

V.E. Sutton Center Village Overlay District (adopted May 2019)

1.0 Purpose

The Town of Sutton finds that allowing a limited number of additional small scale uses in our village centers may benefit the community by promoting continued use and investment in historic structures. Additionally, allowing these uses may also provide for varied housing needs and local services closer to home. However, it is important that these additions maintain the historic (as defined in Section 8) patterns and appearance that make our villages unique. Therefore, the Town implements this bylaw and designates certain Sutton Center Village Overlay Districts (SCVOD) to encourage re-use of historic structures and/or new economic and residential growth that meets the following objectives.

The purposes of the Sutton Center Village Overlay District are to:

- A. Encourage reuse of abandoned, vacant, or underutilized buildings consistent with the character, massing, and density of the neighborhood as defined through this bylaw;
- B. Allow for a mix of land uses that are appropriate to both the needs of the community and the scale of structures in the surrounding neighborhood;
- C. Build upon the historic development patterns in existing village centers to create new development and redevelopment that is designed to follow historic development patterns in terms of its physical layout and design, scale, mix of uses, and visual character.
- D. Further the Town's economic development potential by encouraging vibrant village centers where people can live, shop, eat, conduct business, and enjoy arts and cultural activities.

2.0 Establishment

This by-law is adopted as an overlay to existing zoning. The regulations of the underlying district remain in place, however, the dimensional, parking and design standards of Sections 6-8 of this bylaw shall not only apply to all uses in the overlay, but also to those uses allowed in the underlying district when proposed within the SCVOD.

The location of the overlay district is shown on a map entitled Sutton Center Village Overlay District, which is on file in the office of the Town Clerk.

3.0 Definitions

Terms not defined here are as defined in Section I. B. of this Zoning Bylaw. Words not defined in this Zoning Bylaw shall have the meaning given in Webster's Unabridged Dictionary, latest edition. Uses listed in the Table of Use Regulations under Retail, Trade and Service not otherwise defined shall be defined or clarified by the North American Industrial Classification System (NAICS).

- a. **Artisan Live-Work Space:** A dwelling unit occupied by an artisan in which up to 50% of the floor area is used for the creation, display and sale of art produced by this resident artisan.
- b. **Art studio:** An establishment for the creation, display and sale of works of art, and may also include instruction by an artist.

- c. **Bakery/café:** An establishment that primarily produces and sells flour-based food baked on premises in an oven such as bread, bagels, cookies, cakes, pastries, and pies. The establishment may also provide non-alcoholic beverages. Products may be consumed on or off the premises.
- d. **Bed & Breakfast:** An establishment not to exceed four (4) guest rooms that provides temporary lodging of up to two weeks for transient guests. A bed & breakfast is often a converted single-family home or is designed as one, and typically includes living quarters for the proprietor or manager of the establishment. Bed & breakfasts are characterized by personalized service and inclusion of a full breakfast in the room rate. Bed & Breakfasts may provide meals for guests, but do not include restaurants.
- e. **Catering Service:** An establishment that prepares, serves, and supplies food in larger quantities to be delivered and consumed off premises.
- f. **Craft Shop:** Establishments primarily engaged in retailing craft supplies including but not limited to sewing, needlecraft, ceramic and clay, painting, jewelry, paper crafts, soap making, candle making, glass work.
- g. **Floor Area, Gross:** The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls but not including any space where the floor to ceiling height is less than six feet, open porches, or unfinished basements or attics.
- h. **Flower Shop:** An establishment primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.
- i. **Gallery:** An establishment for the exhibition, display, and sale of works of art by one or more artists.
- j. **Gift Shop:** An establishment primarily engaged in retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, and curios.
- k. **Inn:** An establishment not to exceed eight (8) guest rooms that provides temporary lodging of up to two weeks for transient guests. The inn may include a full or limited service restaurant open to both guests and the general public. An inn is often a converted single-family home or is designed as one, and typically does not include permanent living quarters for the proprietor or manager of the establishment.
- l. **Mixed-Use Structure/Lot:** A single building or site designed to encourage a diversity of compatible land uses which include a mixture of two or more permitted or special permit uses.
- m. **Multi-Family dwelling:** A building containing two (2) or more dwelling units, but not to exceed four (4) units.
- n. **Neighborhood Market:** An establishment primarily engaged in the sale of a limited variety of daily food, beverage and household needs.

- o. **Restaurants, full service:** An establishment primarily engaged in providing food services to patrons who order from a menu and are served by waiters/waitresses while seated. Patrons pay after eating. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment. Shall not include “Restaurants, fast food”.
- p. **Restaurants, limited service:** An establishment primarily engaged in providing food services where patrons order from a menu board and most items are prepared to order. There is no typical waiter/waitress service. Patrons generally pay before receiving their food. Food and drink may be consumed on premises, carried out, or delivered to the customer's location. Examples include delicatessen, sandwich shop, or pizza shop. Shall not include “Restaurants, fast food”.
- q. **Tavern/Pub:** An establishment primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food items.
- r. **Theater/Dinner Theater:** An establishment primarily engaged in producing the following live theatrical presentations: musicals; operas; plays; and establishments, commonly known as dinner theaters, engaged in producing live theatrical presentations along with food and beverages for consumption on the premises.

4.0 Permit Procedures – Authority

The Planning Board shall serve as the Special Permit Granting Authority for any use that requires a Special Permit in the SCVOD.

5.0 Use Table and Regulations

- a. Uses designated as “P” in the table below are allowed as of right, while uses designated as “S” require a special permit from the Planning Board. All uses allowed as of right or by special permit in the SCVOD, as well as those uses allowed as of right or by special permit in the underlying zoning district, shall require site plan review. Compliance with the provisions of the VCOD bylaw shall be determined as part of the site plan review process.

Table 1 – Additional Uses Allowed in the SCVOD

A. RESIDENTIAL USES:	
1. Multi-family dwelling (up to 4 units)	S
D. OFFICE USES:	
1. Business and professional offices	P
E. RETAIL, TRADE AND SERVICE USES:	
1. Neighborhood market	S
2. Antique shop, art studio, gallery, gift shop, flower shop, candy shop, craft shop	P
3. Artisan live work space	P

4. Restaurants, full service	S
5. Restaurant, limited service	S
6. Catering accessory to main use	P
7. Bakery/café, Tea room	P
8. Tavern/Pub	S
9. Theater/Dinner Theater	S
10. Inn	S

- b. Mixed Use Structures/Lot – Permitted and/or Special Permit uses may be combined in a structure or on a lot as long as the requirements for each use have been met.
- c. Prohibited Uses – In keeping with the purposes of the SCVOD, the following uses otherwise allowed in the Rural Residential (R-1) District are prohibited within the SCVOD:

III.A. 4. Table 1 - B.2. Country, hunting, fishing, tennis, or health clubs, golf courses, day camps or other camps or outdoor athletic fields, with structures not to exceed a 10,000 s.f. footprint

III.A.4. Table 1 – B.3. Cemetery

III.A.4. Table 1 – B.4. Town equipment garage

III.A.4. Table 1 – B.5. Public utility except power plant or refuse facility

III.A.4. Table 1 – C.2.a.-f. When less than five acres are used for agriculture, horticulture, floriculture, or viticulture (Agriculture, horticulture, floriculture, or viticulture)

III.A.4. Table 1 – C.4. Veterinary office

III.A.4. Table 1 – E.11. Convalescent or nursing home

III.A.4. Table 1 – E.15. Communications and television towers

III.A.4. Table 1 – E.18. Commercial Kennels

6.0 Dimensional Requirements

- a. Maximum gross floor area – No structure in the SCVOD shall exceed 6,000 s.f. gross floor area.
- b. Maximum front yard: New structures shall be set back no more than 25 feet or the average of the setbacks of existing buildings on the abutting lots on either side, whichever is less.

- c. Side and rear yards: Setbacks shall be one half the distance otherwise required in the underlying district.

7.0 Parking

- a. The parking requirements in the SCVOD will conform to Zoning Bylaw Section IV.B. – Off-street Parking, Loading and Landscaping Regulations. Exceptions may be granted in accordance with Section 6 of Section IV.B. of the Zoning Bylaw, particularly in order to serve the overarching goals of maintaining traditional development patterns in the SCVOD while ensuring safe and adequate parking.
- b. Required parking for uses in the SCVOD may be provided off-site under the following conditions:
 - a. If a public parking lot is available within 600' of a proposed use, the SPGA may consider the availability of this parking to meet a portion of the parking needs of a proposed project.
 - b. A covenant or easement between property owners within the overlay district may be allowed and shall be presented in advance of final approval.

8.0 Design Guidelines/Standards

These guidelines are intended to insure that renovations to existing structures and construction of new structures will be in keeping with the architecture embodied by the historic structures (1720-1900) in the Town's villages. The Town's villages retain an appearance unlike other places and unlike many post 1950 neighborhoods because of the way they are laid out and because of the types of buildings that have been maintained.

- a. New structures or renovations/additions to existing structures must employ historic architectural styles utilized in the National Historic District in which the SCVOD is located per the nomination document available in the Planning Department and must utilize a majority of the following elements or an approved alternative.

Varying sloped roofs	Ornamental casings on doors and windows
Unique Chimneys	Period doors and windows
Ornamental cornicing and brackets	Distinct corner boards
Open Porches	Gable ornamentation
Use of wood clapboard, brick and/or granite/stone exteriors	
- b. The following is a list of prohibited architectural elements.
 - Flat roofs – Roofs must have a minimum pitch of 5/12, except for open porch roofs that can be as flat as 2/12
 - Corrugated or sheet metal buildings

9.0 Signage

Signage requirements in the SCVOD will conform to Zoning Bylaw Section IV.A.– Off-street parking, Loading and Landscaping Regulations, except as specified below:

- a. All Freestanding Business (individual or multi-tenant) or Wall and Individual Letter signage shall be limited to 30 s.f.

- b. Internal illumination is prohibited
- c. Signage is limited to 10' in height

10.0 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.