

## Chapter 36

### Industrial Zoning District West

This chapter establishes the Industrial Zoning District West (IZDW) and the standards that are specifically applicable within it.

#### 36.1 Boundaries – Purpose

**36.1.1 What are the boundaries of the IZDW?** This zoning district is shown on the official zoning map that accompanies this bylaw.

**36.1.2 What is the purpose of the IZDW?** This zoning district accommodates a variety of industrial and some commercial uses, providing numerous jobs. The principal goal here is to ensure that industrial uses can prosper without adverse impacts on or complaints from incompatible neighbors.

**36.1.3 What uses are permitted in the IZDW?** See Table 36.A and the following notes.

36.1.3.1 Limited Commercial. Commercial uses will be limited to space-extensive retailing and a limited range of services that generally would not contribute to the on-the-street vitality of a retail shopping area.

36.1.3.2 Offices. Independent offices are not generally permitted in this zoning district, but may be permitted in business incubators or in order to support the adaptive re-use of existing industrial buildings.

**Business Incubator.** A space that is made available to start-up enterprises at less than market rates. Incubators generally provide central services to the start-ups, including shared administrative support and business planning.

36.1.3.3 Accessory Structures and Uses. Accessory uses and structures are permitted in all zoning districts, as provided in Chapter 17 of this bylaw.

**36.1.3.4 Medical Marijuana Dispensaries.** The IZDW is the only zoning district where Medical Marijuana Dispensaries are allowed. Medical Marijuana dispensaries in the IZDW are only allowed as follows:

**36.1.3.4.1 Discretionary Permit Required.** An Administrative Permit to establish a Medical Marijuana Dispensary may only be issued by the Zoning Administrator following the approval of a Discretionary Permit by the DRB, following all of the required procedures of WDB 6.

**36.1.3.4.2 Submission Requirements and Security Plan.** Applications for Medical Marijuana Dispensaries must include all of the information required by the Discretionary Permit Checklist and must also include a Security Plan that explains how the Dispensary will be secured including:

- A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured.
- A description of how all marijuana materials will be secured within the dispensary

- A description of what on-site security will be provided during hours of operation.
- A description of all alarm systems and automatic lighting or other systems that will be used to provide security for the dispensary after hours.

**36.1.3.4.3 Hours of operation.** The DRB may permit a medical marijuana dispensary to operate between the hours of 9:00 AM and 6:00PM, Monday through Friday. In consultation with Williston’s Planning, Police and Fire departments, the DRB may decide to further restrict the hours of operation of a Medical Marijuana Dispensary.

**36.1.3.4.4 Signage.** Signage for a Medical Marijuana Dispensary may only be approved as a part of the Discretionary Permit. Signage shall include text only and shall not incorporate any graphical elements including but not limited to pictures, icons or symbols. Signs for medical marijuana dispensaries may only be placed on the wall of the building containing the main entrance of the dispensary within OR on the ground within 50 feet of the dispensary entrance. Signs are limited to one (1) wall sign of 12 square feet in size OR one freestanding sign no more than six (6) feet in height of no more than eight(8) square feet in size.

**36.1.3.4.5 Other Limitations on Operation of Medical Marijuana Dispensaries.** A Medical Marijuana Dispensary may only be permitted if it meets all of the requirements and operates under all of the restrictions of 18 V.S.A §4471-4472 as it was adopted in June of 2012, including but not limited to the number of registered patients, amounts of marijuana allowed on-site, and all prohibitions on the consumption of marijuana contained therein.

**36.1.3.4.7 Location** No Medical Marijuana Dispensary shall be located within 1000 feet of the property line of a child care center or within 2000 feet of the property line of a school in existence at the time a complete Discretionary Permit application for the Dispensary is filed with the Zoning Administrator.

**36.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

### **36.3 Dimensional Standards**

**36.3.1 *Is there a maximum building height in the IZDW?*** Yes. Building height in the IZDW is limited to 36 feet.

**36.3.2 *Must development in the IZDW be set back from property lines?*** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

**36.3.3 *Must development in the IZDW be set back from roads?*** Yes. The minimum setbacks from roads in this zoning district shall be:

36.3.3.1 ... from the right-of-way of I-89, 150 feet; and

36.3.3.2 ... from the right-of-way of any other road, 35 feet.

36.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

**36.3.4 What use may be made of the required setbacks?** The required setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle ( $\pm 10^\circ$ ). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within the required setbacks.

**36.3.5 Is a minimum lot frontage required in the IZDW?** Yes. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

**36.4 Density Standards.** There is no minimum lot size in this zoning district. See chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulated nonresidential densities.

**36.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**36.6 Specific Standards** Specific Standards are presented in WDB 36.7.

### **36.7. Outdoor Sales and Storage**

**36.7.1 Are outdoor sales permitted?** Yes. Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.1.1 Outdoor sales areas must be separated from public sidewalk/s or path/s by a lawn or other landscaped area.

36.7.1.2 Outdoor sales areas must not be within required setbacks or landscaped buffers.

36.7.1.3 Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas. See WDB 23.5.

**36.7.2 Is outdoor storage permitted?** Yes. Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.2.1 Outdoor Storage. Outdoor storage must be buffered from public ways and adjoining properties, as required by Chapter 23.

36.7.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 36.3.4, above, may be required by the DRB. Where such a

requirement is imposed, the screening shall be an architectural extension of the building, with similar colors and detailing.

36.7.2.3 Temporary Storage. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**36.8 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, new structure, or major addition will be approved.

<b>Table 36.A - Industrial Zoning District – West</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
<b>Mining, but only as listed below</b>		
Nonmetallic Mineral Mining & Quarrying	2120	
Support Activities for Mining	213	But only as an accessory to the above.
<b>Construction</b>	20	
<b>Manufacturing</b>	31-33	
<b>Wholesale Trade</b>	42	
<b>Retail Trade, but only as listed below</b>		
Motor Vehicle & Parts Dealers	441	
Home Furnishings Stores	4424	
Building Material & Garden Equipment & Supplies Dealers	444	
Manufactured Home Dealers	45393	
Nonstore Retailers	454	
<b>Transportation &amp; Warehousing</b>	48-49	
But retail outlets for Postal Service	491	Permitted only as accessory uses.
and Couriers & Messengers	492	Permitted only as accessory uses.
<b>Information</b>	51	
but specifically not 51213, Theaters	51213	Should be in the TC Zoning District
and specifically not 51911, News Syndicates	51911	These uses belong in the growth center or village center.
or 51912, Libraries PUBLIC ONLY!	51912	
Telecommunications Facilities	517	In compliance with Chapter 21.
<b>Rental &amp; Leasing Services</b>	532	
<b>Professional, Scientific, and Technical Services</b>	54	
<b>Admin &amp; Support &amp; Waste Management &amp; Remediation, but only as listed below</b>		
Investigation & Security Services	5616	
Services to Buildings & Dwellings	5617	
Waste Management & Remediation Services	562	
<b>Educational Services, but only as listed below</b>		
Technical & Trade Schools	6115	
<b>Child Day Care Services</b>	6244	

<b>Arts, Entertainment, and Recreation, but only as listed below</b>		
Fitness and Recreational Sports Centers	71394	
<b>Accommodation &amp; Food Services, only as listed below</b>		
Limited Service Eating Places (cafeterias, snack bars)	724221	As an accessory to other permitted uses.
Food Service Contractors	72221	
Caterers	72232	
Mobile Food Services (vendors, kiosks)	72233	
<b>Other Services, but only as listed below</b>		
Repair & Maintenance	811	
Death Care Services	8124	
Drycleaning & Laundry Services, except coin-operated	81202	
Linen & Uniform Supply	81203	
Pet Care	81291	
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.
<b>Medical Marijuana Dispensaries</b>		Only as restricted by WDB 36.1.3.4