subject property and project.
 - (2) A reference to specific dimensional standard(s) of these regulations that the applicant is requesting a waiver from.
 - (3) The specific modification(s) that the applicant is requesting.
 - (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver or variance.
- 432.E **NOTICE AND HEARING.** The Development Review Board must hold a public hearing on the waiver or variance request in accordance with [SECTION 462](#) and [SECTION 464](#). Additionally, if the applicant is requesting a waiver or variance from the required setback from a state highway, notice must also be sent to the Vermont Secretary of Transportation.
- 432.F **REVIEW CRITERIA.** To approve a waiver or variance, the Development Review Board must find that all of the applicable criteria specified in [FIGURE 4-2](#) have been met. There are specific variance criteria that apply to renewable energy structures and to development within the flood hazard area. For all other variance requests, the general variance criteria apply.
- 432.G **FLOOD HAZARD AREA VARIANCES.** If a variance will be approved for development within the Flood and Erosion Hazard Overlay District, the written decision must state that *“Building a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage.”*

Section 433. Design Review

- 433.A The Design Review Committee must review all applications for land development within the Historic Resource Overlay District not specifically exempted in [SECTION 252](#) prior to any review by the Development Review Board or to the Administrative Officer issuing a zoning permit.
- 433.B The Design Review Committee may recommend specific modifications to the proposed plans based on the standards and criteria in [SECTION 252](#). The Development Review Board or Administrative Officer may deny or condition approval of an application based on the Design Review Committee’s recommendations.
- 433.C The applicant must file a complete zoning permit application and design plan with the Administrative Officer.

Figure 4-1. Dimensional Waiver Table

STANDARD	MAXIMUM WAIVER
Lot coverage	5% or 2,000 sf more than the district standard, whichever is less
Front yard setback, minimum	50% of the district standard
Front yard setback, maximum	May be waived when physical site conditions prohibit lot development
Side yard setback	Total of 10 ft less than the district standard on both sides combined, but not to less than 5 ft from the property line on either side
Rear yard setback	10 ft less than the district standard, but not to less than 10 ft from the property line
Building footprint (new structure)	10% more than the district standard
Building footprint (addition or replacement)	25% increase in existing building footprint as of the effective date of these regulations
Building height (max)	1 story or 10 ft more than the district standard (depending height measurement in the district)

Figure 4-2. Waiver and Variance Review Criteria

CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 Those physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 The applicant has not created the unnecessary hardship.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4 The proposed land development will not alter the essential character of the neighborhood or district in which the property is located.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5 The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6 The proposed land development will not be detrimental to public health, safety or welfare.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7 The applicant is proposing the least deviation possible from these regulations that will afford relief.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9 The proposed land development will not reduce access to renewable energy resources on adjacent property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10 The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program and the provisions of SUBSECTION 251.J of these regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 433.D The Design Review Committee must review and issue any recommendations on a complete application and design plan within 60 days.
- 433.E The Design Review Committee must evaluate the design plan based on the standards and criteria in [SECTION 252](#) and the following considerations:
- (1) Appropriate preservation or reconstruction of contributing historic structures.
 - (2) Compatibility of the proposed land development with the neighborhood.
 - (3) Conformance with the applicable architectural, streetscape, landscaping and other development standards of these regulations.

Section 434. Site Plan Review

- 434.A **APPLICABILITY.** All land development requires Development Review Board approval of a site plan except for the following:
- (1) Construction of a single-unit or two-unit dwelling, or any land development ancillary to a single-unit or two-unit dwelling.
 - (2) Land development that does not require a zoning permit (see [CHAPTER 110](#)).
 - (3) Temporary structures and uses allowed under [SECTION 302](#).
 - (4) Land development for the purpose of complying with the Americans with Disabilities Act (ADA) or applicable fire, health or building codes (ex., ramps, elevators, entryways, fire escapes, stairs, etc.).
 - (5) In the Urban Center district, change of use on the ground floor from one nonresidential use to another lawful nonresidential use provided that:
 - (a) There will be no change to the exterior dimensions of the structure housing the use;
 - (b) There will be no expanded outdoor activities associated with the use (ex., seating, display, sales, storage, etc.); and
 - (c) Any new or modified signs meet the standards of [SECTION 319](#).
- 434.B **APPLICATION.** The applicant must file a complete application and site plan with the Administrative Officer.
- 434.C **CLASSIFICATION.** The Administrative Officer will classify site plan applications as specified below:
- (1) **Major Projects.** The following will be major projects:
 - (a) Commencement of a new conditional use.
 - (b) Construction of new principal buildings.
 - (c) Substantial renovation of an existing principal building.
 - (d) Construction of more than 10 parking spaces or 2,000 square feet of impervious surface.
 - (e) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 25 feet.
 - (2) **Minor Projects.** All other site plans are minor projects.
- 434.D **REVIEW OF MAJOR PROJECTS.** The Development Review Board will review site plans for major projects in accordance with the following:

Substantial renovation is defined in Part 5 and generally involves structural changes, additions of more than 2,000 square feet of floor area, or improvements that cost more than 50% of the building's assessed value.



- (1) **Sketch Plan Meeting.** The applicant may schedule a sketch plan meeting with the Development Review Board prior to filing a major site plan application as follows:
 - (a) The applicant may request a waiver of application requirements by submitting a written request identifying each of the application requirements that he/she is requesting that the Development Review Board waive and stating why the requirement is not applicable to the subject property or project. Waiver of an application requirement will not relieve the applicant from demonstrating that the proposed development complies with all applicable provisions of these regulations.
 - (b) The purpose of the sketch plan meeting is to provide the applicant with an opportunity to consult with and receive feedback from the Development Review Board prior to spending time and money preparing detailed plans.
 - (c) The Administrative Officer may forward the sketch plan to representatives from other town departments and advisory committees for comment as appropriate prior to the sketch plan meeting with the Development Review Board.
 - (d) The sketch plan meeting will be scheduled for the first available regularly scheduled Development Review Board meeting. There will be no notice required for a sketch plan meeting beyond listing the sketch plan as an item on a duly posted Development Review Board meeting agenda.
 - (e) The Development Review Board's determinations and recommendations will be recorded in the minutes and provided to the applicant, but those actions will not constitute a formal decision and will not be eligible for appeal under [SECTION 467](#).
- (2) **Public Hearing.** The Development Review Board must hold a public hearing on a complete major site plan application in accordance with [SECTION 462](#) and [SECTION 464](#).
- (3) **Decision.** To approve a major site plan, the Development Review Board must find that all of the applicable criteria specified in [FIGURE 4-3](#) have been met.

434.E **REVIEW OF MINOR PROJECTS.** The Administrative Officer will review site plans for minor projects in accordance with the following:

- (1) The Administrative Officer will forward the application to the Technical Review Committee or other advisory committee as necessary.
- (2) The Administrative Officer must act on a complete site plan application within 60 days.
- (3) The Administrative Officer may approve, deny or refer applications to the Development Review Board.
- (4) To approve a site plan, the Administrative Officer must find that the site plan conforms to all applicable standards of these regulations.
- (5) The Administrative Officer may approve a site plan with conditions as necessary to ensure compliance with these regulations.
- (6) The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in [SECTION 431](#).

Section 435. Conditional Use Review

435.A The specific land uses that require Development Review Board approval as a conditional use are listed in [PART 2](#) for each zoning district.

- 435.B The applicant must file a complete application and site plan with the Administrative Officer.
- 435.C The Development Review Board must hold a public hearing on a conditional use application in accordance with [SECTION 462](#) and [SECTION 464](#).
- 435.D To approve a conditional use, the Development Review Board must find that all of the applicable criteria specified in [FIGURE 4-3](#) have been met.

Section 436. Local Act 250 Review

- 436.A The Development Review Board is authorized to conduct local Act 250 review of municipal impacts in accordance with state statute. This review will be conducted in coordination with the town's development review process under these regulations (see [SECTION 437](#)).
- 436.B An applicant for an Act 250 permit within the Town of Brattleboro must obtain approval under this section unless the Development Review Board waives its jurisdiction in accordance with statute (See 24 V.S.A. § 4420).
- 436.C The applicant must file a complete application, including the school and municipal impact questionnaires, with the Administrative Officer.
- 436.D The Development Review Board must hold a public hearing on the application in accordance with [SECTION 462](#) and [SECTION 464](#).
- 436.E To approve an application, the Development Review Board must find that all of the applicable criteria specified in [FIGURE 4-3](#) have been met.

Section 437. Combined Review

- 437.A When land development requires more than one approval, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the application. The Administrative Officer will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- 437.B The hearing for a combined review must be warned as per [SECTION 462](#). The notice must include a statement that the hearing will be a combined review of the proposed land development and list each type of review the Development Review Board will conduct.
- 437.C All hearing and decision requirements, and all deadlines applicable to each review process will apply. The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.

Section 438. Modification of Approved Plans

- 438.A The Development Review Board must review any request to amend an approved plan not approved by the Administrative Officer under [SECTION 425](#).
- 438.B The process for applying for an amendment will be the same as for the original approval.
- 438.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plan affected by the proposed amendment.

Figure 4-3. Development Review Criteria

CRITERIA	SITE PLAN	COND. USE	ACT 250
1 Compatibility. The proposed land development will be compatible with its setting and context as determined by its arrangement, building bulk, form, design, character and landscaping to establish a livable, harmonious and diverse environment. It will not limit, impair or preclude the future use of nearby property as allowed under these regulations. It will create or retain appropriate transitions from public to private spaces, and will create or retain appropriate buffers with adjacent properties.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Character of the Area. The proposed land development will not alter the existing or planned character of the area as defined by the purpose of the applicable zoning district, and the land use goals and policies of the Brattleboro Town Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Capability of the Site. The site will be capable of accommodating the proposed land development as determined by its size, shape, location, topography, drainage patterns and landscape features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Traffic. The proposed land development will not generate traffic that would have an undue adverse impact on the condition, capacity, safety and function of the town's transportation infrastructure.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Vehicular Access and Circulation. The proposed land development will provide vehicular access from the street and within the site that will not create unsafe conditions for drivers, bicyclists or pedestrians, and will allow adequate access for service and emergency vehicles. See SECTION 311 and SECTION 312 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6 Parking and Loading. The proposed land development will have an adequate, but not excessive amount of parking. Required parking will be designed and located to minimize its aesthetic and environmental impacts. Adequate space will be provided for service vehicles and functions. Provision will be made for bike storage and electric vehicle charging as appropriate to the proposed use and location. See SECTION 313 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 Pedestrian Access and Circulation. The proposed land development will provide pedestrian access within and through the site to adjacent properties and along streets as appropriate given the location. It will provide access for people with disabilities and impaired mobility in accordance with applicable state and federal laws. See SECTION 311 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8 Landscaping and Screening. The proposed land development will provide landscaping and screening in order to: enhance the appearance of the property and streetscape; screen service areas, equipment and utilities from public view; and create a buffer as needed to mitigate impacts on adjacent properties. See SECTION 314 and SECTION 315 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9 Stormwater and Snow Storage. The proposed development will appropriately manage stormwater and snow storage. Low-impact development (LID) techniques that minimize the amount of runoff generated and allow infiltration will be used to the extent that is physically and economically feasible. The area to be disturbed and the amount of natural vegetation cleared will be minimized. See SECTION 333 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10 Renewable Energy Resources. The proposed development will not interfere with the use of, or access to, renewable energy resources on adjacent properties.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11 Energy Conservation. The proposed development will be designed and located to minimize its energy use to the extent that is economically and physically feasible. Energy-saving approaches to development may include: high-efficiency buildings, light fixtures and infrastructure; buildings oriented to maximize solar gain; landscaping to provide wind breaks, and reduce heat loss or gain as appropriate; buildings sited to minimize the length of road and utility corridors; and generating renewable energy on-site.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12 Exterior Lighting. Any exterior lighting associated with the proposed land development will be designed, located and used to: provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond the development site; prevent glare and shield light sources; and minimize energy use. See SECTION 317 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13 Signs. Any signs associated with the proposed land development will be designed, sized and located to: minimize undue adverse impact on historic and scenic character; not be the dominant feature of the development; clearly and simply communicate their message; and enhance the appearance of the property and streetscape. See SECTION 319 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14 Performance Standards. The proposed land development will not result in undue adverse impacts beyond the property line that would reduce the quality of life or the quality of the natural environment in the area. See CHAPTER 320 .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15 Educational Services. The proposed land development will not cause an unreasonable burden on the town's ability to provide educational services.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16 Municipal Services. The proposed land development will not cause an unreasonable burden on the town's ability to provide municipal services including police, fire protection, solid waste disposal, water supply, sewage disposal, stormwater management, road maintenance, and ambulance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17 Cumulative Impact. The proposed development will not contribute excessively or unreasonably to cumulative impacts within the area or town that would limit, impair or preclude the future use of property for the uses allowed under these regulations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18 Municipal Plan and Laws. The proposed land development is in conformance with the Brattleboro Town Plan, all applicable provisions of these regulations, and any other town bylaws or ordinances in effect.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

CHAPTER 440. SUBDIVISION REVIEW PROCEDURES

Section 441. Applicability

- 441.A Subdivision is the division of land into two or more lots for immediate or future sale, conveyance, lease or development. It includes resubdivision, condominium conversion, and the division of land held in common ownership into individually owned lots.
- 441.B Without recording a subdivision plat in the town's land records in full conformance with these regulations, a landowner must not:
- (1) Subdivide land;
 - (2) Create a lot through the use of any legal description other than by reference to a subdivision plat;
 - (3) Sell, lease or transfer ownership of any lot by reference to a subdivision plat;
 - (4) Commence any land development or pre-development activities including, but not limited to, land clearing, grading or construction except to the minimum extent necessary to prepare the materials required for a subdivision application (ex. surveying activities). This must not be interpreted to include agricultural or forestry activities in accordance with [SECTION 112](#).
- 441.C Without recording a subdivision plat in the town's land records in full conformance with these regulations, a landowner may:
- (1) Convey rights-of-way or easements that do not result in the subdivision of land; or
 - (2) Lease parcels for agricultural purposes provided that no new roads are created for purposes other than agriculture.
- 441.D The Administrative Officer must not issue a zoning permit for land development on a lot created by subdivision unless the landowner has recorded a subdivision plat in the town's land records in full conformance with these regulations.

This chapter establishes the requirements for applicants seeking approval to subdivide land and the procedures the town will use review subdivision applications.



Section 442. Subdivision Classification

- 442.A Any of the following will be classified as a minor subdivision:
- (1) The subdivision of a parcel into not more than 4 lots in a 10-year period that does not require any new or substantially improved roads;
 - (2) Lot line adjustments or lot mergers; or
 - (3) Amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision approval.
- 442.B Any subdivision that is not a minor subdivision will be classified as a major subdivision. All planned unit developments will be classified as major subdivisions.
- 442.C Applicants for a major subdivision will be required to submit both a preliminary and final plan for review and approval by the Development Review Board. Applicants for a minor subdivision will only be required to submit a final plan for review and approval by the

Administrative Officer. The Administrative Office may refer a minor subdivision to the Development Review Board for review.

Section 443. Lot Line Adjustment and Lot Merger

- 443.A The Administrative Officer may approve the realignment, relocation or elimination of a boundary line between adjoining lots provided that the proposed change:
- (1) Will not result in an increase in the number of lots;
 - (2) Involves lots that are within the same zoning district;
 - (3) Will not result in a nonconformity (see [SECTION 125](#)), but it may involve an existing nonconformity provided that the degree of nonconformity is not increased; and
 - (4) Will not violate any conditions of a prior permit or approval.
- 443.B Any lot line adjustment or lot merger that does not meet the requirements above must be reviewed by the Development Review Board as a minor subdivision.
- 443.C The Administrative Officer may refer any application for a lot line adjustment or lot merger to the Development Review Board for review as a minor subdivision.
- 443.D The applicant must submit a complete application and subdivision plan to the Administrative Officer. Once the Administrative Officer determines that an application is complete, he/she must act within 30 days to approve it, deny it or refer it to the Development Review Board.
- 443.E Within 180 days after the Administrative Officer approves an application, the applicant must file a final subdivision plat for recording in the town's land records. The plat must meet all statutory requirements and be signed by the Administrative Officer.

Section 444. Footprint Lots

- 444.A The Administrative Officer may approve the creation of one or more footprint lots on a lot if required for legal or financing reasons provided that the proposed change:
- (1) Conforms to state statute regulating the formation and governance of condominiums as applicable; and
 - (2) Does not violate any conditions of a prior permit or approval.
- 444.B Lots created for attached forms of missing middle housing approved under [SECTION 253](#) will be considered footprint lots.
- 444.C A footprint lot will not be considered a separate, legal lot for the purpose of applying the dimensional requirements of these regulations including but not limited to setbacks.
- 444.D The applicant must submit a complete application and subdivision plan to the Administrative Officer. Once the Administrative Officer determines that an application is complete, he/she must act within 30 days to approve it, deny it or refer it to the Development Review Board.

- 444.E Within 180 days after the Administrative Officer approves an application, the applicant must file a final subdivision plat for recording in the town's land records. The plat must meet all statutory requirements and be signed by the Administrative Officer.

Section 445. Pre-Application Conference

- 445.A The applicant must schedule a pre-application conference with the Administrative Officer and Planning Department staff prior to filing a subdivision application to discuss the proposed subdivision, application requirements and review process.

Section 446. Sketch Plan Meeting and Waiver of Application Requirements

- 446.A The applicant may request a sketch plan meeting with the Development Review Board prior to filing a subdivision application. Any applicant seeking a waiver of application requirements must schedule a sketch plan meeting.
- 446.B The purpose of the sketch plan meeting is to provide the applicant with an opportunity to consult with and receive feedback from the Development Review Board prior to spending time and money preparing detailed plans.
- 446.C The Administrative Officer may forward the sketch plan to representatives from other town departments and advisory committees for comment as appropriate prior to the sketch plan meeting with the Development Review Board.
- 446.D If the applicant is seeking a waiver of application requirements, he/she must submit a written request identifying each of the application requirements the applicant is requesting that the Development Review Board waive and stating why the requirement is not applicable to the subject property or subdivision.
- 446.E Upon the applicant submitting a sketch plan and any written request for a waiver of application requirements, the sketch plan meeting will be scheduled for the first available regularly scheduled Development Review Board meeting. There will be no notice required for a sketch plan meeting beyond listing the sketch plan as an item on a duly posted Development Review Board meeting agenda.
- 446.F At the sketch plan meeting, the Development Review Board may:
- (1) Make recommendations to guide the applicant in preparation of more detailed plans.
 - (2) Modify or waive application requirements deemed unnecessary to determine compliance with these regulations when requested by the applicant in writing.
 - (3) Recommend that one or more advisory committees review the application prior to the Development Review Board's first hearing.
- 446.G The Development Review Board's determinations and recommendations will be recorded in the minutes and provided to the applicant, but those actions will not constitute a formal decision and will not be eligible for appeal under [SECTION 467](#).

Section 447. Preliminary Plan Review

- 447.A An applicant for a major subdivision must file a complete application and preliminary subdivision plan for consideration by the Development Review Board.
- 447.B The purpose of preliminary review is to examine the proposed subdivision in detail, take public comment on the plan, evaluate the plan's conformance with the purposes and specific standards of these regulations, and determine whether modifications or conditions will be necessary to ensure that conformance.
- 447.C The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with [SECTION 462](#) and [SECTION 466](#).
- 447.D The Development Review Board must issue a written decision, with findings of fact that address each of the applicable criteria in [FIGURE 4-4](#). The written decision must include any conditions of approval and specify:
- (1) Any specific changes recommended or required in the final subdivision plan;
 - (2) The issues to be analyzed and addressed in the final subdivision application;
 - (3) The maximum allowable density for a subdivision in the Rural Residential district in accordance with [SECTION 344](#);
 - (4) Any conditions that the Development Review Board proposes to include in the final decision; and
 - (5) Any modification or waiver of application requirements for final plan review. The Development Review Board may request any additional application materials deemed necessary to determine compliance with these regulations, and may modify or waive application requirements deemed unnecessary to determine compliance with these regulations.
- 447.E A copy of the written decision will be sent to the applicant. A copy of the written decision will also be forwarded to the Director of Public Works.
- 447.F If the Development Review Board approves the preliminary plan, the applicant will have 12 months to file the final subdivision plan. The Development Review Board may extend that period if the applicant makes a written request and provides evidence of his/her ongoing effort to prepare the final plan in accordance with the decision on the preliminary plan and/or to obtain permits from other jurisdictions prior to submitting the final plan to justify the extension. If the 12-month period is not extended and the applicant fails to submit a final plan prior to the deadline, the preliminary plan approval will expire and the applicant will be required to begin the subdivision approval process anew under the regulations in effect at the time of the new application.

Section 448. Final Plan Review

- 448.A The applicant for a minor or major subdivision must file a complete application and final subdivision plan for consideration by the Development Review Board.
- 448.B The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and assure that any conditions imposed on a preliminary plan have been met.

- 448.C The Development Review Board must hold a public hearing and act on a final subdivision in accordance with [SECTION 462](#) and [SECTION 466](#).
- 448.D The Development Review Board’s approval of a final plan will not constitute the town’s acceptance of any street, easement, open space or other feature shown on the plan. Action by the Selectboard is required to accept any street, easement, open space or other feature.

Section 449. Subdivision Plat Filing

- 449.A If the Development Review Board approves the final plan, the applicant will have 180 days to submit a final subdivision plat for filing in the town’s land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval. Upon written request by the applicant prior to the expiration of the 180 days, the Administrative Officer may grant one 90-day extension to the filing deadline if other local or state permits are still pending. If a plat recorded is not recorded within the required period, the Development Review Board’s approval of the subdivision will be considered null and void.
- 449.B The final subdivision plat must meet all state requirements (see 27 V.S.A. § 1403).
- 449.C Prior to being filed in the land records, the Chair of the Development Review Board must sign the final subdivision plat. If a final plat is recorded without that signature, it will be considered null and void.
- 449.D No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed except in accordance with [SECTION 4410](#). If a modified plat is recorded in violation of this requirement, it will be considered null and void.
- 449.E Once properly filed, a final subdivision plat will not expire.

Section 4410. Modification of Approved Plats

- 4410.A The Development Review Board must review any request to amend an approved plat except as specified in [SECTION 425](#) or [SECTION 443](#). The process for applying for an amendment will be the same as for the original approval.
- 4410.B The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.
- 4410.C The Director of Public Works may authorize a modification to the design of any public improvement at any time before or during construction provided the modification would not result in a material change to the approved development. The authorization must be in writing and a copy must be sent to the Administrative Officer.

Figure 4-4. Subdivision Review Criteria

CRITERIA	
1	Siting and Design. The siting and design of the proposed subdivision will be compatible with its setting and context.
2	Capability and Suitability of the Site. The site's size, shape, location, topography, natural features are capable of accommodating and suitable for the proposed subdivision. The proposed subdivision will not require excessive or unreasonable modification of the site's natural topography, drainage patterns and landscape features.
3	Neighborhood Character. The proposed subdivision will not alter the existing or planned character of the neighborhood in a manner that would limit, impair or preclude the future use of nearby property for its permitted uses.
4	Compatibility, Safety and Privacy. The proposed subdivision will be compatible with existing and planned uses in the area. It will not reduce the safety or privacy of adjacent landowners below levels typical of the area. It will create or retain appropriate transitions from public to private spaces. It will create or retain buffers within the subdivision and between the subdivision and adjoining properties.
5	Vehicular Traffic, Access and Circulation. Traffic generated by the proposed subdivision will not have an undue adverse impact on the condition, capacity, safety and function of the city's transportation infrastructure. The vehicular circulation within the subdivision will not create unsafe conditions for drivers, bicyclists or pedestrians, will allow adequate access for service and emergency vehicles, and will allow for adequate snow removal and storage. See SECTION 311 and SECTION 312 .
6	Pedestrian Traffic, Access and Circulation. Pedestrian access will be provided within and through the subdivision to adjacent properties and along streets as appropriate given the location of the subject property. See SECTION 311 .
7	Stormwater and Snow Storage. The proposed subdivision will appropriately manage stormwater and snow storage. Low-impact development (LID) and green stormwater infrastructure (GSI) techniques that minimize the amount of runoff generated and allow infiltration will be used to the maximum extent feasible. See SECTION 333 .
8	Landscaping. Landscaping will be preserved or established to enhance the aesthetic character of the proposed subdivision and streetscapes within and adjoining the subdivision, and to create a buffer as needed to mitigate impacts on neighboring properties. See SECTION 314 and SECTION 315 .
9	Energy Conservation. The proposed subdivision will be designed and located to minimize its energy use to the extent that is economically and physically feasible, including orienting streets and lots to maximize solar gain, retaining or establishing landscaping to provide wind breaks and reduce heat loss or gain as appropriate, and minimizing the length of road and utility corridors.
10	Access to Renewable Energy. The proposed subdivision will not interfere with the use of, or access to, renewable energy resources either within the subdivision or on neighboring properties.
11	Access to Open Space and Recreation. The proposed subdivision will not interfere with access to and enjoyment of existing public open space or recreational areas in the area. It will provide suitable private and/or common outdoor spaces to be used for passive and active recreation.
12	Utilities, Facilities and Services. Utilities will be designed and located to minimize undue adverse impacts on natural and scenic resources, and to not be a dominant feature of the subdivision. Available public facilities and services will be adequate to accommodate the proposed subdivision.
13	Cumulative Impact. The proposed subdivision will not contribute excessively or unreasonably to cumulative impacts within the neighborhood that would limit, impair or preclude the future use of property for its permitted uses.
14	Conformance with Regulations. The proposed subdivision is in conformance with all applicable provisions of these regulations.

CHAPTER 450. PUD REVIEW PROCEDURES

Section 451. Pre-Application Conference

- 451.A The applicant must schedule a pre-application conference with the Administrative Officer and Planning Department staff prior to filing an application for review under the planned unit development provisions to discuss the proposed development, application requirements and review process.

This chapter establishes the procedures for administering the town's planned unit development (PUD) provisions.



Section 452. Application Filing and Review

- 452.A The process for filing an application with the Administrative Officer and having that application reviewed by the Development Review Board will be the same for a planned unit development as for a major subdivision under [CHAPTER 440](#).
- 452.B If a planned unit development requires site plan or conditional use approval, the Development Review Board will conduct that review concurrently with subdivision review as authorized in [SECTION 437](#).

Section 453. Modification of Approved PUDs

- 453.A The Development Review Board must review any request to amend an approved planned unit development except as specified in [SECTION 425](#) or [SECTION 443](#). The application and review process for an amendment of a pre-existing planned unit development will be the same as for a minor subdivision under [CHAPTER 440](#).
- 453.B The Development Review Board may approve changes to the mix of uses within a pre-existing planned unit development provided that the proposed uses either are allowed in the applicable zoning district under these regulations or were allowed under the original approval.
- 453.C The Development Review Board may approve changes to the physical location, layout and design of land development within a pre-existing planned unit development provided that the overall density will be limited to the greater of the density allowed in the applicable zoning district under these regulations or as established in the original approval.
- 453.D The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the planned unit development affected by the proposed amendment.
- 453.E The Director of Public Works may authorize a modification to the design of any public improvement at any time before or during construction provided the modification would not result in a material change to the approved development. The authorization must be in writing and a copy must be sent to the Administrative Officer.

CHAPTER 460. NOTICE, HEARING & DECISION PROCEDURES

Section 461. Municipal Administrative Procedures Act

461.A The Development Review Board must follow the procedures specified in the Municipal Administrative Procedures Act (see 24 V.S.A. Chapter 36) when conducting hearings and making decisions on an application for development approval.

This chapter establishes the procedures that the Development Review Board will follow when conducting public hearings and issuing decisions.



Section 462. Notifying the Public about a Hearing

462.A The Administrative Officer must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision applications by all of the following:

- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Brattleboro.
- (2) Posting the date, place and purpose of the hearing at the town office, on the town website and at least one other public place within Brattleboro.
- (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted on the subject property within public view. It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within two days of the close of public hearing.
- (4) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

462.B The Administrative Officer must notify the public at least 7 days before a hearing for all other Development Review Board actions by all of the following:

- (1) Posting the date, place and purpose of the hearing at the town office, on the town website and at least two other public places within Brattleboro.
- (2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

462.C A defect in the form or substance of the public notice requirements will not invalidate any Development Review Board action or decision when a reasonable effort has been made to provide adequate posting and notice.

Section 463. Site Visits

463.A The Administrative Officer or Development Review Board may require an applicant to grant them access to the subject property prior to making a decision on an application when deemed necessary to ensure compliance with these regulations.

- 463.B A site visit must be warned as a public meeting in accordance with [SECTION 462](#) and open to the public if a quorum of the Development Review Board will be present.

Section 464. Conducting a Hearing and Taking Evidence

- 464.A The Development Review Board must conduct public hearings, hear testimony and take evidence according to its adopted rules of procedures and the Municipal Administrative Procedures Act (see 24 V.S.A. Chapter 36).
- 464.B All hearings must be open to the public. Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing. The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- 464.C The applicant or an authorized representative must be present at any public hearing on his/her application. The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- 464.D Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed hearing.

Section 465. Recessing a Hearing

- 465.A The Development Review Board may recess a hearing on any application pending submission of additional information.
- 465.B If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

Section 466. Issuing a Decision

- 466.A Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application in accordance with the Municipal Administrative Procedures Act (see 24 V.S.A. Chapter 36). The Development Review Board may discuss and make a decision on the application either in open public session or in a closed deliberative session. If the Development Review Board does not issue a decision within 45 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 466.B The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.
- 466.C The Development Review Board may attach any conditions it deems necessary to an approval to ensure compliance with the purpose and standards of these regulations. Any

conditions or limitations must be specifically described in the Development Review Board's written decision.

- 466.D The Development Review Board must not for residential development or the residential portion of mixed-use development:
- (1) Require a larger lot size than the district minimum;
 - (2) Require more parking spaces than the minimum required under [SECTION 313](#);
 - (3) Limit building size to less than the district maximum footprint or height;
 - (4) Limit residential density below the district maximum; or
 - (5) Otherwise disallow a development to abide by the minimum or maximum standards of these regulations.
- 466.E The Development Review Board may require adjustments to the applicable standards listed in Paragraph (D) above when the modification is necessary to comply with other town, state or federal permits or nondiscretionary provisions of these regulations, including but not limited to requirements related to steep slopes, wetlands and flood hazard areas. The Development Review Board must include written findings justifying the conditions of approval and determining that the conditions of approval do not result in an unequal treatment of housing or an unreasonable exclusion of residential development otherwise allowed under these regulations.
- 466.F If the Development Review Board attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant must submit an amended site or subdivision plan that satisfies those conditions prior to Administrative Officer issuing a zoning permit.
- 466.G The Administrative Officer must send a copy of the Development Review Board's decision to applicant (by certified mail) and all others who participated in the hearing, and must file a copy of the decision in his/her office records.
- 466.H Following Development Review Board approval of an application, the Administrative Officer will issue a zoning permit. Any conditions attached to the Development Review Board's approval will be considered part of that zoning permit.
- 466.I If the approved use is not commenced or the development is not substantially completed before the associated zoning permit expires (see [SECTION 424](#)), the development approval will expire with the zoning permit.
- 466.J If the approved use is commenced or the development is substantially completed before the associated zoning permit expires, the development approval will remain in effect unless the use or development is discontinued (see [SECTION 126](#)). Development Review Board approvals and any related conditions run with the land (they remain in effect irrespective of any subsequent change in ownership).

Section 467. Appealing a Decision

467.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days.

 An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on his/her property, or a group of 10 people living, voting or owning property in the town.

467.B A notice of appeal must be sent to every interested person who participated in the hearing. The interested person list will be available from the Administrative Officer.

467.C When the Administrative Officer issues a zoning permit to implement the Development Review Board approval, it is a ministerial action that cannot be appealed under [SECTION 431](#).

467.D If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.

467.E Except as otherwise provided by state statute, an appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action taken or decision made by the Development Review Board.

467.F If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

467.G An appeal may not be filed on character of the area grounds if the project has a residential component and is located within Brattleboro's designated downtown or neighborhood development area.

CHAPTER 470. ENFORCEMENT PROCEDURES

Section 471. Investigation and Action

This chapter establishes the procedures the Administrative Officer will follow to enforce these regulations.



- 471.A The Administrative Officer must investigate alleged violations of these regulations. A violation includes, but is not limited to:
- (1) Commencing any land development, including signs and changes in use, for which an approval or permit is required without first obtaining such an approval or permit.
 - (2) Failing to comply with all requirements, representations and conditions of any approved plan or permit.
 - (3) Commencing or continuing any land development if the permit authorizing the work has expired.
- 471.B The Administrative Officer may enter onto any property as necessary to investigate an alleged violation of these regulations. If the owner or occupant refuses to allow the Administrative Officer onto the property, the Administrative Officer may seek a warrant as authorized by state law.
- 471.C The Administrative Officer must take appropriate action in an effort to remedy a violation of these regulations including, but not limited to any combination of the following:
- (1) Issuing a new zoning permit.
 - (2) Referring the matter to the Development Review Board for review.
 - (3) Requiring the immediate removal of a violating structure or cessation of a violating use.
 - (4) Denying a certificate of compliance.
 - (5) Imposing fines and penalties to the maximum extent allowed under state law until the violation is remedied.
- 471.D Upon determining that a violation of these regulations exists, the Administrative Officer must either issue a municipal civil complaint ticket (see [SECTION 473](#)) or a notice of violation (see [SECTION 474](#)) as appropriate.
- 471.E The Administrative Officer must not enforce any violation of these regulations that has existed for more than 15 years. The Administrative Officer must not enforce any violation of a zoning permit that was not filed in the town's land records.

Section 472. Liability and Penalties for Violations

- 472.A The owner, tenant or occupant of any building or property who creates, maintains, allows, directs, or otherwise contributes to a violation of these regulations may be held responsible for the violation and be subject to any penalties imposed under this chapter.
- 472.B Any architect, engineer, builder, contractor, agent or other person who knowingly creates, maintains, allows, directs, or otherwise contributes to a violation of these regulations may be held responsible for the violation and be subject to any penalties imposed under this chapter.

- 472.C A violation of these regulations is a civil offense.
- 472.D Each day that a violation exists constitutes a separate offense.
- 472.E If any enforcement action results in the need for the Administrative Officer to issue a new zoning permit for the subject property, the application fee will be twice the standard fee.

Section 473. Municipal Civil Complaint Ticket

473.A The Administrative Officer may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

 A ticket issued under this section is similar to a traffic ticket. The recipient of a ticket can either admit to the violation and pay the waiver fee, or contest the ticket by appearing at a Judicial Bureau hearing. If the hearing officer upholds the ticket, he/she will set the penalty, which typically will be the full amount of the fine.

- 473.B A violation ticketed under this section will be punishable by a fine of:
- (1) \$100 for a first offense, with a waiver fee of \$50.
 - (2) \$250 for a second offense ticketed for the same violation within 1 year of the first offense, with a waiver fee of \$125.
 - (3) \$500 for a third and any subsequent offense ticketed for the same violation within 1 year of the first offense, with a waiver fee of \$250.
- 473.C Upon the fourth offense, the town may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

Section 474. Notice of Violation

- 474.A The Administrative Officer may issue a notice of violation for any violation of these regulations.
- 474.B The Administrative Officer must send a notice of violation to the property owner by certified mail. The notice of violation must:
- (1) Describe the violation;
 - (2) Identify the specific provision(s) of these regulations being violated;
 - (3) State the specific action required to cure the violation;
 - (4) State that if the violation is not cured within 7 days, the town may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;
 - (5) State that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and
 - (6) State that the notice of violation may be appealed as per [SECTION 431](#).
- 474.C The Administrative Officer must deliver a copy of a notice of violation to the Town Clerk for recording.

PART 5. DEFINITIONS

CHAPTER 500. INTERPRETATION

This chapter describes how certain common terms used in these regulations will be interpreted.



Section 501. General

- 501.A The words used in these regulations have their normal dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations.
- 501.B The words defined in these regulations have the specific meaning stated unless the context clearly indicates that they have another meaning.
- 501.C The definitions identified as being from state statute are intended to be consistent with that statute.
- 501.D These regulations use “must” and “will” to express that something is required. They use “must not” and “will not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.
- 501.E These regulations use “parcel” and “lot” interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed.
- 501.F These regulations use “site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
- 501.G These regulations use “landowner”, “applicant” and “developer” to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.
- 501.H These regulations use “business” to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise.
- 501.I These regulations use “home”, “residence”, “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

Section 502. Information Boxes

- 502.A There are “information boxes” provided throughout these regulations that are intended to explain what topics are covered in a particular chapter or section, define a key terms or planning concepts mean, or provide similar guidance to readers. They are not to be interpreted as regulatory provisions.

Section 503. Illustrations

- 503.A There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision will take precedence.

CHAPTER 510. CALCULATIONS & MEASUREMENTS

Section 511. Time Periods

- 511.A The calculation of time periods defined in these regulations as a specific number of days will be based on calendar days and will not include the first day (i.e., the day an action was taken) but will count the final day (i.e., the day a hearing was held).

This chapter describes how certain common calculations and measurements will be made under these regulations.



Section 512. Dimensional Standards

- 512.A Each base zoning district establishes dimensional standards for lots, yards and buildings. Those standards will be measured or calculated as described in [FIGURE 5-1](#), [FIGURE 5-2](#) and [FIGURE 5-3](#).

Section 513. Density Standards

- 513.A **GENERAL.** Each base zoning district establishes the maximum density of development allowed on a lot. Those standards will be measured or calculated as described in this section.
- 513.B **NONRESIDENTIAL DEVELOPMENT.** The density of nonresidential development will be measured as floor area ratio (FAR), which is the ratio of gross floor area to the total lot area as shown in [FIGURE 5-4](#).
- 513.C **RESIDENTIAL DEVELOPMENT.** The density of residential development will be measured in dwelling units per acre (du/ac). 1 acre = 43,560 square feet as shown in [FIGURE 5-5](#).
- 513.D **MIXED-USE DEVELOPMENT.** On lots with both nonresidential and residential development, density will be measured in accordance with the following:
- (1) If the district specifies a FAR for mixed-use development, that FAR will establish the maximum gross floor area that may be constructed on a lot. That gross floor area may be allocated between residential and nonresidential uses in any proportion provided that there is at least one dwelling unit and that the total number of dwelling units does not exceed the district's maximum residential density.
 - (2) If the district does not specify a FAR for mixed-use development, the gross floor area devoted to nonresidential use must not exceed the district's nonresidential FAR, and the total number of dwelling units must not exceed the district's maximum residential density.

Figure 5-1. Illustrated Lot Dimensional Standards

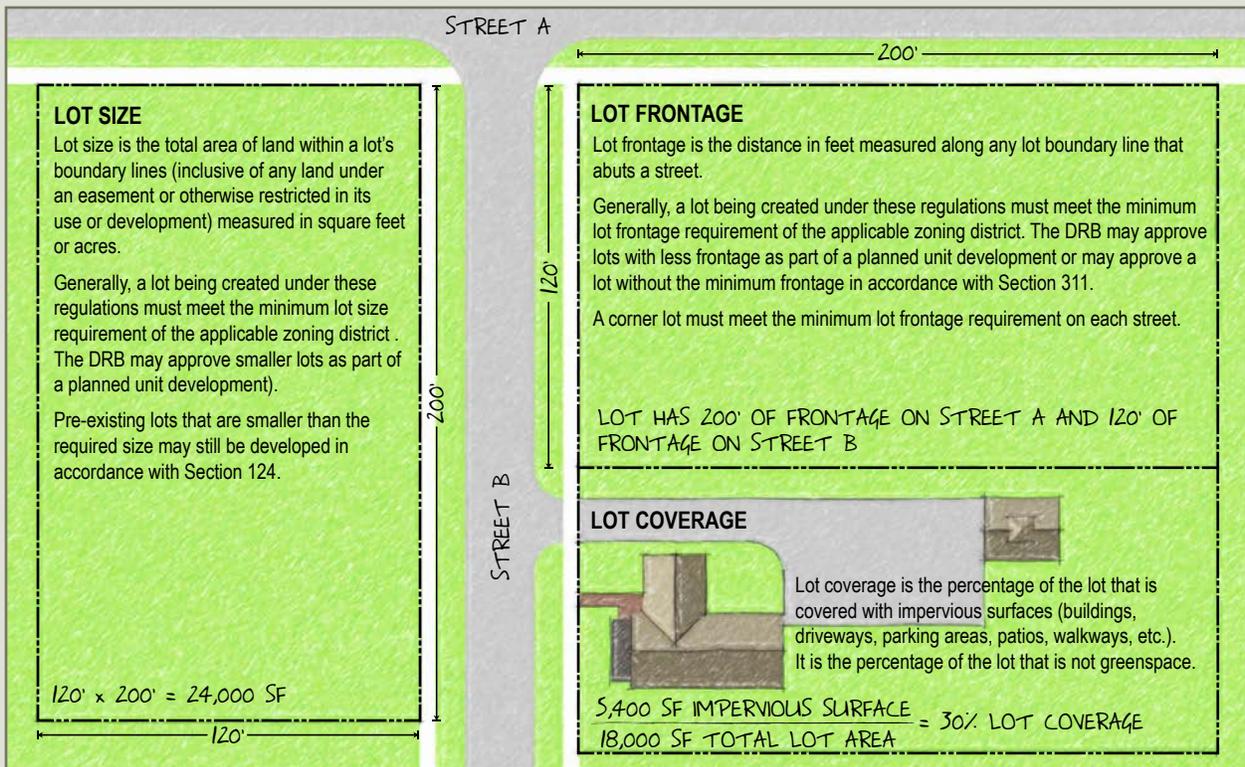


Figure 5-2. Illustrated Yard and Setback Dimensional Standards

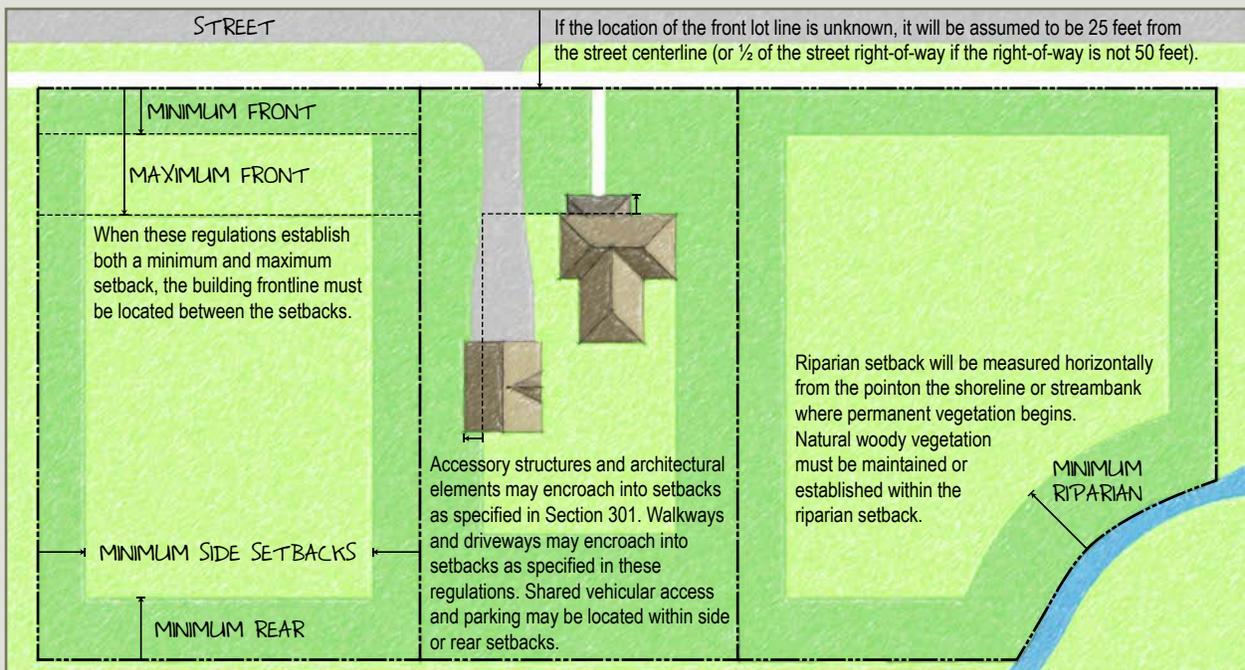


Figure 5-3. Illustrated Building Dimensional Standards

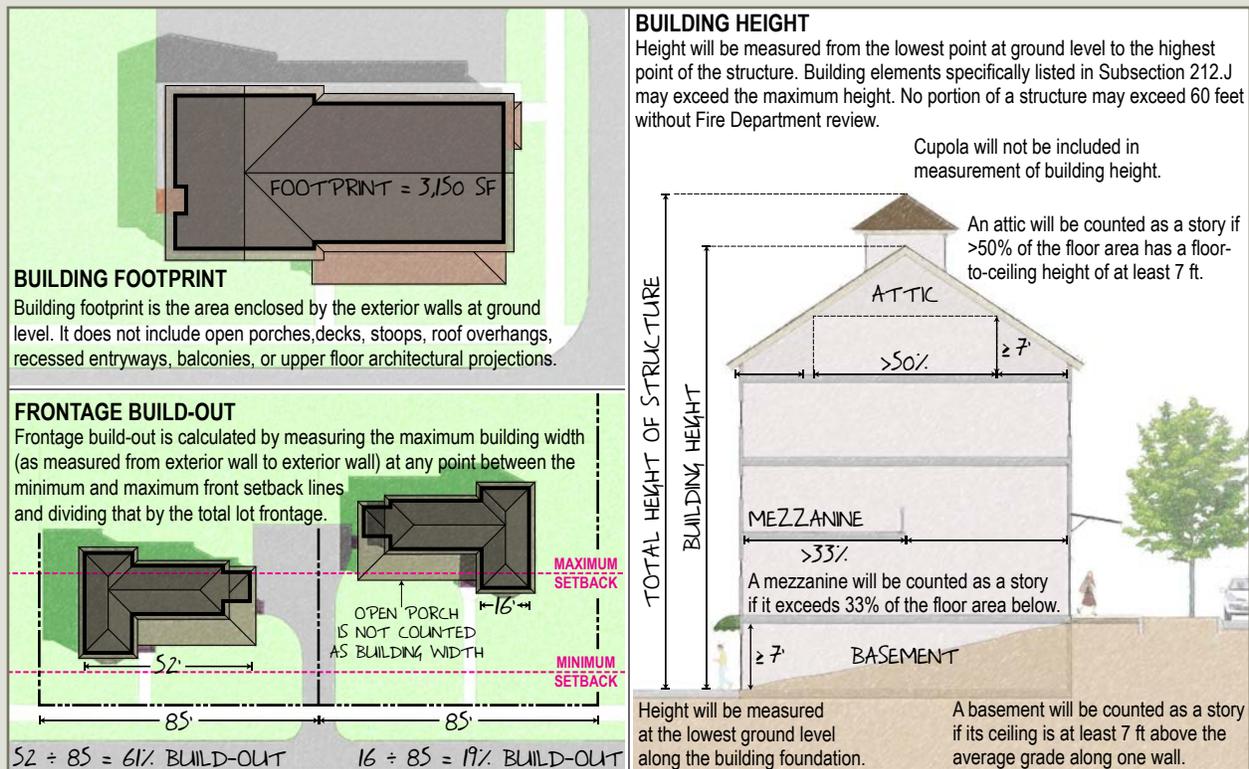


Figure 5-4. Floor Area Ratio (FAR) Illustrated

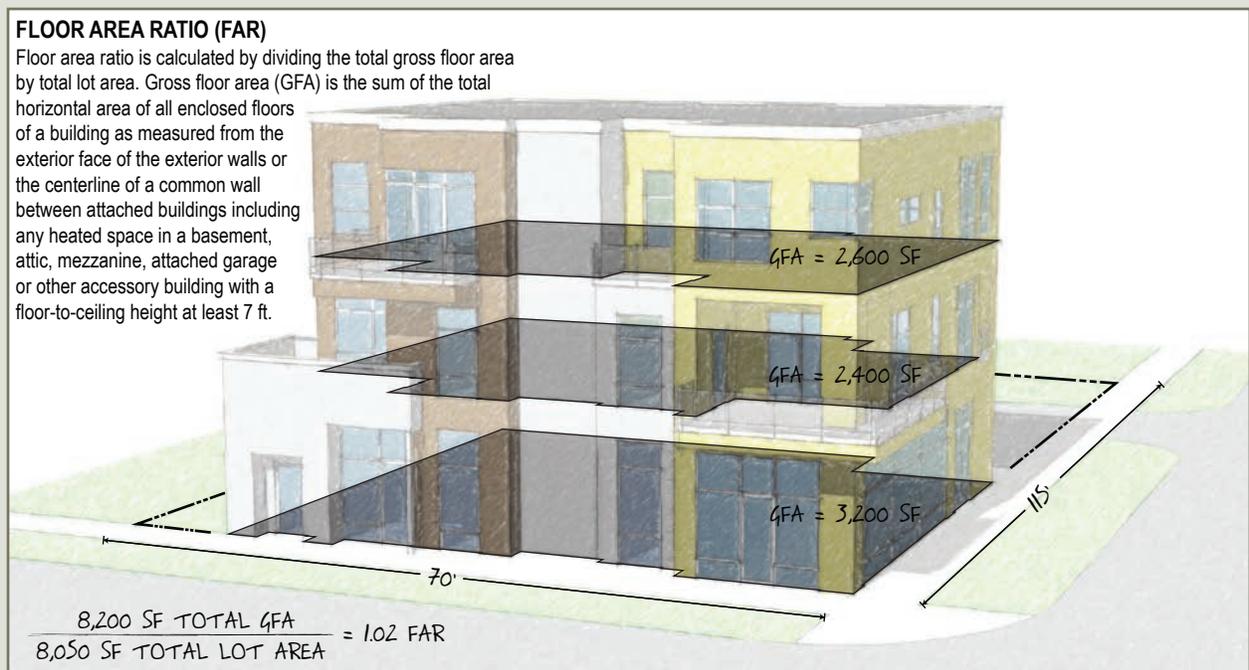
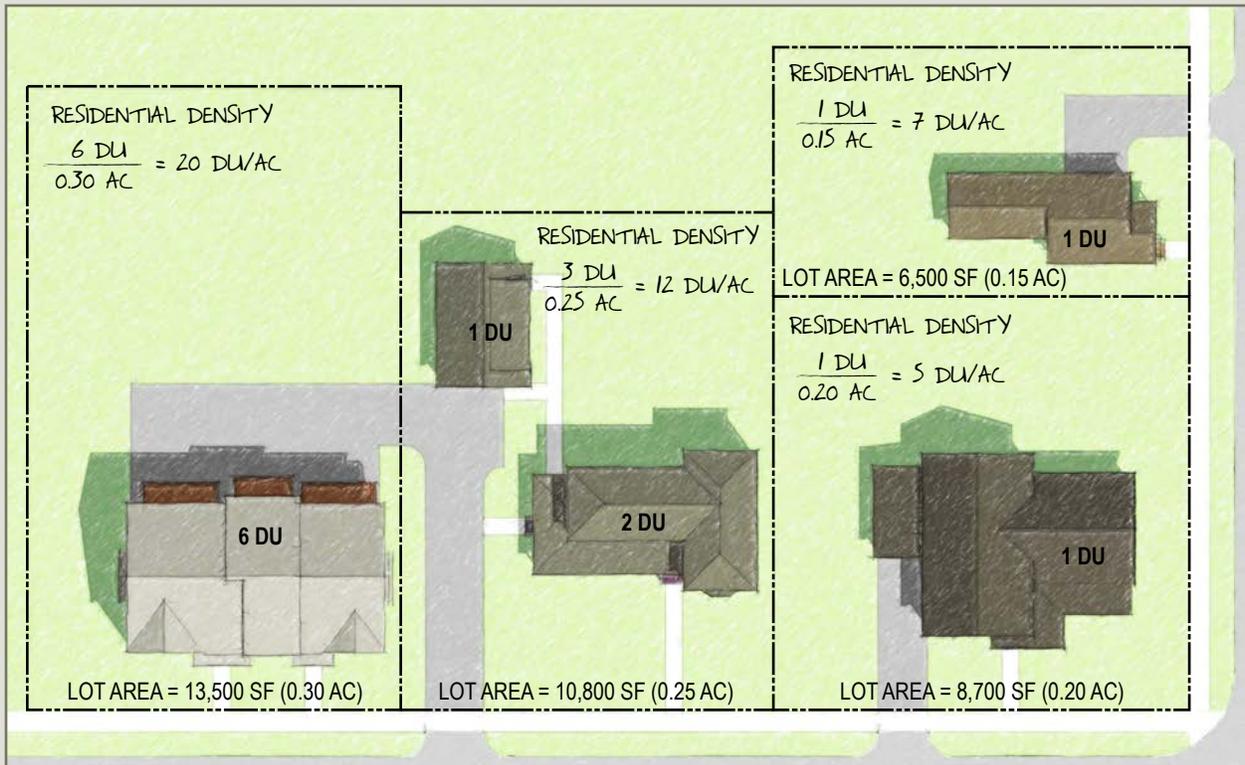


Figure 5-5. Dwelling Units per Acre (du/ac) Illustrated



CHAPTER 520. LAND USE DESCRIPTIONS

Section 521. Residential

SINGLE-UNIT DETACHED DWELLING. A single-unit structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. LBCS STRUCTURE 1110

SINGLE-UNIT ATTACHED DWELLING. Two or more dwelling units built side-by-side sharing one roof, but with each unit intended for habitation by one household, having separate front and rear access, and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. LBCS STRUCTURE 1120

ACCESSORY DWELLING. A second dwelling unit within a single-unit dwelling or accessory building that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See SECTION 116. LBCS STRUCTURE 1130

DUPLEX (2 UNITS) OR TWO-UNIT DWELLING. A two-unit structure intended for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule. LBCS STRUCTURE 1202

TRIPLEX (3 UNITS). A three-unit structure intended for habitation by three households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule. LBCS STRUCTURE 1203

QUADRAPLEX (4 UNITS). A four-unit structure intended for habitation by four households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule. LBCS STRUCTURE 1204

MULTI-UNIT DWELLINGS (5+ UNITS). A structure or part of a structure containing five or more dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. LBCS STRUCTURE 1230

OTHER SPECIALIZED RESIDENTIAL STRUCTURES. Other types of structures intended for habitation such as barracks, dormitories, single-room occupancies, homeless shelters, emergency shelters, or other structurally converted buildings. Excludes lodging uses. LBCS STRUCTURE 1300

RETIREMENT HOUSING. One or more structures intended to provide housing for older adults (commonly limited to those age 55 or older, but may also include some younger residents with disabilities), and which may also provide minimal convenience services and a social support system. LBCS STRUCTURE 1210

CONGREGATE LIVING. One or more structures intended to provide housing and services to residents such as meals, housekeeping, laundry, transportation, recreation or other convenience services. LBCS FUNCTION 1220

This chapter defines the uses listed in Part 2 as permitted or conditional in each zoning district. If uncertainty exists with regard to the definition of any use, it should be looked up in the Land Based Classification System (www.planning.org/lbcs) by structure or function code for additional guidance.



ASSISTED LIVING. One or more structures intended to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license. Care providers may also live on-site or provide these services from their home. LBCS FUNCTION 1230

SKILLED-NURSING SERVICES. One or more structures intended to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing and convalescent homes. LBCS FUNCTION 1250

Section 522. Lodging

BED AND BREAKFAST OR INN. One or more structures intended to provide short-term accommodations for travelers operated primarily in private homes. See [SECTION 304](#). LBCS FUNCTION 1310

ROOMING AND BOARDING HOUSE. One or more structures intended to provide accommodations operated primarily in private homes that will typically serve as the boarder's principal residence, that often serves a specific group or membership (ex. fraternity or sorority house, club, worker housing), and that commonly includes meals, housekeeping and/or laundry services. See [SECTION 304](#). LBCS FUNCTION 1320

HOTEL OR MOTEL. One or more structures intended to provide short-term accommodations for travelers. They may also offer food services, recreational services, convention hosting, laundry services, etc. See [SECTION 304](#). LBCS FUNCTION 1330

Section 523. Commercial

SHOP OR STORE. A structure or part of a structure intended for the sale of products to consumers, primarily for off-site consumption or use, excluding any use specifically defined this section. LBCS STRUCTURE 2200

OPEN MARKET OR MARKET SHOP. Retail sales conducted primarily from outdoor areas, open air structures and/or buildings with stalls. Includes farmers' markets. Excludes flea markets. LBCS STRUCTURE 2260

FUELING STATION. Sites and structures that are specialized for selling gasoline or other vehicle fuels. Commonly combined with other uses such as a carwash or convenience store, or with an auto repair and service garage. LBCS STRUCTURE 2270

AUTOMOBILE REPAIR AND SERVICE. A specialized structure or part of a structure with bays intended for automobile repair and service. LBCS STRUCTURE 2280

MALLS, SHOPPING CENTERS OR COLLECTIONS OF SHOPS. A site with one or more structures intended to house a group of retail establishments. LBCS STRUCTURE 2500

AUTOMOBILE SALES ESTABLISHMENT. A retail establishment that sells motor vehicles from a showroom and/or an open lot. It may also provide automobile repair and maintenance services as an accessory use. LBCS FUNCTION 2110

LAWN, GARDEN AND FARM SUPPLY SALES. A retail establishment that sells specialized products and services for lawn, garden or farm use. It may sell outdoor power equipment and machinery, which may be accompanied with repair services and replacement parts. It may sell farm supplies such as feed and seed. It may sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod. The live products are predominately grown elsewhere. LBCS FUNCTION 2123

LUMBER YARD AND BUILDING MATERIAL SALES. A retail establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. LBCS FUNCTION 2126

BANK. A structure or part of a structure intended for the custody, loan, exchange, issue, managing money, for the extension of credit, or for facilitating the transmission of funds. LBCS FUNCTION 2200

RENTAL AND LEASING. An establishment that provides tangible goods such as vehicles, equipment or machinery to consumer or business customers in return for periodic rental or lease payments. LBCS FUNCTION 2330

PROFESSIONAL SERVICES. An establishment that sells specialized skills or knowledge, performs scientific, technical or professional services, and that is more dependent on human expertise than equipment or materials. Excludes veterinary services. LBCS FUNCTION 2410

VETERINARY SERVICES. Establishments with licensed practitioners of veterinary medicine for animals and establishments that provide testing services for licensed veterinary practitioners. LBCS FUNCTION 2418

ADMINISTRATIVE AND BUSINESS SERVICES. An establishment that provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. LBCS FUNCTION 2420

SERVICES TO BUILDINGS AND DWELLINGS. An establishment that provides services such as landscaping, pest control, janitorial activities, carpet cleaning, and similar services for buildings and dwellings. LBCS FUNCTION 2450

FOOD SERVICES (RESTAURANT). An establishment that prepares meals, snacks and beverages primarily for immediate consumption. LBCS FUNCTION 2500

BAR OR DRINKING PLACE. An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may also offer limited food and live entertainment. LBCS FUNCTION 2540

FOOD SERVICE CONTRACTOR. An establishment that provides food services to institutional, governmental, commercial or industrial clients. It may be co-located on its client's site or may be based off-site. Includes commercial kitchen facilities that may be leased to multiple food service providers or producers of packaged foods. LBCS FUNCTION 2570

PERSONAL SERVICES. An establishment that offers personal services such as laundry or dry cleaning, hair or nail care, diet centers, spas, tailoring, shoe repair, etc. LBCS FUNCTION 2600

PET AND ANIMAL SALES OR SERVICES. An establishment selling pets or pet supplies, and/or offering animal services such as grooming or training. Excludes veterinary services. LBCS FUNCTION 2700

CONSTRUCTION-RELATED BUSINESSES. Contractors that build or demolish buildings or structures, or perform additions, alteration, reconstruction, installation and repairs that do not require specialized or heavy machinery. LBCS FUNCTION 7000

CONSTRUCTION-RELATED BUSINESSES, WITH SPECIALIZED MACHINERY. Contractors that install or utilize specialized machinery not generally used by other building or trade contractors. Includes wrecking and demolition contractors, excavation contractors, well drillers and structural steel erection contractors. LBCS FUNCTION 7200

HEAVY CONSTRUCTION BUSINESSES. Contractors that provide heavy, industrial or other non-building related construction services. Includes highway and street construction, bridge and tunnel construction, water, sewer and pipeline construction, communication and transmission line construction, and construction of industrial structures. LBCS FUNCTION 7400

Section 524. Industrial

LIGHT INDUSTRIAL. A building intended for light industrial uses that typically is similar to an office building in its appearance and impacts and that does not rely on special power, water or waste disposal systems for operation, excluding any use specifically defined this section. LBCS STRUCTURE 2610

MANUFACTURING PLANT. A modern industrial structure that typically is similar to an office building in its appearance and impacts, but that relies on special power, water or waste disposal systems for operation. LBCS STRUCTURE 2613

INDUSTRIAL PARK. One or more structures intended for light industrial, research and development, and business incubator uses often by several independent enterprises, but that may share common loading, parking and business services. LBCS STRUCTURE 2614

LABORATORY. A structure or part of a structure used for scientific, medical, pharmaceutical, engineering, electronic or similar technical research, investigation, testing or experimentation. LBCS STRUCTURE 2615

MEDIA BROADCAST FACILITY OR STUDIO. A structure or part of a structure used for the production, recording, broadcast and/or distribution of radio, television, sound, movie and similar media products and programs. LBCS STRUCTURE 2616

COMPUTER DATA CENTER. A structure or part of a structure intended to house computer systems and associated components such as telecommunications and storage systems. It generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices. LBCS STRUCTURE 2618

HEAVY INDUSTRIAL. Large, specialized sites and/or structures intended for heavy industrial uses such as manufacturing or processing plants that commonly house complex operations and operate continuously. LBCS STRUCTURE 2620

WAREHOUSE OR STORAGE. A site, structure or part of a structure intended for storage and distribution uses. Excludes mini-warehouse, large area distribution or transit warehouse and tank farm. LBCS STRUCTURE 2700

MINI-WAREHOUSE. A site, structure or part of a structure intended to provide individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods (commonly called self-storage facilities). See [SECTION 306](#). LBCS STRUCTURE 2710

LARGE AREA DISTRIBUTION OR TRANSIT WAREHOUSE. One or more large structures used to store, repackage and/or distribute goods. LBCS STRUCTURE 2760

TANK FARMS. A site developed with one or more tanks that typically store fuels, oils and similar liquid products. Includes sale and distribution of such products. See [SECTION 306](#). LBCS STRUCTURE 2780

BEVERAGE PRODUCTS MANUFACTURING. An establishment that manufactures nonalcoholic beverages, ice, alcoholic beverages through the fermentation process, or distilled alcoholic beverages. LBCS FUNCTION 3115

WOOD PRODUCTS ESTABLISHMENT. An establishment that manufactures wood products other than furniture such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, and pre-fabricated wood buildings. Manufacturing may include sawing, planing, shaping, laminating or assembling wood products starting from logs or lumber. LBCS FUNCTION 3210

MISCELLANEOUS MANUFACTURING. An establishment that manufactures artisanal or handcrafted goods. Typically, these goods will be custom-designed and/or produced in small quantities. See [SECTION 306](#). LBCS FUNCTION 3400

WHOLESALE TRADE ESTABLISHMENT. An establishment that sells to or arranges the purchase of goods by other businesses, and that normally operates from a warehouse or office and has little to no display of merchandise. LBCS FUNCTION 3500

SALVAGE YARD OR RECYCLING CENTER. An establishment that stores, sells, sorts, dismantles, shreds, compresses or otherwise salvages or recycles used or discarded goods, materials, equipment or vehicles. LBCS FUNCTION 3519

PUBLISHING. An establishment that issues copies of works such as newspapers, books, periodicals, maps, posters, databases and software in one or more formats including traditional print formats, digital media formats and online formats. LBCS FUNCTION 4210

INFORMATION SERVICES OR DATA PROCESSING INDUSTRIES. An establishment that provides electronic data processing services or that supply information to the news media including internet access or service providers, and electronic library or archive services. LBCS FUNCTION 4240

Section 525. Public Assembly

PERFORMANCE THEATER. A structure or part of a structure intended to house dramatic presentations, stage entertainments, concerts typically designed with a stage and fixed seats arranged on a sloping or stepped floor. LBCS STRUCTURE 3110

MOVIE THEATER. A structure or part of a structure intended to show movies or motion pictures typically designed with a protection screen and fixed seats arranged on a sloping or stepped floor. Also includes cineplexes containing two or more movie theaters. LBCS STRUCTURE 3120

AMPHITHEATER. A site or open-air structure designed to present performances typically with spectators sitting out on a sloping lawn around a stage. A roofed, but open-walled structure may be built over the stage and/or seating area. LBCS STRUCTURE 3130

INDOOR GAMES FACILITY. A structure or site designed to accommodate a large number of people playing within the facility such as a bowling alley or skating rink, which typically does not provide much seating for spectators. LBCS STRUCTURE 3200

SPORTS ARENA. A structure or site designed to accommodate a large number of spectators typically watching a sports event although arenas may also host other types of performances or activities. LBCS STRUCTURE 3300

EXHIBITION, CONVENTION OR CONFERENCE STRUCTURE. A structure or part of a structure that includes large, flat open spaces such as auditoriums, banquet halls, exhibition halls, and meeting rooms typically used to host special events, trade shows, conventions, receptions, and similar activities. LBCS STRUCTURE 3400

RELIGIOUS FACILITY. A structure that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities. LBCS STRUCTURE 3500

GOVERNMENT FACILITY, OFFICE OR COURTHOUSE. A structure designed for the assembly of public officials and employees to conduct public discourse and to administer government programs and activities, excludes public safety facility. LBCS STRUCTURE 3600

OTHER COMMUNITY STRUCTURES. All other structures designed for mass assembly such as community halls, reception halls and wedding halls. LBCS STRUCTURE 3800

SKIING FACILITY. An establishment that operates downhill or cross-country skiing areas. Establishments often provide food and beverage services, equipment rental services, and ski instruction services. Includes four season resorts without housing or accommodations. For housing or accommodations associated with a resort see the applicable residential or lodging uses. LBCS FUNCTION 5350

MARINA OR YACHT CLUB. An establishment that provides launching, docking and/or storage facilities for pleasure craft owners. These establishments may also sell fuel and marine supplies, and/or may repair, maintain or rent pleasure boats. LBCS FUNCTION 5360

FITNESS, RECREATIONAL SPORTS, GYM OR ATHLETIC CLUB. An establishment that offers fitness or recreational sports facilities and services such as fitness clubs, gyms and sports courts. LBCS FUNCTION 5370

GOLF COURSE. A site designed for playing golf. These establishments may provide facilities and services such as a clubhouse, restrooms, locker rooms, equipment sales or rental, instruction, food and beverage service, maintenance or storage facilities, and/or practice or driving ranges. LBCS FUNCTION 5374

CAMPS, CAMPING AND RELATED ESTABLISHMENTS. A site designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicle, or to provide overnight recreation camping or outdoor adventure retreats. These establishments may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. LBCS FUNCTION 5400

NATURE OR RECREATIONAL PARK. A site designed to accommodate primarily passive recreation and appreciation of nature with a minimum of improvements or structures. LBCS FUNCTION 5500

Section 526. Institutional or Community Facility

HOSPITAL. An institution used to provide healthcare services to people primarily as inpatients that is operated under a state license. LBCS STRUCTURE 4110

MEDICAL CLINIC BUILDING. A structure or part of a structure used to provide healthcare services to people primarily as outpatients. LBCS STRUCTURE 4120

GRADE SCHOOL. An institution used to educate children from pre-school through grade 12 that is operated under a state license. LBCS STRUCTURE 4210

COLLEGE OR UNIVERSITY. An institution of higher learning that grants undergraduate and/or graduate degrees. LBCS STRUCTURE 4220

TRADE OR SPECIALTY SCHOOL. An institution that provides vocational, technical or specialized education that trains students for a particular job or teaches particular skills. LBCS STRUCTURE 4230

LIBRARY. A structure or portion of structure containing collections of books, periodicals, films, recorded music or similar media for people to use, borrow or refer to. LBCS STRUCTURE 4300

MUSEUM OR EXHIBITION HALL OR PAVILION. An institution where objects of historical, scientific, artistic or cultural interest are stored, studied and/or exhibited. LBCS STRUCTURE 4400

ART GALLERY. A structure or portion of a structure used to display and sell works of art. LBCS STRUCTURE 4410

PUBLIC SAFETY FACILITY. A structure or part of a structure intended to provide public safety services such as a fire station, ambulance station, police station or emergency operation center. LBCS STRUCTURE 4500

CEMETERY. A site or structure intended to inter or otherwise store the remains of deceased people or animals. LBCS STRUCTURE 4700

FUNERAL HOME OR CREMATION FACILITY. A structure or part of a structure intended to prepare deceased people or animals for burial or cremation, to cremate the remains of deceased people or animals, and/or to hold funeral services. LBCS STRUCTURE 4800

SUPERVISION OR REHABILITATION SERVICES. An establishment other than a licensed hospital that provides protective supervision and/or counseling to people with mental illness, substance abuse problems, emotional problems, or physical or mental disabilities or impairments. Includes residential or accommodation services. LBCS FUNCTION 6520

SOCIAL ASSISTANCE, WELFARE AND CHARITABLE SERVICES. An establishment that provides social assistance services directly to individuals. Excludes residential or accommodation services. LBCS FUNCTION 6560

CHILD DAY CARE. An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session. LBCS FUNCTION 6562

SERVICES FOR THE ELDERLY AND DISABLED. An establishment that provides services to the elderly and disabled such as group support, companionship, day care, homemaker services, etc. Excludes residential or accommodation services. LBCS FUNCTION 6566

Section 527. Transportation Facility

SURFACE PARKING. An outdoor site intended to store passenger vehicles or site intended to store passenger vehicles at ground level under a roofed, open-air structure. LBCS STRUCTURE 5210

PARKING STRUCTURE OR GARAGE. A structure or part of a structure intended to store passenger vehicles typically in multiple levels traversed via ramps and/or within or below a building. LBCS STRUCTURE 5230

BUS STOP SHELTER. A roofed structure for people to wait under at a bus stop. LBCS STRUCTURE 5300

BUS MAINTENANCE FACILITY. A site or structure intended for the storage, dispatching, maintaining and/repairing buses. LBCS STRUCTURE 5400

AIR TRANSPORTATION FACILITY. A site or structure intended to accommodate or support air transportation such as a runway, hangar, terminal, control tower or heliport. LBCS STRUCTURE 5600

RAIL TRANSPORTATION. An establishment that provides rail passenger or freight transportation, or rail transportation support. LBCS FUNCTION 4120

ROAD PASSENGER AND TRANSIT SERVICES. An establishment that provides passenger transportation such as public transit, school bus and taxi services. LBCS FUNCTION 4130

TRUCK AND FREIGHT TRANSPORTATION SERVICES. An establishment that accommodates or supports over-the-road transportation of cargo using motor vehicles such as trucks and tractor-trailers. LBCS FUNCTION 4140

Section 528. Utilities

UTILITY STRUCTURES. Includes electric lines and distribution facilities, phone lines, cable lines, gas lines and distribution facilities, water supply lines, steam and air conditioning lines, sewer and stormwater lines. LBCS STRUCTURE 6100

WATER SUPPLY RELATED FACILITY. Includes water supply pump stations, dams, water tanks, wells, water treatment and purification facilities and reservoirs. LBCS STRUCTURE 6200

SEWER RELATED FACILITY. Includes facilities for storing, pumping and treating sewage. LBCS STRUCTURE 6300

COMMUNICATION ANTENNA. Devices used to transmit or receive radio, television or other wireless communications and related structures and equipment, but excludes support structures. See [SUBSECTION 307.D](#). LBCS STRUCTURE 6500

COMMUNICATION TOWER. Structures used to support communication antennas and related structures and equipment. See [SUBSECTION 307.D](#). LBCS STRUCTURE 6500

Section 529. Mining, Agriculture and Forestry

STABLE OR EQUINE FACILITY. A site or structure intended to house, train or care for horses. May include horse trot tracks or other training facilities, and veterinary facilities. LBCS STRUCTURE 8240

COMPOSTING FACILITY. A facility for composting animal and vegetable wastes. LBCS STRUCTURE 8450

GREENHOUSE. An enclosed structure with or without climate control facilities for growing, displaying and selling plants in a controlled environment. LBCS STRUCTURE 8500

KENNEL. A site or structure where dogs, cats or other domestic animals are bred, raised and/or boarded. LBCS STRUCTURE 8700

MINING, EXTRACTING, QUARRYING AND STONE CUTTING. Establishments that dredge, quarry, mine, or develop mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. May include on-site processing such as crushing, grinding, washing or screening. LBCS FUNCTION 8500

AGRICULTURE AND FORESTRY. Establishments that grow crops, raise animals, harvest timber, or harvest plants or animals from their natural habitats. See [SECTION 112](#). LBCS FUNCTION 9000

SUPPORT FUNCTIONS FOR ANIMAL PRODUCTION. Establishments that perform support activities related to raising livestock such as breeding services, livestock sales or auctions, and slaughterhouses or slaughtering services. LBCS FUNCTION 9380

GAME AND FISHING RETREATS AND RESERVES. Establishments that engage in commercial hunting or trapping, or that operate commercial or recreational game or hunting preserves. LBCS FUNCTION 9520

CHAPTER 530. DEFINED TERMS

531.A

This chapter defines common terms used in these regulations.



- (1) **ABANDONED SIGN.** See definition of [SIGN, ABANDONED](#).
- (2) **ACCEPTABLE MANAGEMENT PRACTICES** means the most recently adopted state laws and regulations governing timber harvesting in Vermont.
- (3) **ACCEPTED AGRICULTURAL PRACTICES** means the most recently adopted state laws and regulations governing farming in Vermont.
- (4) **ADAPTIVE RE-USE** means the conversion of an obsolete or historic structure from its original or most recent use to a new use in a manner that preserves the structure's architectural form and character.
- (5) **AFFORDABLE HOUSING** as defined in state law means ownership or rental housing with a total housing cost that does not exceed 30% of the household income of a household earning 80% of the median income in Windham County, and that is subject to covenants or restrictions that will preserve that affordability for at least 15 years.
- (6) **AGRICULTURE.** See definition of [FARMING](#).
- (7) **ARTERIAL STREET** means a major, high-capacity street that connects minor, low-capacity residential streets to highways and major destinations. For the purposes of these regulations, all state highways and Class 1 and 2 town roads will be considered arterial streets.
- (8) **ATTIC** means the space immediately below the roof of a building. For the purposes of determining height, an attic will be considered a full story if more than 50% of the floor area has a height of 7 feet or more between the top of the joists and the bottom of the rafters.

531.B

- (1) **BASEMENT** means a part of a building that is entirely or partly below ground. For the purposes of determining height, a basement will be considered a full story if its ceiling height will be at least 7 feet above the average grade along one of the building's walls.
- (2) **BAY** means a principal division of a wall or other portion of a building marked off by vertical or traverse supports.
- (3) **BEDROOM** means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.
- (4) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, support the bicycles horizontally in at least 2 places, and allow the bicycles to be locked to the frame with standard user-supplied locks.
- (5) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (6) **BUILDING, ACCESSORY** means a building that is clearly and customarily incidental and subordinate to the principal building on the lot.

- (7) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.
- (8) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.
- (9) **BUILDING, PRINCIPAL** means the main or predominate building in which the principal use on the lot is located.
- (10) **BUILDING ENVELOPE** means a specific area of a lot, delineated on a recorded subdivision plat, within which land development must be located and outside of which no land development may be located, unless otherwise provided.
- (11) **BUILDING FACADE** means the front of a building or any of its sides facing a street or other public space.
- (12) **BUILDING FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (13) **BUILDING FRONTLINE** means a line extending parallel from the exterior front wall of a building.
- (14) **BUILDING PERIMETER** means the total length of a building's exterior walls at ground level.

531.C

- (1) **CALIPER** means the minimum diameter of a tree measured 6 inches above the ground.
- (2) **CAMPSITE** means a designated area within a campground that is designed to accommodate one camping unit including, but not limited to, a tent, lean-to, camping cabin, recreational vehicle, motor home, travel trailer, or camper.
- (3) **CAMPSITE, PRIMITIVE** means a designated area for camping that generally is not accessible to motor vehicles and does not provide utilities or facilities such as electricity, water or wastewater connections.
- (4) **CONTEXT-SENSITIVE DESIGN** means a design approach that is location-specific and that begins with a developing a thorough understanding of a site's unique physical, ecological, cultural and historic setting in order to make sound choices about where and where not to build, how to best compatibility fit development into the wider landscape and community, and preservation of significant scenic, aesthetic, historic and natural resources.

531.D

- (1) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts. This definition specifically excludes a dock.
- (2) **DEMOLITION** means the destruction and physical removal of a structure or portion of a structure from a lot.
- (3) **DEMOLITION BY NEGLECT** means a failure to perform the normal repair and maintenance needed to prevent deterioration of a structure that has, or will if sustained, result in structural damage and render the structure hazardous or unsafe.
- (4) **DEVELOPMENT.** See definition of [LAND DEVELOPMENT](#).

- (5) **DOCK** means a permanent or temporary structure built or installed over or floating on the water that can be used as a landing place for boats or to provide direct access to the water.
- (6) **DWELLING** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (7) **DWELLING, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See [SECTION 116](#).

531.E

531.F

- (1) **FACADE**. See definition of [BUILDING FACADE](#).
- (2) **FACTORY STORE** means a store that specializes in selling goods from a particular business that is located either within the same structure or on the same site as its manufacturing facilities.
- (3) **FARM** means one or more parcels of land managed as a unit and primarily devoted to farming.
- (4) **FARM STAND** means a building or structure located on a farm and used for the sale of agricultural products produced primarily on that farm.
- (5) **FARM STRUCTURE** (AS DEFINED IN 24 V.S.A. § 4413(D)) means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, storing crops or livestock feed, or carrying out other practices associated with farming in accordance with accepted agricultural practices, but specifically excluding any dwelling for human habitation, and that is used for agricultural production that meets one or more of the following (from the Vermont Agency of Agriculture, Food and Markets Accepted Agricultural Practice Regulations):
 - (a) Is used in connection with the sale of \$1,000 or more of agricultural products in a normal year;
 - (b) Is used in connection with the raising, feeding, and management of at least the following number of adult animals: 4 equines; 5 cattle or American bison; 15 swine; 15 goats; 15 sheep; 15 fallow deer; 15 red deer; 50 turkeys; 50 geese; 100 laying hens; 250 broilers, pheasant, Chukar partridge, or Coturnix quail; 3 camelids; 4 ratites (ostriches, rheas, and emus); 30 rabbits; 100 ducks; or 1,000 pounds of cultured trout;
 - (c) Is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
 - (d) Is on a farm with a business and farm management plan approved by the Secretary of the Vermont Agency of Agriculture, Food and Markets.
- (6) **FARMING** (AS DEFINED IN 10 V.S.A. § 6001(22)) means the:
 - (a) Cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;

- (b) Raising, feeding, or management of livestock, poultry, fish, or bees; or the operation of greenhouses;
 - (c) Production of maple syrup;
 - (d) On-site storage, preparation and sale of agricultural products principally produced on the farm;
 - (e) On-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
 - (f) Raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.
- (7) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
 - (8) **FLEA MARKET** means a site or structure from which multiple, individual vendors sell items such as arts, crafts, collectibles and antiques.
 - (9) **FLOOR AREA RATIO** means the ratio of total gross floor area to total lot area.
 - (10) **FORESTRY** as defined by the Vermont Department of Forests, Parks and Recreation means growing and harvesting trees or timber under proper forest management for purposes other than their fruit.
 - (11) **FRANCHISE OR CORPORATE ARCHITECTURE** means a standardized design that is trademarked or identified with a particular chain or corporation and that is replicated in multiple locations with minimal variation.
 - (12) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular chain or corporation and that are used in various applications to identify or promote that chain or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.

531.G

- (1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (2) **GREEN STORMWATER INFRASTRUCTURE (GSI)** means a range of soil-water-plant systems and practices that intercept and capture stormwater near the source in order to infiltrate a portion of it into the ground, evaporate a portion of it into the air, and/or in some cases release a portion of it slowly back into municipal or community stormwater systems (as compared to conventional stormwater systems that are designed to divert water away from a site quickly). GSI provides multiple benefits and functions such as reduced and delayed stormwater flows, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflows, urban heat island mitigation, improved air quality, additional wildlife habitat and recreational space, improved human health, and increased land values.
- (3) **GROSS FLOOR AREA** means the sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.

531.H

- (1) **HANDICAP OR DISABILITY** (AS DEFINED IN STATUTE) means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (2) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- (3) **HAZARDOUS WASTE** (AS DEFINED IN 10 V.S.A. § 6602(4)) means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.
- (4) **HISTORIC SITE OR STRUCTURE** (AS DEFINED IN 10 V.S.A. § 6601(9)) means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a site or structure determined to be historically significant and eligible for such listing by the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation.
- (5) **HOLIDAY LIGHTS** means outdoor lighting used for temporary decorative purposes to celebrate a specific holiday.
- (6) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the living and cooking facilities.

531.I

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.
- (2) **INTERESTED PERSON** (AS DEFINED IN 24 V.S.A. § 4465(B)) means:
 - (a) The applicant;
 - (b) The Town of Brattleboro or any adjoining municipality;

- (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under these regulations is not or will not be in accord with the Brattleboro Town Plan or these regulations.
- (d) Any 10 people, who may be any combination of Brattleboro residents, voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the Brattleboro Town Plan or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
- (e) Any department and administrative subdivision of the state owning property or any interest in property in Brattleboro; or
- (f) The Vermont Agency of Commerce and Community Development.

531.J

- (1) **JUNK** (AS DEFINED IN 24 V.S.A. § 2241(5)) means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.
- (2) **JUNK MOTOR VEHICLE** (AS DEFINED IN 24 V.S.A. § 2241(6)) means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

531.K

531.L

- (1) **LAND DEVELOPMENT** (AS DEFINED IN 24 V.S.A. § 4303(10)) means:
 - (a) The division of a parcel into two or more parcels;
 - (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
 - (c) Mining, excavating or filling; or
 - (d) Any change in, or extension of, the use of land or a structure.
- (2) **LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.
- (3) **LIGHT FIXTURE, FULLY SHIELDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.
- (4) **LIGHT FIXTURE, LUMINOUS TUBE** means a light fixture created by or containing gas discharge tubes that emit light or glow when electric voltage is applied.

- (5) **LIGHT FIXTURE, PARTIALLY SHIELDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.
- (6) **LOCALLY PRODUCED** means agricultural or silvicultural products that are raised, grown or harvested within Vermont or within 30 miles of Vermont.
- (7) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.
- (8) **LOW IMPACT DEVELOPMENT (LID)** means land planning and design approaches that seek to maintain a site's pre-development ecological and hydrological functions by protecting, enhancing, or mimicking natural processes. LID approaches include a range of non-structural practices that guide and minimize the impact of development such as following conservation design principles, minimizing soil disturbance and compaction, preserving natural drainage and water flow patterns, protecting riparian and other sensitive areas, reducing impervious surface area, disconnecting untreated stormwater run-off from waterways and storm drains.

531.M

- (1) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (2) **MIXED USE** means land development that includes both residential and nonresidential uses.
- (3) **MIXED-USE BUILDING** means a multi-story building that includes at least one dwelling unit and one principal nonresidential use.
- (4) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or multiple mixed-use buildings. The plan for the site must be unified and coordinated with the buildings in close proximity to one another and the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.
- (5) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

531.N

- (1) **NEIGHBORHOOD MARKET** means a small retail food store that offers staple and convenience food items, and may include accessory sale of prepared food for on-site consumption or take-out.
- (2) **NOISE** means an unwanted sound that may disturb or annoy the average person.
- (3) **NONCONFORMITY** means a structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.

- (4) **NORMAL REPAIR AND MAINTENANCE** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

531.0

- (1) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (2) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

531.P

- (1) **PARCEL.** See definition of **LOT**.
- (2) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth or other impervious materials in order to make a firm, level surface.
- (3) **PAVEMENT** means asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth or other impervious materials used to cover the ground in order to make a firm, level surface.
- (4) **PREVIOUSLY DEVELOPED LOT** means a lot that has been altered by land use, construction or paving that would, if undertaken anew, require a permit under these regulations. Land that has been altered for agriculture, forestry or conservation purposes will not be considered previously developed. A lot for which a permit has been issued, but the land development has not commenced, will not be considered previously developed.
- (5) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that:
 - (a) Is accessible to public view;
 - (b) Is intended for the enjoyment of the general public; and
 - (c) Does not identify or draw attention to a business, profession or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises.

531.Q

531.R

531.S

- (1) **SHRUB, LARGE** means a shrub with a mature or maintained height of at least 6 feet.
- (2) **SHRUB, MEDIUM** means a shrub with a mature or maintained height of at least 3 and less than 6 feet.
- (3) **SHRUB, SMALL** means a shrub with a mature or maintained height of less than 3 feet.

- (4) **SIGN** means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from public rights-of-way or other properties. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.
- (5) **SIGN, ABANDONED** means:
- (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;
 - (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
 - (c) A sign that has not been maintained.
- (6) **SIGN, BUILDING-MOUNTED** means a sign attached or affixed to a building or incorporated into an architectural element including but not limited to wall signs, window signs, roof signs, projecting signs, hanging signs, blade signs and marquees.
- (7) **SIGN, ELECTRONIC MESSAGE** means a sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.
- (8) **SIGN, FREE-STANDING** means a sign not attached or affixed to a building including but not limited to freestanding signs, pole signs and monument signs.
- (9) **SIGN, INTERNALLY ILLUMINATED** means a sign with an interior light source that shines through a transparent or translucent surface material to make the sign readable at night.
- (10) **SIGN, NEON** means a sign created primarily from luminous tube light fixtures.
- (11) **SKYLINED** means a structure that extends above the horizon line and surrounding natural vegetation and is outlined or silhouetted against the sky as viewed from public vantage points.
- (12) **SMALL RENEWABLE ENERGY SYSTEM** means a wind or solar system that has a total capacity of less than 15 kW and that primarily generates power for on-site use
- (13) **SMART GROWTH** means land development that:
- (a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside, rather than a linear pattern of development along well-traveled roads that lacks depth as measured from the highway.
 - (b) Develops compact mixed-use centers at a scale appropriate for the community and the region rather than scattered development located outside compact centers that is excessively land consumptive.
 - (c) Enables choice in modes of transportation and does not limit transportation options, especially for pedestrians.
 - (d) Protects important environmental, natural and historic features, including natural areas, water quality, scenic resources, and historic sites and districts.

- (e) Serves to strengthen agricultural and forest industries, minimizes conflicts of development with these industries, and avoids the fragmentation of farm and forest land.
 - (f) Balances growth with the availability of economic and efficient public utilities and services, and does not require extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers.
 - (g) Supports a diversity of viable businesses in downtowns and villages.
 - (h) Provides for housing that meets the needs of a diversity of social and income groups in each community.
- (14) **STOREFRONT** means the ground level, street-facing portion of a building designed to house a commercial use and with pedestrian-oriented display windows.
- (15) **STORY** means the portion of a building between the surface of any floor and the ceiling above it. Attics and basements are not considered stories for the purposes of measuring building height.
- (16) **STRIP DEVELOPMENT** means a linear development pattern along an arterial street or highway that is generally characterized by:
- (a) Broad street frontage;
 - (b) Predominance of single-story buildings;
 - (c) Predominance of single-use buildings and properties;
 - (d) Predominance of parking and auto-oriented features visible from the frontage;
 - (e) Limited provision for shared or cross access;
 - (f) Limited provision for access by walking, biking or transit; and/or
 - (g) Lack of coordination with and connections to surrounding neighborhoods and land uses except by vehicle and by the street.
- (17) **STRUCTURAL ALTERATION** means a change in the dimension or configuration of a structure's roof, or any exterior walls or other supporting members, including but not limited to, any change in the dimension, location or number of windows or doors.
- (18) **STRUCTURE** (AS DEFINED IN AS DEFINED IN 24 V.S.A. § 4303(27)) means an assembly of materials for occupancy or use.
- (19) **STRUCTURE, ACCESSORY** means a detached subordinate structure located on a lot with a principal structure, the use of which is clearly and customarily incidental to that of the principal structure.
- (20) **STRUCTURE, PRINCIPAL** means the structure on a lot from which the principal use is conducted. On a lot with a single-unit or two-unit dwelling, the dwelling will be considered the principal structure.
- (21) **SUBDIVISION** means any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term also includes the development of a parcel of land as a planned unit development.

- (22) **SUBSTANTIAL IMPROVEMENT** means any combination of repair, reconstruction, alteration, modification, addition, new construction or other improvement to a site or structure within any 5-year period that has a cumulative cost of 50% or more of the site or structure's assessed value at the time of the first improvement.
- (23) **SUBSTANTIAL RENOVATION** means modification of an existing building to such an extent that the building, or a portion of it, cannot be used for its intended purpose while the work is in progress and includes at least one of the following:
 - (a) A structural change to the foundation, roof, floor or exterior walls.
 - (b) An increase in floor area by more than 2,000 square feet.
 - (c) A substantial improvement.
- (24) **SUBSTANTIALLY COMPLETE** means that construction or development has been completed to a point where a structure or site can be safely used for its intended purpose.
- (25) **SURFACE WATER, MAPPED** means a river, stream (whether perennial or intermittent), lake or pond included in the Vermont Hydrography GIS data set or in any lawfully adopted Town of Brattleboro Natural Resource Inventory.

531.T

- (1) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.
- (2) **TOP OF BANK** means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (3) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (4) **TREE, LARGE** means a tree with a mature height of at least 50 feet.
- (5) **TREE, MEDIUM** means a tree with a mature height of at least 30 and less than 50 feet.
- (6) **TREE, SMALL** means a tree with a mature height of less than 30 feet.
- (7) **TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.
- (8) **TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

531.U

- (1) **USE** means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (2) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly and customarily incidental and subordinate to the principal use.
- (3) **USE, PRINCIPAL** means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single-unit or two-unit dwelling will be considered residential.

531.V

- (1) **VEHICLE.** See definition of **MOTOR VEHICLE.**
- (2) **VERNACULAR ARCHITECTURE** means the ordinary residential and agricultural building styles common in 18th and 19th century New England, that were designed and constructed by local builders, usually with very simple architectural details and ornamentation, and that evolved over time based on local needs, climate, construction materials, customs and traditions.

531.W

- (1) **WATER DEPENDENT STRUCTURE OR USE** means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.
- (2) **WETLAND** (AS DEFINED IN 24 V.S.A. § 4303(32)) means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.
- (3) **WETLAND, MAPPED** means a wetland included in the Vermont Significant Wetlands Inventory or in any lawfully adopted Town of Brattleboro Natural Resource Inventory.

531.X

531.Y

- (1) **YARD** means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.
- (2) **YARD, FRONT** means the yard that is located between the street and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) **YARD, REQUIRED** means a yard or portion of a yard that is the depth required by the minimum setback established in the zoning district.
- (5) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards.

531.Z

APPENDICES

APPENDIX A. AMENDMENT HISTORY

MARCH 23, 1988. Adoption of a revised zoning ordinance.

SEPTEMBER 15, 1989. Addition of “Radio and Television Office” and “Radio and Television Office Building” to zoning districts, and revised dimension standards for specified zoning districts.

MARCH 9, 1990. Revisions to “Residential Enlargements within Existing Setbacks” and Zoning Map change (112 Marlboro Road from “Suburban Commercial” to “Residential”).

MARCH 26, 1990. Revisions to sign ordinance.

MAY 29, 1990. Addition of “Repair Garage” to specified zoning district and Zoning Map change (72 Cotton Mill Hill from “Industrial” to “Commercial Industrial”).

JULY 9, 1990. Addition of the Experiment in International Living as an Institutional Planned Unit Development and Zoning Map changes (The Experiment from “Rural Residential” to “IPUD” and 28 Vernon St. from “Industrial” to “Urban Center”).

SEPTEMBER 1, 1990. Zoning Map change (895-927 Putney Road from “Commercial” to “PUD”).

DECEMBER 11, 1990. Procedures for PUD and PRD applications.

AUGUST 27, 1991. Revision of Suburban Commercial District.

JANUARY 28, 1992. Zoning Map change (23-55 Marlboro Road from “Suburban Commercial” to “PUD”).

JULY 6, 1993. Revisions to the Village Center District, Flood Hazard Areas, addition of “Bed and Breakfast,” “Tourist Home” and “Cottage Industry” to zoning districts.

NOVEMBER 9, 1993. Zoning Map change (327 Old Ferry Road from “Industrial” to “PUD”)

APRIL 5, 1994. Addition of “Storage Facility” to zoning districts, revisions to Site Plan Review procedures and Zoning Map changes.

JUNE 29, 1994. Zoning Map change (182 Western Avenue from “Residential” to “Village Center”).

DECEMBER 6, 1994. Revisions to Off Street Parking and Loading Standards.

JULY 26, 1995. Addition of “Sawmills” in specified zoning districts and revisions to “Automobile Service Station”.

OCTOBER 14, 1995. Revisions to setbacks in the Commercial District and specific standards for Canal Street and Zoning Map changes (98-118 Canal Street from “Residential” to “Residential Office” and a section of Fairview Street from “Residential Office” to “Commercial”).

SEPTEMBER 5, 1997. Revision establishing that conditional uses must conform with zoning district purpose statements, and the addition of “Industry” in the Commercial Industrial District and related changes.

JANUARY 30, 1998. Revision of Zoning Permit expiration and extension criteria, revision of Site Plan review regulations, amendment of Planned Development regulations.

AUGUST 28, 1998. Extension of the Brattleboro Memorial Hospital Institutional Planned Unit Development, with a change in the “Development Guidelines,” and Zoning Map change (#2, #8 & #17 Belmont Avenue from “Residential” to “IPUD”).

SEPTEMBER 25, 1998. Revisions to entire sign ordinance, definition of “Sign,” and change to Home Occupation with regard to signs.

NOVEMBER 27, 1998. Establishment of the Center for Living Democracy as a PUD and Zoning Map changes (The Center for Living Democracy from “Rural Residential” to “PUD”).

FEBRUARY 15, 1999. Zoning Map change (An area between the railroad right-of-way to a line parallel to and 325 feet easterly distant from Putney Road from “Commercial” to “Commercial Industrial.”).

MAY 14, 1999. Incorporation of the Development Review Board into the Bylaw, and establishment of Local Act 250 Review.

JUNE 14, 1999. Establishment of the Delta Business Campus PUD and Zoning Map changes (The Delta Business Campus from “Rural Residential” to “PUD”).

SEPTEMBER 10, 1999. Elimination of the Chelsea House PUD and Zoning Map Change (The former Chelsea House from “PUD” to “Suburban Commercial”).

SEPTEMBER 11, 1999. Zoning Map Change (An area adjacent to and including the Moore Court housing development from “Residential” to “Multiple Residential.”).

JANUARY 1, 2000. Extension of the Brattleboro Memorial Hospital Institutional Planned Unit Development, with a change in the “Development Guidelines,” and Zoning Map change (#120 Maple Street from “Residential” to “IPUD”).

MAY 27, 2000. Establishment of the Austine School Institutional Planned Unit Development, and Zoning Map change (Austine School property from “Rural Residential” to “IPUD”).

MARCH 4, 2001. Establishment of the Vermont Agricultural Business Education Center Planned Unit Development, and Zoning Map change (An 18.0-acre portion of the Vermont Agricultural Business Education Center campus from “Rural Residential” to “PUD”).

APRIL 14, 2001. Extension of the Westgate Planned Unit Development, and Zoning Map change (a .06-acre portion of the property located at 556 Marlboro Road (Tax Lot #060317.100) from “Rural” to “PUD”).

AUGUST 10, 2001. Eliminate the Brattleboro Retreat Institutional Planned Unit Development, and create an expanded Brattleboro Retreat Planned Unit Development, and Zoning Map change (a 473-acre area of land owned by the Brattleboro Retreat and the Windham Foundation from “IPUD” and “Rural Residential” to “PUD”).

NOVEMBER 4, 2001. Major revisions to the Urban Center zoning district regulations, revision of Site Plan Review exemptions, clarification of the use dimensional development standards, revision of off-street parking regulations.

MARCH 2, 2002. Rename the Experiment in International Living Institutional Planned Unit Development to be the World Learning Institutional Planned Unit Development, and revise the institutional definition, the district boundaries, approved uses, development guidelines, and review procedures, and Zoning Map change (a 9-acre area of land to be owned by World Learning, Inc. from “Rural Residential” to “IPUD”).

MARCH 16, 2002. Zoning Map Change (Extend the area of the existing Urban Center zoning district between Flat Street and the Whetstone Brook southerly beyond Elm Street to encompass the Elm Street Municipal Parking Lot. All or a portion of the following properties rezoned from Commercial Industrial (“CI”) to Urban Center (“UC”): Parcel # 325202.00 (80 Flat Street), Parcel #325207.000 (2-14 Main Street), Parcel # 325254.000 (90 Flat Street), Parcel # 325255.000 (45 Elm Street), Parcel # 325256.000 (47 Elm Street), Parcel # 325258.000 (unimproved, no address), Parcel #325038.000(Elm Street Municipal Parking Lot).)

AUGUST 31, 2002. Establish specific regulations for telecommunication facilities, allow for the Development Review Board to hire technical experts for project review at applicant’s expense, and replace the term “Board of Selectmen” with the word “Selectboard.”

OCTOBER 12, 2002. Zoning Map Change (Extending the area of the existing Commercial zoning district along Canal Street by .47 acres, by including an area of that size from property presently owned by the Brattleboro Union High School located at 164 Sunny Acres Road (Tax Lot #355426.000) that is presently within a Residential zoning district, such area being more specifically delineated on a plan titled “Proposed Subdivision Plan prepared for Brattleboro Union High School, Canal St. and Sunny Acres Rd., Town of Brattleboro, Windham County, Vermont”, prepared by SVE Associates (Proj. No. B1383F), dated 6-27-2002).

DECEMBER 14, 2002. Zoning Map Change (Eliminate an approximately 7-acre portion of the Brattleboro Retreat Planned Unit Development by changing the area from “Planned Unit Development (PUD)” to “Rural Residential (RR)”).

MAY 31, 2003. Addition of “Family Child Care Home,” “Licensed Family Child Care Home,” “Residential Child Care Home” and “Day Care Facility” to zoning districts.

SEPTEMBER 23, 2003. Revisions to Conditional Use regulations, district use and dimensional development regulations, Flood Hazard Areas, Existing Small Lots, access permits, parking lot lighting requirements, Home Occupation and the addition of Home Business.

JANUARY 27, 2004. Revisions to Administration and Procedure; District Use and Dimensional Development Regulations; General Regulations; Specific and Special Regulations; and, Definitions.

SEPTEMBER 8, 2004. Revisions to Administration and Procedures; District Use and Dimensional Development Regulations; General Regulations; Specific and Special Regulations; Definitions; and Appendix.

DECEMBER 3, 2004. Revisions to Shoreland Regulations; and Appendix.

APRIL 26, 2005. Establish specific regulations for Adult Oriented Businesses; add to Definitions.

JUNE 7, 2005. Revision to District Use and Dimensional Development Regulations to allow Waivers to dimensional requirements.

MAY 16, 2006. Revision to District Use and Dimensional Development Regulations to allow Planned Residential Development as a Conditional Use in the Rural Zoning District.

SEPTEMBER 27, 2006. Extension of the Brattleboro Memorial Hospital Institutional Planned Unit Development, changes to Purpose statement, review procedures, Development Guidelines, and Zoning map change (extend the boundary of the BMH IPUD to include #80 Maple Street and change the designation of 80 Maple Street from Residential, and the IPUD to PUD).

OCTOBER 24, 2006. Establish specific regulations for Large-scale Retail Uses.

NOVEMBER 28, 2006. Delete “Center for Living Democracy PUD” from the list of established PRDs and PUDs and replace with “Fox Farm PUD,” and amend the Dimensional Requirements and list of allowed uses within the Planned Unit Development. Change allowed uses at Delta Campus PUD.

JANUARY 30, 2007. Amend the Brattleboro Retreat PUD to allow changes to uses and structures and additional uses.

FEBRUARY 27, 2007. Establish four new zoning districts in the New North End: West River Waterfront; West River Residential; North End Recreational; and North End District Five.

MARCH 13, 2007. Amend the Delta Business Campus to subdivide Lot 1 into two lots, and to allow additional uses on Lot 22.

MAY 8, 2007. Revision to District Use and Dimensional Development regulations to allow “Flea Market” and “Farmers Market” as Conditional Uses in certain districts.

JULY 3, 2007. Amend the Flood Hazard Area Regulations to enable Brattleboro to comply with new FEMA requirements so that Brattleboro may continue to participate in the National Flood Insurance Program (NFIP).

NOVEMBER 20, 2007. Amend to establish the Estey Organ PUD.

JANUARY 28, 2008. Amend Article VI by adding three definitions for auctions.

FEBRUARY 12, 2008. Amend Uses and Development Standards by district by adding School, Parochial and Private as a conditional use in certain districts.

JUNE 24, 2008. Amend to establish North End District 6 (NE6).

OCTOBER 6, 2008. Common Scheme Premises Ground Sign; amend allowed uses on lot 22 of Delta Campus PUD.

DECEMBER 8, 2009. Revision to provision relating to site plan and conditional use amendments, appeals, food vending vehicles, nonconforming signs, adult cabaret, and animals.

JULY 20, 2010. Replace Suburban Commercial District with Rural Commercial; amend references throughout code. Revise landscaping, lighting, and erosion control standards.

AUGUST 6, 2013. Revision to regulate food carts and mobile food units; revision to permit Restaurant as a permitted use in the Industrial District.

NOVEMBER 17, 2015. Comprehensive revision of the regulations including merger of the zoning and subdivision bylaws into unified regulations, replacement of the zoning map in its entirety, and reorganization and renumbering of the document.

JULY 6, 2021. Revision to Section 112 and Section 118 to align with state statute. Eliminated maximum residential density in the Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood, Residential Neighborhood, Rural Business and Institutional districts. Revised purpose statement and changed surface parking and parking structure to conditional uses in the Service Center district. Increased the maximum building footprint to 6,000 sf in the Mixed Use Neighborhood district. Changed triplex, quadraplex and multi-family dwellings in existing residential buildings to a permitted use in the Residential Neighborhood district. Made minor clarifying revisions to Figure 3-1. Revised the standards for attached housing in Subsection 303.A, single-room occupancy in Subsection 303.E, campgrounds in Section 304.B and inns in 304.D. Revised the parking requirements for mini-warehouses in Figure 3-10. Revised standards for parking lot maintenance in Subsection 313.H and retaining walls in Subsection 316.E. Revised sign exemptions in Subsection 319.D to conform to changes in federal law. Moved Mixed Use Neighborhood district to Sign Zone 1 in Subsection 319.E. Added standards for vertical blade signs in Subsection 319.G and revised standards for portable signs. Eliminated standards for public or institutional signs in Subsection 319.H. Revised standards for nonconforming signs in Subsection 319.L and added standards for distinctive signs as Subsection 319.M. Removed exemption from stormwater standards in Subsection 333.B. Revised standards for cottage design in Subsection 352.G. Revised Figure 4-3 to apply energy conservation review criteria to site plan applications.

AUGUST 15, 2023. Revised Section 111 to add exemption for small accessory structures. Revised Sections 115, 116, 431, 466 and 467 to align with state statute (Act 47 changes). Revised Subsection 212.H to include statutory building height bonus for affordable housing and revised method for measuring structure height in Subsection 212.K. Eliminated floor area ratio standard for mixed use and non-residential buildings in Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood and Residential Neighborhood districts. Revised dimensional standards in the Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood and Residential Neighborhood districts. Revised allowed uses in Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood, Residential Neighborhood, Rural Residential, Rural, Waterfront and Industrial. Revised limitation on groundfloor residential occupancy in the Urban Center district in Subsection 221.B. Eliminated Rural Business district (former Section 232) and re-zoned area to Neighborhood Center and Residential Neighborhood districts. Split the former Residential Neighborhood district into two districts – Residential Neighborhood 3600 and Residential Neighborhood 5400 (Section 226) with revised dimensional and parking standards. Created the Missing Middle Housing overlay district (new Section 253). Also revised zoning map with the Winston-Prouty campus re-zoned to Mixed Use Neighborhood and Rural districts and with multiple adjustments to the Village Center district boundary in West Brattleboro. Integrated former Rural Business district building standards for West Brattleboro into the Neighborhood Center district building standards (Subsection 224.E). Revised the purpose statement of the Mixed Use Neighborhood district in Subsection 225.A. Revised standards for home businesses in Subsection 301.E. Revised the standards for attached housing in Subsection 303.A, multi-unit housing in Subsection 303.D, single room occupancy in Subsection 303.E and rooming and boarding housing in Subsection 304.E. Revised Subsection 304.C to align with statute. Added standards for neighborhood commercial units in Subsection 305.F. Added waiver provisions for fences in Subsection 316.H and for front yard setbacks in Figure 4-1. Revised standards for fueling station signs in Subsection 319.H. Revised PUD standards in Chapter 350 to reflect previous elimination of residential density requirements and to encourage a mix of housing types within multi-building residential developments. Added provisions to allow administrative approval of footprint lots (Section 444). Revised Section 442 to allow for administrative approval of minor subdivisions. Revised definition of interested person to align with statute.

APPENDIX B. PLANT SELECTION RESOURCES

- (1) **Vermont Tree Selection Guide.** Vermont Urban and Community Forestry. http://www.anr.state.vt.us/dec/waterq/stormwater/docs/sw_VTTree%20Guide.pdf and online tree selection tool at <http://www.vtcommunityforestry.org/resources/tree-care/tree-selection>
- (2) **Recommended Urban Trees.** Urban Horticulure Institute. 2009. <http://www.vtcommunityforestry.org/sites/default/files/pictures/recommendedurbantrees.pdf>
- (3) **Noxious Weed Quarantine List.** Vermont Agency of Agriculture, Food and Markets. http://agriculture.vermont.gov/sites/ag/files/pdf/plant_protection_weed_management/noxious_weeds/NoxiousWeedsQuarantine.pdf

APPENDIX C. STORMWATER MANAGEMENT RESOURCES

GREEN STORMWATER INFRASTRUCTURE PRACTICES

- (4) **Bioretention System.** Bioretention or bioinfiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria and nutrients.
- (5) **Rain Garden.** Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms and during less frequent large storms they will overflow.
- (6) **Swale.** Swales are open, grassed channels that are designed to treat, attenuate and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system. Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.
- (7) **Vegetated Buffer.** Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.
- (8) **Dry Well.** A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.
- (9) **Infiltration Trench.** An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

STORMWATER REFERENCE DOCUMENTS

- (1) **Low Impact Development Guide to Residential and Small Sites.** Vermont Agency of Natural Resources. December 2010. http://www.vtwaterquality.org/stormwater/docs/sw_LID%20Guide.pdf
- (2) **The Vermont Rain Garden Manual.** Winooski Natural Resources Conservation District. 2009. http://www.anr.state.vt.us/dec/waterq/stormwater/docs/sw_WNRCDrain%20garden%20manual.pdf
- (3) **The Vermont Stormwater Management Manual.** Vermont Agency of Natural Resources. April 2002. http://www.vtwaterquality.org/stormwater/docs/sw_manual-voll.pdf