

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.

17.0 Applicability Statement. *Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?* Yes. Both the standards of this chapter and the Taft Corners Form-Based Code apply within the zoning district. Where there is a conflict between this chapter and the Form-Based Code, the standards of the Form-Based Code shall prevail.

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. Accessory sales are a type of accessory use. 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 standards that will guide the Administrator and DRB in their review of other proposed accessory sales.

17.2.1 What limitations apply to accessory sales? The accessory sales must be usual and customary, and clearly subordinate to the primary use. When determining compliance with this standard, the DRB or administrator may ask for information on floor plan layout, product sales records. There must be a clear relationship between primary-accessory use when the accessory use is not located within the same building as the primary use. The DRB or Administrator may ask for information on floor plan, product sales records, or other documentation when determining compliance with this standard.

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 (GZDN, IZDE, IZDW) shall not occupy more than 10% of the floor area not to exceed 1,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located. When combined with a limited service eating place, the accessory sales area must be included within, and not in addition to, the 50%/5,000 sq. ft size limitation.

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.

Can you provide examples of accessory sales? Yes. Incidental retail sales of convenience items, artwork and handicrafts are permitted in lodging places such as hotels or bed and breakfasts. A smoothie or snack bar at the gym.

17.2.4 Are there specific limitations for on-site consumption of food and beverages? Yes, limited service eating places may be allowed in conjunction with accessory sales for food and beverage manufacturers and only with the approval of a discretionary permit. In keeping with Policy 3.3.2 of the Williston Comprehensive Plan calling for an ongoing evaluation and amendment of industrially-zoned lands and in balance with Objective 3.1 of the Town Plan encouraging the most intense development in the Growth Center surrounding Taft Corners, some limited-service eating places are permitted as part of industrial development outside of the Growth Center. The following standards apply:

17.2.4.1 Limited Area. The gross floor area of the eating place, including all sales, food preparation and storage areas shall not occupy more than 50% of the floor area not to exceed 5,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located.

17.2.4.2 Additional Outdoor Seating. Where an indoor seating area is allowed under 17.2.4, an outdoor seating area may be approved as part of a discretionary permit, provided that the outdoor seating area:

17.2.4.2.1 ...is no more than 1,500 square feet in area. This area is in addition to indoor area as allowed above.

17.2.4.2.2 ...is contiguous to the limited service eating place and is contained by a physical barrier in compliance with applicable state law.

17.2.5 Is the retail sale of cannabis allowed as an accessory use? No. The retail sale of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use under this chapter. The retail sale of cannabis shall not be permitted as an accessory to the manufacture, growing, wholesaling, or warehousing of cannabis, or to other non-retail operations related to cannabis permitted in Vermont by 7 V.S.A. §863.

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 childcare for my employees and/or customers? Yes. Childcare 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 childcare 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 childcare 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. An employee cafeteria or food service 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 Are there specific limitations on accessory services? Yes.

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

17.3.4.2 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.

17.4.1 Can I build a shed on a vacant residential lot? No. An accessory structure must be accessory to a primary structure, such as a house. An accessory structure is defined in Chapter 46 of this bylaw.

17.4.2 Can I install a sharing box? Yes. A sharing box is a small, post-mounted box or cabinet where any person can drop off or pick up free books, non-perishable food items, toys, and/or other small necessities. Sharing boxes are permitted in any zoning district with an administrative permit; provided that, all such structures meet the following placement requirements:

- Shall not be located within or overhang the public street right-of-way or any public easement, except with written approval from the Department of Public Works;
- Shall not obstruct vehicular, bicycle or pedestrian traffic, either physically, or by a person utilizing the sharing box;
- Shall not obstruct access aisles or paths utilized by persons in wheelchairs or for ADA accessibility;
- May be placed in a required front yard setback (area between the front wall of a building and the public street right-of-way);
- Enclosures shall be sized and arranged such that no person or child is able to enter the structure and shall be animal-proof if intended to store non-perishable food items;
- Shall be anchored to the ground or otherwise securely attached to something having a permanent location on the ground.

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

17.6 Electric Vehicle Charging Stations. Electric vehicle charging stations and above-ground electric vehicle supply equipment are permitted as an accessory structure in any zoning district subject to the provisions of this chapter.

17.6.1 Is a permit required to install EV charging stations? An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1.

17.6.2 Do EV Charging Stations impact the minimum required parking spaces? No, EV Charging Stations do not impact the number of minimum or maximum vehicle spaces required, as provided by WDB 14.2.

17.6.3 Do other requirements of this bylaw apply to EV Charging Stations? Yes. EV Charging Stations must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

17.6.3.1. Outdoor Lighting. Chapter 24 of this bylaw sets standards for outdoor lighting that apply to EV Charging Stations.

17.6.3.2 Signs/Public Art. Chapter 25 of this bylaw sets standards for signs and public art that apply to EV Charging Stations.

17.7 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.

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

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

17.9.1 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.

17.9.2 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.

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

17.11 Temporary Events. Temporary Events are land development but are not regulated by this bylaw. They are defined and regulated by the town’s Temporary Events Ordinance. See Chapter 4 of this bylaw.

17.12 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.

17.13 Temporary Signs. See Chapter 25 of this bylaw.

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

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

17.15.1 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.

17.15.2 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.

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

17.15.2.2 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.

17.15.2.3 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.

17.15.2.4 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.

17.15.2.5 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.

17.15.2.6 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 occupancy is issued.

17.15.3 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 occupancy is issued.

17.15.4 Are there any requirements during demolition? Yes. During demolition the site must be secured as required by WDB 18.16 and erosion control measures and site stabilization measures must be undertaken as required by WDB 29.5 and a completed Runoff and Erosion Control Checklist submitted.

17.16 Utilities and Telecommunications

17.16.1 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.

17.16.2 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.

17.16.3 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.

17.17 Mobile Vendors A mobile vendor is a business that provides goods or services to the public and is capable of being driven or towed off-premises. Mobile vendors are allowed as an accessory use within non-residential parking lots including senior housing. Mobile vendors that occupy less than 1,000 square feet require an administrative permit except where permitted under the town's Temporary Event Ordinance. Mobile vendors that affect more than 1,000 square feet require a discretionary permit.

17.17.1 Are there any parking lots where I can't set up? Yes. Mobile vendors are not permitted in parking lots that serve residential or a mixed use development that includes residential.

17.17.2 Are there standards for mobile vendors? A mobile vendor shall be approved by the Administrator where it complies with all applicable requirements of this bylaw. A Mobile Vendor Checklist must be submitted with the administrative permit application which documents the information an applicant must provide to meet the requirements of this bylaw.

17.17.3 Do the requirements of the requirements of the Taft Corners Form Based Code Zoning District apply to mobile vendors? No.

17.17.4 Am I allowed to put up signs? Signage for mobile vendors is limited to signs attached or painted to the exterior of the mobile vendor and to one temporary sandwich board. The permit application for a mobile vendor shall provide information on signage that meets the requirements set out at 17.16.4

17.17.4.1 Projection. Signage must not project more than three inches from the exterior of the mobile vendor other than one flag that may be mounted on the wall to the mobile vendor below roof level.

17.17.4.2 Size and Coverage. Signs located on the exterior of the mobile vendor must not cumulatively exceed 30% of the side of the vehicle or trailer on which they are displayed. The flag must not exceed 15sf in size and does not count against the 30% cumulative limit.

17.17.4.3 Sandwich Board. This must be no more than 42" in height, must not exceed 6sf on each face, must not be located within the public right of way and must be removed when the mobile vendor is closed.

17.17.4.4 Illumination. Signage must comply with the requirements on illumination of signage in WDB 25.6.7.