
ARTICLE 7. SPECIFIC USE STANDARDS

Section 7.1 Applicability

The following standards apply to specified uses in all zoning districts in which such uses are allowed.

Section 7.2 Accessory Apartments

(A) In accordance with the Act [§4412(1)], one attached or detached dwelling unit which is accessory to a single family dwelling may be allowed in any district subject to review by the Zoning Administrator under Section 4.2 and the following requirements:

- (1) either the primary single family dwelling or the accessory dwelling must be occupied by the owner;
- (2) the floor area of the accessory dwelling shall not exceed 600 square feet, or 30% of the floor area of the total existing living area of the single family dwelling, whichever is greater;
- (3) one on-site parking space shall be provided for the residents of the accessory dwelling

(B) Any zoning permit issued for an accessory apartment shall clearly state that the dwelling is permitted only as an accessory to the principal use of the property and shall be retained in common ownership. An accessory apartment may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two family dwelling, or to two single family dwellings if detached, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to conversion to, or conveyance as, a principal dwelling.

Section 7.3 Campers & Recreational Vehicles

(A) A camper (e.g., recreational vehicle, travel trailer) or other temporary shelter (e.g., tent, teepee, yurt) may be located, stored or parked on public or private property in accordance with the following requirements:

- (1) Campers and other temporary shelters may be parked in approved campgrounds (see Section 7.4), sales establishments and, for a specified period, on construction sites for use as a temporary structure in accordance with subsection (C).
- (2) No more than one camper or temporary shelter may be stored on the lot of a single or two family dwelling and/or on an undeveloped parcel, provided that it is not located within required setbacks for the district in which it is located, is not occupied for dwelling purposes for more than 90 days within any one year period; and is not connected to the residential water or wastewater system.

(B) Any camper or temporary shelter that is used for dwelling purposes for more than 90 days within any one year period, or is sited so as not to be readily moveable, shall be deemed a dwelling and be subject to all zoning regulations applicable to accessory or single family dwellings.

(C) Any wastewater or sewage generated by a camper shall be disposed of off-site in accordance with all applicable state and federal regulations.

Section 7.4 Campgrounds

(A) A new or expanded recreational vehicle campground, improved seasonal campground, or primitive campground may be permitted in designated zoning districts subject to conditional use review under Section 5.5 and the following provisions:

- (1) The parcel of land for a campground shall be no less than five acres in area or the minimum lot area for the district in which it is located, whichever is greater.
- (2) All campgrounds shall meet minimum setback requirements for the districts in which they are located. A minimum 75 foot setback shall be required from any residential property. No building, camp site, parking or service area shall be located in setback areas.
- (3) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.
- (4) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all camp sites.
- (5) Adequate provision for the safe, sanitary disposal of trash and recyclables shall be provided on site.

(B) The Board of Adjustment may waive any or all of the requirements under subsection (A) if it is demonstrated to the Board's satisfaction that access, total lot area, camp site area, and setback distances are sufficient to:

- (1) support the proposed level of use, and
- (2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 7.5 Day Care Facilities [Home Child Care, Day Care]

(A) In accordance with the Act [§4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis and up to four additional children on a part time basis, which is conducted within a single family dwelling by a resident of that dwelling, shall be considered a permitted use of the single family residence. No zoning permit is required for home child care providing it meets the requirements of this section.

(B) Nonresidential day care facilities, and those facilities operated from a dwelling which serve greater than six children full-time, may be permitted in designated zoning districts as a conditional use subject to review under Section 5.5.

Section 7.6 Extraction of Earth Resources

(A) The extraction or removal of topsoil, sand, gravel, rock, minerals or other similar earth resource may be allowed in designated districts subject to conditional use review under Section 5.5. In addition to the conditional use standards set forth in Section 5.5, for commercial extraction operations which are likely to impact surrounding properties due to the scale, intensity and timing of the extraction, the presence of fragile natural features (e.g., steep slopes, riparian land), and/or the relative density of nearby land uses, the Board of Adjustment shall also require erosion control and site reclamation plans showing:

- (1) existing grades, drainage patterns and depths to bedrock and the seasonal high water table;
- (2) the extent and magnitude of the proposed operation, including proposed phasing;
- (3) finished grades at the conclusion of the operation; and
- (4) a detailed plan for the restoration of the site, including final grading and revegetation.

(B) In granting approval, the Board may impose conditions with regard to any of the following factors:

- (1) depth of excavation or quarrying;
- (2) slopes created by removal;
- (3) effects on surface drainage on and off-site;
- (4) storage of equipment and stockpiling of materials on-site;
- (5) hours of operation for blasting, trucking, and processing operations;
- (6) effects on adjacent properties due to noise, dust, or vibration;
- (7) effects on traffic and road conditions, including potential physical damage to public highways;
- (8) creation of nuisances or safety hazards;

- (9) temporary and permanent erosion control, including project phasing to limit exposed area;
- (10) effect on ground and surface water quality, and drinking water supplies;
- (11) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
- (12) effect on agricultural land; and
- (13) public health, safety and general welfare.

(C) A performance bond, escrow account, or other surety acceptable to the Middlesex Select Board may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeded, reforestation or other reclamation activities that may be required. Upon failure of the permit holder, or their successors or assigns, to complete site reclamation as required, the town may take legal action as appropriate to ensure site reclamation and cost recovery.

(D) This section shall not apply to normal agricultural and/or forestry operations, public (municipal and state) road maintenance and construction, the operation of a cemetery, or the removal of earth resources for a use that is incidental to another duly permitted construction activity located on the same parcel from which the materials were extracted.

Section 7.7 Home Businesses [Home Occupation, Home Industry]

(A) **Home Occupations.** In accordance with the Act [§4412(4)], no provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of the surrounding neighborhood or area. No zoning permit is required for a home occupation provided such home occupation complies with the following standards:

- (1) The home occupation shall be carried on by residents of the dwelling and not more than two additional non-residential employees.
- (2) The home occupation shall not result in obnoxious or excessive noise, traffic, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundary of the property.
- (3) On-site retail sales, and the service or repair of automobiles, are prohibited (see subsection Home Industry under (B)).

(B) **Home Industry.** Home industry, as distinguished from “home occupation” under Subsection (A), may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.5, and the following provisions:

- (1) The home industry shall be conducted by residents of the dwelling, and up to four full-time nonresident employees (or full-time equivalent part-time nonresident employees).
- (2) The home industry shall be carried out within the principal dwelling or an accessory structure.
- (3) Exterior storage areas for materials and equipment associated with the home industry may be approved by the Board of Adjustment provided that such areas are clearly designated and are adequately screened from public view and neighboring properties. Designated storage areas shall meet the setbacks for the district in which the use is located, although the Board may require greater setbacks to avoid impacts on neighboring properties. The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (e.g., heating oil).
- (4) The home industry shall not result in obnoxious or excessive noise, traffic, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundary of the property.

(C) The zoning permit issued for a home industry shall clearly state that the home business is permitted only as an accessory to the principal residential use of the property, and as such shall be retained in common ownership. A home occupation or home industry may be subdivided and/or converted for conveyance as a separate, principal use only if it is found to meet all current municipal regulations applying to such use, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to subdivision, conversion, or conveyance of a home business as a principal use.

Section 7.8 Light Industry & Manufacturing

(A) Light industry (as distinguished from home industry under Section 7.7) and manufacturing are permitted in designated zoning districts subject to conditional use review under Section 5.5. In addition to the standards set forth in Article II and Section 5.5, such uses shall meet the following provisions:

- (1) All industrial and manufacturing activities, and the maintenance and repair of vehicles and equipment, shall be conducted within an enclosed building or buildings, or within a designated outdoor area screened year-round from the road and from neighboring properties.
- (2) Outdoor storage of materials, vehicles and heavy equipment shall be limited to a designated area approved by the Board of Adjustment. This area shall be screened year-round from the road and from neighboring properties. Dead iron (e.g., inoperable, unused, unregistered equipment) shall not be stored on the premises
- (3) Any area designated for the outdoor storage of materials shall be set back a minimum of 100 feet from road rights-of-way, surface waters, wetlands and adjacent properties unless the Board finds that the neighboring property is occupied by a compatible non-residential use. All other setback and dimensional standards for the district in which the light industry is located shall apply. The Board of Adjustment may however, as a condition of approval, require greater setbacks based on specific site conditions to protect water quality and neighboring properties.
- (4) In approving an industrial or manufacturing use under Section 5.5, the Board of Adjustment may place appropriate conditions on the proposed activity, including conditions on the hours of operation, to protect public health, safety, and welfare, municipal facilities and services, and other public investments.
- (5) The on-site storage of hazardous materials shall require the specific approval of the Board of Adjustment. In approving such storage the Board shall require the submission of a hazard mitigation plan, prepared by the applicant, to ensure the protection of ground and surface waters and public safety in the event of a spill or release.
- (6) Sufficient landscaping and screening shall be provided along parcel boundaries and within the project site to protect adjacent properties from objectionable visual impacts. At a minimum, a landscaped buffer a minimum of 30 feet deep shall be located along all boundaries adjoining a residential property.

Section 7.9 Mixed Uses

(A) In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to the following provisions:

- (1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.
- (2) The uses in combination meet all applicable standards for the district in which the mixed use is proposed, including minimum lot, frontage and setback requirements; or the mixed use is part of a Planned Unit Development (PUD) reviewed in accordance with Section 5.7.

Section 7.10 Mobile Home Parks

(A) Mobile home parks may be permitted in designated districts subject to conditional use review in accordance with Section 5.5 and the following provisions:

- (1) Proposed parks shall comply with all applicable state regulations, including regulations relating to water supply and wastewater disposal.
- (2) The parcel of land for a mobile home park shall have a minimum area of no less than five acres, or the minimum lot area for the district in which it is located, whichever is greater.
- (3) Each mobile home shall be located on a dedicated site of not less than 8,500 square feet in area. Each site shall be landscaped with two or more trees.
- (4) Mobile home parks shall meet minimum setback requirements along their perimeter for the district in which they are located. Setback areas shall not be included in the calculation of recreation land or open space under subsection (9). A strip of land 25 feet deep shall be maintained as a landscaped buffer along all property boundaries.
- (5) Each mobile home, and associated accessory structures, shall be set back a minimum of 10 feet from adjoining mobile home sites.
- (6) All roads within a mobile home park shall comply with Section 6.5, and adequate walkways shall be provided.
- (7) Adequate parking shall be provided for.
- (8) A minimum of 100 square feet of indoor storage space (e.g., storage shed, or a central storage building) shall be provided for each mobile home located within the park.
- (9) A minimum of 20% of the total land area in any mobile home park shall be set aside for common recreational use or open space.

(B) The mobile home park owner, or designated operator, as a condition of Board of Adjustment approval, shall:

- (1) maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage; and
- (2) remove snow from all park roads and service areas.

(C) Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. The owner of a mobile home within an approved mobile home park may apply for a zoning permit under Section 4.2 for a deck or accessory structure which meets site setback requirements under subsection (A), without additional approval by the Board of Adjustment. The replacement of a permitted mobile home(s) within an approved mobile home park also shall require a zoning permit issued by the Zoning Administrator in accordance with Section 4.2 to ensure ongoing compliance with all conditions of conditional use approval.

Section 7.11 Protected Public Uses

(A) In accordance with the Act [§4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding, or interfering with the intended use or function:

- (1) state or community owned and operated institutions and facilities;
- (2) public and private schools and other educational institutions certified by the Vermont Department of Education;
- (3) churches and other places of worship, convents, monasteries, and parish houses;
- (4) public and private hospitals;
- (5) regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159);
- (6) hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).

(B) Reasonable provision has been made for siting of the above public facilities and uses within specified zoning districts. Such facilities or uses must meet applicable district requirements, and may be subject to site plan review under Section 5.4 or conditional use review under Section 5.5; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations.

Section 7.12 Salvage Yards

(A) New or expanded salvage yards may be permitted within designated zoning districts subject to conditional use review under Section 5.5 and the following requirements:

- (1) Salvage yards shall meet all setback standards for the district in which the yard is located, and shall be set back at least 75 feet from surface waters and wetlands. Required setbacks may be increased as appropriate based on specific site conditions, and to protect water quality and neighboring properties.
- (2) Yards shall be screened as appropriate from public view and from adjoining residential properties..
- (3) Salvage yards shall be secured as necessary to protect public health, safety, and welfare, and neighboring properties. Exterior lighting shall be the minimum required for security and safe operation.
- (4) Conditions and limitations may be imposed with regard to traffic generated, hours of operation, and the on-site storage of hazardous materials in order to protect neighboring properties, public infrastructure including roads, and the character of the area in which the yard is located.
- (5) All salvage yards shall be licensed in accordance with State of Vermont regulations pertaining to junk yards, and shall be responsible for all upkeep and maintenance of fences, screening, and other required site improvements, and the proper storage of salvaged and hazardous materials, as required under municipal and state regulations, and associated conditions of approval.

(B) All materials shall be removed from the site within 12 months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.