

and the new and old boundaries has been submitted on mylar to the Brandon Town Clerk for recording, and

(3) All resulting parcels shall meet the minimum lot size requirements in the BLUO, or, if either of the original parcels is a nonconforming lot, the degree of nonconformity shall not be increased, and

(4) All existing structures within the affected parcels will meet all current setback requirements after the transaction has been completed, and

(5) The total number of parcels resulting from the transaction will not be greater than the number of parcels that existed prior to the proposed boundary line adjustment.

(b) If the proposed lot line adjustment is located within an approved subdivision, the applicable provisions in Article VII shall apply.

Section 111. Compliance with other Permit Requirements.

No person shall initiate land development or construction under a Zoning Permit issued hereunder until (1) all required wastewater and potable water supply permits have been issued by the Vermont Department of Environmental Conservation under 10 V.S.A. Chapter 64; (2) all required permits under 10 V.S.A. Chapter 151 (Act 250); and (3) access approval and/or permit from VT Agency of Transportation have been issued and any preconstruction conditions set forth in such permits have been met.

Article II. Primary Use Categories and Descriptions

Section 201. Agricultural Uses

This category includes all agricultural and animal husbandry uses, except those defined in the Required Agricultural Practices regulations promulgated by the Vermont Secretary of Agriculture. This does not include uses that support or may be supported by agricultural endeavors, such as farm machinery sales and services and feed stores.

Section 202. Natural Resource Extraction Uses

This category includes all solid and liquid resource extraction uses that are not appropriately classified as High Impact Uses. This category shall include, but is not limited to fish hatcheries, forestry, and logging.

Section 203. High Impact Uses

(a) This category includes all uses (except as outlined in Section 203(a)(1)) that by their very nature are likely to have an undue adverse impact on the environment, the service infrastructure of the Town, the ability of neighbors to reasonably enjoy their properties, the integrity or **(comment: aesthetics needs to be defined/clarified)** aesthetics of the zoning districts in which they are proposed to be located, or the integrity of other districts or aesthetics within the Town.

(1) In the case where an office or commercial use meets the description of Commercial II use

and High Impact Use, the development shall be classified as a Commercial II use.

(b) High impact uses shall include, but are not limited to asphalt or concrete mixing plants; slaughterhouses; race tracks; **(does the state of Vermont have a statewide definition of a salvage yard)** Salvage Yards; sand or gravel extraction/processing; landfills; rail and motor terminals; natural resource pipelines; helipad; incinerator or combuster; outdoor sport shooting ranges (as defined in 10 V.S.A. § 5227); all manufacturing/industrial operations that cannot be appropriately classified as Light Industry or Light Manufacturing Uses.

Section 204. Utility, Civic and Institutional Uses

This category includes (A) all emergency services, municipal and utility facilities (other than power-generating plants and transmission facilities regulated under 30 V.S.A. §248) and; (B) all uses that are supportive of the residential community that provide space for recreation, hobbies, meetings, education, worship, and cultural activities and may require large parking facilities.

This category shall include, but is not limited to churches/religious institutions; private and public meeting rooms; schools; libraries; museums; fire and police stations; post offices; medical clinics; child care institutions that cannot be appropriately classified as Residential I Use; municipal recreation building; utilities; youth, social assistance, welfare, and charitable services; and concert halls.

Section 205. Commercial I Uses

(a) Commercial I uses includes all commercial uses that because of their size, activity level, intensity, or the nature of the business or its operations are not likely to have any undue adverse impact on the environment, the road or utility infrastructure of the Town, the ability of neighbors to reasonably enjoy their properties, the integrity and aesthetics of the zoning districts in which they are proposed to be located, or the integrity and aesthetics of other districts within the Town.

(1) Commercial I uses shall not have more than 15,000 square feet devoted to sales, service, storage, and required parking.

(b) A Commercial I use includes professional offices, short-term accommodation services (like hotels, motels, and short-term rentals), mixed use developments, and small manufacturing facilities that meet the description to be classified as a Commercial I use. Commercial uses do not include industrial or manufacturing uses.

Section 206. Commercial II Uses

(a) Commercial II uses include all commercial uses that because of their size, activity level, intensity, or the nature of the business or its operations could have an undue adverse impact on the environment, the road and utility infrastructure of the Town, the ability of neighbors to reasonably enjoy their properties, the integrity and aesthetics of the zoning districts in which they are proposed to be located, or the integrity and aesthetics of other districts within the Town.

(1) Commercial II uses shall include any office or commercial uses that require more than 15,000 square feet for sales, service, storage, and required parking.

(b) A Commercial II use includes professional offices, short-term accommodation services (like hotels,

motels, and short-term rentals), and mixed-use developments that meet the description to be classified as a Commercial II use. Commercial uses do not include industrial or manufacturing uses.

Section 208. Light Manufacturing/Industrial Uses

- (a) This category includes all manufacturing and industrial uses that do not require more than 50,000 square feet for operations, service, storage, and required parking; and that the building's size, activity level or intensity, and the finished product, raw materials, machinery used, and number of employees is not likely to have an undue adverse impact on the environment, the service infrastructure of the Town, the ability of neighbors to reasonably enjoy their properties, the integrity or aesthetics of the zoning districts in which they are proposed to be located, or the integrity or aesthetics of other districts within the Town.
- (b) Light manufacturing uses may include up to 5,000 square feet for factory showrooms.

Section 209. Open Space Uses

This category includes all low impact uses that may require large amounts of land and typically are used primarily for formal or informal recreation. Structures are permitted but only as accessory uses to the primary open space use.

Section 210. Residential I Uses

CHILD CARE NEEDS TO BE REVISED TO ENSURE ALIGNMENT W/STATE LAW & MEET THE TOWN'S CHILD CARE GOALS. STATE LAW: Bylaws must treat the care of up to six (6) children on a full time basis within a single-family dwelling as a permitted use of the dwelling, but may require site plan approval for facilities that care for up to six (6) full time children and four (4) part time children.

(A) This category includes all 1-or 2-unit dwellings used for permanent human habitation (~~and do not offer short term accommodation services, like a hotel, motel, or short term rental housing~~) and an Accessory Dwelling Unit.

(B) ~~A child care provider that provides child care in their residence shall be a Residential I use if the expected Infant, Toddler, Pre-School, and School-Age Capacity is no more than ten children, provided the family childcare home is registered or is in the process of registering with the State of Vermont. A single Mobile Home that cannot be appropriately classified as a Mobile Home Park, shall be a Residential I Use.~~ A Residential care homes operating under state licensing or registration serving not more than eight persons shall be considered a Residential I use unless it has more than 10,000 square feet of total livable space.

Section 211. Residential II Uses

This category includes all 3+ dwelling unit structures used for permanent human habitation; (~~and do not offer accommodation services~~); any dwelling used for permanent human habitation or residential care facility that has more than 10,000 square feet of total livable space; ~~A child care provider that provides child care in their residence shall be a Residential II use if the Infant, Toddler, Pre-School, and School-Age Capacity more than ten children;~~ any congregate residences that are not Residential Care Homes that can be appropriately classified as Residential I Uses.

Section 212. Mobile Home Parks

This category includes any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate two or more mobile homes. This definition shall not apply to the display of mobile homes for sale only.

Article III. Zoning District Regulations

Section 300. Establishment of Zoning Districts

(a) For the purposes of the BLUO, the Town of Brandon is divided into the following base zoning districts: Central Business, Mixed Use, Residential Mixed Use, Neighborhood Residential, and Rural Development. These districts are described in Sections 301-305 and delineated on the official Land Use District Map maintained in the Brandon Town Office; the map is reproduced in the BLUO's Appendix.

(b) For the purposes of the BLUO, the Town of Brandon establishes the following overlay districts: Aquifer Protection, Flood Hazard, and River Corridor. These impose additional requirements on certain uses within one or more underlying base zoning districts.

(1) The overlay districts address special siting, use, and compatibility issues that require use and development regulations in addition to those found in the base zoning districts. Where overlay districts impose greater standards than those required by the base zoning district, the more restrictive standard shall apply. Sections 307 and Article VIII describe each overlay district and provide information on where to view official map boundaries and related regulations.

Section 301. Central Business District

(a) The Central Business District serves as the commercial center of the Town by providing a wide variety of small shops and commercial uses within walking distance of each other. The boundaries of the Central Business District are located on the official Land Use District Map posted in the Brandon Town Offices.

(b) Uses Not Permitted in the Central Business District: Agricultural Uses, Natural Resource Extraction Uses, Mobile Home Parks and High Impact Uses.

(c) Uses Requiring a Conditional Use Permit in the Central Business District: Utility, Institutional, and Civic Uses, Light Manufacturing/Industry Uses, and Commercial II Uses.

(d) Dimensional Standards for Structures and Lots in the Central Business District:

(1) Maximum Building Height: 36 feet. (*See Section 316 & 317 for height exemptions.*)

(2) Minimum Lot Size for Each Primary Structure on public sewer: 1,000 square feet. Primary structures are not allowed unless connected to the public sewer system.

(3) Maximum Front Setback in Central Business District: 20 feet

(4) Maximum Number of Allowable Dwelling Units per Structure shall not exceed the rounded-up result obtained by dividing the total number of square feet devoted to dwelling units and associated common areas by 800. (*See Section 315 & 317 for density exception and Section 409*)

for exemption for accessory dwelling units.)

(e) Dwelling units in the Central Business District

(1) are allowed as ~~conditional-permitted~~ uses on all non-street-level floors;

(2) are allowed as conditional uses at the street level provided that no more than 50% of the floor area at street level is used for residential purposes and that storefronts are maintained.

(f) Off street Parking is required in the Central Business District only for dwelling units. *(See Section 616.)*

Section 302. Mixed Use Districts

(a) Mixed Use Districts are designated for concentrated mixed development. Uses that require a large amount of space or those that could compromise the viability of allowed development are either prohibited or subject to the conditional use process. The boundaries of Mixed Use Districts are located on the official Land Use District Map posted in the Brandon Town Offices.

(b) Uses Not Permitted in Mixed Use Districts: High Impact Uses.

(c) Uses Requiring a Conditional Use Permit in Mixed Use Districts: Agricultural Uses, Natural Resource Extraction Uses, Light Manufacturing/Industry Uses, Commercial II Uses, and Mobile Home Parks.

(d) Dimensional Standards for Structures and Lots in the Mixed Use Districts:

(1) Maximum Building Height: 36 feet. *(See Section 316 & 317 for height exemptions.)*

(2) Maximum Impervious Lot Coverage by Building and Paving *(See Section 319 for impervious lot coverage exceptions)*: 40%

(3) Minimum Lot Size for Each Primary Structure in Mixed Use Districts

(a) public sewer system: one-fifth acre;

(b) on private wastewater disposal: two acres.

(4) Minimum Number of Acres Per Dwelling Unit in Mixed Use Districts: one-~~quarter-fifth~~ acre *(See Section 315 & 317 for density exception and Section 409 for exemption for accessory dwelling units.)*

(5) Minimum Setbacks for Primary Structure from Town or State Right of Way and Other Lot Lines:

(a) if Speed Limit < 30 mph:

- Front Setback: 15 feet
- Side Setback: 15 feet
- Rear Setback: 20 feet

(b) if Speed Limit 30 to 40 mph:

- Front Setback: 30 feet ~~all uses~~ ~~all Residential, and Commercial I uses; 50 feet all other uses~~
- Side/~~Rear~~ Setback: 20 feet

Rear Setback: 20 feet (c) if Speed Limit is >40 mph:

- Front Setback: 60 feet ~~Residential I uses; 100 feet all other uses~~
- Side Setback: 20 feet ~~Residential I uses; 50 feet all other uses~~

—Rear Setback: 20 feet ~~Residential I uses; 50 feet all other uses~~

(6) Minimum Setbacks for Primary Structure from Private Right of Way or Private Road, or any Driveway/Parking Lot from Other Lot Line: 5 Feet

Section 303. Residential Mixed Use Districts

(a) Residential Mixed Use Districts are neighborhoods that are within half a mile of any part of the Central Business District (with access via the existing sidewalk network), and are designated for higher-density, primarily residential uses, but allow compatible uses that contribute to such neighborhoods' viability. This area has access to the Central Business District via the existing sidewalk network. Uses that require a large amount of space or those that could compromise the viability of allowed development are either prohibited or subject to the conditional use process. The boundaries of the Residential Mixed Use Districts are located on the Official Zoning Map located in the Brandon Town Office.

(b) Uses not Permitted in Residential Mixed Use Districts: High-Impact Uses; Commercial II Uses; and Light Manufacturing Uses.

(c) Primary structures in Residential Mixed Use Districts unless must be connected to the public water and sewer system.

(d) Uses Requiring a Conditional Use Permit in Residential Mixed Use Districts: Agricultural Uses, Natural Resource Extraction Uses, Utility, Institutional, and Civic Uses, Light Manufacturing/Industry Uses, Commercial II Uses, and Mobile Home Parks.

(e) Dimensional Standards for Structures and Lots in the Residential Mixed Use Districts:

(1) Maximum Building Height: 36 feet. *(See Section 316 & 317 for height exemptions.)*

(2) Maximum Impervious Lot Coverage by Building and Paving *(See Section 319 for impervious lot coverage exceptions)*: 50%

(3) Minimum Lot Size for Each Primary Structure: one-eighth acre

(4) Minimum Number of Acres Per Dwelling Unit: one-eighth acre *(See Section 315 & 317 for density exception and Section 409 for exemption for accessory dwelling units.)*

(5) Setbacks for Primary Structure from Town or State Right of Way and Other Lot Lines

(a) if Speed Limit \leq 30 mph:

- Front Setback: Minimum 12 feet or Avg* & Maximum 40 feet.

(Avg* = The average setback is calculated by using the frontage setback of the two buildings adjacent on both street-facing sides to the property in question. Where (a) adjacent structures do not exist; or (b) only one or no abutting structure exists, and therefore no setback average can be calculated, or (c) where the average is greater than 12 feet, the 12-foot minimum applies. An applicant must express they are pursuing this option in submitting the permit application.)

- Side Setback: Minimum 15 feet

- Rear Setback: Minimum 20 feet

(b) if Speed Limit is $>$ 30 mph:

- Front Setback: Minimum 20 feet

- Side Setback: Minimum 15 feet

- Rear Setback: Minimum 20 feet