

# Chapter 17

## Non Residential Accessory Uses and Structures Temporary Uses and Structures

This chapter provides standards for some common nonresidential accessory uses. Customary accessory structures and uses are permitted in all zoning districts. Residential accessory uses are addressed in Chapter 20. Temporary uses and structures are also addressed here because they are often accessory to another use. These standards apply to all temporary uses, however, whether they are appurtenant to another use or not. Remember that compliance with the standards of this chapter is in addition to all other requirements of this bylaw.

### 17.1 Accessory Dwellings

**17.1.1 Are accessory dwellings permitted by state law?** Yes. Accessory dwellings that are appurtenant to owner-occupied dwellings are permitted by 24 V.S.A. § 4412(1)(E). See WDB 20.1 for the standards governing accessory dwellings associated with an owner-occupied dwelling.

**17.1.2 Are accessory dwellings permitted for any other uses?** Yes. Residential uses are permitted in most of Williston's commercial zoning districts. In those commercial districts where dwellings are not permitted and in the industrial zoning districts, one accessory dwelling for the use of the owner or for use as housing by an employee will be permitted on each lot, provided that the following standards are met.

17.1.2.1 Owner or Employee Only. To ensure that occupants are aware of any nuisances or hazards associated with living on commercial or industrial premises, accessory dwellings in the districts (GZDN, IZDE, IZDW) where dwellings are not otherwise permitted may not be made available to the general public.

17.1.2.2 Maximum Size. Accessory dwellings may be attached or detached. They are limited to 1,500 SF in size.

17.1.2.3 Access/Parking. Accessory dwellings must have separate ingress/egress to the outside and two reserved parking spaces.

17.1.2.4 Fire Code. Accessory dwellings shall have the separations required by the National Fire Codes from commercial and industrial operations.

**National Fire Codes?** Williston has not adopted the National Fire Codes. However, those codes are occasionally referred to in this bylaw in order to establish a detailed standard for specific types of development. Compliance will generally come as a result of the plan reviews and inspections conducted by the Vermont Division of Fire Safety, but this bylaw adopts certain critical code requirements in order to have an independent basis for action. For information on the state's building inspection program see: <http://www.dps.state.vt.us/fire/>

17.1.2.5 Home Business. No home business shall be permitted in an accessory dwelling that is appurtenant to a commercial or industrial use.

17.1.2.6 Permit Required. Where a discretionary permit is required, proposed accessory dwellings must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the addition of a new accessory dwelling to an existing commercial or industrial use.

**17.2 Accessory Sales.** This bylaw permits the incidental retail sale of convenience items and products used or produced by the principal use. Sales must take place within the same building or associated set of buildings as the principal use. The questions answered below are intended to provide specific examples of accessory sales and standards that will guide the Administrator and DRB in their review of other proposed accessory sales.

**17.2.1 Can I have a gift shop in my bed and breakfast or motel?** Yes. Incidental retail sales of convenience items and local artwork and handicrafts are permitted in lodging places.

**17.2.2 Can I sell goods as an accessory use to a warehouse or distribution facility in the industrial zoning districts?** Yes, but only on a limited basis. See WDB 17.2.3.

**17.2.3 Are there specific limitations on accessory sales in the industrial zoning districts?** Yes.

17.2.3.1 Limited Area. Accessory sales in the industrial zoning districts (GZDS, IZDE, IZDW) shall not occupy more than 10% of the floor area not to exceed 1,000 sq. ft., whichever is less, of the building in which they are located.

17.2.3.2 Limited Goods. Accessory sales in the industrial zoning districts shall be limited to goods that are distributed from, produced on, or repaired on-site. To put it another way, goods may not be brought to the site solely to be sold there.

**17.3 Accessory Services.** This bylaw permits the provision of on-site services to employees and customers or clients. The questions answered below are intended to provide specific examples of accessory services and standards that will guide the Administrator and DRB in their review of other proposed accessory services.

**17.3.1 Can I provide child care for my employees and/or customers?** Yes. Child care is a permitted use in most zoning districts, anyway, but it will always be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed child care facilities must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of child care facilities to an existing commercial, industrial, or institutional use.

**17.3.2 Can I provide a cafeteria or other food service for my employees?** Yes. A food service that is not advertised to the general public may be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed food services must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of a food service to an existing commercial, industrial, or institutional use.

**17.3.3 Food sales with accessory sales.** Limited service eating places may be allowed in conjunction with accessory sales with the approval of a discretionary permit. The gross floor area of the eating place, including all food preparation and storage areas shall be part of the limited area defined in WDB 17.2.31, and shall not occupy more than 10% of the floor area not to exceed 1,500 sq. ft., whichever is less, of the building in which they are located. Limited service eating places allowed under this provision may be advertised to the general public.

**17.3.4 What about mobile food vendors.** Mobile food vendors (a.k.a. food carts) may be allowed as an accessory use on commercial and industrially zoned properties with the approval of a discretionary permit.

**17.3.5 Are there specific limitations on accessory services? Yes.**

**17.3.5.1 Same Building.** Accessory services must be within the same building, or associated set of buildings as the principal use.

~~17.3.3.2 Advertising. Accessory services may not be advertised to the general public via any medium.~~

**17.3.5.32 Additional Parking.** No accessory use shall require the addition of parking beyond that permitted for the principal use.

**17.4 Accessory Structures.** Except where specifically exempted or made subject to a different standard, accessory structures are subject to the same requirements of this bylaw as all other structures. For accessory structures on residential premises, see Chapter 20 of this bylaw.

**17.5 Antennae.** Local regulation of telecommunications antennae is limited by state and federal law. See Chapter 21 of this bylaw.

**17.6 Energy Generation.** On-site energy generation is a permitted accessory use. This includes cogeneration in the industrial zoning districts, photovoltaic installations and wind turbines in all zoning districts, and the production of energy from wastes that are otherwise permitted on the site in the industrial zoning districts and ARZD.

**State Pre-Emption.** Municipal regulation of energy generation in Vermont is largely pre-empted by the state. See WDB 4.2.1.1.

**17.7. Parking.** Off-street parking that complies with Chapter 14 of this bylaw is a customary accessory use in all zoning districts.

**17.8 Scoreboards.** Scoreboards are permitted as accessory structures on the same lot as and appurtenant to athletic fields.

**17.8.1 Is a permit required to erect a scoreboard?** Yes. An administrative permit must be obtained for the installation of a scoreboard, including the regular use of a portable scoreboard.

**17.8.2 What may be displayed on a scoreboard?** The only information that may be displayed or shown on a scoreboard when a game is not being played is a title stating the name of the facility (for example, “Allen Brook Park”)and the name of the association, conference, or league that uses the facility (for example, “Williston Little League”). Where donor plaque display is not provided, a donor plaque may be attached to the scoreboard, as provided by Chapter 25 of this bylaw.

**17.9 Signs.** Signs fit the definition of an accessory structure provided in Chapter 46, but they are treated separately in Chapter 25 of this bylaw.

**17.10 Special Events.** Williston has a *Special Events Ordinance* which requires that applications for a special events permit be reviewed by the Fire and Police Departments. Special events also have temporary

land use consequences and the Administrator must find that a special event complies with the standards adopted here before forwarding an application for a special events permit to other departments for approval.

**17.10.1 Can I change the access to a site or building during a special event?** Special events must not obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

**17.10.2 Can I hold a special event in a parking area?** Possibly. Special events may be staged on required parking spaces, but must not impede circulation through the remainder of the parking area.

**17.10.3 Will additional parking be required for special events?** The Administrator may, upon finding that attendance at a proposed special event may exceed the parking available on the site, require the applicant to provide a plan showing where and how overflow parking, including shuttle service if necessary, will be provided.

**17.10.4 Are there requirements for waste management at special events?** The Administrator may, upon finding that attendance at a proposed special event may exceed the capacity of the restrooms and/or solid waste disposal containers on the site, require the applicant to provide a plan showing where and how additional waste management facilities will be provided.

**17.10.5 May additional signs be posted for a special event?** See Chapter 25 of this bylaw.

**17.11 Temporary Real Estate Sales.** Temporary real estate sales offices are permitted in residential developments, but only when housed in an approved dwelling. A separate temporary structure is not permitted.

**17.12 Temporary Signs.** See Chapter 25 of this bylaw.

**17.13 Temporary Structures.** Unless specifically exempted, temporary structures are subject to the same standards as permanent structures.

**17.14 Temporary Uses Associated with Construction.** Construction can occur in any zoning district.

**17.14.1 Do I need a permit to store construction equipment and materials on a job site?** You do not need a separate permit, but construction equipment and materials may not be moved onto a site until an application for an administrative permit authorizing the work has been approved.

**17.14.2 Are there standards for the storage of construction equipment and materials on a job site?** Yes. Storage of construction equipment and/or materials that is not in compliance with the standards adopted here is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**17.14.2.1 Removal.** Construction equipment and materials must be removed within five (5) working days after a certificate of compliance is issued.

17.14.2.2 Access. Construction equipment and materials must not be stored so that they obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

17.14.2.3 Site Maintenance. Construction equipment and materials must not be stored so that they obstruct or interfere with site maintenance functions, including the removal of solid waste and snow storage between October 15 and April 15.

17.14.2.4 Security. Construction equipment and materials must not be stored so that they constitute an attractive nuisance. The Administrator or the DRB may require that security fencing or other measures be used to prevent entry onto construction sites or access to stored equipment and materials.

17.14.2.5 Parking. Construction equipment and materials may be stored in required parking spaces, but must not impede circulation through the remainder of the parking area. The Administrator or DRB may require any applicant who proposes to store construction equipment or materials in a parking area to provide a plan showing where and how overflow parking will be provided.

17.14.2.6 Landscaping. Construction equipment and materials may be stored in landscaped areas only where:

- ... the landscaped area is not part of a watershed protection buffer or of a required buffer between residential and other uses. and
- ... the landscaped area will be fully restored to its appearance and function before a certificate of compliance is issued.

***17.14.3 Are on-site construction offices permitted?*** A mobile construction office may be temporarily placed on a job site, but only after approval of the administrative permit authorizing the work. The mobile construction office must be removed within five (5) working days after a certificate of compliance is issued.

## **17.15 Utilities and Telecommunications**

***17.15.1 Are underground utilities permitted accessory uses?*** Yes. Underground utilities, including cable television, electric power, and natural gas distribution lines and the associated surface installations are permitted accessory uses and structures in all zoning districts.

***17.15.2 Are overhead utilities permitted accessory uses and structures?*** Yes. Overhead utilities, including cable television and electric power lines are permitted accessory uses in all zoning districts. Note, however, that overhead utilities are generally not permitted in new developments in Williston.

***17.15.3 Are telecommunications facilities permitted accessory uses and structures?*** See Chapter 21. Telecommunications facilities that are attached to existing farm structures are permitted accessory uses, as are the types of antennae listed in WDB 21.2.2. Other new telecommunications facilities are not accessory uses.