

1 **ARTICLE 4. SPECIFIC USE STANDARDS**

2 **Section 4.1 Applicability**

3 (A) The following standards apply to specified uses in all zoning districts in which such uses
4 are allowed. Specified uses may be subject to conditional use review in accordance with
5 Section 5.2. If there is a conflict between a standard in this section and a standard in
6 another section of these bylaws, the more restrictive standard shall apply.

7 **Section 4.2 Accessory Dwelling**

8 (A) A dwelling unit may be allowed as an accessory to another principal use, subject to the
9 following provisions, ~~which also are intended to meet requirements for accessory~~
10 ~~apartments as set forth in the Act [§4412(1)]~~;

11 ~~(B1)~~ One attached or detached dwelling unit may be allowed as that is an accessory to an
12 owner-occupied single family dwelling located outside of the flood hazard areas
13 defined in Section 5.3, shall be allowed as a permitted use. Such accessory dwelling
14 shall not exceed 800 square feet or 30% of the total existing living area of the
15 principal dwelling, whichever is greater, and shall meet other applicable
16 requirements under subsections ~~(D3)~~ and ~~(E4)~~, below.

17 ~~(E2)~~ One caretaker’s apartment which is accessory to a nonresidential use may be
18 approved as an accessory to another use by the Board of Adjustment/Development
19 Review Board in accordance with Section 5.2. A caretaker’s apartment shall be
20 located within the Industrial District, be occupied by the owner or an employee of
21 the principal use, and shall not exceed 800 square feet.

22 ~~(D3)~~ All accessory dwellings shall:

- 23 i. meet setback requirements for principal structures for the district in which they
24 are located; for nonconforming structures, the degree of nonconformance shall
25 not be increased by the addition of an accessory apartment or dwelling;
- 26 ii. have adequate potable water and wastewater systems in accordance with
27 applicable municipal and state regulations; and
- 28 iii. be provided with off-street parking for the residents of the dwelling in
29 accordance with Section 3.10.

30 ~~(E4)~~ Any zoning permit issued for an accessory dwelling shall clearly state that the dwelling is
31 permitted only as an accessory to the principal use of the property and shall be retained in
32 common ownership. An accessory dwelling to a single family dwelling may be
33 subdivided and/or converted for conveyance or use as a principal dwelling only if it is
34 found to meet all current municipal regulations applying to a two family dwelling, or to
35 two single family dwellings if detached, including all density and dimensional
36 requirements for the district in which it is located. All applicable municipal permits and
37 approvals shall be required prior to conversion to, or conveyance as, a principal dwelling.

38 **Section 4.3 Adaptive Reuse of an Historic Structure**

39 (A) Adaptive reuse is designed to provide for the continued viability of historic structures that
40 have outlived their original agricultural, civic or industrial function, while retaining their

1 historic character, by allowing additional uses within the current dimensions of such
2 structures, including nonconforming structures, subject to conditional use review under
3 Section 5.2 and the following provisions.

4 (B) Structures eligible for adaptive reuse in the Rural Residential (RR) District and Forest
5 Reserve (FR) District are limited to historic buildings which:

6 (1) have historical or architectural significance to the town, as determined by the ~~Board~~
7 ~~of Adjustment~~Development Review Board from application information, listing on
8 federal or state historic site registers or surveys, and/or evidence presented in
9 hearing; and

10 (2) are no less than 50 years old.

11 (C) Structures determined to be eligible for adaptive reuse in the Rural Residential (RR)
12 District and Forest Reserve (FR) District may be considered for one or more of the
13 following uses subject to conditional use approval under Section 5.2:

14 (1) any use allowed within the district in which the structure is located;

15 (2) multi-family dwelling (maximum of 4 dwelling units);

16 (3) storage facility;

17 (4) the processing and/or sale of agricultural or forest products (e.g., farm produce
18 store, food cooperative, woodworking or furniture shop);

19 (5) cultural facility (e.g., museum, theater, performance space); and

20 (6) retail sales, limited to antiques, arts and crafts.

21 (7) any use which legally occupied the structure as a pre-existing nonconforming use,
22 even if the use ~~was discontinued for a period in excess of one year~~ is considered
23 ~~discontinued as per Section 3.10-~~

24 (D) Structures eligible for adaptive reuse in the Central Business (CB) District, Village
25 Neighborhood (VN) District and/or Compact Residential (CR) District are limited to
26 nonresidential structures which:

27 (1) have historical or architectural significance to the town, as determined by the ~~Board~~
28 ~~of Adjustment~~Development Review Board from application information, listing on
29 federal or state historic site registers or surveys, and/or evidence presented in
30 hearing;

31 (2) are no less than 50 years old and are listed, or eligible for listing, on the Vermont
32 Historic Sites and Structures Survey for the Town of Hardwick; and

33 (3) have a minimum floor area of 800 square feet.

34 (E) Structures determined eligible for adaptive reuse in the Central Business (CB) District,
35 Village Neighborhood (VN) District and/or Compact Residential (CR) District may be
36 put to one or more of the following uses:

37 (1) any use allowed within the district in which the structure is located;

38 (2) restaurant

- 1 (3) retail store
- 2 (4) cultural facility
- 3 (5) indoor recreation; and
- 4 (6) storage facility;

5 (F) Structures determined eligible for adaptive reuse in the Central Business (CB) District,
6 Village Neighborhood (VN) District and/or Compact Residential (CR) District may be
7 granted the following modifications to standards contained within these bylaws, subject
8 to conditional use approval under Section 5.2:

9 (1) The Board of AdjustmentDevelopment Review Board may waive one or more
10 parking requirements set forth in Section 3.10, provided the Board determines that
11 the proposed use meets the standards set forth in Section 5.2 and that the waiver
12 will not result in or cause unsafe conditions for motorists or pedestrians, and will
13 not adversely impact surrounding properties.

14 (2) The Board of AdjustmentDevelopment Review Board may waive one or more
15 dimensional standards, including residential density standards, set forth in Article 2,
16 provided the proposed use meets the standards set forth in Section 5.2, and that the
17 waiver will not result in or cause unsafe conditions for motorists of pedestrians, and
18 will not adversely impact surrounding properties.

19 (G) It also shall be demonstrated to the satisfaction of the Board of AdjustmentDevelopment
20 Review Board for any adaptive reuse of an historic structure, regardless of the district
21 within which it is located, that:

22 (1) adequate water supply, septic system, and off-street parking capacity exist to
23 accommodate the proposed use; and

24 (2) any proposed exterior renovations shall maintain the historic and architectural
25 character of the structure, including those characteristics which resulted in the
26 Board's determination that the structure is of historical or architectural significance
27 to the town.

28 **Section 4.4 Campers [Temporary Shelter]**

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

32 (1) Campers and other temporary shelters may be parked in approved campgrounds
33 (see Section 4.5), sales establishments and, for a specified period, on construction
34 sites for use as a temporary structure in accordance with subsection (C).

35 (2) A camper or temporary shelter may be stored on the lot of a single or two family
36 dwelling and/or on an undeveloped parcel, provided that it is not located within
37 required setbacks for the district in which it is located; is not occupied for dwelling
38 purposes for more than 90 days within any one year period; and is not connected to
39 the residential water or wastewater system.

40 (3) Notwithstanding subsections (1)-(2) above, a recreational vehicle parked in a flood

1 hazard area as defined in Section 5.3 of these bylaws for more than 180 days must
2 be licensed and ready for highway use.¹

- 3 (B) Any camper or temporary shelter that is used for dwelling purposes for more than 90
4 days within any one year period, or is sited so as not to be readily moveable, shall be
5 deemed a dwelling and be subject to all zoning regulations applicable to accessory or
6 single family dwellings.
- 7 (C) The ~~Administrative Officer~~Zoning Administrator may issue a zoning permit to allow a
8 temporary shelter, including a mobile home, to be occupied for dwelling purposes for not
9 greater than one year to allow a property owner to reside on a parcel while constructing
10 or rehabilitating a permanent dwelling. Such a temporary shelter shall be removed from
11 the premises within one year of the issuance of the permit, unless the applicant obtains a
12 one year extension, with the approval of the ~~Board of Adjustment~~Development Review
13 Board, in accordance with Section 5.2. No structure other than the permitted temporary
14 shelter may be occupied as a dwelling on a single parcel for the period in which the
15 temporary structure is occupied.
- 16 (D) Any wastewater or sewage generated by a camper shall be disposed of off-site in
17 accordance with all applicable state and federal regulations.

18 **Section 4.5 Campground**

- 19 (A) A new or expanded recreational vehicle campground, improved seasonal campground, or
20 primitive campground may be permitted in designated zoning districts subject to
21 conditional use review under Section 5.2, applicable ~~state agency referral~~ requirements
22 under Section 7.1, and the following provisions:
- 23 (1) The parcel of land for a campground shall be no less than five acres in area or the
24 minimum lot area for the district in which it is located, whichever is greater.
- 25 (2) All campgrounds shall meet minimum setback requirements for the districts in
26 which they are located. A minimum 75 foot setback shall be required from any
27 residential property. No building, camp site, parking or service area shall be located
28 in setback areas.
- 29 (3) Landscaping and/or fencing along property boundaries shall be required as
30 appropriate for screening, security, and privacy.
- 31 (4) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve
32 all camp sites. Water and wastewater disposal systems must be designed and
33 installed in accordance with applicable municipal and state regulations.
- 34 (5) A campground shall provide sufficient access and parking for each camp site. Each
35 camp site shall be at least 2,000 square feet in area.
- 36 (6) The campground shall operate for a period not to exceed six months (180 days)
37 during any calendar year, unless otherwise approved by the ~~Board of~~
38 AdjustmentDevelopment Review Board. Recreational vehicles may be stored on the

¹ The National Flood Insurance Program requires recreational vehicles to be fully licensed and ready for highway use, or on site for 180 days or less, 44 CFR 60.3 (c)(14).

1 property only if they are registered for highway use.

2 (7) Adequate provision for the safe, sanitary disposal of trash and recyclables shall be
3 provided on site.

4 (8) Outdoor fires shall not result in a nuisance or threat to neighboring landowners,
5 businesses or residents, nor endanger or adversely affect public health, safety or
6 welfare.

7 (B) For substantially undeveloped, primitive camping areas (e.g., tenting areas, backcountry
8 shelters) located on public or private lands, the ~~Board of Adjustment~~Development
9 Review Board may waive any or all of the requirements under subsection (A) if it is
10 demonstrated to the Board's satisfaction that access, total lot area, camp site area, and
11 setback distances are sufficient to:

12 (1) support the proposed level of use, and

13 (2) avoid any adverse impacts to water quality, natural areas, and adjoining properties
14 and uses.

15 **Section 4.6 Day Care Facility [Home Child Care, Day Care]**

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

21 (B) Nonresidential day care facilities, and those facilities operated from a dwelling which
22 serve greater than six children full-time and four part-time children, may be permitted in
23 designated zoning districts as a conditional use subject to review under Section 5.2.

24 **Section 4.7 Residential Care and Group Homes**

25 (A) In accordance with the Act [§4412(1)(G)], a residential care home or group home to be
26 operated under state licensing or registration, serving not more than eight persons who
27 have a handicap or disability as defined in 9 V.S.A. § 4501 shall be considered to
28 constitute a permitted single family residential use of property, except that no such home
29 shall be considered so if it is located within 1,000 feet of another existing or permitted
30 home.

31 (B) A resident care home or group home to be located within 1,000 feet of another existing or
32 permitted home shall be reviewed as a multi-family dwelling in according with this
33 bylaw.

34 **Section 4.78 Extraction of Earth Resources**

35 (A) The extraction or removal of topsoil, sand, gravel, rock, minerals or other similar earth
36 resource for may be allowed in designated districts subject to conditional use review
37 under Section 5.2. In addition to the conditional use standards set forth in Section 5.2, for
38 commercial extraction operations which are likely to impact surrounding properties due
39 to the scale, intensity and timing of the extraction, the presence of fragile natural features
40 (e.g., steep slopes, riparian land), and/or the relative density of nearby land uses, the
41 ~~Board of Adjustment~~Development Review Board may also require erosion control and

1 site reclamation plans showing:

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

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

- 10 (1) depth of excavation or quarrying;
- 11 (2) slopes created by removal;
- 12 (3) effects on surface drainage on and off-site;
- 13 (4) storage of equipment and stockpiling of materials on-site;
- 14 (5) hours of operation for blasting, trucking, and processing operations;
- 15 (6) effects on adjacent properties due to noise, dust, or vibration;
- 16 (7) effects on traffic and road conditions, including potential physical damage to public
17 highways;
- 18 (8) creation of nuisances or safety hazards;
- 19 (9) temporary and permanent erosion control, including project phasing to limit
20 exposed area;
- 21 (10) effect on ground and surface water quality, and drinking water supplies;
- 22 (11) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of
23 the project;
- 24 (12) effect on agricultural land; and
- 25 (13) public health, safety and general welfare.

26 (C) In accordance with the Act [§4412(12), §4464(B)(6)] a performance bond, escrow
27 account, or other surety acceptable to the Selectboard may be required to ensure
28 reclamation of the land upon completion of the excavation, to include any re-grading,
29 reseeded, reforestation or other reclamation activities that may be required. This
30 provision specifically does not apply to mining or quarrying operations; however upon
31 failure of the permit holder, or their successors or assigns, to complete site reclamation as
32 required, the town may take legal action as appropriate to ensure site reclamation and
33 cost recovery.

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

1
2 **Section 4.89 Homes Businesses [Home Occupation, Home Industry]**

3 (A) **Home Occupations.** ~~In accordance with the Act [§4412(4)],~~ No provision of these
4 regulations may infringe upon the right of any resident to use a minor portion of a
5 dwelling for an occupation which is customary in residential areas and which does not
6 have an undue adverse effect upon the character of the surrounding neighborhood or area.
7 No zoning permit is required for a home occupation. All home occupations shall comply
8 with the following standards:

- 9 (1) The home occupation shall be carried on by residents of the dwelling.
10 (2) The home occupation shall not occupy a gross floor area greater than 30% of the
11 combined gross floor area of the principal dwelling and accessory structure.
12 (3) Exterior storage or displays, other than that characteristic of a residential use, is
13 prohibited.
14 (4) The home occupation shall meet all performance standards set forth in Section 3.11.
15 (5) No traffic shall be generated in substantially greater volumes than would normally
16 be expected from a residential use.
17 (6) The home occupation shall meet all applicable sign standards ~~(set forth in~~ Section
18 3.134).
19 (7) The outdoor storage of materials that are not customary of a residential use is
20 prohibited.
21 (8) On-site wholesale or retail sales shall be limited to products produced or services
22 provided on the premises, which will be available to the public by appointment
23 only.

24 (B) **Home Industry.** Home industry, as distinguished from “home occupation” under
25 Subsection (A), may be allowed as an accessory to a single family dwelling in designated
26 zoning districts subject to conditional use review under Section 5.2, and the following
27 provisions:

- 28 (1) The home industry shall be conducted by residents of the dwelling, and up to three
29 full-time nonresident employees (or full-time equivalent part-time nonresident
30 employees).
31 (2) The home industry shall be carried out within the principal dwelling or an accessory
32 structure.
33 (3) Exterior storage areas for materials and equipment associated with the home
34 industry may be approved by the ~~Board of Adjustment~~ Development Review Board
35 provided that such areas are clearly designated and are adequately screened from
36 public view and neighboring properties. Designated storage areas shall meet the
37 setbacks for the district in which the use is located, although the Board may require
38 greater setbacks to avoid impacts on neighboring properties. The storage of
39 hazardous materials anywhere on the premises is prohibited, with the exception of
40 materials customary and characteristic of residential uses (e.g., heating oil).

- 1 (4) The home industry shall not have an undue adverse effect upon the character of the
2 neighborhood, or result in a change in the outward appearance of the dwelling or
3 the accessory structure.
- 4 (5) The home industry shall not generate traffic, including delivery traffic, in excess of
5 volumes characteristic of other uses allowed in the district in which the home
6 industry is located.
- 7 (6) Off-street parking shall be provided for resident, employee, customer and delivery
8 vehicles, as well as all commercial vehicles or equipment associated with the home
9 industry.
- 10 (7) Adequate provisions shall be made for water, wastewater and the disposal of solid
11 waste, in accordance with applicable municipal and state regulations.
- 12 (8) Home industries shall meet all performance standards set forth in Section 3.11.
- 13 (9) The home industry shall meet all applicable sign standards ~~(set forth in~~ Section
14 3.134.)
- 15 (10) On-site wholesale or retail sales shall be limited to products produced or services
16 provided on the premises.

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

25 **Section 4.910 Light Industry**

- 26 (A) Light industry (as distinguished from home industry under Section 4.89) may be
27 permitted in designated zoning districts subject to conditional use review under Section
28 5.2. Within the Central Business (CB) District and Highway Mixed-Use (HMU) District,
29 light industry also shall meet the following provisions:
- 30 (1) All industrial activities, and the maintenance and repair of vehicles and equipment,
31 shall be conducted within an enclosed building or buildings.
 - 32 (2) The ~~Board of Adjustment~~ Development Review Board may limit the outdoor storage
33 of materials, vehicles and heavy equipment shall be limited to a designated area,
34 and may require that such area be screened year-round from the road and from
35 neighboring properties.
 - 36 (3) Any area designated for the outdoor storage of materials shall be located outside of
37 flood hazard areas and set back a minimum of 100 feet from road rights-of-way,
38 surface waters, wetlands and adjacent properties. All other setback and dimensional
39 standards for the district in which the light industry is located shall apply. The
40 ~~Board of Adjustment~~ Development Review Board may however, as a condition of
41 approval, require greater setbacks based on specific site conditions to protect water

1 quality and neighboring properties.

2 (4) Industrial uses shall comply with all performance standards under Section 3.11;
3 additional conditions, including conditions on the hours of operation, may be
4 imposed as appropriate to protect public health, safety, and welfare, municipal
5 facilities and services, and other public investments.

6 (5) The on-site storage of hazardous materials shall require the specific approval of the
7 ~~Board of Adjustment~~Development Review Board. In approving such storage the
8 Board shall require the submission of a hazard mitigation plan, prepared by the
9 applicant, to ensure the protection of ground and surface waters and public safety in
10 the event of a spill or release.

11 (6) Sufficient landscaping and screening shall be provided along parcel boundaries and
12 within the project site to protect adjacent properties from objectionable visual
13 impacts. At a minimum, a landscaped buffer a minimum of 30 feet deep shall be
14 located along all boundaries adjoining a residential property.

15 (B) The standards set forth in subsection (A), above, shall not apply to lands within the
16 Industrial District.

17 **Section 4.11 Agricultural and Forest Processing:**

18 (A) Agricultural and Forest Processing may be permitted in designated zoning districts
19 subject to conditional use review under Section 5.2 and the following provisions:

20 (1) The processing facility shall be of a size and scale appropriate for the neighborhood
21 in which it is proposed.

22 (2) Where a processing facility uses or generates hazardous materials, the applicant
23 shall demonstrate compliance with applicable state or federal regulations.

24 (3) Wholesale sales of processed products are allowed as a part of any approval. Retail
25 sales may be allowed as a part of conditional use approval. Sales of products in
26 addition to those processed on the site will be limited to those clearly incidental,
27 secondary and ancillary to those processed products or as declared and approved as
28 a part of the conditional use permit.

29 **Section 4.1012 Mixed Use**

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

32 (1) Each of the proposed uses is allowed as a permitted or conditional use within the
33 zoning district in which the mixed use is located.

34 (2) The uses in combination meet all applicable standards for the district in which the
35 mixed use is proposed, including minimum lot, frontage and setback requirements;
36 or the mixed use is part of a planned unit development (PUD) reviewed in
37 accordance with Section 5.4.

38 (3) The mixed use shall meet all applicable general regulations under Article 3,
39 including but not limited to sign and parking requirements.

40 **Section 4.113 Mobile Home Park**

- 1 (A) Mobile home parks may be permitted in designated districts subject to conditional use
2 review in accordance with Section 5.2 and the following provisions:
- 3 (1) Proposed parks shall comply with all applicable state regulations, including
4 regulations relating to water supply and wastewater disposal.
- 5 (2) The parcel of land for a mobile home park shall have a minimum area of no less
6 than five acres, or the minimum lot area for the district in which it is located,
7 whichever is greater.
- 8 (3) Each mobile home shall be located on a dedicated site of not less than 6,000 square
9 feet in area. Each site shall be landscaped with two or more trees of a native
10 species, which are at least two inches in diameter at chest height for deciduous
11 trees, or at least eight feet in height for coniferous trees.
- 12 (4) Mobile home parks shall meet minimum setback requirements along their perimeter
13 for the district in which they are located. Setback areas shall not be included in the
14 calculation of recreation land or open space under Subsection (9). A strip of land 25
15 feet deep shall be maintained as a landscaped buffer along all property boundaries.
- 16 (5) Each mobile home shall be set back a minimum of 10 feet from adjoining mobile
17 home sites.
- 18 (6) All roads within a mobile home park shall comply with Section 6.6, and adequate
19 walkways shall be provided.
- 20 (7) Parking shall be provided in accordance with Section 3.10.
- 21 (8) A minimum of 100 square feet of indoor storage space (e.g., storage shed, or a
22 central storage building) shall be provided for each mobile home located within the
23 park.
- 24 (9) A minimum of 20% of the total land area in any mobile home park shall be set
25 aside for common recreational use or open space.
- 26 (B) The mobile home park owner, or designated operator, as a condition of Board of
27 Adjustment approval, shall:
- 28 (1) maintain all park buildings, roads, parking areas, paths, utilities, infrastructure,
29 landscaping, open space and common areas in good condition, and shall provide for
30 the regular collection and removal of recyclables, waste and garbage; and
- 31 (2) remove snow from all park roads and service areas.
- 32 Failure to meet these operation and maintenance requirements shall constitute a violation of
33 permit conditions and these regulations, subject to enforcement action under Section 7.5.
- 34 (C) Changes or alterations to park area, design, layout or common facilities are subject to
35 conditional use review in accordance with the above provisions. The owner of a mobile
36 home within an approved mobile home park may apply for a zoning permit under Section
37 7.1 for a deck or accessory structure which meets site setback requirements under
38 Subsection (A), without additional approval by the Board of Adjustment/Development
39 Review Board under Section 5.2. The replacement of a permitted mobile home within an
40 approved mobile home park shall require a zoning permit issued by the Zoning

1 Administrator in accordance with Section 7.1 to ensure ongoing compliance with all
2 conditions of conditional use approval.

3 **Section 4.124 Motor Vehicle Service & Gas Stations**

4 (A) Motor vehicle service stations and gas stations may be allowed in designated districts
5 subject to conditional use review under Section 5.2 and the following requirements:

- 6 (1) No vehicle may be parked, stored or displayed within the setback areas for the
7 district in which the business is located.
- 8 (2) There shall be no more than two (2) curb cuts providing access to and from
9 adjoining roads. On corner or through lots, one or both accesses may be limited to
10 the secondary road. The width of a curb cut shall not exceed 35 feet.
- 11 (3) The service and/or repair of motor vehicles shall be conducted within an enclosed
12 structure.
- 13 (4) All buildings, equipment, service, parking and storage areas shall be set back at
14 least 150 feet from streams, surface waters and wetlands. The setback area shall be
15 maintained as a vegetated buffer. The required setback may be increased as
16 appropriate to protect water quality, based on local site and drainage conditions.
- 17 (5) Gasoline pumps shall be located not less than 15 feet from any road right-of-way.
18 All pumps, lubricating and other service equipment shall be located at least 35 feet
19 from side and rear lot lines.
- 20 (6) Gasoline service stations, in addition to the signs allowed under Section 3.1314,
21 may have one pricing sign which does not exceed 12 square feet in area and/or
22 pump-top pricing signs, each not to exceed 2 square feet in area.
- 23 (7) Gas station canopies shall be limited to the minimum area required for adequate
24 pump and apron coverage, and the minimum ceiling height necessary to meet
25 applicable state and federal safety requirements. Canopy design, including materials
26 and roof pitch, shall be compatible with surrounding buildings.
- 27 (8) Light fixtures mounted on station canopies shall either be recessed so that the lens
28 cover is flush with the bottom surface (ceiling) of the canopy; or for indirect
29 lighting, mounted and shielded or skirted so that direct illumination is focused
30 exclusively on the underside of the canopy. Lights shall not be mounted on the top
31 or sides (fascias) of canopies, nor shall canopies be internally illuminated.
- 32 (9) Gasoline stations which include retail sales unrelated to motor vehicle service,
33 maintenance or repair (e.g., food, convenience items) shall be reviewed as a mixed
34 use, and as such be required to meet all zoning provisions pertaining to retail uses
35 for the district in which they are located, including but not limited to additional
36 sign, lot size and/or parking requirements.

37 **Section 4.135 Protected Public Uses**

38 (A) In accordance with the Act [§4413(a)], reasonable provision has been made for the
39 following uses within designated districts, shown in Table 4.1 which may be regulated
40 only with respect to size, height, building bulk, yards, courts, setbacks, density of
41 buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and

1 screening requirements and only to the extent that regulations do not have the effect of
2 interfering with the intended functional use.

TABLE 4.1: PROTECTED PUBLIC USES

Facility	Specified District(s)
Public and private hospitals.	CB, VN, CR
Regional solid waste management facilities certified by the State [10 V.S.A., Chapter 159].	RR (see Landfill)
Public utility power generating plants and transmission lines [see Public Utility].	All Districts
Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a].	I
State or community owned and operated institutions and facilities [see Public Facility].	All Districts
Public and private schools and other educational institutions certified by the Vermont Department of Education.	CB, VN, HMU, CR, RR
Churches, convents and parish houses [see Place of Worship]	CB, VN, HMU, CR, RR

3
4 (B) With the exception of State-owned and operated institutions and facilities, the uses
5 identified in Table 4.1 shall be subject to compliance with the National Flood Insurance
6 Program, the development standards of Section 5.3, and all other provisions of these
7 bylaws pertaining to development in the Town of Hardwick’s flood hazard overlay.
8 These regulations, however, shall not have the effect of interfering with the intended
9 functional use.

10 **Section 4.146 Salvage Yard³**

- 11 (A) New or expanded salvage yards may be permitted within designated zoning districts
12 subject to conditional use review under Section 5.2 and the following requirements:
- 13 (1) Salvage yards shall meet all setback standards for the district in which the yard is
14 located, and shall be set back at least 75 feet from surface waters and wetlands.
15 Required setbacks may be increased as appropriate based on specific site
16 conditions, and to protect water quality and neighboring properties.
 - 17 (2) Yards shall be screened year-round from public view and from adjoining residential
18 properties. Additional landscaping, fencing or other forms of screening may be
19 required as appropriate. No vehicles associated with the business, or any other
20 waste, scrap, parts or materials shall be stacked, piled or stored higher than the
21 fence or screen.

² This is regulated under 30 V.S.A. Section 248 and is therefore exempt from bylaw provisions.

³ Your existing definition refers to “junkyards,” a land use term that is no longer used by the State of Vermont. Here is the statutory definition of “salvage yard”: “Salvage yard” means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility as defined in 24 V.S.A. § 2241(12). “Salvage yard” also means any outdoor area used for operation of an automobile graveyard as defined in 24 V.S.A. § 2241. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs, or a private transfer station or sanitary landfill which is licensed in compliance with the Vermont Statutes Annotated.

- 1 (3) Salvage yards shall be secured as necessary to protect public health, safety, and
2 welfare, and neighboring properties. Exterior lighting shall be the minimum
3 required for security and safe operation.
- 4 (4) Conditions and limitations may be imposed with regard to traffic generated, hours
5 of operation, and the on-site storage of hazardous materials in order to protect
6 neighboring properties, public infrastructure including roads, and the character of
7 the area in which the yard is located.
- 8 (5) All salvage yards shall be licensed in accordance with State of Vermont regulations
9 pertaining to junk yards, and shall be responsible for all upkeep and maintenance of
10 fences, screening, and other required site improvements, and the proper storage of
11 salvaged and hazardous materials, as required under municipal and state
12 regulations, and associated conditions of approval.
- 13 (6) The on-site storage of materials shall not adversely affect surface, ground or
14 drinking water supplies.
- 15 (B) In addition to application requirements under Section 5.2, the applicant for a new or
16 expanded salvage yard shall submit a description of existing and proposed operations,
17 including storage areas, all equipment to be used on-site, and a site development plan that
18 includes the following information:
- 19 (1) the extent in area of existing and/or proposed salvage yard operations, including all
20 storage and processing areas, and distances from property boundaries, public
21 streets, wetlands, surface waters and public and private wells on-site and in the
22 vicinity;
- 23 (2) site contours that show existing and proposed grades and drainage patterns,
- 24 (3) test boring results indicating soil types, and depths to bedrock and seasonal high
25 water tables within the proposed area of operation; and
- 26 (4) existing and/or proposed ground water monitoring well locations, if any.
- 27 (C) All materials shall be removed from the site within twelve months of the cessation or
28 abandonment of operations; and the site shall be restored to a safe, usable condition. Site
29 restoration, including the clean-up and disposal of hazardous materials, shall be subject to
30 all applicable state and federal regulations. A site restoration plan may be required as a
31 condition of approval.

32 **Section 4.157 Telecommunications Facility**

33 **Section 4.168 Temporary Structure or Use**

- 34 (A) **Temporary Structure.** Structures used for temporary office or storage space (e.g.,
35 trailers, mobile homes), or for special events requiring a permit under Subsection (B),
36 may be allowed as a temporary accessory structure to a preexisting or permitted use,
37 provided that such structures are not located in flood hazard areas as defined in Section
38 5.3. Such structures shall be set back a minimum of 5 feet from all property boundaries
39 and shall not be used for dwelling purposes unless specifically approved under Section
40 4.2. A zoning permit is required for a temporary structure that is located on a parcel for
41 greater than one year. All temporary structures shall be dismantled and/or removed after

1 one year, or the owner shall obtain a zoning permit in accordance with Section 7.1 and all
2 relevant standards contained in these bylaws.

3 (B) **Temporary Dwellings.** Temporary dwellings and campers are subject to Section 4.4.

4 (C) **Special Events.** Special events (e.g., ~~weddings, receptions~~, concerts, festivals, fairs and
5 other cultural events, trade and antique shows), may be allowed as a temporary use,
6 provided that such use occurs for no more than seven days within any twelve month
7 period, and adequate off-street parking and circulation, sanitary and trash collection
8 facilities are provided. Special events may be issued a zoning permit by the Zoning
9 Administrator, for a specified period of time not to exceed one year from the date of
10 issuance, with the provision that the use will be discontinued upon the expiration of the
11 permit. In addition:

- 12 (1) Family or household events associated with a residential use (e.g., weddings,
13 reunions) are exempt from this provision, and shall not require a zoning permit.
- 14 (2) Special events with an expected attendance of over 100 people, or extending more
15 than seven days within a twelve month period, shall be subject to conditional use
16 review by the ~~Board of Adjustment~~Development Review Board under Section 5.2
17 prior to the issuance of a zoning permit.
- 18 (3) No zoning permit shall be issued for any event or use which also requires the
19 approval of the Hardwick Selectboard and/or the Hardwick Chief of Police until
20 such approval is issued.