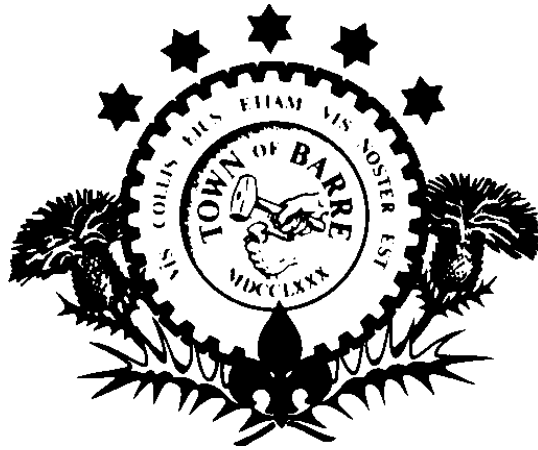


# TOWN OF BARRE ZONING BYLAW



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Amended – March 30, 2010  
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## **ARTICLE 1      AUTHORITY AND PURPOSE**

### **Sec. 1.1 AUTHORITY**

In accordance with 24 V.S.A. § 4401 and 4411 of the Vermont Planning and Development Act (hereinafter referred to as the “Act”) there are hereby established Zoning Regulations for the Town of Barre, which are set forth in the text and map(s) that constitute these regulations. These regulations shall be known and cited as “The Town of Barre, Vermont, Zoning Bylaw” (hereinafter referred to as the “Bylaw”).

### **Sec. 1.2 PURPOSE**

The purpose of this bylaw is to:

- Create a comprehensive framework for the Town of Barre’s planning and zoning process;
- Encourage appropriate and responsible development of all lands within the Town of Barre in a manner that promotes the best interests of all of its citizens;
- Minimize and/or prevent problems associated with lacking or poor planning and zoning;
- Encourage balance between competing and/or varied interests, being mindful of the Town’s history and also of its future while ensuring the integrity of both;
- Encourage balance between our natural and manmade environments, and to find the appropriate use of land to provide opportunities that will maximize residential, recreational, commercial, and industrial uses of land; and
- Provide a forum and mechanisms to protect the citizens of the Town of Barre and their property from adverse impacts created by inappropriate and ill-planned land usage and to allow and encourage citizen participation at every level of the process.

### **Sec. 1.3 APPLICATION**

The application of this bylaw is subject to the provisions of all subchapters of the Act as most recently amended by the Vermont State Legislature.

In accordance with 24 V.S.A. § 4446, no land development (as defined in article 7, Sec. 7.2) shall commence unless in accordance with the provisions established by this bylaw. Any use of land that is not permitted in this bylaw shall be considered prohibited.

### **Sec. 1.4 INTERPRETATION**

In any case where this bylaw imposes a greater restriction upon the use of a structure or land than is required by statute, ordinance, rule, or regulation, the provisions of this bylaw shall control except in the case of 24 V.S.A. § 4412 and 4413. This bylaw is not intended to repeal, annul, or in any way impair any previous zoning ordinance of the Town of Barre or permits previously adopted or issued. Any use of a structure or land considered lawful on or before the effective date of this bylaw shall continue to be a lawful use subject to the provisions of this bylaw.

### **Sec. 1.5 AMENDMENTS or REPEAL**

This bylaw may be amended or repealed in accordance with 24 V.S.A. § 4441 and 4442. (Summarized below)

- (A) A person or body other than the Planning Commission wishing to amend or repeal any section of this bylaw (including zone change request) must submit in writing a request to the Planning Commission along with supporting documentation stating what their amendment request is. The request shall also include what effects the proposed change may have on future potential development in the area with regard to traffic, drainage, capacity of municipal services, and conformance with the town plan, how it is compatible with surrounding uses, and other factors that may be appropriate if requested by the Planning Commission. The Planning Commission may then decide whether to proceed with the request. If the Planning Commission decides to adopt the request, the amendment or repeal will then be as if they had written it.

If the Planning Commission decides to adopt a request by an individual body, or at their own direction, a report must be written. Any such report shall satisfy the requirements of 24 V.S.A. § 4441 concerning bylaw amendments and subsection 4384(c) of Title 24 concerning plan amendments.

- (B) However, if a proposed amendment or repeal is supported by a petition of 5% of Town of Barre voters, the Planning Commission shall correct technical deficiencies and shall, without otherwise changing the amendment or repeal, promptly pass the request onto the Selectboard

**Sec. 1.6 EFFECTIVE DATE**

This bylaw shall take effect on the date of its adoption by the Town of Barre, in accordance with 24 V.S.A. § 4442.

**Sec. 1.7 SEVERABILITY**

If any provision or clause of this bylaw or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the bylaw which can be given effect without the invalid provision or applications, and to this end the provisions of this bylaw are declared to be severable.

<b>Table 1.1 – Municipal permits and approval</b>			
<b>Permit/Approval</b>	<b>Required for (general description)</b>	<b>Issued by</b>	<b>Reference</b>
<b>Land Development (Zoning Permits)</b>			
<b>Building Permits (Exterior only)</b>	construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure	<b>Zoning Administrator</b>	<b>Article 7 Sec. 7.3</b>
<b>Change of Use Permits</b>	A change in use of an existing structure or parts thereof or a change of land from one use to another.	<b>Zoning Administrator</b>	<b>Article 7 Sec. 7.4</b>
<b>Sign Permits</b>	A sign being erected, or altered in anyway except as noted in this bylaw	<b>Zoning Administrator</b>	<b>Article 7 Sec. 7.5</b>
<b>Home Occupation Permits</b>	A customary use of a minor portion of a residential dwelling in accordance with this bylaw.	<b>Zoning Administrator</b>	<b>Article 7 Sec. 7.6</b>
<b>Flood Hazard Approval</b>	Any development within the flood hazard area shall require site plan review and approval.	<b>Development Review Board</b>	<b>Article 5 Sec. 5.8</b>
<b>Certificate of Occupancy</b>	The commencement of use of a structure or land that has been permitted within a zoning permit.	<b>Zoning Administrator</b>	<b>Article 7 Sec. 7.7</b>
<b>Variences</b>	A request either on appeal or otherwise for a variance from a provision of this bylaw.	<b>Development Review Board</b>	<b>Article 7 Sec. 7.9</b>
<b>Site Plan Approval</b>	Any land development except that which is exempt in Sec. 5.11 of this bylaw	<b>Development Review Board</b>	<b>Article 5 Sec. 5.6</b>
<b>Conditional Use Approval</b>	Approval by the Development Review Board as stipulated herein where certain criteria are applied and appropriate conditions attached.	<b>Development Review Board</b>	<b>Article 5 Sec. 5.5</b>
<b>Subdivision of land</b>			
<b>Subdivision Regulation</b>	The division of land into more than one parcel	<b>Development Review Board</b>	<b>Town of Barre Subdivision Regs</b>
<b>Allowed Use Determination</b>	Primarily for uses not specifically allowed in a certain zone and multiple curb-cut request	<b>Planning Commission</b>	<b>Article 2 Sec. 2.4 (c) Subdivision Regs</b>
<b>Other Municipal Permits</b>			
<b>Municipal Wastewater &amp; Water permits</b>	Connections to the municipal sewer and water system	<b>Town Engineer</b>	<b>Town Code</b>



Table 1.1 – Municipal permits and approval			
Permit/Approval	Required for	Issued by	Reference
<b>Other Municipal Permits (Cont'd)</b>			
<b>Working in the right-of-way</b>	<b>Any work within and including the excavation of land that occurs within a town road or right-of-way- (deposit likely)</b>	<b>Town Engineer</b>	<b>Town Code</b>
<b>Driveway Permit</b>	<b>Any connection to a town highway or right-of-way by a driveway or other means.</b>	<b>Town Engineer</b>	<b>Town Code</b>

**This list is not necessarily inclusive. The Planning and Zoning Office should be consulted to discuss individual needs.**

**Sec. 1.8 REFERRAL TO STATE AND FEDERAL AGENCIES**

Notice is hereby given that many new land use or changes to existing land use may require state or federal permits. A state or federal permit specialist should be consulted.

## ARTICLE 2 ZONING DISTRICTS & DISTRICT STANDARDS

### Sec. 2.1 ZONING DISTRICTS

**Low Density Residential**  
**Medium Density Residential**  
**High Density Residential**  
**Very High Density Residential**  
**East Barre Commercial**  
**Office Building Retail**  
**Office Building Business**  
**Highway Commercial**  
**Industrial**  
**Earth Resource Extraction**  
**Conservation**

### Sec. 2.2 PURPOSE STATEMENTS

#### **Low Density Residential**

This district is limited to non-intensive land uses. The purpose of this district is to prevent premature development of land, retain certain areas for non-intensive uses, prevent development where it would be a burden on the community, and retain areas for open space. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses. Municipal water and sewer may or may not be available.

#### **Medium Density Residential**

This principally residential district is designed to provide areas where moderate density residential development may occur in a rural-suburban setting. This district is similar to low density residential with the primary difference being that Medium Density Residential is located around the more developed areas of town and conditional uses vary. Municipal water and sewer may or may not be available.

#### **High Density Residential**

This district is designed to encourage continued predominantly residential development at relatively high densities in established neighborhoods close to village centers which have both public water and sewer services.

#### **Very High Density Residential**

This district is designated for land centrally located where town water and sewer facilities are available and where, due to reasons of utilities, location and existing intensive development, higher density is appropriate. The purpose of this district is to permit a continuation of residential and related uses where consistent with the objectives of the Barre Town Municipal Plan.

#### **East Barre Commercial**

This district is intended to reflect East Barre's inherent uniqueness given its long-standing mixture of uses including residential and commercial.

#### **Office Building Retail**

This district is intended to be comprised of businesses to which people/customers must go to for the business to operate. These districts are limited by their density and street traffic. They are also fully served by municipal utilities.

#### **Office Building Business**

Organizations in this district would not necessarily be businesses that have customers coming and going on a regular basis. Transact business with customers out of the building. Emphasis would be on business-to-business transactions, warehouse shipping, non-profit organizations, etc.

## Highway Commercial

This district allows for large, higher intensity commercial developments such as automotive oriented businesses that either by their volume or by the nature of their business require larger lots than those in the other commercial districts. Uses include those generally associated with the traveling public such as overnight accommodations, gas stations, grocery stores and restaurants, which inherently see more traffic from customers and deliveries than office buildings.

## Industrial

This district is designed to provide location for the establishment of industry, and to provide employment opportunities and a broadening of the tax base in Barre Town. Good roadway access and water and sewer services are major considerations. A variety of types of manufacturing and warehousing is permitted. Heavy industry requires a conditional use permit.

## Earth Resource Extraction

This district is specifically for the existing pits or quarries in Barre Town. This does not include all of the pit/quarry owners' land. After the pit/quarry has been closed the land may be rezoned for practical purposes following the required procedures for change of zone. While this district exists for existing uses such as the granite quarries and gravel pits, earth resource extraction is allowed in all districts except Very High Density Residential, High Density Residential, and East Barre Commercial.

## Conservation

This district consists of land that is rural in character with forest areas, wetlands, rivers and streams, and steep slopes as its primary use. Much of this land is undevelopable. Some developments by conditional use permit may be allowed.

### Sec. 2.3 ZONING MAP AND INTERPRETATIONS OF ZONING DISTRICTS

- (A) The boundaries of the zoning districts herein created are shown on the official zoning map as created by this bylaw. Generally, and wherever possible the zoning boundaries follow property lines in existence at the time of enactment of this bylaw. For zoning designations separated by streets, streams, rights-of-way, or other such dividers, the centerline of each shall constitute the change from one zone to another.
- (B) Zoning districts shall include any land under rivers, streams, lakes, or ponds lying within them. Where the opposite sides of a river or stream lie in a different zone, the boundary shall be the thread of the river or stream.
- (C) Where due to scale, lack of detail, or illegibility of the zoning map there is uncertainty as to the location of any zoning district boundary; the Zoning Administrator shall determine its location. Any person may appeal the Zoning Administrator's decision in accordance with Article 7, Sec. 7.8 of this Bylaw.
- (D) Where a zoning line between two districts divides a lot, the provisions of either district may be extended by thirty (30') feet. In extending the district line 30', the overall effect of the development should retain the character and usability under each district. Only the permitted or conditional uses in each district, and their accessory structures, may be used on that portion of the property covered by the district. Accessory uses such as parking may be permitted in either district.
- (E) Any area not presently zoned, through inadvertence or otherwise, shall be considered to be in the most restrictive district immediately adjoining it.

### Sec. 2.4 APPLICATION OF DISTRICT STANDARDS

- (A) The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 2.1 and 2.2 and as defined in Article 2, unless otherwise permitted under Planned Unit Development (PUD) pursuant to Article 6 of this Bylaw. Nonconformities shall be regulated in accordance with Sec. 3.7.
- (B) Prescribed uses for each district are classified as "**permitted**" and are subject to approval by the Zoning Administrator, to be reviewed in accordance with Article 7, or "**conditional**" as allowed with the approval of the Development Review Board to be reviewed in accordance with Article 5, Sec. 5.5.

- (C) Any uses not specifically permitted in any given zone may be considered and allowed if, after review by the Planning Commission in a public hearing, the Planning Commission determines that the use will not alter the characteristics of the area and will not cause an undue burden on the community and issues an allowed use determination permit
  
- (D) Any list of prohibited uses in any section of these regulations shall not be deemed to be an exhaustive list. Such list is included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses that are deemed undesirable and incompatible and are thus prohibited.

Sec. 2.5  
Table 2.1

amended April 1, 2009, April 28, 2015

The following table provides a list of the permitted uses (P), conditional uses (C), and uses not permitted (blank) for each zoning district. When determining a land use classification for a property, the most specific use below shall be interpreted as the use of that property.

**In all cases, it is very important to review the definition (article 8) of each use before determining the exact intent of the use and for possible exceptions.**

USE/Zone	Cons.	Ind.*	Earth Resource	Office Bus.	Office Retail	Hwy Com.	VHD Res.	HD Res.	MD Res.	LD Res.	EBC
<b>Residential</b>											
Dwelling Unit											
Dwelling, One-Family	P						P	P	P	P	P
Dwelling, Two-Family	C						C	C	C	C	C
Dwelling, Multi-Family**						C	C	C			C
Dwelling, Accessory	Allowed where other single-family residential use are allowed in accordance with Article 4 Sec. 4.2										
Bed & Breakfast	P					P	P	P	P	P	P
Group Home	Allowed where other single-family residential uses are allowed in accordance with Article 3, Sec. 3.3 (D)										
Boarding House/Lodging House						C					
Motel						P					
Hotel						P					C
Shelter						C	C				
Convalescent/Nursing Home						C	C	C	C	C	C
Elderly/disabled housing complex/PUD						C	C	C	C	C	C
Mobile Home Park						C	C	C	C	C	
Home Occupation	P						P	P	P	P	P
Home Based Business/Home Industry	P						P	P	P	P	P
Planned Unit Developments (PUDs)							P	P	P	P	
<b>Places of Assembly</b>											
Funeral Home					P	P					C
Health Club					P	P					C
Open-air Market, temporary	C	C	C	C	C	C	C	C	C	C	C
Open-air Market, long-term					C						
Indoor Market, temporary	C	C	C	C	P	P	C	C	C	C	C
Indoor Market, long-term					P	P					C
Church or religious institution ***					P	P	C	C	C	C	C
Clubs, Lodge and/or Union Hall					P	P			C	C	
Hospital ***						C					
Health Clinic					P	P					C
Community Center/Recreational Facility						C	C	C	C	C	C

USE/Zone	Cons.	Ind.*	Earth Resource	Office Bus.	Office Retail	Hwy Com.	VHD Res.	HD Res.	MD Res.	LD Res.	EBC
<b>Places of Assembly (Cont'd)</b>											
Senior Center							C	C	C	C	C
Conference center, meeting hall				P	C	P					
Public transportation facility					C	P					C
Cinematic Theater (Movieplex)/Auditorium					C	P	P				C
Sports and/or entertainment facility		C				C					
Opera House/Performing Arts Facility				C	P	P					C
<b>Government Facilities ***</b>											
Municipal Parks	C					C	C	C	C	C	C
Municipal Offices				P	P	P	C	C	C	C	C
Public Works Garage		P	P	C	C	P					
Sewer treatment plant		C				C					
Water treatment plant	C	C									
Emergency service facilities				P	P	P					C
Court House				P	C	P					C
Federal, State, and County Offices				P	C	P					C
Cemetery	C					C			C	P	C
Corrections facility						C				C	
Transfer station		P				C					
Recycling Center, temporary		P	P	C		P					
Recycling Center, long term		P	P								
Postal Office				P	P	P	C	C	C	C	C
Postal/Parcel Processing Facility		P				P					
<b>Recreational/Commercial ***</b>											
Athletic Fields						P			C	C	C
Golf Course			C								
Recreational Services, Indoor					P	P				C	C
Recreational Services, Outdoor			C		C	P					C
Campground						C				C	
Campground, Primitive	C									C	
Outdoor firearms/Archery range	C		C							C	
Indoor firearms/Archery range					P	P					
Outdoor non-motorized recreation	C					C				C	
<b>Commercial/Professional</b>											
Private park/recreational area	Allowed accessory use to a permitted use but a conditional use if not open to the public										
Airport, private										C	
Airport, commercial											
Photo Studio				P	P	P					C
Photo Processing Facility					P	P					C
Licensed Professional Service Office Bldg.					P	P					C

USE/Zone	Cons.	Ind.*	Earth Resource	Office Bus.	Office Retail	Hwy Com.	VHD Res.	HD Res.	MD Res.	LD Res.	EBC
<b>Commercial/Professional (Cont'd)</b>											
Laboratory		C				C					
Veterinary Clinic/Animal Hospital					P	P					
Bank/Credit Union				P	P	P					C
ATM Facility				P	P	P					C
ATM Facility, Accessory Use				P	P	P					C
Mixed Use				C	C	C					
Office Building		C		P	P	P					C
<b>Commercial/Retail</b>											
Motor Vehicle Repair (major) Garage		C				C					C
Motor Vehicle Repair (minor) Garage		P			P	P					C
Car Wash		P			P	P					C
Motor Vehicle Dealership					P	P					
Motor Vehicle Sales					P	P					C
Motor Vehicle Fuel Station					P	P					C
Motor Vehicle Service Station					P	P					C
Cannabis Cultivator	C	C				C					
Cannabis Manufacturer		C									
Cannabis Retailer (see article 3, sec 3.16 for opt-in requirement)					C	C					
Cannabis Testing Laboratory		C				C					
Cannabis Wholesaler		C				C					
Convenience Store/Motor Vehicle Fuel Station					C	P					C
Solid Waste Facility ***		C	C								
Kennel/Animal Shelter						P				C	
Retail Store, Large					P	P					
Retail Store, Small					P	P					C
General Store					P	P	P				C
Grocery Store/Supermarket					P	P					C
Restaurant, Fast Food					P	P					C
Restaurant					P	P					C
Redemption Center					P	P					C
Adult Establishment						C					
Laundromat				P	P	P	P	P			P
Laundry Plant		C				C					
Dry Cleaning Plant		C				C					
Dry Cleaning Drop-off				P	P	P	P	P			P
Garden Center					P	P					C
Greenhouse, Commercial	C	C				P				C	
Maple Product Dealer		P				C					P
Farm Stand Commercial						C					

USE/Zone	Cons.	Ind.*	Earth Resource	Office Bus.	Office Retail	Hwy Com.	VHD Res.	HD Res.	MD Res.	LD Res.	EBC
<b>Industrial</b>											
Light Industry		P									
Heavy Industry		C									
Granite Quarrying			C								
Storage, Mini						P					
Storage, Large		P				P					
Junkyard		C									
Fuel Storage Tank Farm		C				C					
Public Utility Facility ***		P		C	C	P					
<b>Educational Institutes ***</b>											
Adult Day Care Centers						P	C	C	C	C	C
College/University										C	
College/University Campus										C	
Dormitory/Residence Hall										C	
Daycare/Pre-School/Nursery School						P	C	C	C	C	C
Daycare/Pre-School/Nursery School (Home)	P					P	P	P	P	P	P
Public or Private School						C	C	C	C	C	C
Commercial School						C	C	C	C	C	C
Library/Research Center*					P	P	C	C	C	C	C
Art Gallery*					P	P					C
Museums*	C	P			P	P					C

\* Accessory gift shops and/or small retail stores used for the sale or display of products produced by the permitted use shall be allowed by right.

\*\* Higher minimum density requirements shall be required (see Article 3, sec. 3.3 (e))

\*\*\* Some of these uses may have limits on local control by state statute with regard to whether they are permitted. Where such uses do not face limitations, the chart shall apply. Uses limited by statute can still be regulated at the local level, with respect to location, height, building bulk, yards, courts, setback, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use as described in 24 V.S.A. §4413.



**Table 2.2 Town of Barre Lot Standards by Zone**

Minimums	Conservation	Industrial *	Earth Resource Extraction *	Office Building Business * **	Office Building Retail * **	Highway Commercial * **	Very High Density Residential **	High Density Residential **	Medium Density Residential **	Low Density Residential **	East Barre Commercial **
Lot Size	25 acres	2 acres	15 acres	1/2 acre	1/2 acre	1 acre	8500 sq. ft.	1/3 acre	2 acres	2 acres	1/3 acre
Road Frontage	500'	200'	100'	100'	100'	200'	85'	110'	200'	200'	85'
Setback "street"****	50'	50'	50'	25'	25'	50'	15'	25'	50'	50'	15'
Setback "side"****	25'	25'	50'	25'	15'	25'	10'	12'	25'	25'	10'
Setback "rear"****	25'	25'	50'	25'	15'	25'	10'	12'	25'	25'	10'
Building Height	35'	50'	50'	40'	40'	40'	35'	35'	35'	35'	35'
Overall Development ***	15%	75%	75%	75%	75%	75%	35%	35%	35%	35%	35%
Accessory's Setback "side only" Street same as above	25'	50'	50'	5'	5'	5'	5'	8'	8'	8'	5'

\* Side and rear setback shall be increased in these zones when abutting directly up against a residential zone. Industrial setback shall be 100', all the Commercial zones 50'. The setback increase shall not apply to commercial or industrial lands that abut cemeteries.

\*\* Minimum lot size shall be altered accordingly, based on the chart below:

municipal sewer/on-site water	1 acre
on-site sewer/municipal water	1.5 acre
On-site sewer/on-site water	2 acres

\*\*\* Overall development includes building coverage, parking areas, leachfield areas, right-of-ways, and easements. Driveway accessing the parcel shall not be counted. These standards shall only apply to parcels created after the adoption of this bylaw. Pre-existing parcels shall follow the previous provision which only applied to overall building coverage. Those percentages of coverage were as follows:

Residential/Conservation	35%
Commercial/Industrial	50%

\*\*\*\*Setback shall apply to all property lines and/or in situations where rights-of-ways or easements are used for vehicular ingress and egress, the appropriate street setback for that zone shall be used from the edge of said right-of-way or easement instead of the property line. This requirement shall not apply to pre-existing parcels.

## Article 3 - GENERAL REQUIREMENTS

### Sec. 3.1 ABANDONMENT AND DEMOLITION OF STRUCTURES

Refer to Town of Barre Ordinance (yet to be drafted or adopted, recommended by the Zoning Rewrite Committee and the Planning Commission to have a separate ordinance)

### Sec. 3.2 ACCESS REQUIREMENTS/REQUIRED FRONTAGE ON A PUBLIC ROAD

No land development may be permitted on lots which do not have the minimum road frontage on a public (class 1, 2, 3) highway for the zone in which the subject parcel lies, or, with approval of the Development Review Board (DRB) access to such road is provided by a permanent easement or right-of-way at least 25 feet in width. Such access shall be considered during subdivision review (a driveway permit issued by the Town Engineer is still required) of new lots, or for pre-existing, nonconforming uses provided all aspects of the Town Code are met and the access can demonstrate acceptable site distances and spacing. When access to back lands is provided by a 25-foot right-of-way, each lot shall have a separate right-of-way. Shared driveways are discouraged and will only be considered for up to two lots. If a shared driveway is proposed, it must be constructed entirely on one right-of-way or the other so as to not compromise the ability for another driveway to be constructed.

#### (A) Exemptions:

1. As approved by the DRB during subdivision review.
2. Any legally subdivided lot created in accordance with the subdivision ordinance that may not have completely conformed to the regulation or lots that were in existence before subdivision was required.
3. Upon request in writing, the Town Engineer may grant seasonal access for some limited activities as well as agricultural access.

#### (B) Town Road Access:

Requests for access to a municipal road or municipal right-of-way shall be applied for on a form provided by the Town and shall be considered and acted upon by the Town Engineer in accordance with the Town of Barre Highway Ordinance, Sections. 2 and 4 and Town of Barre Code Chapter 6.

#### (C) Shared Access:

Shared access is allowed only in the event that each parcel sharing the access has its own permanent easement or right-of-way. The exception shall be that shared *curb-cuts* are allowed in order to encourage a reduction in the number of curb-cuts in close proximity. The shared curb-cut shall be a minimum of 20 feet wide and 30 feet deep (as measured at the edge of the travel way) and shall be paved by the developer. Shared curb-cuts shall be limited to no more than three driveways. The interest of each owner shall be protected by deed language and/or written agreement recorded in the land records providing for the joint maintenance of the shared portion. The developer shall enter into a shared curb-cut agreement with the Planning Commission during subdivision review agreeing to construct the shared curb-cut.

### Sec. 3.3 EQUAL TREATMENT OF HOUSING

- (A) In accordance with 24 V.S.A. § 4412(1), no provision of this Bylaw shall have the effect of excluding **mobile homes, modular housing, or prefabricated housing** from the Town of Barre, except upon the same terms and conditions as conventional housing is excluded.
- (B) Provisions for **mobile home parks** are specifically outlined in Article 4, Sec. 4.15 and are allowed as a conditional use in the following zones:  
  
Highway Commercial, Residential - (very high, high, medium, and low)
- (C) **Accessory dwellings** are detailed in Article 4, Sec. 4.2, and are considered a permitted use in all zones that permit owner occupied single-family residential use.
- (D) **Group Homes/Residential Care Homes** are considered a permitted use where single-family residential uses are allowed. A group home is defined in Article 8.
- (E) **Multi-family dwellings** are allowed after issuance of a conditional use permit in the following zones.

(F)

<b>Very High Density Residential and East Barre Commercial</b>	
Existing Structures	New Structures
up to 8 units	up to 8 units
<b>High Density Residential</b>	
Existing Structures*	New Structures
up to 8 units	up to 2 units
<b>Highway Commercial</b>	
Existing Structures**	New Structures
unlimited number of units	8 units min./max unlimited

\*Existing structure shall not be altered.

\*\*Existing structures may be altered but it shall be required that the minimum number of units, based on the density of the lot, be created.

a) In all cases, parking for multi-family dwellings must follow the parking requirement in this Article, Sec. 3.9. All parking must be onsite or secured by a permanent easement.

b) Minimum size of all multi-family dwelling units shall be at least 250 square feet in overall size.

**(G) General requirements for all types of residential housing: (excluding primitive camps (see definition))**

**All residential structures**, at a minimum, must have a reinforced concrete slab at least 4 inches thick and shall, at a minimum, encompass the entire underside of the structure. In addition, the underside of the dwelling shall not be exposed. All residential structures shall be secured to the slab either by way of accepted industries standards or manufacturers recommendation. Recreational vehicles regulated in Article 4, sec. 4.4 or recreational vehicles in an approved campground shall be exempt from this requirement.

**All fuel tanks**<sup>1</sup> shall meet setback requirements of the zone in which the property is located and as outlined in Article 2, table 2.2 and shall situated in a way that they are not visible from a road whether by way of screening or location. They shall also be on a concrete slab or solid base. Exempt from this requirement are fuel tanks that hold thirty-two (32) gallons or less and there shall be no more than one (1) tank.

**Sec. 3.4 FENCING REQUIREMENTS**

Fences in general do not require permitting, however, is imperative that the property owner and installer of the fencing, wall or hedge know exactly where the property boundaries are before installation.

**Sec. 3.5 HEIGHT MAXIMUMS**

No structure or anything attached to a structure shall be any higher from the ground (as defined below) than the maximum height for a structure as allowed in Article 2, Table 2.2 of this Bylaw for the zone in which the structure lies.

**(A) Determining the height of a structure:** The height of a structure shall be determined by measuring the vertical distance from the average elevation of the finished lot grade at the front of a building or structure, to the highest point of the roof or structure, except in the case of a gable roof, where the measurement shall be the average height between the eaves and the ridge.

**(B) Exemptions:** The following are exempt from height regulations but not from setback requirements. The minimum setback shall increase by one foot for every foot the structure is above the maximum height for the zone in which the structure is located.

1. Antenna structures, wind turbines with blades less than 20' in diameter, or rooftop solar collectors less than 10' high, any of which are mounted on a complying structure;
2. Cranes and/or derricks associated with the removal of quarried granite;
3. Public power transmission generation and distribution facilities and agricultural structures;
4. Church steeples, flagpoles, water towers;
5. Communication equipment approved through the Town's Telecommunication Ordinance.\*

<sup>1</sup> This requirement does not apply to tanks in existence prior to enactment of this bylaw.

### Sec. 3.6 LOT, YARD AND SETBACK REQUIREMENT

As established in Article 2, table 2.2 no structure of any kind or anything that requires a zoning permit shall be erected within the required setback area of the zone in which the project lies. This interpretation shall include overhangs or anything else that extends beyond a structure and/or that does not directly touch the ground. This shall also include fuel storage tanks or anything else that may be considered hazardous to the good and welfare of the public.

#### (A) Exempt from this requirement

Signs that meet the requirement of article 7, Sec. 7.5  
Anything approved by the Selectboard that does not fall under zoning review.

#### (B) Measurement of Setbacks

Setback shall be determined by measuring from the closest part of a structure or object to a particular point such as a property line or a publicly traveled town or state right-of-way or land.

On a municipal, state, or federal right-of-way or municipality owned land used for the purpose of public travel, or may possibly be used, the setback shall be measured from the edge of said right-of-way or land and NOT FROM THE EDGE OF THE TRAVELED PORTION OF THE ROAD.

For a property with frontage on more than one road, the street setback shall be used as the setback requirement from both roads.

For odd shaped lots, the Zoning Administrator shall determine which setbacks apply on which sides of the structure.

### Sec. 3.7 NONCONFORMITIES (USES, STRUCTURES, AND PARCELS)

The following shall apply to any structure, use, or parcel, or parts thereof, that do not conform to this bylaw but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of this bylaw, including a structure, use, or parcel previously improperly authorized as a result of error by the Zoning Administrator. Exception: All development in the Special Flood hazard Area must be reviewed under Article 5, Sec 5.8.

#### NONCONFORMING USES:

- (A) Shall not be **changed** to another nonconforming use without approval of the Development Review Board (DRB) and then only to a use which, in the opinion of the DRB, is of the same or of a more restrictive nature
- (B) Shall not be **re-established** if such use has been discontinued for a period of twelve months or replaced by a conforming use.
- (C) May be **re-established** if damaged by the elements, catastrophe, or act of nature provided that such reconstruction will not enlarge or alter the use for a purpose different from the previous use unless to a conforming use and provided that such reconstruction is completed within two years from the date of such damage
- (D) **Shall not be enlarged or extended** except with approval of the DRB upon findings, after public hearing that no greater detrimental effect to the community will result.
- (E) A **use**, located in a nonconforming structure or on a nonconforming lot, shall not, of itself, be considered a nonconforming use.

#### NONCONFORMING STRUCTURES:

- (F) May be **repaired or rebuilt** if damaged by the elements, catastrophe, or act of nature provided that such reconstruction will not enlarge or alter the footprint of the structure and provided that such reconstruction is completed within two years from the date of such damage.
- (G) **If declared unsafe or unsanitary** by a proper authority may be restored to a safe and sanitary condition.
- (H) **May be enlarged** only to the extent that the degree of nonconformance is not increased. Increased nonconformance shall mean that the part of the structure that is proposed to be extended does not meet the required dimensional minimums of the zone in which the structure is located.

**NONCONFORMING PARCELS:**

- (I) A nonconforming parcel such as a pre-existing small lot, or a lot that does not meet other dimensional minimums shall be allowed to be developed for the intent for which it was created so long as the use is permitted and it was in existence on the date of the enactment of this Bylaw, and further, provided that all other required municipal permits are acquired. Any lot that is pre-existing and nonconforming that subsequently comes under common ownership with one or more contiguous parcels shall not automatically be deemed merged.

**Sec. 3.8 OUTDOOR STORAGE LIMITATIONS**

**(A) TRUCK TRAILERS**

This limitation is for any trailer, customarily pulled by a commercial tractor unit, for the delivery of goods over the road.

Such trailers shall be limited to no more than two at any one time, shall only be allowed on a temporary basis, and at no time shall a trailer(s) remain on a parcel for more than 6 months in each 12-month period (limitation is cumulative so no combination of trailer(s) shall exceed 6 months in a 12-month period). Commercial and industrial uses shall be exempt from these limitations provided site plan approval is obtained (with the length of time for use of a trailer determined) from the Development Review Board.

Regardless of whether temporary or allowed by site plan approval, the following shall apply:

1. The use of the trailer(s) shall be accessory to the principal use of the property.
2. The trailer(s) shall meet setbacks for the zone in which it lies.
3. The trailer(s) shall not encumber required parking spaces for the subject use.
4. The trailer(s) shall sit on inflated tires.
5. The exterior of the trailer(s) must be maintained to the degree that it does not become a blight including external rusting, holes, safety hazards, graffiti, and generally in good appearance.
6. The trailer(s) shall not be used for advertising of the subject parcel or any other use on any other parcel.
7. If hazardous materials are to be stored in the trailer(s), the container shall be labeled as such and secured in a manner consistent with the U.S. Department of Transportation guidelines and Vermont Department of Environmental Conservation regulations.
8. Exempt from these requirements are farms that qualify as an agricultural use as defined by the State of Vermont Agency of Agriculture, Food and Markets.

**(B) STORAGE OF CAMPERS/RECREATIONAL VEHICLES**

No more than two (2) campers, boats, or other recreational vehicles over 20' long may be parked in a residential zone unless screened from all adjacent properties and any public roadway. See Article 4, Sec. 4.4 for other regulations involving campers and recreational vehicles.

**(C) PRIVATE MOTOR VEHICLE SALES**

Such Storage is limited to the display of no more than one (1) motor vehicle at a time, whether registered and/or inspected or not, on any given lot. This restriction does not intend to include other personal items such as recreational equipment, snowmobiles, motorcycles, etc.

**(D) CONVERTED VEHICLES USED FOR STORAGE**

The conversion of buses, motor vehicles, recreational vehicles, including campers for storage use is prohibited.

**Sec. 3.9 OFF STREET PARKING, LOADING AND SERVICE AREA REQUIREMENTS**

Off-street parking spaces shall be provided in accordance with the minimum parking chart and specifications of this section whenever a new use is established or an existing use is enlarged.

**(A) SIZE**

All parking spaces shall be a minimum of 10' wide and 20' long.

**(B) LOCATION**

Whenever possible, off-street parking shall be on the same lot as the use itself. If parking is to be provided on a contiguous privately owned parcel or on a lot directly across the street, the applicant shall provide evidence that such an arrangement can be accommodated and is secured by way of a legal document that is recorded in the land records. However, at no time shall the minimum number of parking spaces for a given use be less than what is required

**(C) UNAVAILABLE AREA**

No area shall be considered available for parking spaces if it shall be used for any purpose that limits its availability for parking year-round such as snow storage, loading areas, fire lanes, display area for merchandise etc.

**(D) GENERAL REQUIREMENTS**

Areas designated as loading areas shall be kept free from parking spaces.

Parking areas shall have an approved storm water management plan so that abutting properties and public ways are not adversely affected.

Where a specific use is not listed in the Minimum Parking Chart, the DRB shall determine the minimum standard for the use.

**(E) PARKING LOT LIGHTING**

All parking lot lighting shall be shielded so that the light is directed towards the parking area and not the adjacent land or the road.

All parking areas and passageways not associated with a dwelling shall provide adequate lighting during the hours of use so as to provide illumination for the safety of those using the parking lot and passageways. In addition, the DRB may require screening to mitigate impacts of vehicle headlights on abutting uses especially when adjacent to a residential use. The Town of Barre encourages the installation and use of energy efficient lighting. Requirements of this article, 3.15 shall also apply.

**(F) SETBACK**

All parking spaces shall be subject to side yard setback requirements for the zone in which the subject property lies.

**(G) MINIMUM PARKING CHART**

Dwellings, (all types)	2 spaces for each dwelling unit
Motel, Hotel, Bed & Breakfast	1 space for each unit plus 1 space for every 5 rooms.
Boarding house, lodging house	1 space for each resident plus two additional spaces. Also, 1 additional space for every 5 rooms
Group home	1 space for every two residents in addition to the required parking for the dwelling
Convalescent/Nursing Home	1 parking space for every 2 beds
Elderly/disabled housing complex	1 parking spaces for every unit
Places of Assembly	One parking space for every 175 sq. ft. of floor space (not counting storage areas and other misc. areas) or, if outdoors minimum parking shall be determined by the DRB based on the proposed use.
Restaurants	One parking space for every 100 sq. ft. of overall building size.
Commercial/Retail use	1 parking space for every 200 sq. ft. of overall building size.
Industrial use	Minimum of 2 spaces plus 1.5 parking spaces per 1000 sq. ft. of overall building size.
Professional/Medical uses	Minimum of 2 spaces plus 1 parking space for every 200 sq. ft. of overall building size.

The required number of contiguous off-street parking spaces may be reduced by the Development Review Board (DRB) during either conditional use or site plan review providing the applicant can demonstrate that the request for reduction is due to:

1. The unique use of property and it can be demonstrated that traffic volume will be substantially less than normally anticipated.
2. The requirement being excessive or insufficient for the use at that time.
3. The nature of the project for which vehicle usage is minimal such as elderly or disabled housing use.

In all cases, the DRB must consider potential future uses of any structures being built so as to accommodate future uses and the parking that may be needed for those uses. In lieu of required parking spaces being created, the DRB may designate potential future parking spaces and exclude permanent development on them.

**(H) LOADING REQUIREMENTS**

Off street loading areas shall be required for all new or altered uses and/or structures that commonly and/or regularly receive deliveries or pickups for the conduct of their business. Loading areas shall be located in such a way that any vehicle using the loading area shall not protrude into the traveled portion of the road or highway and/or disturb the internal circulation pattern of the use. In addition, no required parking space shall be encumbered by any vehicle unloading or loading.

The DRB during conditional use or site plan review may exclude any of the requirements under (H) if the applicant can demonstrate that:

The requirement is excessive for the use, size, or locations of the building.

### **Sec. 3.10 STEEP SLOPES**

- (A) All development involving the excavation, filling, or regrading of land (including the installation of driveways) having a slope of 15% or more shall be subject to review by the DRB under article 5 of this bylaw. Under this provision, the DRB may require for review and approval, the submission of erosion control and stormwater management plans prepared by a professional engineer which plans:
1. Cover all phases of development, including site preparation, construction, and post-construction; and
  2. Incorporates accepted or best management practices for erosion control and stormwater management as defined by the Vermont Department of Environmental Conservation; and
  3. Identify related long-term maintenance and management requirements.

### **Sec. 3.11 SURFACE WATERS AND WETLANDS**

- (A) Streams and Water Courses: No structure shall be placed, and no land shall be excavated, filled, or graded in any zoning district within a minimum distance of 50 feet from the high-water mark of all.
1. Ponds and streams.
  2. Delineated boundary or buffer zone of a Class 1 or Class 2 wetland, as defined and regulated under the Vermont Wetlands Rules, and which is shown on the most recent Vermont Significant Wetlands Inventory Map for the Town of Barre.
- (B) The DRB may accept a buffer management plan in cases where setback cannot be met for practical development of a project. Said plan shall describe the long-term management of the land within the required setback areas with the goal of protecting surface water quality, fish and wildlife habitat, and stormwater management systems.
- (C) Prior to granting such approval, the DRB shall find that the proposed construction, earth excavation, filling or grading, will not contribute to any impeded drainage, flood hazard, erosion silting, or other adverse effect on natural conditions, on fish or wildlife habitat, or interfere with the present or planned storm water drainage system of the Town.
- (D) All projects that contemplate development within said required setback shall require site plan review in accordance with Article 5 of this bylaw. The DRB may approve modifications to the setback standards set forth above after a determination that the proposed modifications meet the following criteria:
1. That reasonable efforts will be undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, the establishment of vegetate buffer areas along streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river.
- (E) Required setback areas are to be maintained in undisturbed state unless otherwise permitted by the DRB as part of an approved buffer management plan. The following structures or uses may be allowed, subject to approval by the DRB, within setback areas required under this section:
1. Roads, driveways, and utility crossings,
  2. Bank stabilization and restoration projects, in accordance with applicable state and federal regulations,
  3. Stormwater management and flood control facilities, in accordance with applicable state and federal regulations,
  4. Bicycle and pedestrian paths, and
  5. Anything intending to specifically provide access to the surface water and wetlands.

### **Sec. 3.12 WATER SUPPLY AND WASTEWATER DISPOSAL**

Regulations regarding water supply and wastewater disposal can be found in the Town code in the following section but not necessarily limited to:

#### **Sec. 8, Utilities and Sec. 4, Health**

All land development proposed, authorized, and controlled by this bylaw, shall follow the above referenced sections of Town Code and any other applicable town or state law and regulation. Failure to do so will result in a violation of not only Town Code but this bylaw as well.



### Sec. 3.13 FILLING OF LAND (NOT MUNICIPAL SOLID WASTE LANDFILLS)

In any zoning district, dumping of refuse and waste material over 200 cubic yards in volume (and less than 800 cubic yards) to be used for the filling of land with material from a location other than on the same parcel, or the relocation of such material from one location to another on the same parcel, is prohibited unless approved by the Town Engineer.

**Fill exceeding 800 cubic yards** requires site plan review and approval by the Development Review Board under site plan review criteria and taking into consideration the following:

- 1) The contour of the land before and after the proposed fill is added and what the final grade will be in relation to abutting land.
- 2) Impact to existing drainage and any proposed changes thereto.
- 3) The proposed amount of fill to be brought in.
- 4) The amount of traffic as it relates to the hauling of the fill as well as consideration as to what effect the weight of the vehicles hauling the fill may have of the roadways. Weight limits may be appropriate.
- 5) Hours of proposed operations including the time of day and what days of the week. The DRB may limit both depending on location and how surrounding uses may be affected.

**In any case and regardless of the amount of fill:**

- 1) No existing **drainage ways or swales** that are an integral part of a drainage system, year-round or seasonal, shall be filled in any way.
- 2) When filling or grading on a parcel, unless it is below grade of a **town highway**, provisions for a ditch or swale that allows runoff from both the highway and the parcel shall be made. Such a ditch or swale shall be sufficient to accomplish the goal of preventing water from remaining on or entering onto the highway. Said swale shall be constructed in accordance with industry standards and so that it will not erode.
- 3) The filling of land shall not have a negative impact on the rights of others when those rights are secured by **easements or rights-of-ways** on the land subject to the filling. Filling in an area subject to an easement or right-of-way shall require site plan review and approval by the Development Review Board under site plan review criteria. The intent of this requirement is to ensure that the rights of others to use the easement or right-of-way for what was intended is not altered which shall include but is not limited to the use as ingress and egress and access to underground uses such as utilities.
- 4) In all cases the filling of land shall have the effect of **zero increase in runoff** on abutting properties and shall not cause significant alteration in contours as it relates to abutting properties.
- 5) If any of the preceding restrictions cannot be adhered to, then site plan review and approval by the Development Review Board is required.

**The following materials may be used for fill:** Loam, soil, rock, stone, gravel, sand, cinders, and other solid materials including concrete, whether reinforced or not may be used as fill. Wood or anything considered hazardous to the environment, including tires, may not be used as fill.

**Temporary storage of fill** is allowed for non-commercial purposes for distribution on the lot in accordance with above but shall not be stored within the setback without properly installed and maintained erosion control measures, must be used on site, shall not be stored for more than 1 calendar year, and shall not be stored within 50' of a waterway that is an integral part of a drainage system or wetland unless approved by the Development Review Board.

**Regardless of the purpose of the fill** and what the site review requirements are, all fill that involves the potential for movement from one place to another if not properly secured shall have appropriate erosion control measures taken to ensure that sedimentation problems for surface water do not exist. Additionally, appropriate actions shall be taken to control dust that may impact air quality in the area.

### **Sec. 3.14 AGRICULTURAL USES**

The use of land for agricultural purposes shall be allowed by right, no permit necessary in all zones. This does not necessarily exempt a structure associated with the use exempt from zoning compliance. The exception is that a “farm” does have some exemptions

A “farm” is defined by the Agency of Agriculture, Food and Markets (AAFM) and is exempt from municipal zoning if Required Agricultural Practices (RAP) are being followed in accordance with AAFM. Agricultural uses, where animals are involved, are not exempt from Barre Town’s animal nuisance control ordinance.

“Farm structures” are exempt from the zoning compliance if said structure(s) is(are) being used in conjunction with a farm. This exemption does not apply to building setback as noted in Article 2, table 2.2 (accessory setback) and still requires that the farmer notify the zoning office, on a form supplied by the zoning office, that a farm structure is being erected.

### **Sec. 3.15 ACCESSORY ON FARM BUSINESSES**

An accessory on Farm Business (AOFB) is an activity that is accessory to a farm (as defined by the Agency of Agriculture, Food and Markets), is exempt from municipal zoning in accordance with 24 V.S.A. § 4412 (11), and comprised of the following:

- a. The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.
- b. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both in accordance with 24 V.S.A. § 4412 (11) (i) (II).

### **Sec. 3.16 CANNABIS ESTABLISHMENTS**

Cannabis Establishments are regulated by the Vermont Cannabis Control Board (7 V.S.A § 843) and are defined within as defined in Article 8 in accordance with 7 V.S.A. Chapter 33 § 861. Cannabis Establishments are regulated to the same extent other businesses are regulated herein under authority of 24 V.S.A. § 4414. Retailers are only allowed if the Town of Barre votes to opt-in to host retail cannabis establishments.

### **Sec. 3.17 OUTDOOR LIGHTING**

All lighting, whether for commercial, industrial, or private use, for the purpose of providing security or otherwise, shall be shielded or pointed in a way to direct the lighting downward and not directly towards abutting properties and/or traveled ways.

## **Article 4 SPECIFIC USE STANDARDS**

### **Sec. 4.1 APPLICABILITY**

This section of the Bylaw is enacted to establish bylaws for specific uses that are allowed or not allowed within the limits of the Town of Barre. These uses must meet the requirements and standards outlined in this section of the Bylaw for consideration as permitted uses within their respective zones after approval by the Development Review Board (DRB). This section is enacted in accordance with 24 V.S.A. § 4411(a)(1), which allows the municipality to create and enforce bylaws that permit, prohibit, restrict, regulate, and determine land development, including the specific uses of land.

### **Sec. 4.2 ACCESSORY DWELLING**

Accessory dwellings are allowed in accordance with 24 V.S.A. § 4412(1) (E) and (F) and further defined in Article 8 of this Bylaw. If the primary dwelling is on municipal sewer an additional sewer unit must be obtained for the accessory dwelling, water will be based on usage. If the primary dwelling is using an on-site septic system, certification from a qualified/certified engineer that the system is capable of handling the additional flow will be necessary, and an amended State wastewater permit is likely needed. An upgrade to the system may be required. The onsite water supply shall also be adequate to serve both dwellings.

Accessory dwellings require zoning review by submission of a Change of Use Permit.

Accessory dwellings are allowed in any zone where single-family dwellings are allowed such as Conservation, Very High Density, High Density, Medium Density, Low Density, and East Barre Commercial.

### **Sec. 4.3 ADAPTIVE RE-USE OF AGRICULTURAL STRUCTURES**

For the purposes of this Bylaw, this section refers to the adaptation of existing agricultural structures for use as commercial storage in zones where such use may not otherwise be allowed.

All proposed rehabilitation and adaptive re-use of agricultural structures is subject to site plan review and approval by the DRB in accordance with Article 5, sec. 5.6 of this Bylaw.

The Zoning Administrator shall determine whether the application falls under the classification of minor or major development as outlined in Article 5, sec 5.6 (A)

### **Sec. 4.4 CAMPERS/RECREATIONAL VEHICLES**

For the purposes of this Bylaw, campers and recreational vehicles (RV's) are hereby defined as temporary dwellings subject to the permitting provisions of this Sec. of the Bylaw. Such temporary dwellings are those not generally located on a lot year-round as a primary or secondary residence, and which could reasonably be towed or driven off the lot. The definition of a temporary dwelling does not include the storage of such vehicles on a property for personal or commercial use as storage units which is defined in Article 3, Sec. 3.8 of this Bylaw.

Campers and RV's are allowed as a temporary residence with permission of the landowner on all residential use properties for up to 14 days without a Conditional Use Permit.

Any residency lasting longer than the 14-day period requires a Conditional Use Permit as approved by the DRB. A three-day grace period will be allowed and the applicant must initiate the permitting process on or before the 14<sup>th</sup> day in order to comply with this provision. The applicant must file their application in the zoning office and pay all applicable fees. The applicant is also required to attend the DRB hearing where the permit will be considered. Conditional Use Permit and review provisions are located in Article 5, Sec. 5.5 of this Bylaw. Permits are valid for one-year from the date of issuance.

Residency is allowed from the expiration of the 14-day period until such DRB hearing only if the permit process has been initiated in the time prescribed above. If the application is denied, the camper or RV must be removed within 5 days from the lot.

If no approved on-site disposal method is available, a condition of the conditional use permit, if granted by the DRB, shall be that the owners/occupants of a camper or recreational vehicle must dispose of their wastewater at least once a week, more often, if necessary, at an approved wastewater disposal facility (such as a municipal treatment plant or a commercial campground with such capabilities). The applicant must comply with the provisions of this paragraph while waiting for the DRB hearing.

#### **Sec. 4.5 CAMPGROUND**

A campground is fully defined in Article 8 of this Bylaw as a commercial use of land for the temporary accommodation of campers, tents, cabins and/or recreational vehicles used for sleeping and cooking. A campground is a permitted use in all zones except industrial and earth resource extraction zones.

Land development for the proposed purpose of constructing a new campground or expanding an existing one shall be subject to site plan review and approval as defined in Article 5, Sec. 5.6 of this bylaw. The Zoning Administrator shall determine whether the application falls under the classification of a minor or major development in accordance with Article 5, Sec. 5.6 (A) of this Bylaw.

A permitted campground must provide an adequate and safe water supply, as well as adequate access to wastewater or other sanitary facilities (i.e. composting toilets, septic systems, municipal system, etc.). Owners/operators of said campground shall provide waste disposal and recycling services.

Each camping space shall be individually defined and have its own access except in campgrounds or areas of campgrounds which are for tents only and used for low-impact (Leave no Trace) camping. No camping space shall be closer than 50 feet to either a public street/road right-of-way or property line.

#### **Sec. 4.6 CONTRACTOR'S YARD**

A contractor's yard is defined as the yard of any contractor where equipment and materials are stored or where a contractor performs shop or assembly work. It does not include any other yard or establishment otherwise defined or classified in this Bylaw nor does it include the storage of materials at the site of an allowed home-based industry as defined in Article 4, Sec. 4.12 of this Bylaw.

A contractor is hereby as any person, firm, association, syndicate, partnership, or corporation engaged in the business of accepting orders or contracts, either as a contractor or subcontractor, for construction of residential dwellings, commercial or industrial structures and/or infrastructure including, but not limited to other structures, roads, driveways water and sewer service.

A contractor's yard is an area of any size needed for the storage of equipment or materials essential to the operation of a contractor. Any proposed changes to an existing contractor's yard, or the creation of a new contractor's yard, is subject to site plan review and approval by the DRB as outlined in Article 5 Sec. 5.6 of this Bylaw. Pursuant to the site plan review process, the DRB may attach any conditions in deems necessary to the approval of a permit, such as adequate screening or fencing.

A contractor's yard is a permitted use in the Industrial, Highway Commercial, Office Building Retail, and Earth Resource Extraction zones, and a conditional use in East Barre Commercial.

#### **Sec. 4.7 DAY CARE FACILITY**

Day care facilities are fully defined and separated in Article 8, Sec. 8.0 of this Bylaw into two categories: (Commercial) a day care facility outside of/separate from the primary residence of the caregiver(s), and (Home) a day care facility operated from the primary residence of the caregiver(s).

In accordance with 24 V.S.A. § 4412(5), a state-licensed or registered day care facility serving six or fewer children shall be considered as a permitted single-family residential use of property and is thereby exempt from site plan review. All other state-licensed or registered facilities serving more than six children whether Commercial or Home shall be subject to site plan review and approval as outlined in Article 5, Sec. 5.6 (5) of this bylaw.

Home Day Care facilities are permitted uses in all zones, with the following exceptions: Industrial, Earth Resource, Office/Business, and Office/Retail unless the residential use is considered pre-existing. Home and Commercial Day Care facilities are permitted uses in the Highway Commercial zone. Commercial Day Care facilities are conditional uses in the following zones: very high-density residential, high-density residential, medium density residential, low density residential, East Barre Commercial.

#### **Sec. 4.8 ELDERLY/DISABLED HOUSING COMPLEX**

A complex for the elderly or disabled is fully defined in Article Sec. 8.0 of this Bylaw as a multiple-unit housing complex exclusively occupied by elderly residents and/or those with disabilities.

The principal resident of any individual dwelling unit within an elderly housing complex must be at least 60 years of age. No more than two individuals under the age of 60 may live with the principal resident in a dwelling unit within an elderly housing complex.

For the purposes of this Bylaw, an individual will be considered as disabled should he or she meet the definition of disabled as established in 9 V.S.A. § 4501.

All housing complexes other than those given special consideration in state statute shall each be considered a Planned Unit Developments (PUD) and subject review and approval under Article 6 as well as site plan review and approval as outlined in Article 5 of this Bylaw.

Proposed land development shall be considered as a complex if it shall contain three or more individual dwelling units and serve only a designated segment of the Barre Town population, such as the elderly or disabled.

All elderly and/or disabled housing complexes must also fulfill the parking requirements established in Article 2, Sec. 3.11 (h) of this bylaw unless otherwise determined by the DRB.

Elderly/disabled housing complexes are allowed as conditional uses in the following zones: highway commercial, high-density residential, medium-density residential and low-density residential.

#### **Sec. 4.9 EXTRACTION AND QUARRYING**

The definition of extraction and quarrying includes, but is not limited to, granite quarrying, sand, and gravel pit operations.

Any proposed land development for the removal, refinement and/or processing of topsoil, sand, gravel, stone, or other aggregate resources or minerals, including the construction or expansion of accessory buildings and structures and that disturbs at least one-half (1/2) acre of land is subject to review and approval based on the criteria established in Article 5, Sec. 5.6 of this Bylaw and the conditions and procedures outlined in this section of the bylaw.

An application for proposed land development that disturbs at least one-half (1/2) acre of land for the purposes of extracting earthen materials shall be considered an application for major site plan review.

In addition to the criteria in Article 5, Sec. 5.6 the DRB may require the applicant to submit additional information about the proposed land development, such as:

- The estimated depth of the proposed excavation;
- The distance from the outer edge of the excavated area to any and all adjacent properties and roads;
- The effect anticipated by any noise, dust, and vibration;
- A plan for addressing issues related to erosion and runoff;
- The effect anticipated on traffic in the area(s) leading to and from the site of the proposed land development;
- A plan addressing reclamation and rehabilitation of the quarried/excavated areas, or a plan outlining fencing, signage, or other security measures where reclamation and rehabilitation are not options; and
- Other criteria not covered in this section or in the site plan review criteria listed in Article 5, Sec. 5.6 of this bylaw and which is deemed necessary for consideration by the DRB in their review of a specific land development proposal.

In addition to the review criteria listed above, the DRB may also establish the following conditions for permit approval:

- Hours and days-of-the-week in which the operation will be permitted;
- Routes of transportation taken by trucks or other heavy equipment in order to transport materials and machinery to and from the site;
- Safety measures considered necessary and appropriate to secure the site when it is not in operation and/or not staffed;
- The length of time for which the use is allowed, and
- Provisions for reclamation of the site when closed.

The proposed use of land for extraction of earth resources is allowed in all zones. Granite quarrying is only allowed in the Earth Resource Extraction Zone as a conditional use.

#### **Sec. 4.10 FRATERNAL OR CHARITABLE ORGANIZATIONS**

Any land development, when proposed for use by a Club, Lodge, or Union Hall as fully defined in Article 8 of this bylaw, or for use by a charitable organization, shall require site plan review and approval from the DRB in accordance with Article 5, Sec. 5.6 of this bylaw.

Examples of land development include, but are not limited to, the construction of or addition to a building for gathering the organizations members and/or providing office space for employees of said organization.

Clubs, Lodges, and Union Halls and charitable organizations are permitted uses in the office/retail and highway commercial zones and as a conditional use in low density and medium density residential zones.

#### **Sec. 4.11 HOME OCCUPATIONS**

A home occupation is fully defined in Article 8.0 of this bylaw as an occupation carried on by the full-time resident(s) of the premises and is permitted in all zones that allow residential use or where the residential use is pre-existing non-conforming. Home occupations require a Home Occupation permit in accordance with Article 7, Sec. 7.6 of this bylaw and, such occupation are protected by 24 V.S.A. § 4412(4) if the occupation is customary in residential areas and does not have an undue adverse effect upon the character of the neighborhood in which it is located. Permits must meet the following criteria:

- The principal operator of the business or industry shall be a full-time resident of the dwelling;
- No more than two people who are not full-time residents of the dwelling shall be employed by the business and work from or at the location of the dwelling;
- All proposed signage must be approved by the DRB in accordance with Sec. 7.5 of this bylaw.

#### **Sec. 4.12 HOME BASED BUSINESS/HOME INDUSTRY**

This section is intended for business and industry as fully defined in Article 8 in which the occupation is customarily performed off premises. Such uses may have employees but none of them shall work at the home other than those who reside there on a full-time basis.

If equipment, materials, or employee vehicles are stored outside, site plan approval is required. Further, any outside storage of material, vehicles and equipment associated with a Home-Based Business or Home Industry shall be screened from all roads and/or abutting properties. Screening shall be solid, either vegetated or otherwise, and at least 6' in height so as to accomplish the intended goal of restricting views from at grade abutting properties. The type of screening shall be determined by the DRB as part of site plan review/approval.

Exempt from this requirement of screening shall be personal vehicles driven on a regular basis by the resident and on which advertising may be displayed as well as personal equipment not associated with the business. Home occupations or outside play equipment associated with an allowed or permitted use are not included in this provision of screening.

Business or occupations customarily intended to be included within this definition include but are not limited to:

- Plumbing, heating, air-conditioning work
- Painting Contractors
- Electricians
- Masonry and stonework work
- Carpentry work
- Roofing, siding, sheet metal work
- Glasswork

#### **Sec. 4.13 PLANNED INDUSTRIAL PARK**

The purpose of a Planned Industrial Park is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of the land and to facilitate a unique, dense, industrially developed area with adequate protection of abutting properties.

A Planned Industrial Park is subject to approval of the DRB following site plan review as outlined in Article 5, Sec. 5.6 of this Bylaw. The DRB may subject any proposed new industrial park or expansion of an existing industrial park to all conditions deemed necessary and prudent. Planned Industrial Parks are not specifically intended to be Planned Unit Developments. However, they could be if desired but would then also be subject to Article 6 provisions in addition to those stated here.

There shall be permitted within such a designated industrial park only such uses as are permitted in an Industrial zone.

##### **(A) GENERAL REQUIREMENTS OF A PLANNED INDUSTRIAL PARK:**

1. Lot Areas – any tract of land to be considered for an industrial park shall be a minimum of 25 acres and must be located within an Industrial zone. All individual lots inside the park shall be a minimum of 40,000 square feet with a minimum of 200 feet of frontage on a Town highway within the park.
2. Water and Sewer – any tract of land to be considered for an industrial park shall be served by municipal water and sewer.

3. Setback Minimums – the setback minimums are as follows:
  - a. Buildings – 100 feet from Residential zone lines, 50 feet from right-of-way line on a principal street separating the industrial park from another zone, 25 feet from street right-of-way line on streets within the industrial park, 20 feet from side and rear lot lines within the park.
  - b. Parking – 100 feet from Residential zone lines, 25 feet from street right-of-way line, and 10 feet from side and rear lot lines within the park.
4. Building Height – the maximum allowed building height is 40 feet.
5. Lot Coverage – the maximum lot coverage shall be no more than fifty-percent (50%) of the entire lot. Lot coverage shall include parking and access areas.
6. Parking Requirements – the requirements for parking areas are as follows:
  - a. Each space shall be at least 10 ft x 20 ft in size;
  - b. There shall be least one parking space for every three employees at peak employment per shift;
  - c. All vehicle parking is restricted to off-street parking;
  - d. Parking areas shall be graded so as to drain off surface water;
  - e. Where a parking area is not otherwise screened from adjacent residential properties, there shall be installed a solid screen not less than six feet in height using evergreen shrubs, all-metal industrial-type of galvanized or non-ferrous material, wood, plastic, or other materials approved by the DRB;
  - f. Lights shall be used to illuminate parking areas and shall be arranged to reflect lighting away from adjacent premises and the street;
  - g. Areas for parking, maneuvering, and unloading trucks shall be provided in addition to spaces provided for employee parking;
  - h. When loading docks are on the street side of a building, whether the street is a principal street or an access road, sufficient space must be provided to keep trucks from blocking roads or sidewalks; and
  - i. Adequate visitor or transit employee parking space shall be provided in keeping with the nature of the anticipated use of the site.
7. Utilities serving the buildings – all proposed buildings in an industrial park shall comply with the following regulations:
  - a. Primary lines may be constructed overhead or underground;
  - b. Secondary lines shall be constructed underground unless not economically feasible due to topography or specifically approved by the DRB;
  - c. Storage containers for fuel oil, gas, or other bulk fluids may be installed underground in accordance with other applicable state and federal laws. If installation is above-ground, landscaping must be in accordance with the DRB's direction;
  - d. Water and sewer lines shall be installed in accordance with Town specifications; and
  - e. Roads shall be installed in accordance with Town specifications;
8. Signs – all signs for the industrial park shall be installed using the following guidelines:
  - a. All flashing and/or signs with moving parts are prohibited;
  - b. Park entrance signs shall make provisions to identify the park and each tenant within the park, but in no instance shall the sign exceed the requirements of Article 7, Sec. 7.15 of this Bylaw;
  - c. All signs shall be erected within three years of the date of approval of the project unless otherwise approved by the DRB;
  - d. On-premises signage shall be two feet high by eight feet wide at a height of four feet from the ground to the bottom of the sign; and
  - e. On-premises signage shall be located fifteen feet from the street line right-of-way facing a street within the industrial park and adjacent to the front entrance or other acceptable location as approved by the DRB.
9. Access to all lots in the Industrial Park must be on streets within said park, unless otherwise allowed by the DRB.
10. General requirements include any other requirements as specified by the DRB during the site plan review process established in Article 5 of this bylaw.

#### **Sec. 4.14 MIXED USE**

Mixed-use land development, for the purposes of this bylaw, is defined as planned development featuring a dense mixture of multiple uses.

A mixed-use land development project shall contain, for example, some combination of residential, retail, service, professional, and restaurant uses, with the goal of establishing or enhancing cohesive areas of development in Barre Town. A mixed-use development is not specifically intended to be a Planned Unit Development but could be if desired by a developer. If a PUD is proposed, approval of a mixed use would also be subject to the provisions of Article 6 in addition to those stated here.

Mixed-use land development proposals and projects are subject to site plan review and approval by the DRB as outlined in Article 5.6 of this bylaw. In addition, due to the status of mixed-use development as a conditional use in its allowed zones, a conditional use permit is required. Conditional use permitting is outlined in Sec. 5.5 of this bylaw

One example of mixed-use land development may be a building, or series of buildings, with the following tenant composition:

- 1<sup>st</sup> Floor = 50% Retail, 50% Social service provision
- 2<sup>nd</sup> Floor = Professional offices
- 3<sup>rd</sup> Floor = Residential

The above example is one of many potential mixed-use projects. Each building in a mixed-use project shall include multiple uses.

Mixed-use land development that includes a proposal for more than one building may be subject to the following criteria/conditions, in addition to the site plan review criteria in Article 5.6 of this bylaw:

- A plan and/or design for the flow of traffic, both pedestrian and automotive.
- Plantings, screenings, and other green space-oriented requirements as establish by the DRB.
- Restricted hours of operation for the non-residential uses.
- Measures designed for the protection of natural and historical resources and landmarks.
- Consistency with the character of the area as defined by the surrounding properties.

Mixed-use land development is allowed as a conditional use in the following zones: Highway Commercial, Office Building Business, Office Building Retail, and East Barre Commercial.

#### **Sec. 4.15 MOBILE HOME PARK**

A mobile home park is defined in Article 8.0 of this Bylaw as a parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes.

All proposed new construction and/or expansion of existing mobile home parks within the Town of Barre shall comply with the provisions of 10 V.S.A. Chapter 153 and this bylaw.

Any proposed land development for the purpose of constructing a new or expanding an existing mobile home park is subject to:

- a) Conditional use review and approval due to the categorization of such land development as a conditional use in zones where allowed. Conditional use review is outlined in Article 5, Sec. 5.5 of this Bylaw, and;
- b) Site plan review and approval by the DRB as outlined in Article 5, Sec. 5.6 of this Bylaw, and;
- c) Conditional use review may be done before site plan review or concurrently in accordance with Article 5, Sec. 5.2 of this bylaw.

Nothing in this section of the bylaw pertains to land used solely for the display or storage of mobile homes.

Pursuant to 24 V.S.A. § 4412(1)B., nothing in this bylaw is designed to exclude individual mobile homes from any zone unless all other types of housing is also excluded in that zone.

In accordance with 24 V.S.A. § 4412(1)C, the following conditions apply for new mobile home parks or expansion of existing mobile home parks proposed in the Town of Barre:

- A minimum of 10,000 square feet shall be provided for each mobile home lot inside the mobile home park;
- At least one off-street parking space shall be required per mobile home lot;



- No mobile home shall be situated on a lot closer than 20 feet to another mobile home;
- All structures, which are not physically attached to the mobile home, must be at least 15 feet from another mobile home, except where allowed by the DRB when the DRB has determined there is not cause for concern related to the public's welfare (e.g. fire).

If a mobile home park is a pre-existing nonconformity, the entire mobile home park shall be considered nonconforming. However, individual home lots within the park shall not be considered nonconforming within themselves and shall not be subject to the ramification of discontinuance or abandoned if so for more than 12 months as stipulated in Article 3, Sec. 3.7 (B) of this Bylaw. Replacement of individual mobile homes on an existing site shall be permitted after issuance of proper zoning permits. Conditional use and/or site plan review is not required in the case of replacements. However, all development in the Special Flood hazard Area must be reviewed under Article 5, Sec 5.8.

Zone - Mobile home parks are allowed as conditional uses in the following zones: Highway Commercial, Very High-Density Residential, High-Density Residential, Medium Density Residential and Low Density Residential.

**Sec. 4.16 OPEN-AIR MARKETS**

Open-air markets, long-term, as fully defined in Article 8 of this bylaw are subject to:

- a) Conditional use review and approval by the DRB, and;
- b) Site plan review and approval by the DRB. Both processes are explained in detail in Article 5 of this bylaw.

The construction of a new structure or the expansion of an existing structure at such open-air market is subject to Administrative Review by the Zoning Administrator as established in Article 5, Sec. 5.7, or site plan review by the DRB, both processes more fully outlined in Article 5 of this bylaw.

Examples of open-air markets include, but are not limited to, any retail business where goods are sold outdoors or under an open structure (such as a lean-to or tent). All retail use is allowed on a seasonal, temporary, or limited basis. This use includes any open-air market where booths or spaces are rented or leased to individuals or retailers for the sale of such products as listed in the paragraph below.

Examples of items sold at open-air markets include but are not limited to: vegetables (such as at farmers' markets), artwork, crafts, new and used household items, antiques, and personal effects.

Individual farm stands are exempt from this Bylaw as defined in Article 5, Sec. 5.6 E, Exemptions.

Zone – Open-air markets are allowed in all zones as a conditional use, except Industrial, Conservation, and Earth Resource Extraction.

**Sec. 4.17 PUBLIC FACILITY**

For the purposes of this bylaw, the definition of a public facility shall include, but is not limited to: State or community owned and operated institutions and facilities, public and private schools and other educational institutions certified by the state department of education, churches and other places of worship, public and private hospitals, regional solid waste management facilities certified under 10 V.S.A. Chapter 159, hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

All proposed land development resulting in the construction or expansion of a public facility is subject to review and approval based on the following criteria only, provided that any regulations imposed do not have the effect of interfering with the intended functional use, as established in 24 V.S.A. § 4413(a):

- location
- size and building bulk
- height
- yards
- courts
- setbacks
- density of buildings
- off-street parking and loading facilities
- traffic
- noise
- lighting
- landscaping and screening

In the event a question should arise regarding the status of a proposed facility, such as whether or not the applicant or the proposed structure's use is considered public, the Zoning Administrator shall make the determination.

Public utility power generation plants and transmission facilities are regulated by the Vermont Public Service Board (section 248) and are specifically exempt from this bylaw. This includes transmission lines, solar collectors, and wind towers/generators that are hooked to the power grid.

Zone – Allowed zones for public facilities are varied and are outlined in detail in Article 2 of this bylaw.

#### **Sec. 4.18 SERVICE STATION (Motor Vehicle)**

Motor vehicle service stations as fully defined in Article 8 of this bylaw. Any proposed land development for the new construction, re-adaptation, and/or expansion of an existing motor vehicle station shall be subject to conditional use review and approval as well as site plan review and approval by the DRB. Both processes are outlined in Article 5 of this bylaw and can be done concurrently.

Additionally, the DRB shall also require the application of the following conditions on proposed new, re-adaptation, or expansion of existing motor vehicle stations:

- The lot shall have frontage on a Town road or state highway of at least 125 feet;
- All stored flammable and/or explosive materials, such as gas, oil, lubes, greases, etc.; shall be stored in accordance with State environmental and safety regulations;
- Parts and dismantled vehicles shall be stored inside at all times;
- Pumps and/or other outside service devices shall be located at least 25 feet from all lot lines;
- There shall be no more than two (2) access driveways, and all access driveways shall not exceed 40 feet in width. The DRB may modify this provision to reduce or increase the number of access driveways and/or the required width if it determines that it is necessary or prudent based on safety considerations; and
- Signs shall not be nearer than ten feet to any property line and shall be as approved by the DRB in accordance with Article 7, Sec. 7.5 of this bylaw.

Only local permitting and approval processes are covered in this bylaw. The applicant is responsible for obtaining all necessary permits from appropriate state and/or federal agencies, and for following any guidelines and regulations established by those agencies.

Zone – Office Retail and Highway Commercial.

#### **Sec. 4.19 JUNKYARD/SALVAGE YARD**

Junkyards are fully defined in Article 8 of this bylaw and Salvage yard is fully defined by 24 V.S.A. § 2241(7).

Any proposed land development for the purposes of creating or expanding an area for the purpose of storing automobile and/or general junk is permissible only as approved by the appropriate state agency and the Selectboard.

All such proposals are first required to obtain a) site plan review and approval from the DRB, and b) conditional use review and approval from the DRB. Both processes are established in Article 5 of this bylaw before review by the Selectboard.

Additionally, the DRB may impose specific conditions on any approved permit for this type of land development. Those conditions may include, but are not limited to:

- Minimum distances between the edge of the junkyard/salvage yard area and abutting property lines;
- Consideration of the proposed junkyard/salvage yard's proximity to natural resources such as water supplies;
- Hours of operation;
- Size of the lot allowed for the storage of materials;
- Odors and pest control; and
- Fencing and/or screening requirements.

The applicant must also procure the necessary permits and approval from appropriate state entities, such as the Agency of Transportation as established in 24 V.S.A. Chapter 61, and the Agency of Natural Resources for Act 250 review where applicable.

Zone - Junkyards are allowed as a conditional use in the Industrial zone only.

#### **Sec. 4.20 TELECOMMUNICATIONS FACILITY**

All permit applications for telecommunications facilities shall be made to the Barre Town Selectboard in accordance with the Telecommunications Ordinance of the Town of Barre adopted in 1998. All permits are subject to review based on the criteria listed within that ordinance along with any applicable procedure described within.

The ordinance can be found in the Barre Town Code book, listed as Appendix D – Telecommunications.

#### **Sec. 4.21 TEMPORARY USE/SPECIAL EVENTS**

For regulations relating to Temporary Use/Special Events, refer to the Barre Town Code, Chapter 5, Article III

#### **Sec 4.22 RESIDENTIAL STRUCTURE LIMITS**

Only one residential structure shall be permitted on a lot regardless of the lot size, zone, or road frontage. Except as follows:

- Planned Unit Development (Article 6)
- Mobile Home Parks (Article 3, Section 3.3 (B))
- Accessory Dwellings (Article 4, Section 4.2)
- Single entity owned residential rental housing

## Article 5 DEVELOPMENT REVIEW

### Sec. 5.1 APPLICABILITY

Before issuance of a zoning permit for any land development that requires conditional use approval, site plan approval or flood hazard approval the sections in this article must be followed and approval granted as stipulated for each review. This Article is enacted under the authority of 24 V.S.A. Chapter 117, to protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Barre.

### Sec. 5.2 SEQUENCE AND COORDINATION OF REVIEW

If more than one type of review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently. If a development is before the DRB for conditional use review and is also subject to site plan review, the conditional use review shall be the controlling regulation and the site plan review, while following the criteria listed herein, shall be a specific criteria of the conditional use review.

### Sec. 5.3 FEES

The applicant is responsible for all costs associated with the application process, including the appropriate filing fees, mailing costs (for notification of abutting property owners, etc.), and other materials costs. The applicant is also responsible for any costs incurred by the Town for professional engineering services needed due to the site plan application.

### Sec. 5.4 DECISIONS

Regarding any application, the Development Review Board (DRB) shall render its final decision in writing in accordance with Article 7, Sec. 7.1 of this bylaw. That decision shall indicate either a) **approval of the request** as presented based on the DRB's decision that the proposed plan is in compliance with the letter and spirit of the standards set forth in this bylaw; b) **approval of the request with conditions**; or c) **denial of the request** based on the DRB's decision that the proposed plan is not in compliance with the letter and spirit of the standards set forth in this bylaw.

An approval with conditions is subject to such conditions and/or modifications determined as appropriate by the DRB in order for the proposal to comply with the standards set forth in this bylaw.

A zoning permit shall not be issued if approval, or approval with conditions is not granted for a request applied for as part of this section.

### Sec. 5.5 CONDITIONAL USE REVIEW

No permit shall be issued by the Zoning Administrator for any use, structure, or development which requires a Conditional Use Permit in this bylaw until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings, and attach conditions as provided for in 24 V.S.A. §4414(3), §4460(4), and §4464.

The DRB shall determine that the proposed use, structure, or development conforms to the following general and specific standards and shall not result in an undue adverse effect on any of the following.

#### GENERAL REVIEW STANDARDS FOR CONDITIONAL USE APPROVAL

The following general and specific standards are enabled through 24 V.S.A. § 4414(3)(A) and 4414(3)(B)

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
  - a. Emergency services
  - b. Educational facilities
  - c. Water, sewer, or other municipal utility systems
  - d. Recreational facilities
  - e. Conservation or other designated natural areas
  - f. Solid waste disposal facilities;
2. The character of the area affected as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.
6. Minimum lot size;

7. Distance from adjacent or nearby uses;
8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;
9. Any other standards and factors (as needed) that the bylaw may require;
10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;
11. Loading/unloading facilities.

In issuing a conditional use permit, the DRB may impose reasonable conditions to implement the purpose of this bylaw and to ensure that safeguards are in place for orderly development and protection for the Town and its residents.

## Sec. 5.6 SITE PLAN REVIEW

No permit shall be issued by the Zoning Administrator for any use, structure, or development which requires site plan review and approval until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings, and attach conditions as provided for in 24 V.S.A. §4416.

One hearing shall be held for site plans classified as **minor**, and two hearings shall be held for site plans classified as **major**.

### (A) MAJOR AND MINOR CLASSIFICATION

The applicant shall file one (1) plan for review by the Zoning Administrator to be examined and classified by the Zoning Administrator as either a **major** or **minor** development application using the criteria laid out in this section.

Square footage is figured as gross useable floor area of a structure. Whether a space is unusable shall be determined by the Zoning Administrator and/or the DRB.

1. **Major Classification.** An application for land development is considered **major** if it meets one or more of the criteria listed below:
  - a. **Retail Commercial, Professional Commercial, or Office use:** The proposal includes construction of a new structure, or expansion of an existing structure, which will exceed 2,500 square feet.
  - b. **Hotel, Motel, Bed and Breakfast.**
  - c. **Restaurant use:** The proposal includes construction of a new structure or an expansion of an existing structure that exceeds 2,500 square feet.
  - d. **Industrial use:** the proposal includes construction of a new structure that exceeds 4,000 square feet, or an expansion of an existing structure that will make the overall size of the structure exceed 4,000 square feet.
  - e. **Combined use:** any combination of the above categories which proposed construction exceeds 3,000 square feet.
  - f. **Commercial or Industrial Expansion:** any proposed expansion of an existing structure that increases the overall size to 3,500 square feet.
  - g. **Earth disturbance/Extraction/Quarrying** – Any proposed land development that disturbs at least one-half (1/2) acre of land for the purpose of extracting natural resources or the storage of solid waste. This provision includes any proposed land development that requires a significant amount of fill as determined by the Zoning Administrator.
  - h. Any proposed land development that requires significant additions or changes to any **public utility or facility** – including but not limited to: streets, roads, sidewalks, water, sewer, and storm water control.
  - i. Any proposed land development that has a significant impact on either **traffic patterns or traffic generation** in the areas around the development, and/or would create an added negative impact in an existing heavy traffic area.

**Minor Classification.** All applications for proposed land development that do not meet any of the standards for major classification shall be considered **minor**, and still subject to development review in accordance with 24 V.S.A . Chapter 117, and the criteria listed in Article 5, Sec. 5.5 (5) (h) through (j).

## **B) SITE PLAN REVIEW SUBMITTAL REQUIREMENTS**

For all minor and major applications requiring a site plan review, the applicant must submit ten (10) additional copies of the site plans and any additional documentation required. Site plans must be submitted at least 22 days prior to the hearing scheduled by the DRB. A copy of the application and corresponding documentation shall be kept on file in the Planning and Zoning Department and be made available to the public during regular business hours.

### **1. Minor site plan review applications shall include: (Architectural and/or engineered drawings not required)**

- a. Name and address of the property owner, and the address of the subject property (if address is different from the owner's address).
- b. All property lines, dimensions, easements, right-of-ways, other pertinent legal features, and the source of that information. Sidewalks, streets, or other trails and roadways, if any, shall also be identified. Plans shall be provided on a survey if available.
- c. Setback distances to lot lines of all existing and proposed buildings.
- d. Identification (by name) of adjacent streets, alleys, and public or private property.
- e. Location, size, type, and shape of any structure(s) currently on the site and/or proposed for the site. For proposed structures, architectural drawings showing all sides may be required.
- f. Location of existing and/or proposed parking areas, along with projected or existing traffic movement on-site and off-site and the activities associated with loading and unloading.
- g. Location of any watercourses, wetlands, or other existing natural features on or adjacent to the subject property.
- h. Identification of the scale of the drawing and an indicator showing North.
- i. The zoning district in which the proposed project resides.
- j. Location of any zoning district boundaries within 300 feet of the perimeter of the property.
- k. Existing drainage patterns and any plans to alter that drainage pattern.
- l. Proposed exterior lighting.
- m. Any and all other materials or information deemed necessary by the Zoning Administrator and/or the DRB to determine approval or denial of a site plan.

### **2. Major Site Plan Review submission requirements: (Architectural and/or engineered drawings required)**

- a. All of the requirements (a through m) listed for minor site plan review, together with any additions or changes included below.
- b. The plans must be prepared by either a licensed engineer or architect with a scale of 1" = 20' on standard 24" x 36" sheets and must include any additional written information on an attached 8 1/2" x 11" sheets.
- c. A topographical map for the site with lines at 10-foot intervals.
- d. The uses and locations of abutting lands and the uses of those lands in relation to the site of the proposed land development.
- e. Drawings of existing and proposed structures, including the height, floor area, and size and location of any doors to the exterior. Drawings shall include any anticipated alterations and/or additions.
- f. Drawings for exterior facades shall be included, and all drawings shall be done to scale.
- g. Location of all present and proposed utility systems (sewage/septic, water, telecommunications, fuel storage, on-site mechanical equipment such as HVAC, etc.).
- h. Drainage plans shall include any existing and/or proposed drain lines, retention ponds, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales. The Zoning Administrator and/or the DRB may also request storm run-off calculations for large or environmentally sensitive development proposals. All drainage plans must comply with the regulations of and have permits from the appropriate regulatory state agency. The Town Engineer shall approve and sign off on the plan once it meets his/her satisfaction, and site plan approval shall not be given until then.
- i. Indicate areas within the site and within 50 feet of the site of the proposed land development where soil removal or filling is needed.
- j. Applications for review shall include plans to prevent the pollution of surface or groundwater, erosion of soil during and after construction, and excessive runoff as applicable.
- k. In addition to "f" of the minor site plan submittal requirements, traffic plans for major applications shall also include the number of curb cuts within the footprint of the proposed development site and the number of motor-vehicle trips to and from the site (estimated for daily and peak hour traffic levels).
- l. A landscape plan, which includes all existing natural land features, trees, forest cover, and water sources, plus any proposed changes to these. Plans shall indicate vegetation/plantings used for screening and those used ornamentally.

3. **Waiver of submittal requirements** - the Zoning Administrator may waive site plan submittal requirements for site plans classified as minor if it is determined that they are either not significant or necessary for the review of a given proposal. The Zoning Administrator shall notify the DRB of what has been waived and also the reasons for same before the hearing scheduled for the site plan review.

The DRB may require the applicant to submit any requirements previously waived if it is determined that those items are necessary to make a decision on the permit application.

#### (C) CONCEPTUAL SITE PLAN REVIEW

**Conceptual site plan review:** An applicant may request a conceptual site plan review by the DRB. Submittal for a conceptual review shall include 10 copies of a drawing of the site, with major features (natural and man-made) clearly marked. The conceptual plan shall also include a directional compass (showing North), adjacent streets and parcels (identified by name), and sketches and/or outlines of potential land development. ***Materials accepted for conceptual review will not be carried forward for site plan review. To proceed, the applicant must submit a site plan based on the requirements in Sec. 5.6 (b) of this bylaw.*** The intent of conceptual review of a project is for an informal presentation and discussion and the outcome of those discussions shall in no way bind the DRB or the town to any final decision.

#### (D) ACCEPTANCE AND TRANSMITTAL OF SITE PLAN/APPLICATION FOR REVIEW

After review of the zoning permit application and site plan (to see if the submittal requirements have been met), the Zoning Administrator shall determine if both are complete. Upon that determination, the Administrator shall transmit the application and site plan to the DRB for review at its next available meeting in accordance with the classification of the plan. The Administrator shall certify for the applicant, in writing, that the complete application and site plan have been received. The DRB shall act to approve or deny the site plan within forty-five (45) days of the closure of the final hearing. Failure to act within that period shall be deemed as site plan approval.

#### (E) EXEMPTIONS

The following examples of land development shall be exempt from the site plan approval process:

1. **Residential** - All one-family and two-family dwellings including the expansion thereof.
2. **Agricultural, horticultural, floricultural, and forestry** - Land development for these uses, including outdoor farm stands for retail purposes. No other retail use is allowed without site plan review and approval.
3. **Accessory use and structures** - A use, building, or structure customarily incidental to and located on the same lot as the primary building. This exemption includes, but is not limited to, the construction of residential/private garages, sheds, pools, decks, or similar small-accessory structures.
4. **Home occupations** - Home occupations which are operated by the residents of the premises and which employ not more than two (2) persons who do not live on the premises. The occupation on the premises must clearly
  - a) be the secondary use of the premises and, b) does not change the residential character, create a nuisance, or include the storage of materials in the building.
5. **Temporary structures** - Temporary structures, excluding Camper/Recreation Vehicles, see Sec. 4.4 which shall be in place no longer than two (2) months, such as tents for outdoor events, temporary storage containers, and other similar structures.
6. **Hunting, fishing, and trapping** - as specified under 24 V.S.A §2295 on private or public land. This exemption does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, and the like.
7. **Subdivisions** - The division of land pursuant to Town Subdivision Regulations. This exemption does not include uses that may occupy and subdivided parcel unless specifically exempt here in.
8. **Minor grading and excavation** - As associated with private road and driveway maintenance. Also exempt is
9. extraction, quarrying activities, or the filling of land.
10. **Outdoor recreation** - Trails (i.e. walking, hiking, horseback riding, cross-country skiing, and snowmobile trails) which are not associated with a commercial establishment and where no structures or parking areas.
11. **Utility structures** - 64 sq. ft. or less in size. *Such structures shall also be exempt from permit requirements and setbacks.*
12. **Home day cares** - Those which serve fewer than six (6) children.

**(F) REVIEW STANDARDS FOR SITE PLAN APPROVAL**

The DRB shall conduct site plan review with respect to the criteria below. The DRB may impose appropriate conditions, modifications, and protections where deemed necessary to eliminate or minimize potential problems and/or nuisances:

1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town’s Zoning Bylaw and its most recently adopted Town Plan;
2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regard to entrances and exits for the subject site;
3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;
4. Storm water and drainage to ensure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;
5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;
6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;
7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.
8. The utilization of renewable energy resources;
9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;
10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.

**(G) EXPIRATION OF SITE PLAN APPROVAL**

**Expiration:** Since site plan review is a part of the zoning permit process, a site plan as approved by the DRB is valid for the length of the zoning permit defined in Article 7, Sec. 7.2 of this bylaw. Should an extension be granted for the zoning permit (as allowed in Sec. 7.2), the site plan approval shall also be extended. If the zoning permit expires, then so too does the site plan approval.

**(H) APPEALS**

Refer to article 7, Sec. 7.8

**Sec. 5.7 ADMINISTRATIVE REVIEW**

To qualify for administrative review and approval by the Zoning Administrator any proposed land development, amendments to previously approved new land development, and change-of-use permits must fall within the following set of criteria:

- Single family dwellings
- Multi-Family dwellings (with up to four units and including accessory structures)
- Sandwich and other temporary signs
- Permitted changes-in-use (see Article 3, Sec. 3.3 of this bylaw)
- Accessory structures and buildings with a total floor area of less than 500 square feet
- Additions, which create a total floor area of less than 1,000 square feet.

**Sec. 5.8 FLOOD HAZARD AREA DEVELOPMENT**

**(A) STATUTORY AUTHORIZATION**

To effect the purpose of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established an ordinance for areas of special flood hazard in the Town of Barre, Vermont.



**(B) STATEMENT OF PURPOSE**

It is the purpose of this ordinance to:

1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
2. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
3. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
4. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

**(C) LANDS TO WHICH THESE REGULATIONS APPLY**

These regulations shall apply to all areas in the Town of Barre, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

**(D) DEVELOPMENT PERMIT REQUIRED**

A permit is required for all proposed development in areas of special flood hazard. Conditional use approval by the appropriate municipal panel is required for:

1. New buildings,
2. Substantial improvement of existing buildings, and
3. Development in a floodway

Prior to being permitted by the Zoning Administrator all development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities, and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

**(E) PROCEDURES**

1. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the Zoning Administrator to the State National Flood Insurance Program coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Sec. in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Natural Flood Insurance Program.
3. Applications for proposed development must be accompanied by a Vermont Agency of Natural Resources Project Review Sheet. The Project Review Sheet shall identify all State and Federal agencies from which a permit approval is required for the proposal and shall be filed as a required attachment to the Town permit application. The identified permits, or letter indicating that such permits are not required, shall be submitted to the Zoning Administrator, and attached to the permit before the work can begin.

**(F) BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS**

1. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.

## (G) DEVELOPMENT STANDARDS

### 1. Floodway Areas

- a. Development, or any encroachments, within the regulatory floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
- b. In areas where no regulatory floodway has been designated by the National Flood Insurance Program, development shall not be permitted in the floodway, as determined by Section VI. B., unless a technical evaluation is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- c. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

### 2. Floodway Fringe Areas (i.e. special flood hazard areas outside of the floodway)

#### All Development – All development shall be

- i. Reasonably safe from flooding;
- ii. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- iii. Constructed with materials resistant to flood damage,
- iv. Constructed by methods and practices that minimize flood damage, and
- v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- vi. Adequately drained to reduce exposure to flood hazards;
- vii. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and
- viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

### 3. Residential Development

- a. New construction and existing buildings to be substantially improved that are located in Zones A1-30, and AH shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation. New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
- b. Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
  - i. located outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
  - ii. located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
- c. New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
- d. Residential construction located within Zones AH and AO shall have adequate drainage paths around structure on slopes, to guide floodwater around and away from the proposed structures.

**4. Non-residential Development**

- a. New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as two depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
  - b. Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary, facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
  - d. Non-residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.
5. **Subdivisions:** Subdivision (including manufactured home parks) shall be designed to assure:
- a. Such proposals minimize flood damage within the flood-prone area,
  - b. Public utilities and facilities, such as sewer, gas, electrical, water systems are located and constructed to minimize or eliminate flood damage, and
  - c. Adequate drainage is provided to reduce exposure to flood hazards.
6. **Enclosed Areas Below the Lowest Floor:**
- a. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
  - b. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall
    - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
    - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. **Recreational Vehicles:** Recreational Vehicles placed on sites with special flood hazard areas shall either:
- a. be on the site for fewer than 180 consecutive days,
  - b. be fully licensed and ready for highway use, or
  - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section B. 2. (b).
8. **Accessory Structures:** A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:
- a. Shall not be used for human habitation,
  - b. Shall be designed to have low flood damage potential,
  - c. Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
  - d. Shall be firmly anchored to prevent flotation, and
  - e. Shall have service facilities such as electrical and heating equipment elevated or flood proofed.

9. **Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. **Sanitary Sewage Systems:** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
11. **On-Site Waste Disposal Systems:** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
12. **Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

**(H) DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR**

The zoning administrator shall maintain a record of:

1. All permits issued for development in areas of special flood hazard;
2. The elevation (consistent with the datum of the elevation of the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
3. The elevation (consistent with the datum of the elevation of the NFIP maps for the community) to which buildings have been floodproofed;
4. All floodproofing certifications required under this regulation; and
5. All variance actions, including justification for their issuance.

**(I) VARIANCES TO THE DEVELOPMENT STANDARDS**

Variations may be granted in writing by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469, and § 4424 (E) and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

Any variance issued in the Special Flood Hazard Area will not increase flood heights and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

A copy of such a variance shall be affixed to the deed of the property on file in the municipal clerk's office.

**(J) WARNING OF DISCLAIMER OF LIABILITY**

This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Barre or any town official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made there under.

**(K) VALIDITY AND SEVERABILITY**

If any portion of this ordinance is held unconstitutional or invalid by a competent court, the remainder of this ordinance shall not be affected.

**(L) PRECEDENCE OF ORDINANCE**

The provisions of this ordinance shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall take precedence.

**(M) ENFORCEMENT AND PENALTIES**

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, at his/or her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. § 1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven (7) day notice and opportunity to cure if the alleged offender repeats the violation after the seven (7) day notice period and within the next succeeding twelve months. The seven (7) day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the seven-day opportunity to cure has passed, the Zoning Administrator submits a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address of legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## (N) DEFINITIONS

***Appropriate Municipal Panel*** means a planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.

***Base Flood*** means the flood having a one percent chance of being equaled or exceeded in any given year.

***Base Flood Elevation (BFE)*** the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of base flood, usually in feet, above the ground surface.

***Basement*** means any area of the building having its floor elevation (below ground level) on all sides.

***Common plan of development*** is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

***Development*** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

***Existing manufactured home park or subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

***Expansion to an existing manufactured home park or subdivision*** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***Flood*** means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

***Flood Insurance Rate Map (FIRM)*** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

***Flood Insurance Study*** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

***Floodplain or flood-prone area*** means any land area susceptible to being inundated by water from any source (see definition of "flood").

***Flood proofing*** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floodway, Regulatory** in Town of Barre means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Historic Structure** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

**Legislative Body** means the Selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

**Lowest Floor** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for the use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New construction** means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *state of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**Recreational vehicle or camper** means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily, not for use as a permanent dwelling or a storage unit, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

**Structure** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Violation** means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

## Article 6 PLANNED UNIT DEVELOPMENT (PUD)

### Sec. 6.1 PURPOSE

The purpose of this Article of the bylaw is to allow for the establishment of Planned Unit Developments (PUDs) within zones where such uses are allowed, and to encourage the development of planned residential or industrial/commercial projects that promote efficient and creative use of land; enable and encourage flexibility of design; preserve open spaces where possible; allow for more economical development of unique sites; create aesthetically pleasing developments that maintain the integrity and character of the area in which they are located; and provide more numerous opportunities for housing.

### Sec. 6.2 APPLICABILITY

This Article of the Bylaw is enacted to establish a format and process within the bylaw for treatment of proposed Planned Unit Developments. Application and Consideration of proposed PUD projects shall comply with the process and procedures outlined in this section of the Bylaw. Proposed PUDs are reviewed under the subdivision Ordinance.

### Sec. 6.3 SEQUENCE AND COORDINATION OF REVIEW

**It is advised, but not required,** that the applicant meet with the Zoning Administrator and subsequently the DRB for conceptual review. This will allow the applicant an opportunity to confer about the procedures and information needed for presentation during the formal review process. The Zoning Administrator may place any proposed PUD on the DRB agenda for conceptual review provided that the applicant follows the submittal requirements established in Article 5, Sec.5.6 (C) of this Bylaw. The applicant shall also complete any pertinent forms and pays all applicable fees. ***Materials submitted for conceptual review will not be carried forward for subdivision review.***

Regardless of whether conditional review is requested, all proposed PUD's must receive a preliminary and final review and approval.

### Sec. 6.4 APPLICATION REQUIREMENTS

The applicant shall submit to the Zoning Administrator the documentation and information required for review as outlined in the Barre Town subdivision regulations as established in the most recently adopted Barre Town Code.

### Sec. 6.5 STANDARDS AND REVIEW CRITERIA

#### (A) STANDARDS

##### 1. Development Standards

The DRB may allow for varied residential uses, densities, and intensities within a PUD that do not otherwise correspond with or are not otherwise expressly permitted by the bylaws for the zone in which the proposed PUD is located.

Nevertheless, the following shall apply:

- a. The applicant shall submit a site plan to the DRB showing the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways, off-street parking spaces, and all other physical features. The site plan shall be accompanied by a statement setting forth the nature of all proposed modifications, changes, or supplementations of existing zoning regulations together with such other information as the DRB shall require;
- b. A PUD application may be reviewed and approved with multiple landowners of adjoining parcels as long as the overall development pattern is cohesive and makes for a logical layout in the judgment of the DRB. If multiple owners are involved, each owner shall file his/her own application and subsequently the DRB shall review each application and may choose to approve one and not another.
- c. Any proposed PUD developments except for elderly/disabled housing complexes must have a minimum of five acres of land and shall comply with the following minimum number of dwelling units based on acreage:



Acreage=Number of dwelling units					
5=6	6=7	7=8	8=9	9=10	10=12
11=13	12=14	13=15	14=16	15=18	16=19
17=20	18=21	19=22	20=24		

Follow Same Pattern for Larger Parcels

Units of residential living space may be housed in individual structures or in multi-unit structures. Elderly/disabled housing complexes shall have a minimum of two acres of land and are not restricted to the number of units as in a PUD.

- d. Any proposed PUD developments must comply with Town of Barre Standards for the construction of infrastructure proposed to be taken over by the Town including associated fees for such take over that may exist in accordance with Barre Town Code.
- e. A proposed PUD may be implemented in a phased construction schedule, if approved by the DRB at the time of the first application. A clear master plan showing the general intent of subsequent phases shall be submitted at the first application. Submission of the master plan does not necessarily bind the developer to the exact development as presented on the master plan but should give the DRB a general idea of what the overall PUD will look like. Phasing shall also be considered when it is determined by the DRB that the proposed development will cause an undue burden on the municipal facilities and services.
- f. To qualify for consideration as a PUD:
  - (a) The proposed project shall have municipal water and sewer available for use, and
  - (b) The developed portion (i.e., "coverage area") of the proposed project shall not exceed 75 percent (75%) of the total square footage of ground area within the PUD envelope.
- g. For the purpose of calculating coverage area, the 75 percent figure is defined as the total of all/any buildings, structures, and other impervious surfaces including parking, roadways, walkways, etc. and shall exclude land around the structures as noted in 2. d. below. The applicant shall show, somewhere on the plan, the total square feet of ground area of the PUD and the percentage of square feet of coverage. The Zoning Administrator will verify the total.
- h. Other specific standards:
 

Max building height	30 ft.
Buffer around the outside border of the PUD (except along roadways)	25 ft.
Minimum spacing between buildings	20 ft.
Minimum setback from municipal street	25 ft.

## 2. Open Space Standards

- a. Open space shall be required and shall be not less than 25 percent (25%) of the net ground area of the PUD. Open spaces shall be permanently devoted to conservation, wildlife management, plantings/landscaping, common areas, and recreational uses. Questions concerning what may constitute open space, outside of the items listed above, and shall be clarified by the DRB during the review process.
- b. Open space may also include bodies of water such as ponds, streams, rivers, drainage easements and slopes in excess of 15 percent (15%), if the DRB determines that such areas contribute to the quality and livability of the PUD. Without that determination, such areas shall not be counted towards the 25 percent (25%) open space requirement.
- c. The land area to be considered as open land shall be permanently reserved as such. This area shall be in such condition, size, and shape as to be readily useable for the uses as outlined in a. above. Such land shall be reserved by the following means or equivalent as designated in the acceptance of the PUD by the DRB:

Held in corporate ownership by the owners of the lot or units within the PUD. Membership in said corporation shall be mandatory for all owners of lots or units in the PUD. In the case of such corporate ownership, the developer shall include in the conveyance deed to the owners of the lots or dwelling units, the above membership stipulation, and the stipulation as to the beneficial right in the use of the open land. An endowment fund for the maintenance of the open area, in perpetuity, shall be required as part of the corporate structure.

- d. Land area within 25' of a residential structure shall not be counted as open land.
- e. A timetable to develop any open space proposed for development shall be stipulated during the review and approval process. A satisfactory cash escrow or performance bond, the amount to be determined by the DRB, could also be considered to insure completion of the development of open space.

### **3. Dwelling Unit Density**

Except for an elderly/disabled housing complex, the number of dwelling units permitted for a proposed PUD may not exceed the number of dwelling units that would be allowed if the parcel were subdivided into lots that conformed to zoning regulations for the zone in which the proposed PUD is located except as follows:

Additional dwelling units may be added to a PUD if the development proposal includes percentages of open space exceeding the 25-percent minimum. The number of additional allowable dwelling units shall be based on the scale established below:

- 30% = 1 additional dwelling unit.
- 35% = 2 additional dwelling units
- 40% + = 4 additional dwelling units

The unit density for elderly/disabled housing complexes is only restricted by 2 above (open space) whereas even an elderly/disabled housing complex shall meet the open space requirement.

### **4. Interior Roads and Dwelling Access**

If approved by both the Development Review Board (DRB) and the Selectboard, a developer may request private roads be used within the PUD as long as the private roads are connected to a Town road. Except for width, a private road shall be built to Town road standards. Width shall be determined by Selectboard and agreed to by the DRB. All private roads shall be controlled and maintained by whatever association is created to manage the common land within the PUD.

Driveways to dwellings may be shared at the discretion of the DRB if the shared access limits the overall number of curb-cuts needed in the interest of safety. Use and maintenance of the driveways shall be secured in deed language and or in the form of a separate agreement among the parties sharing the access.

#### **(B) Review Criteria**

1. All proposed PUD projects, including elderly/housing complexes, shall be reviewed using the regulations contained in the Barre Town subdivision ordinance.
2. All proposed PUD projects, including elderly/housing complexes, shall also be considered conditional uses and as such reviewed using the conditional use review criteria outlined in Article 5, Sec. 5.5 of this Bylaw.
3. All proposed PUD projects shall also be reviewed with respect to the following:
  - The efficient, effective, and creative use of land;
  - Open space preservation;
  - The use of/impact on public facilities;
  - Provision of opportunities for housing; and
  - Contribution to the enhancement of the quality of life in the area neighboring the PUD and in Barre Town generally.
  - To help meet current and future State and local energy efficiency goals.

### **Sec. 6. 6 APPEALS**

**Refer to Article 7, Sec. 7.8**

## Article 7 ADMINISTRATION AND ENFORCEMENT

### Sec. 7.1 DEVELOPMENT REVIEW BOARD

#### (A) Establishment

There is hereby established a Development Review Board, hereinafter referred to as the DRB in the Town of Barre, the members of which shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460.

The DRB may also be known as an Appropriate Municipal Panel, as is the Planning Commission and other bodies of the Town of Barre who perform the function of development review. The DRB, as with all appropriate municipal panels, shall elect its own officers and adopt rules of procedure, subject to the ACT and other relevant statutes. Rules of ethics with respect to conflicts of interest shall also be established. The DRB shall conduct meetings in accordance with 24 V.S.A. § 4461.

#### (B) Meetings/Hearings/Warnings

Meetings and Hearings shall be called by the chairperson of the DRB and at such times as the panel shall determine, unless specified otherwise in this Bylaw. All meetings and hearings shall be open to the public with the exception of executive and deliberative sessions. All meetings shall be held in accordance with the provisions of 1 V.S.A. § 310 – 314 (otherwise known as the open meeting law).

DRB hearings for **conditional use review, variances, subdivision, and Zoning Administrator appeals** shall be duly warned and advertised and conducted in full compliance with 24 V.S.A. Chapter 36, Municipal Administrative Procedure Act.

Notice of such **warned hearings** shall be given not less than 15 days prior to the hearing. Notice shall be given in accordance with 24 V.S.A. § 4464 including publication in a local paper, posting in three or more public places within the Town and posting within view from the public right-of-way most nearly adjacent to the property for which the application is made. Said posting shall be by way of a red “H” poster provided by the Planning and Zoning Department. In addition, the applicant(s) and owner(s) of all properties adjoining the property subject to development, which shall include opposite sides of a road, shall be notified using the same time frame. ***Recipients shall be informed that participation is a prerequisite to the right to make a subsequent appeal.***

Other types of hearings for development review by the DRB shall include **site plan review and flood hazard review**. Notice for such warned hearings shall be given not less than seven days prior to the public hearing to be held for such review. Further notice shall also include all other notice requirements of this section. ***Recipients shall be informed that participation is a prerequisite to the right to make a subsequent appeal.***

In any hearing by the DRB, there shall be an opportunity for each person wishing to participate, to achieve status as an “interested person” (see article 8 definition of an “interested person” and/or 24 V.S.A. § 4465). A written record shall be kept of the name, address, and **participation of each person who participated in the hearing.**

**“Participation” in a DRB proceeding shall be defined as** offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

#### (C) Decisions

Decisions of the DRB shall be rendered in accordance with 24 V.S.A. § 4464 within 45 days of adjourning the hearing. Decisions shall be issued in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of those conclusions. All DRB decisions shall be sent to the applicant/appellant by certified mail. The date of the written notification of the decision shall constitute the actual date of the decision. The appeal period begins with that date.

### Sec. 7.2 ZONING PERMITS (BUILDING, CHANGE OF USE, SIGN, HOME OCCUPATION)

No land development may be commenced whether on a temporary or permanent location on the soil within the area affected by this bylaw without issuance of a permit by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except in accordance with this bylaw. A permit is required for all development in the Special Flood Hazard Area (refer to Article 5, Sec. 5.8).

“Land Development” means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, landfill, or the filling of land with dirt or other material for the purpose of changing the contour of the land and any changes in the use of any building or other structure, or land, or extension of use of land. (24 V.S.A. §4304(10)). Note: refer to Article 5, Sec. 5.8 for the definition of development in a Special Flood Hazard Area which may or may not differ from this definition.

**(A) General Exceptions:**

**The following uses and structures are specifically exempted from municipal land use and development regulations by State Statute. In accordance with 24 V.S.A. § 4413, no municipal zoning permit or approval under this Bylaw shall be required for the following except for that all development located in the Special Flood Hazard Area must be reviewed under Article 5, Sec 5.8 :**

1. Required Agricultural Practices (RAP) as defined by the Vermont Agency of Agriculture, Food, and Markets (AAFM) in accordance with 24 V.S.A. § 4413(d)(1) including the construction of farm structures. In accordance with the Act, written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted by the RAP landowner to the Zoning Administrator prior to any construction. Such structures shall meet setback requirements approved by the Secretary of Agriculture, Food, and Market.
2. Accepted management practices (AMPs) for silviculture (forestry) defined by the Commissioner of Forests, Parks and Recreation, in accordance with 24 V.S.A. § 4413(d)(1).
3. Power generation and transmission facilities, which are regulated under 30 V.S.A. § 248 by the Vermont Public Utility Commission . Such facilities shall, however, should conform to policies and objectives specified for such development in the Municipal Plan.
4. Hunting, fishing, and trapping as specified under 24 V.S.A. § 2295 on private or public land. This exception, however, does not include facilities supporting such activities, such as firing ranges or rod and gun clubs. For which for the purposes of this Bylaw, such facilities are defined as outdoor recreation facilities [or other use].

**The following uses and structures have been determined by the town to pose little or no potential impact on surrounding areas or overall pattern of development in the Barre Town or are regulated within a separate bylaw, and as such, are exempted from this bylaw in accordance with 24 V.S.A. § 4446**

5. Subdivisions of land pursuant to Town Subdivision Regulations.
6. Minor grading and excavation associated with road and driveway maintenance. Also exempt is lawn and yard maintenance or such maintenance which is otherwise incidental to an approved use. This specifically does not exempt extraction, quarrying activities, or the filling of land except as noted in Article 3, Sec. 3.13 of this Bylaw.
7. Outdoor recreational trails such as walking, hiking, cross-country skiing, and snowmobile trails which are not associated with a commercial establishment and where no structures or parking areas are required.
8. Accessory structures 64 sq. ft. or less in size are exempt from permit requirements and setbacks but not the requirements of Article 5, Sec. 5.8 when in a flood hazard area.

**(B) APPLICATION REQUIREMENTS**

An application for a zoning permit shall be filed with the Zoning Administrator on form(s) provided by the municipality. The Zoning application shall not be considered complete (as determined by the Zoning Administrator) until such time as all fees are paid, the application is filled out completely, all supporting documents have been submitted, and the title holder to the property has signed the application. If an application is determined to be incomplete, the applicant shall be notified in writing of the incomplete status.

**Permitted uses:** Applications for a permitted use shall include a sketch plan, no smaller than 8.5” x 11” that depicts the following:

1. The dimensions of the lot, including existing property boundaries;
2. The location, footprint and height of existing and proposed structures or additions;
3. The location of existing and proposed accesses (curb-cuts), driveways and parking areas;
4. The location of existing and proposed easements and rights-of-ways;
5. The location of existing and proposed water and wastewater systems, if applicable, and
6. Other such information as required by the Zoning Administrator to determine conformance with this Bylaws.

**Uses subject to Development Review:** For development requiring one or more approvals from the Development Review Board and prior to the issuance of a zoning permit, the application information and fees as required for such approvals shall be submitted concurrently with the application and processed accordingly. The zoning permit shall be placed in a referred status waiting for action by the DRB.

**Flood Hazard Area Approval:** Any application for development within the Flood Hazard Area shall be subject to Article 5, Sec. 5.8, and shall include sufficient copies of the application information as required for referrals outlined in that Article, Sec. 5.8 (E).

### (C) ISSUANCE

A zoning permit shall be issued by the Zoning Administrator only in accordance with this Bylaw, 24 V.S.A. § 4449, and the following provision.

1. **Within thirty (30) days of receipt** of a complete application, including all application materials and fees, the Zoning Administrator shall act in writing to either a) issue a zoning permit, b) deny a zoning permit or, c) refer the application to the Development Review Board and/or, if required of the Zoning Administrator, to the appropriate state agency(ies) for consideration. In accordance with 24 V.S.A. §4448 and 4449, if the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day. *A zoning permit deemed issued under this clause is still subject to posting and appeal.*
2. **No zoning permit shall be issued** by the Zoning Administrator for any use or structure which requires the approval of the Development Review Board or Appropriate Municipal Panel until such approval has been obtained. For permit applications that are required to be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the State, whichever happens first.
3. **Transition Period for Amendments to This Bylaw** - If public notice has been issued by the Legislative Body for their first public hearing on a proposed amendment to this Bylaw, then for a period of 150 days following that notice of public hearing, the Zoning Administrator shall review any new application with regard to compliance with the *proposed amendment* and applicable *existing Bylaws*. If the new Bylaw or amendment to this Bylaw has not been adopted or is rejected by the conclusion of the 150-day period, the permit shall be reviewed under all applicable provisions of this bylaw in accordance with 24 V.S.A. § 4449(d).
4. **Appeal and Notice** - The time for appeal to the issuance of a zoning permit shall be fifteen (15) days from the date of issuance. A zoning permit shall include a statement of the time within which appeals may be taken under Sec. 7.8 of this article.
5. **Posting** - The Zoning Administrator, within three (3) days of the date of issuance of the zoning permit, shall:
  - a) Deliver a copy of the zoning permit to the Assessor;
  - b) Shall post in the municipal office, a copy of the permit for a period of fifteen (15) days from the date of issuance.
  - c) Further, each zoning permit issued by the Zoning Administrator shall be required to have notice of said zoning permit posted in the form of a large red "Z" poster on the parcel subject to the permit. The notice shall be posted in such a manner that said notice is clearly visible from a public right-of-way most nearly adjacent to the subject property.
  - d) Said notices shall remain until such time as the appeal period has expired.
6. **Recording Requirements** - Within 30 days of the issuance of a zoning permit, the Zoning Administrator shall cause the delivery of either the original, a legible copy, or a notice of the permit to the Municipal Clerk for recording in the land records of the Town of Barre generally as provided in 24 V.S.A. § 1154(c) and file a copy in the Municipal Office in a location where all municipal land use permits are kept as required under 24 V.S.A. § 4449(c). The applicant shall be charged the cost of the recording fees.

### (D) AMENDMENTS

A zoning permit (issued by the Zoning Administrator) may be amended within the first six months after the date of issuance. However, the amendment shall require a new warning for the new project, as stipulated in this article, Sec. 7.2(c) 5. This stipulation is intended to allow additional projects to be added to a previously submitted application. An amendment, after the original approved permit is recorded, shall require a new recording and a new fee to be paid by the applicant. If the proposed amendment is so substantial that site plan review is required, the project shall not be eligible for an amendment

### (E) EFFECTIVE DATE

No land development permitted pursuant to this bylaw shall take effect until the time for appeal, fifteen (15) days, has passed. In the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal, by the Appropriate Municipal Panel, and the time for filing the appeal to the Environmental Court has passed without an appeal being taken. If an appeal is filed to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until

the expiration of 15 days after the date of filing to the court, whichever comes first.

**(F) COMMENCEMENT OF LAND DEVELOPMENT**

Land development shall be considered commenced when at least thirty-three percent (33%) of the total projected cost of the project has been reached as determined by the Zoning Administrator.

Land development approved by a zoning permit issued by the Zoning Administrator shall commence within two (2) years of the effective date of said permit. All zoning permits shall be eligible, upon a request in writing from the applicant, for a one time, one year extension of commencement so long as said request was received within six (6) months of expiration of the permit.

**(G) COMPLETION, DETERMINATION**

*(refer also to Sec. 7.7 of this Article for Certificate of Occupancy requirements)*

**1. Building Permit**

Land development approved as part of a Building Permit shall be completed within five (5) years of the effective date of said permit.

A project shall be considered complete for zoning purposes when the footprint of the project is complete and the project is no longer in an unsafe manner such as excavation not covered and/or the project is not secured to the extent that unwanted access is obtainable. In addition, all requirements of other Town regulations applicable to the particular project shall be complete to the satisfaction of the appropriate municipal official. The Zoning Administrator shall make the final determination as to whether a project is complete to the degree that a certificate of occupancy shall be issued.

At the end of five years from the effective date of the permit, if a certificate of occupancy has not been issued or should not be issued, based on the qualifications above, then the project previously permitted shall be in violation of this Bylaw and shall be subject to enforcement according to Sec. 7.11 of this Article. Continued development shall require a new permit be obtained with a new application and review using the zoning Bylaw in effect at the time the new application is submitted.

**2. Change of Use Permit**

A Change of Use Permit shall be considered complete, and a Certificate of Occupancy shall be issued, at such time as the use is operational and all other required Town regulations and permit conditions have been satisfied.

**3. Sign Permit**

A Sign Permit shall be considered complete, and a Certificate of Occupancy shall be issued, when the main support structure is in place so that there is clear indication as to where on the parcel the sign is located. If the sign projects out from the support structure, that part must also be completed.

**4. Home Occupation Permit**

A home occupation permit shall be considered complete, and a Certificate of Occupancy shall be issued, at such time as the use is operational and all other required Town regulations and permit conditions have been satisfied.

**Sec. 7.3 BUILDING PERMITS**

No construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure shall be permitted without a building permit having been duly issued. New uses may also be applied for as part of a building permit. The resulting use in an approved building permit shall deem the use approved.

**(A) Specific Exemptions:**

The following uses and structures have been determined by the town to pose little or no potential impact on surrounding areas or overall pattern of development in the Town of Barre or are regulated within a separate Bylaw and as such, are exempted from this Bylaw in accordance with 24 V.S.A. § 4446.

Exempt items are not required to meet the minimum setback for the zone in which the subject property is located. Said projects shall not encroach on an existing right-of-way or easement, shall not take place in a floodplain without approval under Article 5, Sec 5.8, and shall not cause undue and/or unacceptable storm water runoff onto a Town

road, into the Town storm water system, or onto abutting properties.

1. Exterior alterations which are incidental in nature such as siding, roofing (as long as dimensions are not changing in anyway), windows and doors (as long as setbacks are not affected), chimneys, fencing except as stipulated in Article 3, Sec. 3.4, and retractable awnings.
2. Interior alterations, improvements or repairs which do not result in a change to the exterior (except as noted in 1 above) or a change of use.
3. Incidental entry stairs (excluding decks and porches), which are clearly only intended for ingress and egress into the structure.
4. Any detached accessory structure not intended for human habitation that is 64 square feet or less in size.
5. Small swimming pools (3,500 gallons or less) that are mostly intended for use by children that are easily removed where no ground preparation was necessary for installation, and that are typically removed during the winter months.
6. Replacement of an existing structure or parts thereof where replacement is exactly equivalent to the original location and configuration and where the total square footage is less than 500 sq. ft.
7. Canvas/vinyl (or equivalent) garage/tents where a foundation is not installed and the size is less than 240 sq. ft.
8. Garage sales that meet requirements of other parts of this Bylaw.

**(B) Zoning Administrators Site Plan Discretion:**

The Zoning Administrator may require site plan review and approval by the DRB upon review of a proposed project that would not normally require site plan review as stipulated in Article 5, Sec. 5.6 if in the opinion of the Administrator, said project:

1. May have an impact on municipal services or infrastructure.
2. Creates changes in storm water discharge that may affect Town infrastructure or abutting properties.
3. Requires erosion control measures to mitigate potential impacts on surrounding properties during and after development.
4. Substantially alters existing grade.

**Sec. 7.4 CHANGE OF USE**

A Change of Use permit shall be required when the use of an existing structure or parts thereof, or the use of land is changed from one use to another. Permitting shall follow the requirements as stated previously in this Article. When a change of use is created in conjunction with a building permit as stated in this Article, Sec. 7.3, the use shall be reviewed and approved as part of the approval process for the building permit.

**Sec. 7.5 SIGN PERMITS**

No sign shall be erected, enlarged, or altered (see exemptions below) in anyway without a sign permit having been duly issued. Application for a sign permit shall be made on a form supplied by the Zoning Office.

Signs requiring a permit are those which signal, advertises, or which is used as an outdoor display for the advertising of a property, establishment, enterprise, or other matter.

No sign, other than an official street sign or others approved by the Selectboard shall be erected or maintained within any street right-of-way, nor shall any sign (permitted or otherwise) be placed in such a position as to endanger traffic on a street either by obstructing a clear view or by causing confusion with official street signs or signals. Determination is at the Zoning Administrators (ZA) discretion but as with all decisions of the ZA the decision shall be appealable to the Development Review Board.

**(A) Specific Sign Exemptions**

The following have been determined by the town to pose little or no potential impact on surrounding areas or overall pattern of development in the Town of Barre or are regulated within a separate Bylaw and as such, are exempted from this Bylaw in accordance with 24 V.S.A. § 4446:

1. No permit shall be required for the replacement of an existing sign, the rewording or redesign of a sign, or redesign so long as the overall dimensions of the sign are not altered.
2. Other examples of exempt signs, not inclusive, are: For sale signs or for rent signs, including those used by real estate agencies and signs of a similar nature; Signs advertising a temporary sale, such as a garage sale; Temporary signs displayed by contractors while working on a site; Signs bearing property numbers, post box numbers, names of occupants of the premises, or other identification of premises so long as the sign does not have a commercial or industrial connotation; Flags and insignia of any government, charitable, fraternal, religious, and educational institution; Political signs that are erected prior to an

election and then are immediately taken down after said election.

3. Signs used in conjunction with a business that does not advertise the use of the property so much as a product for sale. Such signs are typically located in windows and shall not exceed four (4) sq. ft in size. Excluded from this exemption are such signs when mounted on the exterior of the building or on a sign post.
4. Signs that direct the flow of on-site traffic and parking.

#### **(B) Specific Sign Limitations**

1. In all residential zones and the conservation zone, no sign shall exceed four (4) sq. ft. in size unless authorized by the Development Review Board and only after holding a public hearing and finding that the character of the neighborhood is not affected.
2. In Commercial, Industrial, and Earth Resource Extraction zones, the following shall apply unless authorized differently by the Development Review Board and only after holding a public hearing and finding that a substantial change in character of the area will not occur:
  - a. If free standing (i.e. not attached to a building) a sign shall not exceed forty-eight (48) sq. ft. in size and shall not exceed thirty (30) feet in height.
  - b. If attached to a building the sign shall not exceed five (5) percent of the area of the building face to which it is attached, have any characters more than four (4) feet in height, or be mounted so that the highest point of the sign or structure projects above the height of the building.
3. The following types of signs shall be prohibited in all zones:
  - a. Flashing signs or signs with moving parts
  - b. String lighting
  - c. Signs that project more than one (1) foot over a walkway or parking area
4. Signs shall be limited to advertising only the use of the premises on which the sign is located.

#### **Sec. 7.6 HOME OCCUPATION PERMIT**

This Bylaw shall not infringe upon the right of any resident to use a minor portion of their dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the area in which the dwelling is located. However, no home occupation shall be allowed until such time as a Home Occupation permit has been duly issued and all other sections of this Article have been satisfied including that, depending on the use, additional sewer allocation may be necessary.

#### **Sec. 7.7 CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy is issued by the Zoning Administrator stating that the proposed use of the structure or land conforms to the requirements of this Bylaw.

The applicant shall submit a notice in writing to the Zoning Office (using the form provided with the zoning permit) signifying that the project approved within the zoning permit is complete and ready for inspection. Upon receipt of such a request, the Zoning Administrator or his/her designee shall inspect said project to ensure compliance with this Bylaw. Said inspection shall take place as soon as can practically be scheduled by the Zoning Office. The applicant must allow at least one week for the inspection to occur.

#### **Sec. 7.8 APPEALS**

##### **(A) Zoning Administrator Actions**

Any *interested person*, as defined in article 8 of this Bylaw and 24 V.S.A. §4465, may appeal a decision or act of the Zoning Administrator so long as the appeal is received within fifteen (15) days of the date of the decision or act by the Zoning Administrator. Such appeal shall be filed with the Secretary of the Development Review Board, or the Municipal Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.



**Notice of appeal** shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

**Within ten (10) days of the filing of a notice of appeal**, the DRB may reject an appeal or request for reconsideration, without hearing, and render a decision which shall include findings of fact, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant. (See 24 V.S.A. §4470)

**Otherwise**, the DRB shall hold a public hearing on the notice of appeal within sixty (60) days of its filing, as required under 24 V.S.A. §4468. The DRB shall give public notice of such hearing as required in this Article, Sec. 7.1 (B) and shall mail a copy of the hearing notice to the appellant not less than fifteen (15) days prior to the hearing date.

In accordance with 24 V.S.A. § 4468, all appeal hearings shall be **open to the public**. The rules of evidence applicable at such hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies in Vermont, and as set forth in 3 V.S.A. § 810. Any *interested person* or body may appear and be heard in person or may be represented by an agent or attorney at the hearing. The hearing may be adjourned from time to time, by the DRB, provided that the date and place of the adjourned hearing shall be announced at the hearing.

A decision on the appeal shall be rendered within forty-five (45) days after the final adjournment of the hearing, as required under 24 V.S.A. §4464(b). The written decision shall be sent by certified mail to the appellant within the 45-day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing. Others may also request copies. In addition, copies of the decision shall also be filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with this Article, Sec. 7.2 (C)(6).

**(B) Development Review Board (DRB) Decisions:**

An *interested person*, as defined in Article 8 of this Bylaw, and 24 V.S.A. § 4465, who has participated in a preceding of the DRB may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a DRB proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Notice of the appeal shall be filed by certified mail to the Environmental Court and by mailing a copy to the Clerk or the Zoning Administrator. In accordance with Vermont Rules for Environmental Court, Chapter 27, Rule 5 (b)(1), appeals must be filed with the clerk of the court within 30 days of the date of the written decision rendered by the DRB.

**Sec. 7.9 VARIANCES**

On an appeal of this bylaw, in which a variance from its provisions is requested for a structure that is not primarily a renewable energy resource structure, the Development Review Board shall grant such variances and render a decision in favor of the applicant, if all the criteria as stated in the Act are found, and that finding is specified in the DRB's decision. (See 24 V.S.A. § 4469.)

In granting variances, the DRB may impose conditions it deems necessary and appropriate under the circumstances to implement the purpose of these regulations and the municipal plan currently in effect.

Variance Criteria, in brief (For a full description of criteria, refer to 24 V.S.A. § 4469(a)1-5):

- A. There are unique physical circumstances or conditions that prevent conformity.
- B. That because conformance cannot be adhered to due to A above, the variance is necessary to enable reasonable use of the property.
- C. The unnecessary hardship was not created by the appellant.
- D. The variance will not alter the essential character of the neighborhood where the property is located.
- E. The variance will represent the minimum variance that will afford relief.

If it can be determined prior to application for a zoning permit that the permit cannot be approved by the Zoning Administrator due to a dimensional shortcoming, the applicant may proceed directly to the Development Review Board for a variance following the guidelines above and having met the requirements in the Act.

## Sec. 7.10 WAIVERS

Waivers are intended to allow the reduction of dimensional requirements in accordance with specific standards as allowed for 24 V.S.A. 4414(8). The primary intent of this provision is to provide relief to lots unduly burdened by zoning requirements adopted after the lots were created. Request for waivers shall be heard by the Development Review Board. Waivers may be considered in the following cases.

1. Structures providing for disability accessibility, fire safety, and other requirements of law;
2. To provide reasonable expansions of existing uses because of limitations on the property due to lot configuration, topography, or structure placement and was in conformance to the Zoning Bylaw in effect at the time.

In all cases the waiver:

- i. Shall be in compliance with the Town plan and State planning goals
- ii. Must not change the overall character of the area in which the project is located
- iii. Shall not exceed 50% of the dimensional standard being waived

The Development Review Board may impose mitigation through design, screening, or other remedies.

## Sec. 7.11 ENFORCEMENT

Violations of this Bylaw shall be considered Civil matters and enforced one of two ways in accordance with 24 V.S.A. § 4451 and 24 V.S.A. 1974a and 1977 et seq. The Zoning Administrator shall decide which method to use to bring enforcement action based on the severity and complexity of the violation.

### (A) 24 V.S.A. § 4451

Any person who violates any part of this Bylaw and which is enforced under this statute shall be fined not more than \$100.00 for each offense. No action shall be brought unless the alleged offender has had at least seven-days warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of this bylaw after the seven-day notice period and within the next succeeding twelve (12) months. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. Fines shall be paid to the Town of Barre.

### (B) Judicial Bureau 24 V.S.A. § 1974a and § 1977

Upon discovery of a violation of this Bylaw, the Zoning Administrator, who shall serve as issuing officer and appearing officer, may choose to enforce the violation through the Judicial Bureau and, as such, shall issue a notice of complaint using the complaint forms provided by the Bureau. The Zoning Administrator shall provide two copies of the complaint to the alleged offender, send one copy to the Judicial Bureau, and shall retain one copy. Information about the Judicial Bureau and the appeal process shall also be given to the alleged offender at the time the complaint is issued.

A violation of this bylaw enforced through the Judicial Bureau, shall receive a civil penalty of \$100.00 with a waiver fee of \$50.00 for the first offense. For the second offense within a six-month period, the fine shall be \$ 150.00 with the wavier fee being \$ 100.00. For each subsequent offense within a six-month period the fine and waiver shall increase by \$50.00. Each day that the violation occurs shall constitute a separate violation of this bylaw. Fines shall be paid to the Town of Barre.

## Sec. 7.12 APPOINTMENT AND AUTHORITY OF THE ZONING ADMINISTRATOR

There is hereby established the position of Zoning Administrator (ZA) also known as the Administrative Officer (AO). The ZA position in Barre Town is filled by appointment of the Town Manager in accordance with Barre Town's charter. The ZA shall have all powers assigned in 24 V.S.A. Chapter 117.

## Article 8 DEFINITIONS

- (A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases, and terms in these regulations shall have their usual, customary meanings.
- (B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:
1. the particular controls the general;
  2. the present tense includes the future tense;
  3. the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board or other applicable body deems otherwise in accordance with these regulations.
  4. the word "structure" includes "building;" and
  5. the word "lot" includes "parcel."
- (C) For the purposes of flood hazard area regulation under Article 5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.
- (D) Any interpretation of words, phrases or terms by the Administrative Officer may be appealed to the Development Review Board under Sec. 7.8. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

### Use Definitions:

#### Residential:

**Bed and Breakfast:** A single family dwelling in which up to 10 rooms are rented on a daily or weekly basis. Distinguished from an inn or hotel in that the owner lives on the property or adjacent project, the use does not change the residential character of the neighborhood, and food service is for guests only.

**Boarding House/ Lodging House:** A building in which rooms are rented with or without meals to three or more, but not exceeding, twenty persons. Furthermore, each boarding house shall have no more than one kitchen facility whether shared or not.

**Convalescent/ Nursing Home:** A place, other than a hospital, which maintains and operates facilities and provides nursing care, for profit or otherwise, accommodating a person or persons, unrelated to the home operator, who are suffering from illness, disease, injury, or infirmity, and require nursing care.

**Dwelling, Accessory:** A dwelling that is a distinct unit, is located within a single-family dwelling, attached to the dwelling, or detached but located on the same parcel, and is clearly subordinate to the primary dwelling, and one of the dwellings is owner occupied. Both dwellings must remain under the same ownership at all times. An accessory dwelling must have facilities and provisions for independent living, including sleeping, food preparation, and sanitation. The accessory dwelling shall not exceed 30% of the total habitable floor space of the primary dwelling or exceed 900 square feet whichever is greater and must have sufficient wastewater capacity.

**Dwelling, Multi-Family:** a building used as the living quarters of three or more families, in separate dwelling units, including but not limited to apartments, flats, and condominiums.

**Dwelling, One-Family (or Single-Family):** A detached building designed for, or occupied, or customarily intended to be occupied solely as a residence by one family.

**Dwelling, Two-Family:** a dwelling occupied by two families in two separate dwelling units (such as a duplex or a house with an apartment).

**Dwelling Unit:** One (1) or more rooms constituting a separate, independent housekeeping unit for permanent occupancy with facilities for sleeping, bathing, and cooking, and which unit may occupy a portion of a structure containing other dwelling units, other uses by right, or a combination of these uses.

**Elderly/Disabled Housing Complex:** A multiple unit-housing complex, which is exclusively occupied by elderly and/ or handicapped persons. For the purpose of this document, elderly shall refer to individuals who are 60 years of age or older.

**Group Home:** A state licensed or registered community care home serving people who are developmentally disabled or physically handicapped. Note that such a home serving eight or fewer people is treated as a single-family residential use under 24 V.S.A 4412

(g) as long as not located within 1,000' of another permitted such home and would not be subject to conditional use review in any zone. For the purposes of this Bylaw, an individual will be considered as disabled should he or she meet the definition of disabled as established in 9 V.S.A.. § 4501.

**Hotel:** A building or group of detached or connected buildings designed or intended to be used primarily for providing sleeping accommodations for travelers, or for seasonal occupancy. Such an establishment is designed so that normal access and egress are controlled from a central point. A hotel is a commercial use.

**Mobile Home Park:** A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Does not include land used solely for display or storage of mobile homes. Refer to V.S.A Title 6201 #2 for further clarification.

**Motel:** A building or group of detached or connected buildings designed or intended to be used primarily for providing sleeping accommodations for travelers, or for seasonal occupancy. An automobile court or tourist court or motor lodge shall be deemed a motel. A motel is a commercial use.

**Shelter:** When used to define a residential structure used for the temporary shelter of individuals or families on a nonprofit basis, it shall follow the guidelines set out for a Boarding House, except that a lower standard of parking requirements may be used

#### **Places of Assembly:**

**Church or Religious Institution:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained, and controlled by a religious body organized to sustain public worship.

**Cinematic Theater (Movieplex)/ Auditorium:** A building used for viewing and showing of cinematic performances or educational lectures.

**Clubs, Lodge and/or Union Hall:** A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship, and not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public, which meets periodically and is limited to members and guest.

**Community Center or Recreational Facility:** A building, together with accessory buildings and uses, used for recreational and cultural activities operated for profit for benefit of the community; shall only have an outdoor public address system or any type of amplified music device by conditional use permit.

**Conference Center, Meeting Hall:** A facility, which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

**Funeral Home:** A building used for preparation of the deceased for burial, for display of the deceased and for ceremonies connected therewith before burial or cremation.

**Health Clinic:** Office building used by state-licensed members of a healing profession, for the diagnosis and outpatient treatment of human ailments.

**Health Club:** A use of land for facilities and/or equipment for athletic training, physical fitness, or sports, in which the participants are paying members of a club.

**Hospital:** An institution providing health services, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Indoor Market, Long-Term:** A building for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts, and small appliances or equipment, or similar goods in small quantities for duration of more than 10 days at a time or less.

**Indoor Market, Temporary:** A building for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts, and small appliances or equipment, or similar goods in small quantities for duration of 10 days at a time or less and not more often than 4 times in a calendar year.

**Open-Air Market, Long-Term:** A use of land for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts, and small appliances or equipment, or similar goods in small quantities for duration of more than 10 days at a time or less.

***Open-Air Market, Temporary:*** A use of land for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts, and small appliances or equipment, or similar goods in small quantities for duration of 10 days at a time or less and not more often than 4 times in a calendar year.

***Opera House/Performing Arts Facility:*** A building used for theatrical performances including the musical and symphonic arts to the dramatic and operatic arts. This includes the storage, training, housing of equipment, props, sets, clothing, and items related to the development of such performances.

***Public Transportation Facility:*** A facility that provides for local and regional transportation.

***Senior Center:*** A use intended for senior citizens (people over the age of 55) as a place to gather for various purposes including but not limited, eating, entertainment, and good fellowship. Nothing shall prohibit the use of a senior center for other similar uses by other demographics, but the primary purpose of the center shall remain for seniors.

***Sports and/or Entertainment Facility:*** Establishments designed, intended, or used primarily for indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Examples include coliseums, arenas, racetracks, and sport stadiums.

### **Government Facilities:**

***Cemetery:*** A use of land for burying the dead, including grave markers, mausoleums and accessory structures normally associated with maintenance of cemeteries.

***Corrections Facility:*** A secured institution under the supervision of the judiciary, correctional departments of any local, state, or federal governments, or any law enforcement agency in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

***Court House:*** A building used for Courts of law and associated office space.

***Emergency Service Facilities:*** A use for the provision of police, fire, emergency medical services, and emergency management.

***Federal, State and County Offices:*** A facility for which the primary use is for the housing of federal, state or county offices.

***Municipal Offices:*** Offices for the operation of a public owned entity.

***Municipal Parks:*** Municipally owned for the provision of recreation for the general public including playgrounds, athletic fields, outdoor ice rinks, gardens, forest nature paths skate parks and swimming pools.

***Postal Office:*** A use of land for the collection, processing and distribution of letters and parcels to and from the general public on a walk-in basis.

***Postal/Parcel Processing Facility:*** A use of land for the receiving, processing, and forwarding of letters and parcels without provision of such services to the general public on a walk-in basis.

***Public Works Garage:*** A garage for the storage of supplies, vehicles, and equipment and for the repair of vehicles and equipment for the operation of public owned rights-of-way, utilities, buildings, and grounds.

***Recycling Center, Long-Term:*** A use of land for the collection, sorting, temporary storage, and shipment of recyclable materials including household waste. Such a center that provides for the storage of such materials must be contained in approved and environmentally accepted methods, which all hazardous waste materials are stored according to federal and state laws and are placarded. Redemption of cans and bottles is allowed as an accessory use. However, a Redemption Center may not be a Recycling Center.

***Recycling Center, Temporary:*** A use of land for the collection, sorting, temporary storage and shipment of recyclable materials including household waste but limited to only two days a week of operation. Such a center that provides for the storage of such

materials must be contained in approved and environmentally accepted methods, which all hazardous waste materials are stored according to federal and state laws and are placarded. Redemption of cans and bottles is excluded as an accessory use.

***Sewer Treatment Plant:*** Any arrangement of devices and structures used for treating sewage.

***Sewage Works:*** All facilities for collecting and pumping sewerage.

**Transfer Station:** Land, and or a building used by a solid waste management facility were municipal solid waste (combined household, commercial, and industrial waste generated in a given area) is collected, aggregated, sorted, stored, and/or processed for the purpose of subsequent transfer to another solid waste management facility for further processing, treatment, transfer or disposal.

**Water Treatment Plant:** Any arrangement of devices and structures used for treating of water for public consumption.

**Water Works:** All facilities for pumping, storing, and dispersing of water.

**Recreational/ Commercial:**

**Athletic Fields:** A commercial use of land for the use of athletic/ sport based competition and practice not limited to but including baseball, soccer, football, softball, track and field, rugby, lacrosse, cricket, and other misc. field/ lawn games.

**Campground:** A commercial use of land for the temporary accommodations of campers, tents, cabins and/or recreational vehicles used for sleeping and cooking which may or may not include hookups for utilities along with associated recreational uses and facilities.

**Campground, Primitive:** A commercial use of land for the temporary accommodations of campers, where campsites would remain undeveloped, campers would provide their own tents and use low-impact camping methods. A campground of this nature will still be subject to other town and state health codes.

**Golf Course:** An area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course includes a clubhouse, maintenance facility, shelters and driving ranges as accessory uses. In addition, non-motorized commercial recreation may also be allowed within this definition.

**Indoor Firearms and/or Archery Range:** A private or commercial use of a building or group of buildings for the discharge of firearms and/ or bows for the purpose of target practice, competition, safety training, and certifications.

**Outdoor Firearms and/or Archery Range:** A private or commercial use of land for the discharge of firearms and/ or bows for the purpose of target practice, competition, safety training, and certifications.

**Outdoor Non-Motorized Recreation:** includes but is not limited to: downhill or cross-country skiing areas and similar commercial facilities. This definition does not include any campground or recreational vehicle park, nor any carnival type amusement park, racetrack, speedway, drag strip or other facility for the racing of motor vehicles, or any uses of a similar nature.

**Recreational Services, Indoor:** A commercial establishment providing indoor sports or recreation by and for participants; excluding, however, community center. Any spectators would be incidental and attend on an irregular basis. This definition includes, but is not limited to:

- Arcades
- Bowling Alley / Centers
- Billiard parlor / Pool Hall
- Dance Studio
- Martial arts studio
- Music studio
- Children's indoor play center
- Archery
- Excluding adult establishments

**Recreational Services, Outdoor:** Commercial establishments engaged in providing outdoor amusement or entertainment services by and for participants. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to:

- Batting cages
- Driving Range
- Go-cart raceway
- Golf-Course, mini
- Tennis, racquetball, and/ or handball club
- Skateboard center
- Archery
- Paintball
- Remote control devices such as airplanes
- Excluding adult establishments

### **Commercial/ Professional:**

***Airport, Commercial:*** Landing fields, aircraft parking and service facilities, passenger and baggage terminals, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, operated by an airport authority or governmental entity.

***Airport, Private:*** A use which maybe accessory in nature to a permitted use or a primary private use for the purpose of providing a single strip of land for use by small propeller driven aircraft.

***ATM Facility:*** A use for housing an Automated Teller Machine for financial transactions.

***ATM Facility, Accessory Use:*** A use for housing an Automated Teller Machine for financial transactions where the use is not the principal use of land.

***Bank/ Credit Union:*** A use for businesses involving financial transactions.

***Healing Profession:*** A state licensed or certified professional such as medical, dental, psychological, psychiatric, chiropractic, dialysis, acupuncture, reflexology, massage therapy, mental health professional, physical and/ or occupational therapy, related medical services, vocational training, placement service and social and recreational activities suitable for disabled adults and children or similar service or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists.

***Laboratory:*** A building or buildings devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

***Licensed Professional Service Office Building:*** A use with a building or group of buildings that the primary use of said building or buildings is a service provided by state licensed or certified professional services consulatory in nature. This use includes in part the healing professions, engineering/ architectural/ surveying, accounting/financial, legal, real estate, insurance. This definition excludes overnight care, animal hospitals, veterinarians, or other similar services. The sale of merchandise is allowed only as an accessory use.

***Office Building:*** Any building or use in which one or more persons are employed in the management or direction of an agency, business, or organization, but excludes businesses with high onsite customer traffic and other uses as defined herein with the exception of engineering, architectural, surveying, and other similar types of businesses.

***Photo Processing Facility:*** A use for the processing of photographic materials, including the provision of service to the general public. Also, an accessory use of land for the collection and return of photographic materials, including the incidental sale of photographic materials, where image processing is performed off the lot.

***Photo studio:*** A use for taking photographs, including provision of such services to the general public.

***Private Park/ Recreational Area:*** a use accessory in nature to a permitted use for the purpose for providing a private open space and or recreational opportunities for the health and wellness of individuals associated with said use.

***Veterinary Clinic/ Animal Hospital:*** The use of buildings and the property on which they are located for the ambulatory needs of animals, such as examinations, shots, minor and major surgery, tests, and all other veterinary services. This use allows for the boarding of animals as an accessory to a permitted use.

### **Commercial/ Retail:**

***Adult Establishment:*** Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonograph records, re-recorded magnetic tape and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewing and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude,” “naked,” “topless,” “bottomless,” “sexy,” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

***Car wash:*** A building or structure for the operation of motor vehicle washing. A car wash can be an accessory use to convenience store/ motor vehicle fuel station, motor vehicle service station, motor vehicle repair (minor) garage, motor vehicle repair (major) garage, motor vehicle dealership, and motor vehicle sales.

***Cannabis Cultivator:*** A person licensed by the Cannabis Control Board under 7 V.S.A. § 861(7) to cultivate, process, package, label, transport, test, and sell cannabis to licensed wholesalers, product manufacturers, retailers, integrated licensees, and dispensaries under 7 V.S.A. §904.

***Cannabis establishment:*** A cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the Vermont Cannabis Control Board to engage in commercial activity in accordance with 7 V.S.A. Chapter 33 § 861.

**Cannabis Product Manufacturer:** A person licensed by the Cannabis Control Board under 7 V.S.A. § 861(10) to: (1) purchase cannabis from a licensed cultivator, wholesalers, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; (2) use cannabis and cannabis products to produce cannabis products; and (3) transport, process, package, and sell cannabis products to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary under 7 V.S.A. §906.

**Cannabis Retailer:** A person licensed by the Cannabis Control Board under 7 V.S.A. § 861(11) to: (1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and (2) transport, possess, and sell cannabis and cannabis products to adults over 21 years of age for consumption off the registered premises under 7 V.S.A. §907.

**Cannabis Testing Laboratory:** A person licensed by the Cannabis Control Board under 7 V.S.A. § 861(12) to acquire, possess, analyze, test, and transport cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public under 7 V.S.A. §908.

**Cannabis Wholesaler:** A person licensed by the Cannabis Control Board under 7 V.S.A. § 861(13) to: (1) purchase cannabis from a licensed cultivator or integrated licensee, and cannabis products from a licensed product manufacturer, integrated licensee, or dispensary; and (2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, or dispensary under 7 V.S.A. §905.

**Convenience Store/ Motor Vehicle Fuel Station:** A retail store in which articles for sale are of primarily food items such as milk, bread, beverages, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and music, house wares, toiletries, stationary, tobacco products and lottery tickets. This includes the preparation and sale of food items. Also, includes the dispensing of motor vehicle fuels, does not include motor vehicle repair.

**Dry Cleaning Drop-Off:** An establishment for drop-off of fabric material for the purpose of dry cleaning of fabric off said premises.

**Dry Cleaning Plant:** A building or structure used primarily for the dry cleaning of fabric materials where such fabric is picked up and delivered by the company and is customarily for bulk commercial use.

**Farm Stand Commercial:** Preparation and sale of agricultural products principally produced on the farm.

**Garden Center:** The use of lands, buildings, or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings, and supplies.

**General Store:** A retail establishment which deals primarily with food and other goods required by residents of the immediate vicinity to meet their day-to-day household needs. This includes the preparation and sales of food on premises.

**Greenhouse, Commercial:** A building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse but are sold directly from such lot at wholesale or retail.

**Grocery Store/Supermarket:** A store in which various kinds of foods are offered or kept for retail sale, including fresh, frozen, prepared, and preserved groceries, meats, poultry, fish, fruit, beverages, garden produce, dairy produce and bakery products; and as an accessory use, goods or merchandise may be kept for retail sale, including hardware, patent medicines, toilet preparations, personal hygiene products, household supplies and magazines. Sales intended for public at large. Other small retail stores such as banks or pharmacies may be allowed by conditional use approved as part of supermarket, providing the entrance to said store is from within said supermarket. Other accessory uses such as eating area or food court would also be allowed.

**Kennels/Animal Shelter:** A place where domestic animals excluding livestock are bred and raised and are sold or kept for sale or boarded. When used to define a refuge established for the temporary care and holding of animals, it shall follow the guidelines set out for Veterinary Clinics.

**Laundromat:** A building or structure where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning. Also, allowed in this use, is the dropping off one's laundry for laundering.

**Laundry Plant:** A building or structure used primarily for the laundering of fabric materials where such fabric is picked up and delivered by the company and is customarily for bulk commercial use.

**Maple Product Dealer:** A person or business, who annually buys, or otherwise acquires from another person, 1,000 gallon of maple syrup or more for purposes of packaging for resale, or for resale in bulk. Dealers are required by state law to obtain a license from the State of Vermont prior to doing business.



**Motor Vehicle Dealership:** A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair (minor) garage, a motor vehicle repair (major) garage, a motor vehicle service station, and a motor vehicle fuel station.

**Motor Vehicle Fuel Station:** One or more pumps, each consisting of one or more motor vehicle fuel pumps, and a shelter, which may include the sale of oils, anti-freeze, gasoline additives, propane, natural gas, and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing. This use will be accepted with conditions.

**Motor Vehicle Repair (major) Garage:** General Repair, rebuilding, or reconditioning of motor vehicle, including heavy equipment. Other allowed uses would include commercial repair. For collision, damage to chassis, painting and motor vehicle detailing.

**Motor Vehicle Repair (minor) Garage:** minor repair incidental replacement of parts, lubrication to passenger automobiles and trucks excluding heavy equipment.

**Motor Vehicle Sales:** A building or place where used motor vehicles are kept for display to sell such motor vehicles as authorized by the State of Vermont.

**Motor Vehicle Service Station:** A premise where the dispensing of motor vehicle fuels at retail or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, anti-freeze, tires, spark-plugs, and other automobile supplies may also be sold incidentally, and motor vehicles may also be oiled, greased, or washed, but where no other activities such as major mechanical and body work, straightening of body parts, painting, and welding.

**Sanitary Landfill:** A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

**Redemption Center:** A building or structure for the return and redemption of beverage containers for the recycling of said containers, any sale of beverages, snacks on premises should be incidental. This may be an accessory use with conditions.

**Retail Store, Small:** A building where goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles, or things, sufficient only to service such store including department stores. 49,999 sq. feet or less. Other small commercial uses may be allowed by conditional use approved as part of (retail store, small), providing the entrance to said store is from within said (retail store, small).

**Retail Store, Large:** A building where goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, and articles sufficient only to service such store including department stores. 50,000 sq. feet or larger. Other small commercial uses may be allowed by conditional use approved as part of (retail store, large), providing the entrance to said store is from within said (retail store, large).

**Restaurant:** An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and as accessory use thereto, may be engaged in providing customers with takeout service of food and beverages for off-site consumption.

**Restaurant, Fast Food:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where items are consumed.

**Industrial:**

**Earth Extractive:** Land including accessory buildings, structures and stationery or mobile equipment used for the removal, refinement, crushing and/or processing of topsoil, sand, gravel, stone or other aggregate resources or minerals. This definition includes but not limited to granite quarrying and sand and gravel pit operations.

**Fuel Storage Tank Farm:** An establishment primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, gas, or similar inflammable products in fuel storage tanks. The limited retailing of such products shall be permitted in association with a Fuel Storage Tank Farm provided such retailing is clearly incidental and secondary to the bulk storage and distribution function.

**Heavy Industry:** includes those uses which have a potential for a burden upon the Town for water supply, sewage disposal, or other municipal services, or which could generate large volumes of traffic or otherwise result in unsafe conditions or unreasonable traffic congestion. This use classification differs from light uses in that it includes uses which require unenclosed structures which can be large, tall, unsightly, or which have severe potential for generation of odor, vibration or other nuisances which could adversely affect the character of neighboring areas, or which may involve large amounts of exterior storage, or which may otherwise have large scale impact.

**Junkyard:** Means any place of outdoor storage or deposit which is maintained, operated, or used in connection with a business for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping four or more junk motor vehicles which are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

**Light Industry:** Includes those industrial uses not defined in this section, which are generally not objectionable because of noise, heavy truck traffic, or fumes. Light industry uses are those, which consist of the production, processing, cleaning, testing, or distribution of materials processing, cleaning, testing, or distribution of materials or goods. Light industry does not involve the substantial use of water in the manufacturing process, or the production of substantial wastes other than from restrooms.

**Public Utility Facility:** The building in which the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility. This building includes water or sewerage pumping station, a water storage reservoir, a gas regulator building, a cable and telephone building for exchange, long distance repeater services.

**Storage, Large:** A building used for storage of household items and seasonal, recreational, or commercial vehicles, boats, trailers, etc.

**Storage, Mini:** A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased for storage of personal goods, materials, and equipment.

#### **Educational Institutes:**

**Adult Day Care Centers:** A building wherein the owner or occupier of that building provides accommodations for adults, for temporary care on a daily basis without overnight accommodations.

**Art Gallery:** A public or private facility which is operated as a repository or a collection of works of individual art pieces not mass-produced consisting of one (1) or more of the following: paintings, drawings, etchings, or sculptures; may include the sale of related objects and services with such sales area limited to no more than ten (10) percent of the floor area.

**College/ University Campus:** A building or campus of buildings with numerous uses accessory in nature to the overall mission of the institution of higher learning.

**College/ University:** An institution of higher learning.

**Commercial School:** A school which provides formal or informal instruction in any subject area for profit or gain, without limiting the generality of the foregoing, dance studio, art school, drama school, music school, modeling school, charm school, school of calisthenics, and secretarial/ business/ or trade school but does not include public or private school or Day Care/ Pre-School/ Nursery School. This maybe an accessory use with conditions.

**Day Care/ Pre-School/ Nursery School (Commercial):** A facility licensed by the State of Vermont to provided daytime care and/ or instructions on a regular basis in a building or facility dedicated to the purpose and in which no overnight accommodations is provided. Private kindergartens and similar uses would be included.

**Day Care/ Pre-School/ Nursery School (Home):** A facility required to be licensed by the State of Vermont to provided daytime care and/ or instructions on a regular basis in a home of said caregiver dedicated to the purpose and in which no overnight accommodations is provided. Private kindergartens and similar uses would be included. Such uses not required to be licensed are exempt from regulation.

**Dormitory/ Residence Hall:** A building in which sleeping units are provided and/ or rented for occupancy by students and/ or staff members affiliated with a college, hospital, private school, religious order, rest home, university, or similar institution, and which is regulated by such institution. A dormitory unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units, which are provided.

**Library/ Research Center:** A quiet place (room or building) where a collection of books or other media are kept for use by the public.

**Museums:** A public or private facility, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, not including the regular sale or distribution of the objects collected. Activities may include the sale of craftwork and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to aquariums, botanical, zoological gardens, science, and nature centers.

**Public or Private School:** Any school certified by the State of Vermont Department of Education offering traditional academic subjects and/or technical and vocational education; includes parochial, private, public, charter schools and vocational/ technical schools (College/ University uses, Day Care/ Pre-School/ Nursery School, and Day Care/ Pre-School/ Nursery School (Home) are provided elsewhere and are not included under this classification.)

## 8.1 Additional definitions

**Accessory Use:** A use, which is customarily incidental and subordinate to the primary use of a lot or parcel of land, is located on the same lot as the primary use and is clearly related to the primary use.

**Accessory Structure:** A structure which is customarily incidental and subordinate to the primary use or structure of a lot or parcel of land, is located on the same lot as the primary structure or use and is clearly related to the primary use.

**Acre:** An acre is 43,560 square feet.

**Alteration:** Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area (see also Improvement, Substantial Improvement).

**Applicant:** The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply in cooperation with the owner of the property.

**Bylaw:** The Town of Barre Zoning Ordinance.

**Conditional Use Permit:** A land use allowed in a specific district(s) with the approval of the Development Review Board in accordance with the requirements of Article 5.

**Curb Cut:** A defined area of vehicular ingress and/or egress between property and an abutting road right-of-way.

**Frontage:** The distance of the portion of a lot line abutting a town or state road.

**Home Occupation:** The use of a dwelling or attached garage for an occupation carried on by the residents of the premises which uses less than 25% of the total square footage of said dwelling or less than 75% of said garage and employs no persons other than other occupants of said dwelling and for which the occupation does not cause an undue adverse effect on the character of the neighborhood and does not change the residential characteristics of said dwelling and whereas said use is secondary. Examples would include: Cosmetology, Accounting/bookkeeping, Computer based business, home bakery.

**Home based business/Home Industry:** The use of a dwelling and/or land and accessory structures by a full-time resident of the dwelling for a business or commercial occupation which is customarily performed off premise and for which said business or occupations use of the building or land is limited to providing office space for and/or storage of material related to said business or occupation.

**Interested Person:** (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

**Pond:** A small body of standing water of more than 4,356 sq. ft., naturally or artificially formed.

**Stream/Brook:** A watercourse having a source and terminus, banks, and channel through which water flows at least periodically at a rate of more than 1.5 cubic feet per second or approx. 673 gallons per minute.

**Personal Agricultural:** The raising of fruits and vegetables for personal consumption, flowers, etc, and the tapping and boiling of maple syrup, unless considered to be or required to be, by state law, a dealer as defined by state statute.

**Primitive Camp:** Is a structure that is constructed for seasonal habitation by humans of no more than 120 days in a given calendar year, is exempt under state wastewater regulations, does not have toilet facilities, is no more than 800 sq. ft. in size and is not supplied electricity from an off-premises sources.