

## **Chapter 7 Zoning Amendment: Frequently Asked Questions**

### **Q: What is the lot restriction on the “Limited Commercial” Zoning?**

It is a minimum square footage of 20,000 square feet.

### **Q: What type of signage is being regulated and how?**

Signs are regulated by structure type, not content or subject matter. Content cannot be included in the process of what signs fall under this regulation because the 1<sup>st</sup> Amendment protects freedom of speech. There can be on premise versus off premise delegations but other than that all signs will be regulated the same regardless of content. The restrictions do include light illumination and color changing effects. There will be different restrictions set forth based on which zoning district it falls under. Broadly, industrial and commercial zoning districts will allow for larger sized signs while rural and residential districts will require signs to be smaller. Sign regulations can be found under subchapter VIII of the ordinance.

### **Q: Does the DOT regulate signs?**

Yes, but only in their road right-of-way.

### **Q: What is an agricultural homestay?**

In Chapter 7, several changes are being made to the agriculture tourism that is an attempt to make small agricultural businesses less restrictive and easier to operate. This includes the allowance of an agricultural homestay. An agricultural homestay is similar to a short-term rental, but it is for the purpose of showing agricultural business and practices. The agricultural homestay allow is regulated by number of rooms, but housing structures and dwelling restrictions. Operator of agricultural home stays do need to meet the Department of Agriculture, Trade and Consumer Protection’s (DATCP) definition of an active agricultural operation with a farm gross income exceeding \$6,000 per year or \$18,000 in a three-year period.

### **Q: Are we adding more regulations to agricultural tourism operations.**

No, the changes to permitting agricultural tourism operations are proposed to reduce regulations. The current ordinance requires a conditional use permit (CUP) for all operations which require a public hearing. The new regulations allow some tourism uses by right; others only require a land use permit based on the intensity of the use. This is intended to allow more operations to sell directly to consumers, diversify business and showcase the rural landscape.

### **Q: What is an adjacent residential waiver?**

In the Development Standards Landscaping section, there is an option for a waiver to be signed by a neighbor to waive the landscaping requirement between themselves and an

adjacent land use. If a waiver is signed, the required landscaping does not need to be placed to screen from that adjacent property owner. This does not apply to other requirements like light illumination, only landscaping or a screening/windbreak. The waiver continues for the life of the land use and stays with the property, regardless of ownership changes.

**Q: Does overflow parking require screening or landscaping?**

No.

**Q: Can two or more businesses with different hours of operation use the same parking lot?**

Yes, two businesses with different hours of operation can use the same lot. The hours of both businesses and/or number of employees requiring parking will need to be reflected in the operations plan. Proof of shared easements will also need to be provided if applicable.

**Q. Does the scenic corridor regulate billboards?**

Yes, it regulates off-premise signs. Signs for a business must be on the same parcel as the business.

**Q. Does rural residential include Dutch Hollow and Lake Redstone?**

No, these areas are already zoned single-family.

**Q. What stops somebody from putting an accessory dwelling (ADU) on their property and renting it out?**

There is nothing we can do to limit the use of the accessory building. It can be rented to whomever they choose as a lodging house, for a longer-term lease or for dependency living.

**Q. Would wineries be allowed in the Exclusive Agricultural zoning district?**

Yes, they would be allowed as part of agricultural tourism if they met the regulations. This includes size restrictions and on-site growth or production requirements.

**Q. With the changes to signage and lighting, will existing fixtures need to be removed?**

No, they would be considered legal nonconforming.

**Q. Can ADUs be a separate structure?**

Yes, they can be constructed in a separate structure. They can also be constructed in a new or existing structure.

**Q. How do ADUs meet septic standards?**

Any additional use or flow added to a septic system needs to be evaluated to ensure it can handle the expansion. Septic systems are sized per bedroom with the assumption of two persons per bedroom or 150 gals/day per bedroom.

**Q. Is there a limit of the number of special events allowed per year and how will towns be notified of these?**

Yes, special events are limited to a maximum of six times per year. A notification to towns for permitted special events may be added as a requirement and can be easily provided through the online permitting system, OpenGov.

**Q. Would shipping containers be allowed to be used as structures if they did not resemble a shipping container?**

This option to allow shipping containers as structures is under consideration, either based on zoning district, use or possibly by changing the visual character of the shipping container.

**Q. What is considered an operable vehicle?**

Anything that is licensed, registered, and can be taken down the road legally.

**Q. Are you required to have a liquor license at a special event?**

The liquor license could be through a caterer.

**Q. We have hosted kindergarten classes, which are a 3-day type of event. Would we need a special event permit?**

A. No, this is a tour and demonstration under agricultural tourism.