



*Barre City, Vermont*

## **Unified Development Ordinance**

Effective January 7, 2020

**The following public hearings were held regarding this Ordinance (2019-04):**

- Planning Commission public hearing held on January 23, 2019;
- City Council First Reading held on April 2, 2019;
- City Council 2<sup>nd</sup> First Reading held on April 23, 2019;
- Council 3<sup>rd</sup> First Reading held on June 18, 2019;
- Council Second Reading held on June 25, 2019.

This Ordinance was adopted by the City of Barre Council on June 25, 2019 and became effective on July 16, 2019.

This Unified Development Ordinance replaces any and all former Zoning and Subdivision Ordinances in their entirety.

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An Interim Zoning Change Ordinance revision #2019-05, for the correction of language for the number of single family homes on a lot under Section 2005.B(2) was approved by City Council on 7/30/19; Effective on 8/20/19.

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An Interim Zoning Change Ordinance revision #2019-08, for the revision of the zoning map for 2 parcels on Ayers Street from "R-8" to "UC-2", was approved by City Council on 12/17/19; Effective on 01/07/20.

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# **1 GENERAL**

## **100 LEGAL FRAMEWORK**

### **1001 Title**

1001.A This is Barre City's *Unified Development Ordinance* and constitute the city's zoning and subdivision regulations.

### **1002 Authority**

1002.A Barre City has adopted this ordinance in accordance with and as authorized by the *Vermont Municipal and Regional Planning and Development Act*, 24 VSA Chapter 117.

### **1003 Purpose**

1003.A This ordinance implements the goals and policies of the *Barre City Plan* and the *Vermont Municipal and Regional Planning and Development Act*. It is intended to:

- (1) Provide for orderly and coordinated development;
- (2) Ensure that land use and development will not adversely impact public health, safety and welfare;
- (3) Guide land use and development in a manner that is consistent with smart growth principles;
- (4) Promote land use and development that maintains or enhances quality of life and community character;
- (5) Protect natural, cultural and historic resources;
- (6) Allow for residential land uses and development as necessary to meet the housing needs of residents;
- (7) Ensure that there will be safe and adequate vehicular, pedestrian and emergency access to and within development sites;
- (8) Ensure the rate of growth does not exceed the existing capacity of, or the city's ability to adequately provide, public services and facilities; and
- (9) Establish sound development and engineering standards that result in well-constructed projects that do not burden the city with unreasonable costs to build, maintain or repair public infrastructure.

### **1004 Applicability**

1004.A Unless specifically exempted in this ordinance (see [Subpart 100](#)), all development within Barre City requires a zoning permit or subdivision approval issued in accordance with this ordinance.

## **1005 Relationship with Other Laws or Regulations**

- 1005.A If any provision of this ordinance is more restrictive than any other law or regulation, the provision of this ordinance will apply and take precedence.
- 1005.B If any provision of another law, regulation or code is more restrictive than this ordinance, the provision of this ordinance will be superseded and the more restrictive provision will apply.
- 1005.C Proposed development in Barre City is also subject to the city's Buildings and Building Construction Ordinance (Chapter 4 of the City Code) and may require a building permit under that ordinance in addition to a zoning permit and other development approvals under this ordinance. Proposed development may also be subject to other city ordinances such as fire protection, housing, and water and sewer. Applicants are encouraged to contact the Planning, Permitting and Assessing Services Department to determine what city permits and/or licenses will be required.
- 1005.D No provision of this ordinance will be interpreted to prevent Barre City from acting to prevent or eliminate threats to public health, safety and welfare in accordance with other city codes and the authority granted to the municipality by the State of Vermont.

## **1006 Effective Date**

- 1006.A Upon adoption by the Barre City Council, this ordinance and any subsequent amendments will take effect in accordance with the procedures established in the *Barre City Charter* and the *Vermont Municipal and Regional Planning and Development Act*.

## **1007 Amendment or Repeal**

- 1007.A The Barre City Council may amend or repeal this ordinance, in whole or part, at any time in accordance with the procedures established in the *Barre City Charter* and the *Vermont Municipal and Regional Planning and Development Act*.

## **1008 Severability**

- 1008.A If a court of competent jurisdiction invalidates any provisions of this ordinance, that decision will not affect the validity, application or enforcement of the remaining provisions of this ordinance.

## **1009 Disclaimer of Liability**

- 1009.A This ordinance does not create any liability on the part of the city, its officials, agents, employees, or representatives for alleged damages that result from reliance on this ordinance or any lawful administrative action or decision taken under this ordinance.

## **110 EXEMPTIONS AND LIMITATIONS**

### **1101 General Exemptions**

1101.A Landowners do not need to obtain a zoning permit for:

- (1) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure.
- (2) Complete demolition of a structure or part of a structure not located in the Design Review or Historic Structure Overlay District that meets the standards of [Section 3009](#). Partial demolition that poses a threat to public health or safety will be considered a violation subject to the enforcement provisions of this ordinance. See [Section 3009](#) for general standards for demolition and [Subsection 2202.G](#) for standards for demolition of a historic structure.
- (3) Normal maintenance and repair of an existing structure other than a sign (for more information on signs see [Section 3107](#)), including interior alterations to a building, that does not change the:
  - (a) Structure's exterior materials if within the Design Review Overlay District (changes include painting of any unpainted surface and any removal, addition, relocation, resizing or replacement of windows or doors);
  - (b) Structure's exterior dimensions, wastewater generation or use;
  - (c) Amount of floor area associated with an existing non-residential use; or
  - (d) Number of units (residential or non-residential) in the structure.
- (4) Normal maintenance and repair of sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.
- (5) Normal maintenance and repair of essential services.
- (6) Landscaping, grading and excavating associated with:
  - (a) Normal maintenance and repair of streets, driveways, parking areas, sidewalks, walkways, stormwater facilities or essential services (this does not include paving an existing unpaved parking lot or driveway, which does require a zoning permit); and
  - (b) Site improvements that do not result in more than 10 cubic yards of clean soil (as defined in this ordinance) being removed from or brought onto the lot within any calendar year and that do not affect existing drainage patterns on adjacent lots or public rights-of-way.

- (7) Replacement or reconstruction of an existing fence or wall that is in the same location, is constructed of the same material, is substantially the same style or design, and is not higher than the original.
- (8) A new fence or wall on a one- or two-family residential lot not within the Design Review Overlay District that (see [Section 3015](#) for further guidance on fences and wall, including how to measure height):
  - (a) Is not more than 3 feet tall, if functioning as a retaining wall;
  - (b) Is not more than 4½ feet tall, if located in the front yard;
  - (c) Is not more than 6½ feet tall, if located in the side or rear yard;
  - (d) Does not extend into or obstruct a public right-of-way;
  - (e) Does not interfere with corner visibility or sight distance for vehicular traffic;
  - (f) Does not affect existing drainage patterns on adjacent lots or public rights-of-way;
  - (g) Does not pose a safety hazard;
  - (h) Is not designed to inflict physical harm; and
  - (i) Is installed so that any support posts are to the inside and the "finished" or "good" side faces out.
- (9) Snow fences installed no earlier than November 1 and removed no later than May 1.
- (10) A fuel tank on a one- or two-family residential lot not within the Design Review Overlay District that:
  - (a) Holds not more than 500 gallons;
  - (b) Meets applicable setback requirements for the zoning district; and
  - (c) Is sited, installed and secured in accordance with state and federal regulations.
- (11) Any ground-mounted HVAC system, back-up generator or similar mechanical equipment on a one- or two-family residential lot not within the Design Review Overlay District that:
  - (a) Has a footprint that does not exceed 80 square feet;
  - (b) Meets applicable setback requirements for the zoning district; and
  - (c) Is sited, installed and secured in accordance with state and federal requirements.

- (12) An above-ground swimming pool on a one- or two-family residential lot not within the Design Review Overlay District that:
  - (a) Does not exceed a horizontal width of 20 feet in any dimension or a depth of 5 feet;
  - (b) Does not have a permanent foundation;
  - (c) Meets applicable setback requirements for the zoning district; and
  - (d) That is installed and secured to prevent unauthorized access.
- (13) An unroofed patio or deck on a one-or two-family residential lot not within the Design Review Overlay District that:
  - (a) Has a footprint that does not exceed 200 square feet; and
  - (b) Meets applicable setback and lot coverage requirements for the zoning district.
- (14) Wheelchair ramps, uncovered entry stairs, or walkways on a one-or two-family residential lot not within the Design Review Overlay District that do not:
  - (a) Exceed 6 feet in width;
  - (b) Extend into or obstruct a public right-of-way;
  - (c) Interfere with corner visibility or sight distance for vehicular traffic; and
  - (d) Affect existing drainage patterns on adjacent lots or public rights-of-way.
- (15) Not more than 3 accessory structures not otherwise exempted under this section on any one- or two-family residential lot not located within the Design Review Overlay District, each of which:
  - (a) Has a footprint that does not exceed 120 square feet;
  - (b) Is not more than 12 feet tall;
  - (c) Does not have a permanent foundation;
  - (d) Is located at least 5 feet from any other structure;
  - (e) Meets applicable setback requirements for the zoning district; and
  - (f) Is not used as a dwelling unit.
- (16) Outdoor light fixtures on a one- or two-family residential lot not located within the Design Review Overlay District that:

- (a) Have an initial output that does not exceed 3,000 lumens; and
  - (b) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.
- (17) Holiday light displays on a lot that are illuminated for not more than 45 consecutive days and 90 days total in any calendar year.
- (18) Signs listed in [Section 3107](#), and street and traffic control signs.
- (19) A solar energy device that:
- (a) Will be installed on and project not more than 10 feet above the surface of a sloped roof; or
  - (b) Will be installed on a flat roof (any roof with a slope of 5% or less).
- (20) A television antenna, radio antenna, satellite dish or similar device used to provide on- site communication service that:
- (a) Is not more than 15 square feet in area, if a dish antenna;
  - (b) Does not extend more than 12 feet above the roofline, if attached to a building;
  - (c) Does not extend more than 50 feet above the ground, if a freestanding amateur radio antenna (including any support structure);
  - (d) Meets applicable setback requirements for the zoning district;
  - (e) Does not interfere with public safety communications; and
  - (f) Is installed in the least visible location where it can reasonably function.
- (21) An antenna mounted on an existing structure used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes that does not interfere with public safety communications.
- (22) Telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.
- (23) Public art that does not:
- (a) Function as a commercial sign;
  - (b) Extend into or obstruct a public right-of-way unless otherwise approved by the city or state, as applicable;
  - (c) Interfere with corner visibility or sight distance for vehicular traffic;

- (d) Affect existing drainage patterns on adjacent lots or public rights-of-way; and
  - (e) Pose a safety hazard.
- (24) A home occupation that:
- (a) Is located within a dwelling unit;
  - (b) Occupies less than 50% of the habitable floor area of that dwelling;
  - (c) Is carried out by one or more residents of that dwelling;
  - (d) Does not have any non-resident employees working from that dwelling; and
  - (e) Does not have a sign.
- (25) Garage sales, yard sales, tent sales, auctions, festivals or similar activities or special events that do not occur on the lot for longer than 4 consecutive days and for more than 20 days in any calendar year.
- (26) Mobile food service that is not located on a parcel for longer than 4 consecutive days and for more than 20 days in any calendar year.
- (27) Sales of vehicles, equipment or similar used personal or business goods owned by the landowner or tenant that do not occur on the lot for more than 20 days in any calendar year (calculated cumulatively if goods are offered for sale at more than one time during the year) and that are limited to not more than 3 items at any given time if displayed outside.
- (28) Use of public or private land for hunting, fishing or trapping in accordance with state regulations. Any structures with permanent foundations associated with such use and facilities supporting such activities such as firing ranges or rod and gun clubs will require a zoning permit.
- (29) Use of public or private land for noncommercial passive outdoor recreation or gardening (any structures with permanent foundations associated with such use may still require a zoning permit).
- (30) Paths and trails on public land.
- (31) Development within public street rights-of-way that is subject to approval from the city or state as applicable.

## **1102 Development with a Certificate of Public Good**

- 1102.A Landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Service Board.

### **1103 Agriculture and Silviculture**

- 1103.A Landowners do not need to obtain a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. The Zoning Administrator may require a landowner to submit a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice.
- 1103.B Landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:
- (1) Landowners must complete a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.
  - (2) The Zoning Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.
  - (3) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Zoning Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the district.
  - (4) Upon finding that the proposed development qualifies as an exempt farm structure, the Zoning Administrator will issue the landowner a letter informing the landowner that he/she may build and use the structure for farming purposes in accordance with the state's required agricultural practices without a zoning permit, but that he/she must obtain a zoning permit before using the structure for any other purpose.

### **1104 Community Facilities**

- 1104.A Landowners must obtain a zoning permit, and site plan approval if applicable, for development associated with a community facility, unless otherwise exempted under this ordinance.
- 1104.B Development associated with a community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the community facility.
- 1104.C Community facilities include:
- (1) Institutions or facilities owned and operated by the town or state.
  - (2) Public and private schools or other educational institutions certified by the state.
  - (3) Places of worship or religious institutions.

- (4) Public and private hospitals certified by the state.
- (5) Waste management facilities certified by the state.

**1105 Group Homes**

- 1105.A Landowners do not need to obtain a zoning permit to use a lawful single-family dwelling as a group home that will:
- (1) Not serve more than 8 residents who have a handicap or disability;
  - (2) Not be located closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and
  - (3) Be operated under state licensing or registration.
- 1105.B Landowners must obtain a zoning permit for home construction or other associated development to the same extent as would be required if the property was occupied by any household.

## **120 PRIORITY APPLICATIONS, APPROVALS AND USES**

### **1201 Prior Applications**

- 1201.A The Zoning Administrator and Development Review Board will review applications based on the ordinance in effect at the time the Zoning Administrator determined that the filed application was complete.

### **1202 Prior Permits and Approvals**

- 1202.A **Zoning Permits Issued Prior to Amendment or Adoption of this Ordinance.** If the Zoning Administrator lawfully issued a zoning permit before the Barre City Council adopted or amended this ordinance, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the ordinance as in effect at the time of the new application.

- 1202.B **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Barre City Council adopted or amended this ordinance, the Zoning Administrator will issue permits for the development as approved irrespective of any change in this ordinance. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the ordinance as in effect at the time of the new application.

- 1202.C **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development, other than a subdivision, that the Development Review Board approved within 12 months of receiving that development approval, the approval will expire and the applicant will need to apply for a new approval under the ordinance as in effect at the time of the new application. (Note: An applicant may request a delay in effect for a zoning permit and/or development approval in accordance with [Subsection 4203.B.](#))

- 1202.D **Lawfully Recorded Subdivision Plats.** If an applicant lawfully recorded an approved subdivision plat in the Barre City land records, that plat will remain valid and will not expire irrespective of any change in this ordinance.

- 1202.E **Effect of Change in Ownership.** Zoning permits and development approvals remain valid irrespective of any change in ownership of the property.

### **1203 Change of Use**

- 1203.A **Change from One Use Definition to Another.** A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same definition in [Section 2115](#) (e.g., a personal service use like a barber shop to a restaurant use like a coffee shop).

- 1203.B **Change within a Use Definition.** A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in [Section 2115](#) (e.g., a retail sales use like a clothing store to a retail sales use like a home furnishings store). Other development associated with the change of use may require a

permit or approval (e.g., new or modified signage).

**1204 Expansion of Use**

- 1204.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a non-residential use to occupy additional space in a building or on a lot.
- 1204.B **Residential Uses.** A landowner will not need to obtain a zoning permit to expand a residential use to occupy existing space in the building provided the number of bedrooms will not increase. The landowner must obtain a zoning permit, and any development approvals as applicable, to increase the number of bedrooms in a dwelling unit.

**1205 Discontinued Uses**

- 1205.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to resume the use of a vacant non-residential site or structure if the prior non-residential use has been discontinued for more than 12 months except:
- (1) If the landowner has had to discontinue a non-residential use as result of damage to the structure in which it is housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with [Section 1207](#). If the use is nonconforming, see [Section 1302](#).
  - (2) The Zoning Administrator may extend the period of discontinuance for a conforming use to a total of not more than 3 years if the landowner demonstrates that he/she is actively marketing the property or business for sale or lease. If the use is nonconforming, see [Section 1302](#).
- 1205.B **Residential Uses.** A landowner will not need to obtain a zoning permit to resume the use of a vacant residential structure or unit provided there is no increase in the number of bedrooms in the dwelling unit.

**1206 Abandoned Development**

- 1206.A If development is not completed prior to the expiration of the zoning permit authorizing the development, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the zoning permit expiring.

**1207 Damaged or Destroyed Structures**

- 1207.A **Action Required Immediately.** A landowner must act promptly to stabilize and secure a structure that was damaged or destroyed by any cause as necessary to protect public health and safety.
- 1207.B **Action Required within 6 Months.** Within 6 months of a structure being damaged or destroyed by any cause, a landowner must either:
- (1) Stabilize and secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed; or

- (2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion. (See [Section 3009](#) for guidance on demolition.)

**1207.C Zoning Permit Required.** Landowners must obtain a zoning permit to repair or reconstruct a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application for repair or reconstruction is filed within 12 months of the structure being damaged or destroyed.

**1207.D Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with [Section 1301](#) and provided that:

- (1) The structure as reconstructed does not exceed the original floor area; and
- (2) The structure as reconstructed is not more nonconforming than the original structure; and
- (3) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

## **1208 Blighted Structures**

**1208.A Redevelopment Projects.** As part of any project requiring major site plan approval (see [Subsection 4305.C](#)) from the Development Review Board, a landowner must rehabilitate, stabilize, remove or demolish any blighted structures located on the subject property.

## **130 NONCONFORMITIES**

### **1301 Nonconforming Structures**

- 1301.A **General.** A nonconforming structure that lawfully existed when the Barre City Council adopted or amended this ordinance may continue to exist unchanged indefinitely.
- 1301.B **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.
- 1301.C **Repair and Maintenance.** A landowner may undertake normal repair and maintenance of a nonconforming structure without a zoning permit in accordance with Paragraph 1101.A(2).
- 1301.D **Additions.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure provided that the proposed development:
- (1) Will not result in any portion of the nonconforming structure encroaching further beyond the existing nonconforming building line or height;
  - (2) Will not convert a nonconforming porch, deck or similar feature to enclosed and/or conditioned building space;
  - (3) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and
  - (4) Would not otherwise require a development approval from the Development Review Board.
- 1301.E **Code or Accessibility Improvements.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure, including further encroachments beyond the existing nonconforming building line or height, to the minimum extent necessary to comply with building code, energy code or accessibility requirements.
- 1301.F **Damaged or Destroyed Structures.** A landowner may obtain a zoning permit to repair or reconstruct a nonconforming structure that has been unintentionally damaged or destroyed by any cause provided that:
- (1) The landowner submits a complete zoning permit application within 12 months of the damage or destruction occurring; and
  - (2) The repair or reconstruction does not change the exterior dimensions of the structure in a manner that would result in the repaired or reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.

### **1302 Nonconforming Uses**

- 1302.A **General.** A nonconforming use that lawfully existed when the Barre City Council adopted

or amended this ordinance may continue to exist in its current location and configuration unchanged indefinitely.

- 1302.B **Relocation.** A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.
- 1302.C **Resumption.** A landowner must not resume a nonconforming use that he/she abandoned, discontinued or replaced with another use for more than 12 months. If a nonconforming use is located in a structure that is damaged or destroyed by any cause, the landowner may resume the use once the structure is repaired or rebuilt provided that a complete application for repair or reconstruction is filed within 12 months of the structure being damaged or destroyed.
- 1302.D **Minor Expansion.** The Zoning Administrator may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to fully occupy space within the associated structure as that structure existed when the use became nonconforming.
- 1302.E **Major Expansion.** The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the neighborhood.
- 1302.F **Change of Use.** The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature and more compatible with the character of the neighborhood than the existing nonconforming use.

### **1303 Nonconforming Lots**

- 1303.A **General.** A nonconforming lot may continue to exist unchanged indefinitely.
- 1303.B **Merger.** If a nonconforming lot comes into common ownership with one or more contiguous lots, Barre City will not deem the lot merged with the contiguous lot(s) for the purposes of this ordinance (a property owner may choose to merge contiguous lots in accordance with [Subsection 4308.C](#)).
- 1303.C **Lot Size.** A landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of this ordinance provided that the lot:
- (1) Is legally subdivided and able to be conveyed separate from any other lot;
  - (2) Existed as of the effective date of this ordinance;
  - (3) Is at least  $\frac{1}{8}$  acre (5,445 square feet) in area; and
  - (4) Is not less than 40 feet wide or deep.
- 1303.D **Lot Frontage.** A landowner with a lot that does not meet the minimum lot frontage for the zoning district:

- (1) May develop that lot in accordance with all other applicable provisions of this ordinance provided that the lot has access to a public or private street that is maintained year-round over a permanent easement or right-of-way at least 20 feet in width and that access to the lot will conform to the requirements of [Section 3002](#) and [Section 3010](#).
- (2) Must not subdivide that lot unless the lot has access to a public or private street that is maintained year-round over a permanent easement or right-of-way at least 50 feet in width and that access to the lots will conform to the requirements of [Section 3002](#) and [Section 3305](#).

**1304 Creation of a Nonconformity**

- 1304.A Barre City prohibits any development that would create a nonconformity except that a public project that requires the transfer or taking of land (e.g., street widening) may create a nonconformity.

## **2 ZONING DISTRICTS**

### **200 GENERAL PROVISIONS**

#### **2001 Establishment of Base Zoning Districts**

2001.A This ordinance establishes the following zoning districts as shown on the Official Zoning Map and described in this Section:

- (1) Urban Center 1 (UC-1)
- (2) Urban Center 2 (UC-2)
- (3) Urban Center 3 (UC-3)
- (4) Mixed Use 1 (MU-1)
- (4) Mixed Use 2 (MU-2)
- (6) Mixed Use 3 (MU-3)
- (7) Residential 16 (R-16)
- (8) Residential 12 (R-12)
- (9) Residential 8 (R-8)
- (10) Residential 4 (R-4)
- (11) General Business (GB)
- (12) Industrial (IN)
- (13) Civic (CIV)
- (14) Conservation (CON)

#### **2002 Establishment of Overlay Zoning Districts**

2002.A This ordinance establishes the following overlay zoning districts as shown on the Official Zoning Map and described in [Subpart 220](#):

- (1) Design Review Overlay (DRO)
- (2) Historic Structure Overlay (HSO)
- (3) Adaptive Reuse Overlay (ARO)

### **2003 Official Zoning Map**

- 2003.A The maps delineating the boundaries of the various base and overlay zoning districts established in this subpart are incorporated by reference into this ordinance and adopted as part of these ordinance, and constitute Barre City's Official Zoning Map.
- 2003.B The Official Zoning Map is on file in the city's planning department office. The small-scale, unofficial versions of the maps included in this ordinance are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the district boundaries.
- 2003.C If a specific distance or measurement is not shown on the map, the Zoning Administrator will interpret any Official Zoning Map boundaries indicated as approximately following:
- (1) Streets, railroad lines, power lines or rights-of-way to follow the centerlines of such streets, railroad lines, power lines or rights-of-way.
  - (2) Lot lines or municipal boundaries to follow such lines or boundaries.
  - (3) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.
- 2003.D The Zoning Administrator will interpret any of the features listed in [Subsection 2003.C](#) to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:
- (1) A boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.
- 2003.E The boundaries of the Historic Structure Overlay District are as shown on the Overlay District Map.

### **2004 Use Standards**

- 2004.A **Allowed Uses.** A proposed use must be shown on the use table (see [Section 2115](#)) as a permitted or conditional use in the applicable zoning district unless:
- (1) The subject use is a nonconformity and the proposed development is in conformance with the requirements of [Subpart 100](#).
- 2004.B **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district on the use table (see [Section 2115](#)) is prohibited in that zoning district unless the applicant demonstrates to the Zoning Administrator that the unlisted use:
- (1) Is materially similar to a use that is permitted or conditional in the same zoning district in accordance with [Subsection 2004.C](#); or
  - (2) Is required to be allowed in a zoning district by state or federal law.

2004.C **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use not listed on the use table (see [Section 2115](#)) as permitted or conditional in any district is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

- (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that permitted or conditional use.

2004.D **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2004.E **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with the standards below:

- (1) The total area occupied by accessory uses must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on total gross floor area. For principal uses conducted primarily outdoors, this calculation will be based on total lot area.
- (2) An accessory use must be a permitted or conditional use in the applicable zoning district, or it must be specifically authorized as an allowed accessory use to the applicable principal use in this ordinance (see [Section 3006](#)).
- (3) The standards of this subsection do not apply to accessory dwellings, home occupations, home businesses and family childcare homes.

## 2005 Dimensional Standards

2005.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district (see [Section 2116](#)) unless:

- (1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of [Subpart 100](#);
- (2) The applicant receives a waiver ([Section 4404](#)) or variance ([Section 4405](#)) from the Development Review Board; or
- (3) The proposed development will be approved as a planned unit development in accordance with the provisions of this ordinance.

2005.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in accordance with the standards below:

- (1) The total amount of development on the lot must not exceed the maximum

density allowed in the district;

- (2) There must not be more than 2 detached single- or 1 two-family dwelling on any lot unless approved as part of a planned unit development in accordance with the provisions of this ordinance;
- (3) Each principal building must meet the applicable dimensional standards of the zoning district;
- (4) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the zoning district, unless they are attached; and
- (5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
  - (a) The subject lot will be lawfully subdivided in accordance with the provisions of this ordinance; or
  - (b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

**2005.C Accessory Structures.** Landowners may locate accessory structures on a lot in accordance with the standards below:

- (1) Unless otherwise specified in this ordinance, accessory structures must meet the front setback requirements for the applicable zoning district (see [Section 2116](#));
- (2) Accessory structures must be located at least 8 feet from any other structure unless they are attached to that structure;
- (3) Unless otherwise specified in this ordinance, accessory structures must not exceed a maximum height of 36 feet or the height of the associated principal building, whichever is less; and
- (4) Unless otherwise specified in this ordinance, accessory structures:
  - (a) With a footprint of not more than 120 square feet and a height of not more than 10 feet must be set back at least 4 feet from rear and side property lines, or the minimum setback requirements for the district in which they are located, whichever is less; or
  - (b) With a footprint in excess of 120 square feet or a height in excess of 10 feet be set back at least 12 feet from rear and side property lines, or the minimum setback requirements for the district in which they are located, whichever is less.

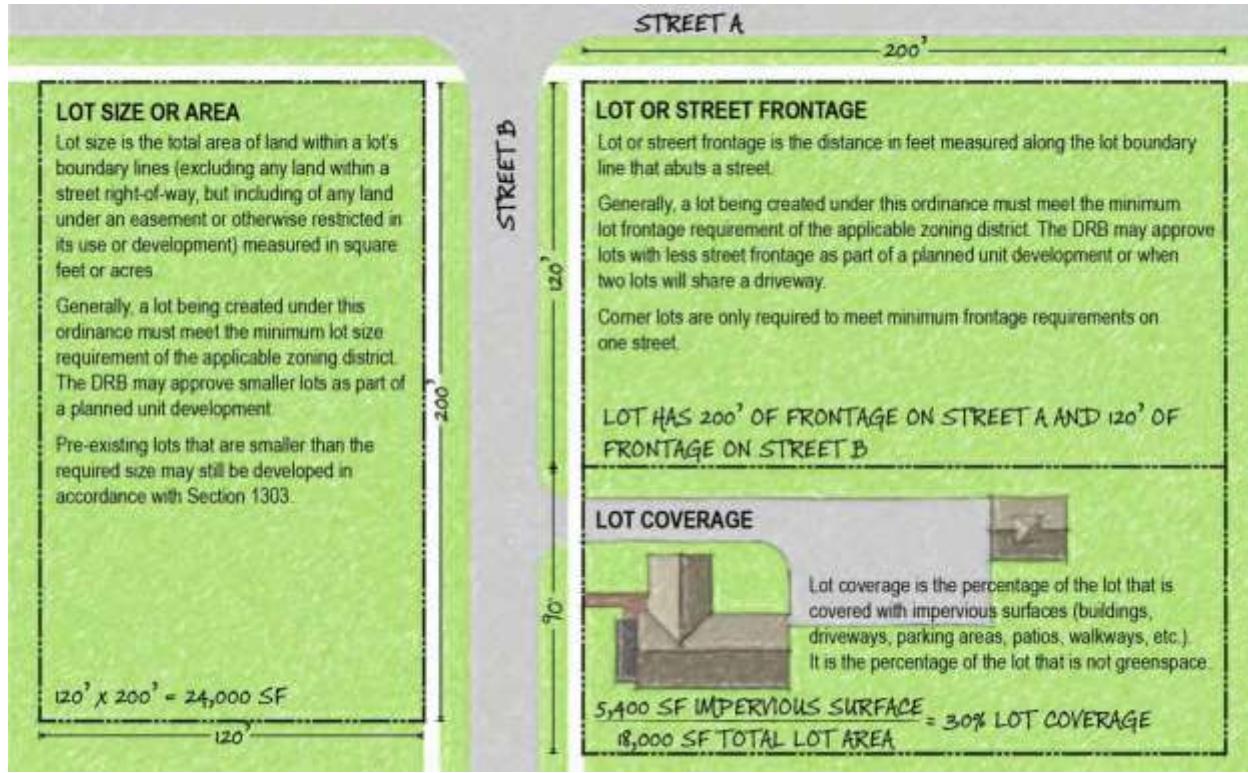
**2005.D Lot Size or Area.** Lot size will be regulated in accordance with the following:

- (1) Any lot created under this ordinance must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development in accordance with the provisions of this ordinance;
- (2) A pre-existing small lot may be developed in accordance with [Section 1303](#) irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district;
- (3) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose (ex. street widening); and
- (4) A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the lot with street frontage is located in. If the lot has street frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2005.E **Lot or Street Frontage.** All lots must front on a public or private street as specified in each zoning district and in accordance with the following:

- (1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private street must have access to such a street over a permanent easement or right-of-way not less than 20 feet wide for single-and two-family residential lots and 40 feet wide for all other lots.
- (2) **Corner Lots.** Lots that front on more than one street will only be required to meet minimum frontage requirements on one street.
- (3) **New Lots.** All new lots created under this ordinance must have the minimum frontage on a maintained public or private street unless the Development Review Board:
  - (a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this ordinance;
  - (b) Approves a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots or lots accessed by a shared driveway; or
  - (c) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.

**Figure 2- 1: Dimensional Standards for Lots**



2005.F **Setbacks.** Development must meet applicable setback requirements as follows:

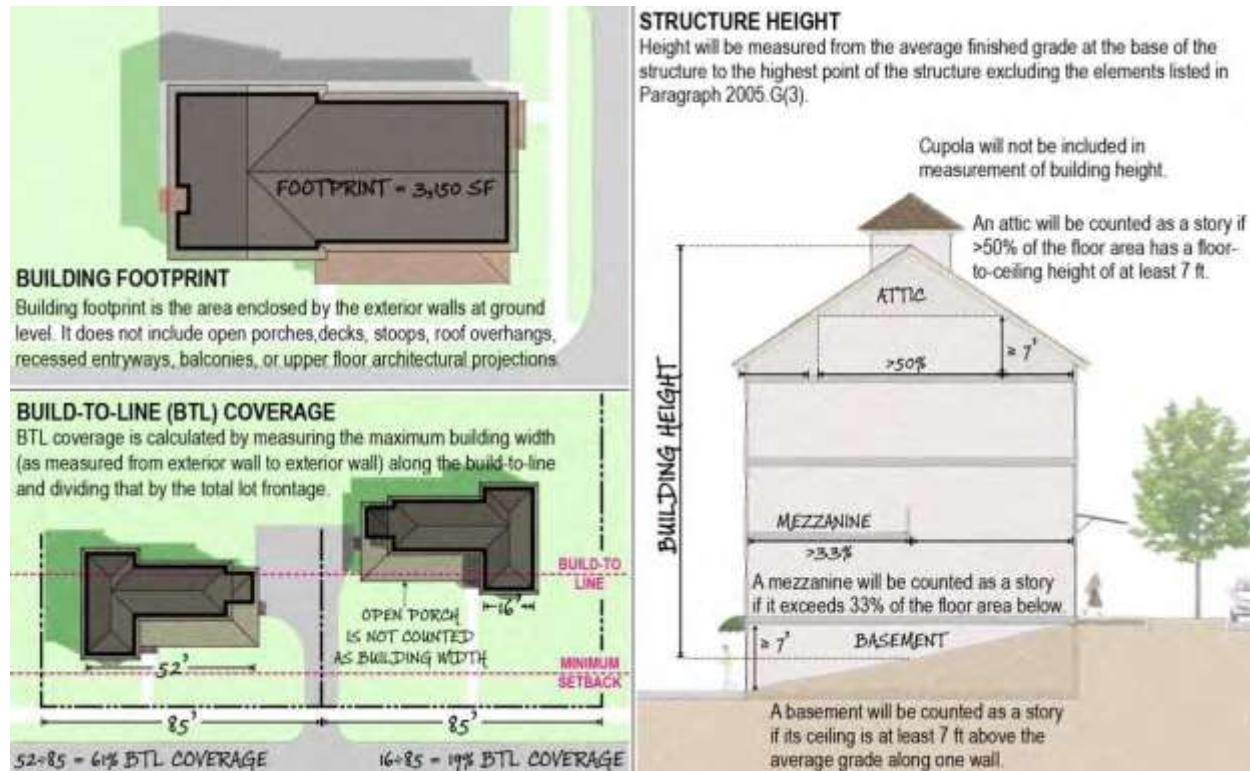
- (1) All development and structures subject to this ordinance must be set back from streets and property lines as shown in the dimensional table (see [Section 2116](#)) unless otherwise specified in this ordinance.
- (2) Lots with frontage on more than one street must meet front setback requirements on each street, and must meet side setback requirements on the remaining sides.
- (3) Setback requirements will apply to lots in common ownership to the same extent as if the lots were not in common ownership.

2005.G **Height.** No structure subject to this ordinance may exceed district height limits as specified below unless otherwise specified in this ordinance:

- (1) Minimum and/or maximum height requirements for principal structures are shown in the dimensional table (see [Section 2116](#)) for each zoning district.
- (2) Accessory structures must not exceed the maximum height specified in [Figure 3-1](#), or 36 feet if no maximum height specified in [Figure 3-1](#).
- (3) Height limits do not apply to:

- (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
- (b) Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
- (4) Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.
- (5) Where a minimum building height is specified, that height must be maintained along the entire facade for a depth of at least 30 feet or the depth of the building, whichever is less.
- (6) When height is measured in feet, the measurement will be taken from the average finished grade at ground level to the highest portion of the structure excluding the building elements listed in Paragraph (3) above.

**Figure 2- 2: Dimensional Standards for Buildings**

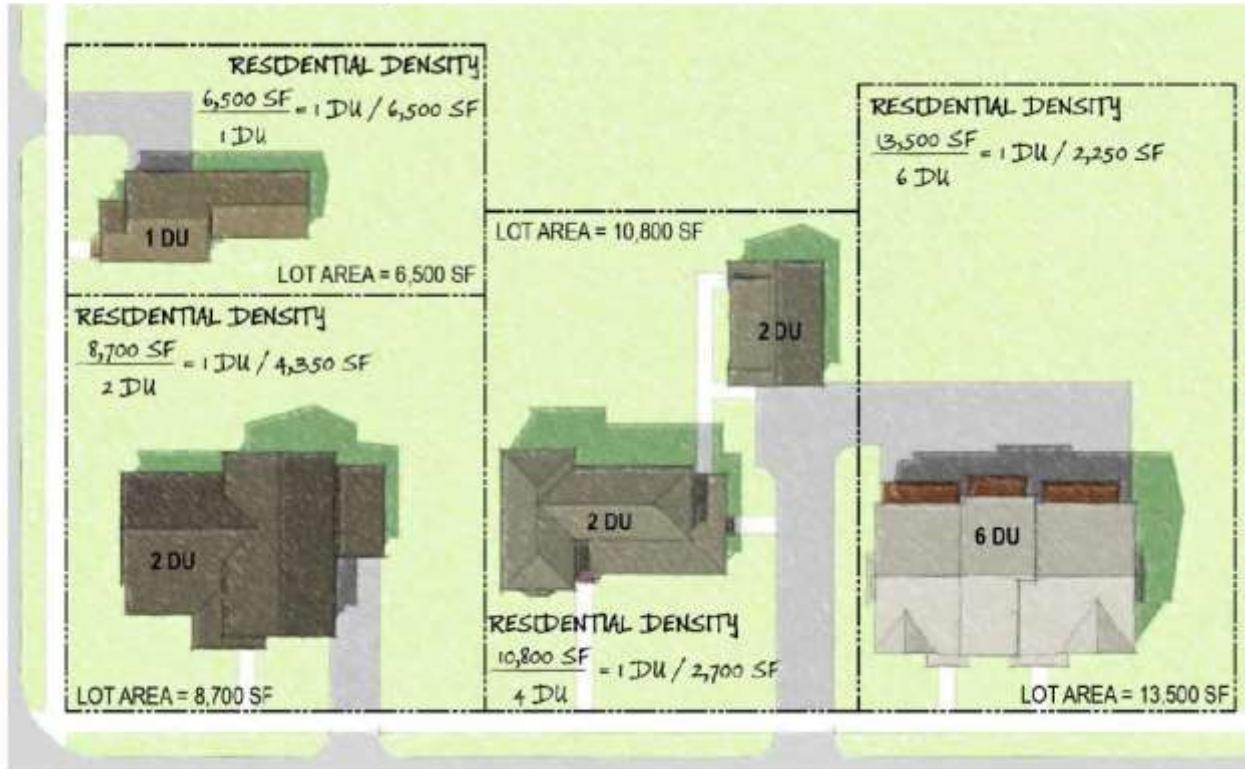


## 2006 Residential Density Standards

- 2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

- (1) Accessory dwellings approved under [Section 3202](#) will not count as a dwelling unit for the purposes of calculating density.
- (2) A pre-existing small lot may be developed in accordance with [Section 1303](#) irrespective of whether it will comply with the residential density standard for the applicable district.

**Figure 2- 3: Residential Density Calculation**



## 210 BASE ZONING DISTRICTS

### 2101 Urban Center 1 (UC-1)

2101.A **Intent.** The Urban Center 1 district provides concentrated downtown retail, service, office, upper floor housing and other compatible mixed uses in Barre City's central business district. Urban design standards are required in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Barre City's central business district;
- (2) Provide for the daily needs and services of the community;
- (3) Provide economic development opportunities through clean industry, office and commercial uses;
- (4) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (5) Encourage investment that increases the value of downtown buildings and property;
- (6) Ensure that new buildings are compatible with the historic architectural framework of Barre City's downtown and preserve a human scale;
- (7) Promote a quality, urban streetscape and pedestrian-friendly environment; and
- (8) Accommodate a broad range of high-density housing options.

2101.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Residential uses are prohibited on any portion of the ground floor within 100 feet from the front property line. Ground floor residential uses more than 100 feet from the front property line may be allowed as a conditional use upon the applicant demonstrating that the dwelling unit(s) will not adversely impact the use of the remaining ground floor space for non-residential purposes and that the provisions of [Subsection 3201.G](#) will be met.
- (2) Food service drive-throughs are prohibited. All other drive-through service may only be located at the rear of the building and will require conditional use approval.
- (3) Wholesale trade and information service uses are not permitted to occupy the ground floor, street frontage portion of a building.

2101.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district. In addition:

- (1) New principal buildings must be a minimum of 2 stories (this will be interpreted to

require at least one functional upper floor).

## **2102 Urban Center 2 (UC-2)**

2102.A **Intent.** The Urban Center 2 district provides compact retail, service, office, housing and other compatible mixed uses in Barre City's downtown and neighborhood centers. Urban design standards are required in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Provide for the daily needs and services of the community;
- (2) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (3) Encourage investment that increases the value of buildings and property in Barre City's downtown and neighborhood centers;
- (4) Ensure that new buildings are compatible with the historic architectural framework of Barre City's downtown and neighborhood centers and preserve a human scale;
- (5) Promote a quality, urban streetscape and pedestrian-friendly environment;
- (6) Accommodate a broad range of high-density housing options.

2102.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Food service drive-throughs are prohibited. All other drive-through service may only be located at the rear of the building and will require conditional use approval.
- (2) Wholesale trade and information service uses are not permitted to occupy the ground floor, street frontage portion of a building.

2102.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district. In addition:

- (1) New principal buildings must be a minimum of 2 stories (this will be interpreted to require at least one functional upper floor).

## **2103 Urban Center 3 (UC-3)**

2103.A **Intent.** The Urban Center 3 district provides compact retail, service, office, upper floor housing and other compatible mixed uses in Barre City's downtown and along major thoroughfares. Urban design standards are required in order to maintain and enhance neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Provide economic development opportunities through clean industry, office and commercial uses;

- (2) Provide for the retail and service needs of the community and region, as well as travelers;
- (3) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (4) Encourage investment that increases the value of buildings and property in Barre City's downtown and along major thoroughfares;
- (5) Ensure that new buildings are compatible with Barre City's historic architectural framework, enhance the character of the city's gateways and major thoroughfares, and preserve a human scale; and
- (6) Promote a quality, urban streetscape and pedestrian-friendly environment.

**2103.B Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Existing single- and two-family dwellings will be considered a permitted use, but construction of new single- or two-family dwellings is prohibited. Uses associated with existing single- or two-family dwellings such as accessory dwellings, home occupations, group homes and bed-and-breakfasts will be allowed to the same extent as allowed within single- and two-family dwellings in other districts.
- (2) Drive-throughs may only be located at the rear or side of the building and will require conditional use approval.

**2103.C Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

#### **2104 Mixed Use 1 (MU-1)**

**2104.A Intent.** The Mixed Use 1 district provides neighborhoods with a complete mix of residential, retail, service and office uses. Urban design standards are required in order to maintain neighborhood commercial scale, pedestrian activity, and distinctive neighborhood character. The purpose of this district is to:

- (1) Provide for the daily needs and services of the neighborhood;
- (2) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (3) Encourage investment that increases the value of buildings and property in Barre City;
- (4) Ensure that new buildings are compatible with Barre City's historic architectural framework and preserve a human scale;
- (5) Promote a quality, urban streetscape and pedestrian-friendly environment; and
- (6) Accommodate a broad range of high-density housing options.

2104.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Drive-throughs are prohibited.

2104.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district. In addition:

- (1) New principal buildings must be a minimum of 2 stories (this will be interpreted to require at least one functional upper floor).

## **2105 Mixed Use 2 (MU-2)**

2105.A **Intent.** The Mixed Use 2 district provides a buffer between business and industrial areas and adjoining residential neighborhoods. The purpose of this district is to:

- (1) Provide for low-impact small businesses that are compatible with adjoining residential neighborhoods;
- (2) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (3) Encourage investment that increases the value of buildings and property in Barre City;
- (4) Promote a quality, urban streetscape and pedestrian-friendly environment; and
- (5) Accommodate a broad range of high-density housing options.

2105.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Drive-throughs are prohibited.

2105.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## **2106 Mixed Use 3 (MU-3)**

2106.A **Intent.** The Mixed Use 3 district provides a gateway into Barre City along the major thoroughfares. The purpose of this district is to:

- (1) Avoid a pattern of low-density commercial sprawl along the major routes in and out of the city;
- (2) Encourage investment that increases the value of buildings and property in Barre City;
- (3) Promote quality streetscapes and attractive gateways into the city.

2106.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district. In addition:

- (1) Drive-throughs may only be located at the rear or side of the building and will require conditional use approval.

2106.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## **2107 Residential 16 (R-16)**

2107.A **Intent.** The Residential 16 district provides areas for high-density residential uses and a variety of housing types. The purpose of this district is to:

- (1) Accommodate a full range of housing options;
- (2) Encourage a suitable neighborhood environment for family life;
- (3) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (4) Accommodate more intensive development in areas close to downtown Barre City where adequate public facilities and services exist;
- (5) Encourage investment that increases the value of buildings and property in Barre City;
- (6) Promote a quality, urban streetscape and pedestrian-friendly environment; and
- (7) Maintain minimum greenspace requirements to preserve neighborhood character.

2107.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2107.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## **2108 Residential 12 (R-12)**

2108.A **Intent.** The Residential 12 district provides areas for moderate-density residential uses and a variety of housing types. The purpose of this district is to:

- (1) Accommodate a full range of housing options;
- (2) Encourage a suitable neighborhood environment for family life;
- (3) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (4) Accommodate more intensive development in areas close to downtown Barre City where adequate public facilities and services exist;
- (5) Encourage investment that increases the value of buildings and property in Barre City;

- (6) Promote a quality streetscape and pedestrian-friendly environment; and
- (7) Maintain minimum greenspace requirements to preserve neighborhood character.

2108.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2108.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## **2109 Residential 8 (R-08)**

2109.A **Intent.** The Residential 8 district provides areas for moderate-density single-family residential uses mixed with other compatible housing types. The purpose of this district is to:

- (1) Promote neighborhoods with a substantial amount of owner-occupied housing;
- (2) Encourage a suitable neighborhood environment for family life;
- (3) Provide housing opportunities in proximity to employment, service and retail opportunities;
- (4) Encourage investment that increases the value of buildings and property in Barre City;
- (5) Promote a quality streetscape and pedestrian-friendly environment; and
- (6) Maintain minimum greenspace requirements to preserve neighborhood character.

2109.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2109.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## **2110 Residential 4 (R-04)**

2110.A **Intent.** The Residential 4 district provides areas for primarily low-density single-family residential uses with a limited amount of other compatible housing types, as well as agricultural, recreational and open space uses. The purpose of this district is to:

- (1) Promote compact neighborhoods comprised primarily of owner-occupied housing;
- (2) Encourage a suitable neighborhood environment for family life; and
- (3) Maintain minimum greenspace requirements to preserve neighborhood character.

2110.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2110.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this

district.

### **2111 General Business (GB)**

2111.A **Intent.** The General Business district provides areas for a mix of manufacturing, office, flex space, business services, and limited retail uses. The purpose of this district is to:

- (1) Support diversification of Barre City's economic base; and
- (2) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area.

2111.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2111.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

### **2112 Industrial (IN)**

2112.A **Intent.** The Industrial district accommodates intensive and concentrated manufacturing, fabrication, warehousing and distribution, and other industrial uses. The purpose of this district is to:

- (1) Support diversification of Barre City's economic base; and
- (2) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area.

2112.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2112.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

### **2113 Civic (CIV)**

2113.A **Intent.** The Civic district accommodates major civic facilities and open spaces that are intended primarily for civic and recreational uses. The purpose of this district is to:

- (1) Maintain parks, trails and natural areas for both active and passive recreation use that enhance the livability of Barre City and its neighborhoods; and
- (2) Maintain the civic institutions, spaces and functions that define and enhance the character of Barre City.

2113.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2113.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

### **2114 Conservation (CON)**

2114.A **Intent.** The Conservation district accommodates environmentally sensitive areas and open

spaces that are intended primarily for low-impact open space and recreational uses. The purpose of this district is to:

- (1) Protect and preserve important natural resources and open space;
- (2) Discourage development of land with significant development constraints including, but not limited to, steep slopes, shallow soils, floodplains and wetlands; and
- (3) Maintain parks, trails and natural areas for passive recreation use that enhance the livability of Barre City.

2114.B **Allowed Uses.** [Section 2115](#) establishes the uses allowed in this district.

2114.C **Dimensional Standards.** [Section 2116](#) establishes the dimensional standards for this district.

## 2115 Use Table

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>RESIDENTIAL</b>														
<b>Single-family dwelling</b> Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Two-family dwelling</b> Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Three- or four-family dwelling</b> Use of a structure for habitation by 3 or 4 households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	X	P	P	P	P	X	P	P	P	P	X	X	X	X
<b>Multi-family dwelling (5+ units)</b> Use of a structure or part of a structure for habitation by five or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building. See <a href="#">Section 3201</a> .	P	P	P	P	C	X	P	C	C	C	C	X	X	X
<b>Accessory dwelling</b> Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See <a href="#">Section 3202</a> .	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Home occupation</b> Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See <a href="#">Section 3203</a> .	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Home business</b> Accessory use of single-family residential property for a small business that may alter the residential character of the property. See <a href="#">Section 3204</a> .	X	P	P	P	P	P	C	C	C	C	X	X	X	X
<b>Family childcare home</b> Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See <a href="#">Section 3205</a> .	X	P	P	P	P	P	P	P	P	P	X	X	X	X
<b>Senior housing</b> Use of one or more structures to primarily house people age 55 or older that: (a) Contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.	P	P	C	P	X	C	P	P	P	P	X	X	X	X
<b>Assisted living</b> Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license. Includes residential care homes.	C	C	C	P	X	C	P	C	C	C	C	X	X	X
<b>Skilled nursing service</b> Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing or convalescent homes, and hospice or respite care facilities.	X	C	C	P	X	C	C	C	C	C	C	X	X	X
<b>Group home</b> Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See <a href="#">Section 1105</a> and <a href="#">Section 3206</a> .	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Single-room occupancy</b> Use of a structure or part of a structure to provide housing to single individuals each in a single-room dwelling unit that is not required to include food preparation or sanitary facilities. See <a href="#">Section 3207</a> .	C	C	C	C	X	X	C	X	X	X	X	X	X	X
<b>Emergency housing</b> Use of structure or part of a structure to provide food, shelter, and other support services on a temporary basis to people who are homeless or to victims of disaster.	C	C	C	C	X	X	C	X	X	X	X	X	X	X

P = Permitted Use | C = Conditional Use | X = Prohibited Use | All uses other than single- and two-family dwellings, and accessory uses to single- and two-family dwellings, require site plan review in accordance with [Section 4305](#). | <sup>1</sup> Additional use standards apply (see zoning district section)

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>LODGING</b>														
<b>Bed-and-breakfast</b> Accessory use of single-family residential property to provide short-term accommodations for travelers. See <a href="#">Section 3208</a> .	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Inn</b> Use of one or more structures to provide short-term accommodations for travelers. May include a restaurant, bar, event facility, spa or fitness club as an accessory use. See <a href="#">Section 3209</a> .	X	P	P	P	P	X	C	X	X	X	X	X	X	X
<b>Rooming and boarding house</b> Accessory use of a single-family residential property to provide accommodations that will typically serve as the boarder's principal residence, and that commonly includes meals, housekeeping and/or laundry services. See <a href="#">Section 3210</a> .	X	P	P	P	P	X	P	P	C	C	X	X	X	X
<b>Short-term rental</b> Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See <a href="#">Section 3211</a> .	X	P	P	P	P	P	P	P	C	C	X	X	X	X
<b>Hotel or motel</b> Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc. See <a href="#">Section 3212</a> .	P	P	P	P	X	X	X	X	X	X	C	X	X	X
<b>COMMERCIAL</b>														
<b>Retail sales</b> (up to 3,000 sf   >3,000 sf) An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this section. It may also provide installation, repair or maintenance services as an accessory use.	P C	P P	P P	P C	P X	X X	X X	X X	X X	P P	X X	X X	X X	X X
<b>Sales lot</b> An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use. See <a href="#">Section 3213</a> .	X	X	C	X	X	X	X	X	X	C	C	X	X	X
<b>Repair service</b> (small goods, up to 3,000 sf   vehicles, large goods or >3,000 sf) An establishment that maintains, services, repairs or paints goods such as appliances, vehicles, boats, equipment or machinery. See <a href="#">Section 3214</a> .	P X	P X	P C	P X	C X	P X	X X	X X	X X	P P	P P	X X	X X	X X
<b>Fueling station</b> A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. See <a href="#">Section 3215</a> .	X	X	C	X	X	X	X	X	X	C	X	X	X	X
<b>Carwash</b> A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. See <a href="#">Section 3216</a> .	X	X	C	X	X	C	X	X	X	C	X	X	X	X
<b>Lawn, garden and farm supply sales</b> An establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use. See <a href="#">Section 3217</a> .	X	X	P	X	X	P	X	X	X	C	P	C	X	X
<b>Lumberyard and building supply sales</b> An establishment that sells lumber and heavy building materials and that typically stores most of its stock outdoors or under open-air structures. See <a href="#">Section 3217</a> .	X	X	C	X	X	X	X	X	X	P	P	X	X	X
<b>Open market or auction house</b> An establishment where goods are brought to be immediately sold to the general public for personal or household consumption including from outdoor areas or open-air structures, excluding any use specifically defined in this section. See <a href="#">Section 3218</a> .	X	C	P	X	X	X	X	X	X	P	C	X	X	X
<b>Food or beverage store</b> (up to 3,000 sf   >3,000 sf) An establishment that sells food or beverage items primarily not for immediate consumption to the general public. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P C	P C	P P	P C	P X	X X	X X	X X	X X	C C	X X	X X	X X	X X
<b>Convenience store</b> (up to 3,000 sf   >3,000 sf) An establishment that sells a limited line of staple food, packaged food, and convenience items primarily for off-site consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P C	P C	P C	P C	X X	X X	X X	X X	X X	X X	X X	X X	X X	X X

P = Permitted Use | C = Conditional Use | X = Prohibited Use | All uses other than single- and two-family dwellings, and accessory uses to single- and two-family dwellings, require site plan review in accordance with [Section 4305](#). | <sup>1</sup> Additional use standards apply (see zoning district section)

USE & DEFINITION	UC-1	UC-2	UC- 3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>COMMERCIAL (con't)</b>														
<b>Financial establishment</b> An establishment that engages in financial transactions that create liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency.	P	P	P	C	X	X	X	X	X	X	P	X	X	X X
<b>Rental and leasing</b> (small goods, up to 3,000 sf   vehicles, large goods or >3,000 sf) An establishment that rents or leases tangible goods such as vehicles, boats, equipment or machinery to consumer or business customers. It may also provide installation, repair or maintenance services an accessory use.	P X	P C	P P	P X	C X	P X	X X	X X	X X	P P	P P	X X	X X	
<b>Office, professional, business or administrative service</b> (up to 3,000 sf   >3,000 sf) An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; or (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	P P	P P	P P	P C	P C	P X	X X	X X	X X	P P	P P	X X	X X	
<b>Personal service</b> (up to 3,000 sf   >3,000 sf) An establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor. It may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	P P	P P	P P	P C	P C	P X	X X	X X	X X	P P	X X	X X	X X	
<b>Veterinary, pet or animal service</b> (up to 3,000 sf   >3,000 sf) An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, grooming, sitting and training; or (c) that breeds, sells or manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use.	P X	P C	P P	C X	X X	X X	X X	X X	X X	C C	P P	P P	X X	X X
<b>Building or property maintenance service</b> An establishment that provides building or property maintenance services to consumer or business customers. This definition specifically excludes a contractor's yard.	C	C	C	X	X	X	X	X	X	P	P	X	X	
<b>Restaurant</b> (sit-down   take-out) An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. A restaurant will be classified as take-out if it has drive-through service. A restaurant without drive-through service that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of any outdoor dining) comprises at least 40% of the total floor area of the restaurant. This definition includes a retail bakery that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. See <a href="#">Section 3219</a> .	P P	P P	P C	P X	X X	C X	X X	X X	X X	P X	X X	X X	X X	
<b>Mobile food service</b> An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the street right-of-way. See <a href="#">Section 3220</a> .	C	C	C	X	X	X	X	X	X	C	C	X	X	
<b>Bar</b> An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises. See <a href="#">Section 3221</a> .	C	C	C	X	X	X	X	X	X	X	X	X	X	X
<b>Nightclub</b> An establishment that operates as a place of entertainment with music, dancing, or similar live or recorded performances, and where food and drink are served for immediate consumption on the premises. See <a href="#">Section 3221</a> .	C	C	C	X	X	X	X	X	X	X	X	X	X	X
<b>Event facility</b> An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms. See <a href="#">Section 3221</a> .	P	P	P	C	X	X	X	X	X	C	X	X	X	
<b>Catering or commercial kitchen</b> A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing under this ordinance).	P	P	P	C	X	X	X	X	X	P	P	X	X	

P = Permitted Use | C = Conditional Use | X = Prohibited Use | All uses other than single- and two-family dwellings, and accessory uses to single- and two-family dwellings, require site plan review in accordance with [Section 4305](#). | <sup>1</sup> Additional use standards apply (see zoning district section)

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>INDUSTRIAL</b>														
<b>Light industry</b> (enclosed, up to 5,000 sf   enclosed, >5,000 sf) An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.	C   C	C   C	P   C	X   X	X   X	C   X	X   X	X   X	X   X	X   X	P   P	P   P	X   X	X   X
<b>Food or beverage manufacturing</b> (enclosed, up to 10,000 sf   enclosed, >10,000 sf) A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery or commercial bakery.	P   C	P   C	P   C	X   X	X   X	C   X	X   X	X   X	X   X	X   X	P   P	P   P	X   X	X   X
<b>Wood products, cabinet or furniture manufacturing</b> (enclosed, up to 10,000 sf   enclosed, >10,000 sf) An establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products.	C   X	X   X	P   C	X   X	X   X	C   X	X   X	X   X	X   X	X   X	P   P	P   P	X   X	X   X
<b>Stone products manufacturing</b> (enclosed, up to 10,000 sf   enclosed, >10,000 sf) An establishment that transforms quarry stone into products such as cut or dimension stone, building materials or components, veneers, statuary or monuments, industrial products, or consumer goods. Manufacturing may include grinding, cutting, shaping and honing.	C   X	X   X	P   C	X   X	X   X	C   X	X   X	X   X	X   X	X   X	P   P	P   P	X   X	X   X
<b>Wholesale trade</b> An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold.	C	C	P	X	X	C	X	X	X	X	P	P	X	X
<b>Storage and distribution services</b> (enclosed) An establishment that stores, but does not sell goods and may provide a range of services related to the distribution of goods. This definition specifically excludes any use specifically defined in this section.	C	C	C	X	X	X	X	X	X	X	P	P	X	X
<b>Self-storage services</b> An establishment that provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods. See <a href="#">Section 3222</a> .	X	X	X	X	X	C	X	X	X	X	C	P	X	X
<b>Tank farm or fuel storage and distribution services</b> An establishment with one or more tanks that typically store fuels, oils and similar products. It may include sale and distribution of such products. This definition specifically excludes retail sale and refilling of tanks that are not more than 50 pounds in size when carried out as an accessory use, and excludes storage of fuels, oils and similar products solely for on-site use. See <a href="#">Section 3223</a> .	X	X	X	X	X	X	X	X	X	X	C	P	X	X
<b>Freight transportation services</b> An establishment that provides: (a) transportation of cargo using trucks, tractor trailers or rail; or (b) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.	X	X	C	X	X	X	X	X	X	X	C	P	X	X
<b>Passenger transportation services</b> An establishment that provides transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services.	C	C	P	X	X	X	X	X	X	X	C	P	X	X
<b>Publishing, printing and sign manufacturing</b> An establishment that: (a) issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databases, calendars, greeting cards, maps, posters, software, sound recordings or video recordings; or (b) fabricates signs, banners or similar communication devices. This definition specifically excludes retail copy shops, which will be considered an office, professional, business or administrative service under this ordinance.	C	C	P	X	X	X	X	X	X	X	P	P	X	X
<b>Media recording or broadcasting studio</b> An establishment that is used to produce, distribute and/or broadcast sound or video programs or recordings:	P	P	P	C	X	C	X	X	X	X	P	P	X	X
<b>Communications antenna</b> A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower. See <a href="#">Section 3224</a> .	P	P	P	P	X	P	X	X	X	P	P	P	C	X
<b>Communications tower</b> A structure used to support one or more communication antennas and related structures and equipment. See <a href="#">Section 3224</a> .	X	X	X	X	X	X	X	X	X	C	C	C	C	X

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INDUSTRIAL (con't)															
USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON	
<b>Information services</b> An establishment used to: (a) house computer systems and associated components such as telecommunications and storage systems that typically includes redundant or back-up power supplies and communications connections, environmental controls and security devices; or (b) provide electronic data processing services or that supply information including, but not limited to, internet access or service providers, and electronic library or archive services.	C	C	P	C	X	C	X	X	X	X	P	P	X	X	
<b>Composting services</b> An establishment used to transform organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. This definition specifically excludes composting activities that are limited to organic waste produced on the premises.	X	X	X	X	X	X	X	X	X	C	C	C	X	X	
<b>Recycling services</b> An establishment used to collect, separate and/or recover recyclable materials. It may include the preparation of materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. It may include retail sales of recovered materials as an accessory use.	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
<b>Solid waste services</b> An establishment that: (a) collects or hauls nonhazardous solid waste or recyclable materials generated within a local area; or (b) operates as a nonhazardous solid waste transfer station. Establishments may be responsible for the identification, treatment, packaging, and labeling of wastes for the purposes of transport. This definition specifically excludes landfills.	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
<b>Hazardous waste services</b> An establishment that: (a) treats and disposes of hazardous waste; (b) collects or hauls hazardous waste generated within a local area; or (c) remediates and cleans contaminated buildings, mine sites, soil, or groundwater including, but not limited to, asbestos and lead paint removal.	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
<b>Septic waste services</b> An establishment that: (a) pump septic tanks and cesspools; (b) rent or service portable toilets; or (c) provide other septic waste management services. This definition specifically excludes municipal wastewater treatment facilities and related essential services.	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
<b>Metal fabrication shop (enclosed)</b> An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.	X	X	C	X	X	X	X	X	X	X	P	P	X	X	
<b>Contractor's yard or unenclosed storage</b> An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office; or (b) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards. See <a href="#">Section 3225</a> .	X	X	X	X	X	X	X	X	X	X	C	P	X	X	
<b>Greenhouse or aquaculture</b> An establishment where crops are grown or fish are raised entirely inside an enclosed structure. It may have facilities for packaging, processing and storage of products. It may include a retail shop as an accessory use that primarily sells products produced on the premises.	C	C	X	X	X	X	X	X	X	C	P	P	X	X	
<b>Slaughterhouse</b> An establishment where livestock is slaughtered and prepared for wholesale or retail distribution. It may have facilities for confining animals and for packaging, processing and storage of meat and associated waste products. It may include a retail shop as an accessory use that primarily sells meat and related products processed or produced on the premises.	X	X	X	X	X	X	X	X	X	C	C	X	X		
<b>Heavy industry</b> An establishment that produces new products, materials or parts from a site and/or structure(s) with specialized power, water or waste disposal systems for operation. Heavy industrial operations may involve processing of raw materials, use of large machinery or other complex operations, some of which may occur outside an enclosed building, and/or operate continuously.	X	X	X	X	X	X	X	X	X	X	C	X	X		

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ART, ENTERTAINMENT AND RECREATION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>USE &amp; DEFINITION</b>														
<b>Performance theater</b> An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists to an audience.	P	P	P	P	X	X	X	X	X	X	C	C	X	X
<b>Movie theater</b> An establishment that shows movies or other recorded entertainment to an audience.	P	P	P	X	X	X	X	X	X	X	X	X	X	X
<b>Artist gallery or studio</b> (up to 3,000 sf   >3,000 sf) An establishment used to produce, display and/or sell works of art.	P C	P P	P P	P C	C C	P X	C X	C X	C X	P P	P P	X X	X X	
<b>Museum</b> An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.	P	P	P	P	X	X	X	X	X	C	C	C	P	X
<b>Indoor recreation</b> (up to 3,000 sf   >3,000 sf) An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This definition specifically excludes any use defined in this section.	P C	P C	P P	P X	P C	P X	X X	X X	X X	C C	P P	P P	P P	X
<b>Fitness club or gym</b> An establishment that offers fitness or recreational sports facilities and services to members and their guests primarily from within an enclosed building.	P	P	P	P	P	P	X	X	X	X	P	P	P	X
<b>Commercial outdoor recreation</b> (passive   active) A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building.	X X	X X	X X	X X	X X	X X	X X	X X	X X	P C	X X	X X	P C	P X
<b>Public outdoor recreation or park</b> A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.	P	P	P	P	P	P	P	P	P	P	X	X	P	P
<b>Golf course or country club</b> An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional recreational activities and/or retail sales of golf-related merchandise as an accessory use.	X	X	X	X	X	X	X	X	X	P	X	X	P	X
<b>Campground</b> An establishment: (a) designed to provide short-term accommodations to recreational campers in camping units such as tents, tent trailers, and recreational vehicles, or (b) that provides overnight recreation camping or outdoor adventure retreats. It may provide facilities and services to overnight guests and day users such as short-term rental cabins or equivalent structures, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities.	X	X	X	X	X	X	X	X	X	C	X	X	X	X
<b>Equestrian facility</b> A commercial establishment used to house, train, care for, and/or ride horses.	X	X	X	X	X	X	X	X	X	C	X	X	C	X
<b>CIVIC AND COMMUNITY</b>														
<b>Government facility</b> A state- or city-owned or operated establishment that serves a public function and provides governmental services. See <a href="#">Section 1104</a> .	P	P	P	P	X	C	X	X	X	C	P	P	P	X
<b>Educational institution</b> A state-certified public or private establishment that provides educational services. See <a href="#">Section 1104</a> .	P	P	P	P	P	X	X	X	X	P	X	X	P	X
<b>Specialty school</b> (indoor and up to 5,000 sf   outdoor or >5,000 sf) A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.	P X	P X	P C	P X	X X	X X	X X	X X	X X	C C	P P	P P	X C	X X
<b>Clinic or outpatient care services</b> An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients. See <a href="#">Section 3227</a> .	P	P	P	P	X	X	X	X	X	P	X	C	X	
<b>Hospital or inpatient care services</b> An establishment from which one or more licensed practitioners provide healthcare services to people primarily as inpatients. See <a href="#">Section 1104</a> .	X	C	C	X	X	X	X	X	X	C	X	C	X	
<b>Rehabilitation services or residential treatment facility</b> An establishment other than a licensed hospital that provides protective supervision and/or counseling to people with mental illness, substance abuse problems, emotional problems, or physical or mental disabilities or impairments, and that may offer residential or accommodation services. See <a href="#">Section 3228</a> .	P	P	P	P	C	C	X	X	X	C	P	C	C	X

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CIVIC AND COMMUNITY (con't)															
USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON	
<b>Child day care</b> An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.	P	P	P	P	P	P	C	C	C	C	P	C	P	X	
<b>Religious institution</b> An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use. See <a href="#">Section 1104</a> .	P	P	P	P	P	P	X	X	X	P	P	P	P	X	
<b>Social assistance and charitable services</b> An establishment that provides social assistance services directly to individuals and that does not offer residential or accommodation services.	P	P	P	C	X	C	X	X	X	X	P	C	P	X	
<b>Funeral and cremation services</b> An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.	C	P	P	P	P	X	X	X	X	X	P	P	X	X	
<b>Cemetery</b> A site designed to inter or otherwise store the remains of deceased people.	X	X	X	X	X	X	X	X	X	X	X	X	P	X	
<b>Social club</b> A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.	P	P	P	P	P	P	X	X	X	C	X	X	P	X	
<b>NATURAL RESOURCE BASED</b>															
<b>Farming or forestry</b> An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See <a href="#">Section 1103</a> .	X	X	X	X	X	X	X	X	X	P	X	X	P	P	
<b>Extraction and quarrying</b> An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening. See <a href="#">Section 3229</a> .	X	X	X	X	X	X	X	X	X	C	X	C	C	X	
<b>On-farm business</b> An establishment that engages in agri-tourism, agri-education, direct marketing of locally produced farm or forest products, or that adds value to locally-produced farm or forest products. See <a href="#">Section 3230</a> .	X	X	X	X	X	X	X	X	X	P	X	X	P	X	

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## 2116 Dimensional Table

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>LOTS</b>														
<b>Minimum lot size</b> Inclusive of all land within the property boundaries, but excluding any land within a street right-of-way.	2,000 sf	3,000 sf	3,000 sf	4,000 sf	4,000 sf	10,800 sf	4,000 sf	4,000 sf	5,400 sf	10,800 sf	10,000 sf	20,000 sf	20,000 sf	40,000 sf
<b>Minimum lot frontage</b> On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads or unimproved rights-of-way.	15 ft	30 ft	45 ft	30 ft	30 ft	60 ft	30 ft	30 ft	45 ft	60 ft	60 ft	90 ft	90 ft	180 ft
<b>Maximum lot coverage</b> Total amount of impervious surface as a percentage of total lot area.	100%	90%	80%	80%	80%	50%	80%	70%	60%	50%	80%	80%	40%	20%
<b>SETBACKS</b>														
<b>Minimum front setback</b> Measured from the edge of the street right-of-way, or if no right-of-way from the front lot line. For accessory structures, also see <a href="#">Section 3005</a> .	0 ft	0 ft	8 ft	8 ft	8 ft	12 ft	8 ft	12 ft	16 ft	16 ft	12 ft	16 ft	20 ft	40 ft
<b>Minimum side setback</b> Measured from the side lot lines. For accessory structures, also see <a href="#">Section 3005</a> .	0 ft	8 ft	8 ft	8 ft	8 ft	12 ft	8 ft	8 ft	12 ft	16 ft	12 ft	16 ft	20 ft	40 ft
<b>Minimum rear setback</b> Measured from the rear lot line. For accessory structures, also see <a href="#">Section 3005</a> .	0 ft	8 ft	8 ft	12 ft	12 ft	16 ft	12 ft	16 ft	16 ft	16 ft	12 ft	16 ft	20 ft	40 ft
<b>BUILDINGS</b>														
<b>Build-to-line</b> Measured as a line drawn the specified distance from and parallel to the street right-of-way.	8 ft	16 ft	24 ft	24 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Minimum build-to-line coverage</b> Percentage of the build-to-line that must be covered by a principal building.	80%	65%	50%	50%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Minimum principal building height</b> Measured from the average finished grade at the base of a principal building to the eaves or the roof deck if roof is flat.	18 ft	18 ft	18 ft	18 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Maximum structure height</b> Measured from the average finished grade at the base of the structure to the highest point of the structure, excluding architectural and roof-top elements listed in Paragraph 2005.G(3). For accessory structures, also see <a href="#">Section 3005</a> .	72 ft	60 ft	48 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	48 ft	48 ft	36 ft	30 ft
<b>DENSITY</b>														
<b>Maximum residential density</b> Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with <a href="#">Section 3202</a> will not be included.	no maximum	1 du per 1,200 sf	1 du per 1,800 sf	1 du per 2,100 sf	1 du per 2,700 sf	1 du per 10,800 sf	1 du per 2,700 sf	1 du per 3,600 sf	1 du per 5,400 sf	1 du per 10,800 sf	1 du per 2,100 sf	n/a	n/a	n/a

## 220 OVERLAY ZONING DISTRICTS

### 2201 Design Review Overlay District

- 2201.A **Intent.** The Design Review overlay district establishes more rigorous urban design standards and a higher level of review of proposed development in those areas of the city recognized as having particular historical, architectural and/or cultural value in order to ensure that any exterior modifications to existing structures and new construction will be compatible with and maintain or enhance the character of the surrounding built environment.
- 2201.B **Allowed Uses.** The use standards of the base zoning district will apply to a lot within this overlay district.
- 2201.C **Dimensional Standards.** The dimensional standards of the base zoning district will apply to a lot within this overlay district.
- 2201.D **General Design Standards for New Principal Buildings.** Unless otherwise specified in this ordinance, the standards below apply to the design and construction of new principal buildings in this overlay district (such development will also be subject to the requirements of Barre City's building code):

- (1) **Building Form.** Buildings must have a multi-faceted exterior form in which articulated facades are combined with window and door placement, as well as other architectural detailing, including use of multiple exterior materials, to create interesting and attractive designs as shown in the examples below. This standard is intended to limit flat walls with minimal features.



- (2) **Building Massing and Height.** Buildings must maintain an overall scale similar to that of surrounding buildings or be designed to appropriately transition from areas of higher intensity and larger-scale buildings to areas of lower intensity and smaller-scale buildings as shown in the examples below. Outside the Urban Center 1 district, buildings that are more than 3 stories in height that abut the residential districts must use design elements that reduce the apparent building mass as viewed from the street (ex., setback for upper floors) and must step down in height as necessary to provide an appropriate transition.



3-story building steps down to 2 stories as it approaches a residential neighborhood.

- (3) **Alignment of Attached Buildings.** Windowsills, moldings, and cornices on attached buildings must align to the maximum extent feasible given the terrain, pre-existing building pattern and the need to raise structures to comply with flood regulations.
- (4) **Façade Size.** Buildings with street-facing façades that exceed 48 feet in width must be divided into distinct “modules” defined by visible changes in façade elevation through the use of wall plane projections, piers, columns, colonnades, arcades or similar architectural features as shown in the examples below.



- (5) **Building Arrangement.** If the site will have more than one building, the buildings must be arranged so that they relate to one another and are aligned parallel to the street or around a common open space such as a courtyard, green, square or plaza.
- (6) **Mechanical Equipment.** Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, must be located to the side or rear of the principal building and screened from view at the front property line. Such structures may be screened by the principal building, by vegetation in accordance with [Subsection 3106.F](#) or by an enclosure designed to be compatible with the architectural character and predominant exterior materials of the principal building.

**2201.E Specific Design Standards for New Non-Residential and Mixed-Use Buildings.** Unless otherwise specified in this ordinance, the standards below apply to the design and

construction of new non-residential or mixed-use buildings in this overlay district (such development will also be subject to the requirements of Barre City's building code):

- (1) **Building Structure.** Buildings that are more than 2 stories in height must incorporate a base, a middle, and a cap as follows (see examples below):
- (a) The base must include an entryway with transparent windows as specified in Paragraph (4) below and a molding or reveal placed between the first and second stories or over the second story with a depth of at least 2 inches and a height of at least 4 inches.
  - (b) The middle may include windows and/or balconies.
  - (c) The cap (the area from the top floor to the roof of the building) must include a cornice or a roof overhang.



- (2) **Principal Entrance.** All buildings must have a principal entrance on each street-facing façade that:
- (a) Opens to a street, plaza or sidewalk. The principal entrance must not open onto a parking lot.
  - (b) Is accessible from the public sidewalk and from any on-site parking areas via a pedestrian walkway with an improved surface.
  - (c) Is aligned with the sidewalk elevation. Sunken terraces or stairways to below grade stories are allowed but will not constitute entryways for the purposes of this section.
- (3) **Street Wall.** In the Urban Center 1 district, the front building wall or a courtyard must adjoin the sidewalk along the full width of the front lot line except that not more than a total of 28 feet along the front lot line may be used to provide vehicular or pedestrian access to the rear of the lot.



- (4) **Windows and Entryways.** The street-facing façade of buildings must conform to all of the following:
- (a) The ground floor must be designed to encourage and complement pedestrian-scale activity by the use of windows and doors arranged so that the uses occupying the first-floor street frontage are visible and/or accessible from the sidewalk.
  - (b) At least 60% and not more than 90% of the ground floor elevation (as measured from the sidewalk to the finished ceiling of the ground floor and across the entire facade) must be public entrances and windows as shown in the examples below. Within the Urban Center 1 district, this will be interpreted to include only transparent windows that provide views into the interior of the building. Within other districts, windows that are obscured in a manner that can easily be reversed may be included in this calculation.
  - (c) Doors must be recessed into the face of the building or be covered to provide a protected entryway not less than 15 square feet in area as shown in the examples below.
  - (d) Canopies, awnings and similar appurtenances may be constructed at the entrance to any building and may extend over the public sidewalk upon the approval of the Director of Public Works.



**2201.F Waiver of Standards for Industrial or Civic Buildings.** An applicant may request a waiver of one or more general design standards for a new industrial or civic building. The applicant must demonstrate that the standard(s) interferes with the intended functional use of the structure and that the proposed design meets the overall purpose and specific intents of this ordinance.

**2201.G Exterior Modifications and Additions to Existing Buildings.** An applicant proposing

exterior modifications to an existing building within this overlay district must meet the applicable design standards of [Subsections 2201.D](#) and [2201.E](#) for those elements of the structure that will be modified and for newly constructed elements and must conform to the following:

- (1) Windows and Doors, All Structures
  - (a) Window and door openings must be retained in their existing location and dimensions except that modifications may be allowed:
    - (i) To rehabilitate a historic structure that has been altered back to its original design,
    - (ii) Where the modifications will not be visible from the street, or
    - (iii) To bring a non-historic structure into greater conformance with the design standards in Subsections D and E above.
  - (b) Additions must be designed with windows and doors that are compatible with the original portion of the building in terms of pattern, location, dimensions and design unless that would result in the proposed design not meeting the standards in Subsections D and E above.
  - (c) Shutters must be designed and sized to cover half the window opening and must be mounted so that they would or would appear to be functional.
- (2) Windows and Doors, Historic Structures
  - (a) Any replacement of windows or doors on a historic structure must be in kind with a unit that matches the dimensions, design and appearance of the original except that modifications may be allowed as necessary to meet accessibility or code requirements.
  - (b) Storm windows and doors must not obscure the characteristics of historic windows and doors.
- (3) Roofs, All Structures
  - (a) Original rooflines must be retained and not be obscured by additions except that modifications may be allowed:
    - (i) To rehabilitate a historic structure that has been altered back to its original design,
    - (ii) Where the modifications will not be visible from the street, or
    - (iii) To bring a non-historic structure into greater conformance with the design standards in Subsections D and E above.

(4) Roofs, Historic Structures

- (a) Any additional stories that will be added to a historic building must be set back from the original front façade as necessary to preserve the perceived building scale and massing as viewed from the street.
- (b) Replacement roofing on a historic building must be in kind with the original materials except that replacement with a material of equivalent or better quality that is appropriate to the age and design of the building may be allowed.

(5) Masonry, All Structures

- (a) Modification of and damage to masonry elements must be avoided to the maximum extent feasible (i.e., drilling to mount signs or to run utility lines).
- (b) Unpainted masonry surfaces must not be painted and appropriate restoration to remove paint from originally unpainted masonry surfaces is encouraged.
- (c) Use of Barre granite is strongly encouraged.

(6) Masonry, Historic Structure

- (a) Original masonry elements on historic structures must be retained and/or rehabilitated as necessary.

(7) Exterior Cladding, Historic Structures

- (a) Original cladding on historic structures must be retained and/or rehabilitated to the maximum extent feasible, and if replacement is necessary it must conform to the following:
  - (i) Replacement of exterior cladding may be allowed to rehabilitate a historic structure that has been altered using a historically appropriate material.
  - (ii) Replacement cladding on a historic structure that will be visible from the street must be in kind with the original materials (i.e., brick with brick, wood clapboard with wood clapboard).
  - (iii) Replacement of wood siding with a vinyl or composite material may be allowed on portions of a historic structure that will not be visible from the street.
  - (iv) Replacement vinyl or composite materials must be high quality with a low-gloss finish that closely resembles painted wood, anti-weathering protection with color that goes all the way through the material, and dimensions (width, reveal, etc.) that closely match the original wood siding.

- (v) Original trim (cornices, window molding, etc.) must be retained and rehabilitated (or replaced in-kind where rehabilitation is not feasible), and replacement cladding must not obscure original architectural details.
  - (b) Cladding on additions to a historic structure must be compatible with or complement the original portion of the structure, and must be of equivalent or better quality. Differences in cladding materials should be used to distinguish additions from original portions of historic structures.
- (8) **Accessory Structures.** Accessory structures must be sited and designed to minimize their visibility from the street and to be compatible in terms of architectural character, materials, colors with the associated principal building. Unless necessary for their intended function, accessory structures must be located to the side or rear of the associated principal building.

## **2202 Historic Structure Overlay District**

- 2202.A **Intent.** The Historic Structure overlay district is intended to promote the preservation and/or rehabilitation of structures listed on the State or National Historic Register by ensuring that exterior modifications to historic structures follow the guidelines established in the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 2202.B **Allowed Uses.** The use standards of the base zoning district will apply to a lot subject to this overlay district.
- 2202.C **Dimensional Standards.** The dimensional standards of the base zoning district will apply to a lot subject to this overlay district.
- 2202.D **Notice Requirements.** In addition to all other applicable notice requirements under this ordinance, a notice of a hearing for any proposed development or demolition within this overlay district must also be sent to the Barre Historical Society.
- 2202.E **Exterior Modifications.** Exterior modifications of a contributing historic structure within this overlay district will require design review in accordance with [Section 4303](#) and must conform to the standards below. If the structure is also located within the design review overlay district, the reviews will be combined and the applicable standards of [Section 2201](#) will also apply. The applicant must demonstrate that:
- (1) Proposed exterior modifications follow the guidelines established in the Secretary of the Interior's Standards for the Treatment of Historic Properties; or
  - (2) If deviating from the guidelines, the proposed exterior modifications conform to the standards of [Subsection 2201.G.](#)
- 2202.F **Other Proposed Development.** Any other proposed development on a property within this overlay district that would alter the surroundings and context of a contributing historic structure (ex. building a new structure or constructing parking) will require approval from

the Development Review Board as a conditional use. The applicant must demonstrate that the proposed development meets the conditional use criteria (see [Figure 4-1](#)) and the following:

- (1) The proposed alterations are necessary to allow reasonable use of the property;
- (2) It is not feasible to earn a reasonable economic return from the property without making the proposed alterations; and
- (3) The alterations as proposed have minimized and mitigated any adverse impacts on the context, setting and integrity of the contributing historic structure to the maximum extent feasible.

**2202.G Demolition.** Demolition of a structure within this overlay district will require approval from the Development Review Board as a conditional use in accordance with the following:

- (1) The applicant must demonstrate that the proposed development meets the conditional use criteria (see [Figure 4-1](#)) and the following:
  - (a) It is not feasible to rehabilitate and/or re-use the structure in order to earn a reasonable economic return from the property;
  - (b) It is not feasible to move the structure to a new location on or off the property;
  - (c) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure to perform normal maintenance and repairs as necessary to prevent structural damage and deterioration;
  - (d) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure to set reasonable rents or sales price, and/or diligently solicit and retain tenants, as applicable;
  - (e) The demolition is not primarily intended to allow development of additional surface parking; and
  - (f) The demolition is necessary to allow him/her reasonable use of the property or demolition is part of a redevelopment plan that will provide a clear and substantial benefit to the community.
- (2) The Development Review Board may waive the requirement to demonstrate conformance with Subparagraphs (1)(a) through (d) above upon the applicant demonstrating that the redevelopment plan:
  - (a) Will result in new construction with a similar footprint to the structure or portion of a structure proposed for demolition; and
  - (b) Will allow for more efficient use of the site (ex., removing a single-story portion of a building and replacing it with new multi-story construction).
- (3) As a condition of approval for demolition, the Development Review Board:

- (a) May require the applicant to offer the structure for relocation for a period of up to 90 days before the Zoning Administrator may issue a zoning permit for demolition.
- (b) May require the applicant to photographically document the structure and provide the photographs to the city before the Zoning Administrator may issue a zoning permit for demolition.

### **2203 Adaptive Reuse Overlay District**

**2203.A Intent.** The Adaptive Reuse overlay district is intended to encourage reinvestment in vacant, obsolete or underutilized commercial or industrial properties located in residential neighborhoods by providing flexibility in use and opportunity for higher residential densities.

**2203.B Allowed Uses.** In addition to the uses allowed in the base zoning district, the following may be allowed as conditional uses in this overlay district:

- (1) Multi-family dwellings or senior housing at a maximum density of 1 dwelling unit per 2,700 square feet of lot area.
- (2) Retail sales up to 2,500 square feet
- (3) Office, professional, business or administrative services
- (4) Catering or commercial kitchen
- (5) Self-storage services
- (6) Information services
- (7) Artist gallery or studio
- (8) Indoor recreation
- (9) Fitness club or gym
- (10) Specialty school
- (11) Child day care
- (12) Greenhouse or aquaculture

**2203.C Dimensional Standards.** The dimensional standards of the base zoning district will apply to a lot subject to this overlay district unless the Development Review Board waives one or more of those standards in accordance with the following:

- (1) An existing structure may be demolished and replaced by a new structure located within the same footprint except that any new structure must conform to the riparian buffer requirements of [Section 3020](#).
- (2) The maximum structure height must not exceed the greater of the pre-existing structure height or the maximum for the applicable zoning district.
- (3) The maximum lot coverage must not exceed the greater of the pre-existing coverage or the maximum for the applicable zoning district. The location and extent of impervious surface on the lot may be relocated or redesigned.

2203.D **Review Criteria.** Applicants must demonstrate that the proposed development meets the conditional use criteria (see [Figure 4-1](#)) and the following:

- (1) The proposed use will be more compatible with the character of the neighborhood than the prior use in terms of off-site impacts such as noise or light, traffic generation, hours of operation, etc.
- (2) Any potential adverse impacts of a proposed nonresidential use on neighboring residential properties will be mitigated through measures such as fencing, landscaping, sound-proofing, limiting hours of operation, etc.

## 3 DEVELOPMENT STANDARDS

### 300 GENERAL REGULATIONS

#### 3001 Applicability

3001.A All development must conform to the standards of this subpart.

#### 3002 Access

3002.A **Applicability.** All land being developed must have vehicular access from a maintained street in accordance with the provisions of this section. For lots without frontage on a maintained street, also see [Subsection 2005.E](#).

3002.B **Access Permit.** An applicant for development to be served by a new curb cut on a city street or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the city or state for the curb cut as applicable, before the Zoning Administrator may issue a zoning permit.

3002.C **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of the city's Public Works Specifications, the Public Works Specifications will take precedence.

3002.D **Curb Cuts.** New and modified curb cuts on a city street or state highway must conform to the following:

(1) **Number.** A lot must not be served by more than one curb cut except that:

(a) The Development Review Board may approve a waiver allowing more than one access on a lot if the applicant can demonstrate that it is necessary to:

(i) Accommodate unique physical conditions on the property, including inadequate space to allow turning a vehicle around;

(ii) Meet minimum standards for emergency access;

(iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act; or

(iv) Improve the safety of traffic circulation within the site.

(b) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety.

(2) **Width.** The width of a curb cut as measured at the edge of the street right-of-way must not exceed the distance specified below unless otherwise recommended by the Director of Public Works (this will include reducing the width of existing nonconforming curb cuts if they are modified or resurfaced):

- (a) 12 feet for curb cuts serving single- and two-family dwellings
  - (b) 16 feet for curb cuts serving multi-family dwellings
  - (c) 20 feet for curb cuts serving non-residential uses not frequently accessed by trailer trucks
  - (d) 24 feet for curb cuts serving non-residential uses frequently accessed by trailer trucks
- (3) **Sidewalks.** Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified or resurfaced).
- (4) **Aprons.** Where a sidewalk does not exist and will not be constructed along the frontage, the curb cut must be designed with a minimum 3-foot paved apron.
- (5) **Spacing.** There is no spacing requirement for curb cuts serving single- and two-family dwellings. All other new curb cuts must conform to the standards below unless otherwise recommended by the Director of Public Works:
- (a) A new curb cut must be aligned with any existing curb cut on the opposite side of the street whenever feasible, and if not feasible, the centerlines must be offset by at least 30 feet.
  - (b) A new curb cut must be separated from existing curb cuts on the same side of the street by at least 45 feet (as measured from centerline to centerline).
- 3002.E **Cross Access.** Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection to abutting undeveloped, commercial or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in a residential zoning district). As a condition of site plan approval, the applicant may be required to:
- (1) Fully construct the cross access to the edge of his/her property;
  - (2) Partially construct the cross access to the edge of his/her property (ex. install the base but not the final surface); or
  - (3) Provide an easement and legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property).
- 3002.F **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet at an intersection. This will not be interpreted to apply to buildings constructed in accordance with district standards.

**3002.G Paper Streets, Class 4 Roads and other Unimproved Rights-of-Way.** A paper street, Class 4 road or other unimproved right-of-way is not a maintained street and cannot be used to meet the access requirements of this ordinance. No provision of this ordinance will be interpreted to require Barre City to construct a street, maintain a Class 4 road or other unimproved right-of-way, or to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 street so that it may serve to provide access to adjoining property. Applicants may propose to construct a street, upgrade a Class 4 road or other unimproved right-of-way to a Class 3 street at their expense and in accordance with city policies and standards so that it may serve to provide access to proposed development.

**3003 Adult Entertainment**

**3003.A Purpose.** The purpose of this section is to mitigate the adverse secondary impacts associated with adult entertainment facilities while not unduly limiting freedom of speech and expression. Restrictions on the location and operation of such facilities are necessary to protect residential neighborhoods, civic institutions and public gathering places from the adverse secondary impacts associated with adult entertainment facilities including, but not limited to, crime, nuisance, disturbance of public order and indecency, and to protect public health, safety and welfare.

**3003.B Use Standards.** Adult entertainment uses may be allowed with conditional use approval in accordance with the following:

- (1) The adult entertainment use must be comparable to a non-adult entertainment use allowed (permitted or conditional) in the applicable zoning district.
- (2) Adult entertainment uses must not be located within 600 feet of an existing grade school, library, daycare facility, religious facility or public park. This distance will be measured from the property line of the subject lot to the nearest property line of the lot housing one of the listed uses. If a grade school, library, daycare facility, religious facility or public park subsequently locates within 600 feet of a lawfully existing adult entertainment use, this provision will not be used to eliminate or restrict that adult entertainment use.
- (3) Adult entertainment uses not located within the same building must be separated from one another by at least 1,000 feet. This distance will be measured from the property line of the subject lot to the nearest property line of another lot housing an adult entertainment use.
- (4) An adult entertainment use must not have any sign or other display visible from a public vantage point depicting or portraying specified anatomical areas or specified sexual activities.
- (5) Adult oriented merchandise must not be displayed in a location that would be visible from a public vantage point.
- (6) All text, symbols, logos or other graphics advertising an adult entertainment use that will be visible from a public vantage point must use only terms and imagery that would be typical and expected for a comparable non-adult entertainment use and appropriate for a general audience.

- (7) All public entrances to an adult entertainment use must have a warning sign indicating that only those age 18 or older may enter.

**3003.C Definitions.** As used in this section:

- (1) Adult entertainment use means a store, theater, club, restaurant or other establishment that as a substantial component of the use offers:
- (a) Adult oriented merchandise for sale, rental, exchange, loan or trade;
  - (b) Live or recorded performances by entertainers who are clothed to reveal or emphasize specified anatomical areas and/or activities include or mimic specified sexual activities; and/or
  - (c) Services by attendants who are clothed to reveal or emphasize specified anatomical areas and/or whose activities include or mimic specified sexual activities.
- (2) Adult media means any magazines, books, movies, photographs, recordings or other forms of communication that are distinguished or characterized by an emphasis on matter depicting, describing or related to specified anatomical areas or specified sexual activities.
- (3) Adult oriented merchandise means any goods, products, commodities or other wares that depict, describe or simulate specified anatomical areas or specified sexual activities including but not limited to sexually oriented toys or novelties and adult media.
- (4) Sexually oriented toys or novelties means any instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- (5) Specified anatomical areas means:
- (a) Less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
  - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (6) Specified sexual activities means:
- (a) Human genitals in a state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality;

- (c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed, of oneself, or of one person by another; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in this section.

#### **3004 ATM or Branch Bank Office**

3004.A An ATM or branch bank office may be allowed as an accessory use in any district where financial establishments are an allowed use and in the Industrial district in accordance with the following:

- (1) The structure, or portion of a structure, housing the ATM or office must not have a floor area or footprint of more than 900 square feet.
- (2) If a new standalone structure will be constructed to house the ATM or office, that structure must meet all dimensional and other applicable standards for new principal buildings in the zoning district except that any minimum building height requirement will not apply.
- (3) Drive-through facilities will only be permitted in districts that allow other drive-through uses and with conditional use approval from the Development Review Board.
- (4) No additional parking will be permitted to serve the ATM or office.

#### **3005 Accessory Structures**

3005.A **Applicability.** This section applies to any subordinate structure that is located on the same lot as the related principal structure or use and that is clearly incidental to, and customarily found in conjunction with, the principal structure or use. An allowed principal structure or use includes accessory structures in accordance with this section.

3005.B **General Standards.** Accessory structures must meet the general standards of [Subsection 2005.C.](#)

3005.C **Dimensional Standards.** Accessory structures will be subject to the dimensional standards of the applicable zoning district for principal structures unless a provision of this section states otherwise or provides an alternative standard. [Figure 3-1](#) establishes specific siting, height and setback standards for certain accessory structures that will apply in all zoning districts.

**Figure 3- 1: Dimensional Standards for Accessory Structures**

Structure Type	May Encroach into District Setback			Min Setback <i>lesser of the following or district min setback</i>	Max Height <i>lesser of the following or district max</i>
	Front	Side	Rear		
Arbors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	12 ft
Berms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	12 ft
Decks or patios	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	n/a
Driveways, single-and two family	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	n/a
Driveways, multi-family and non-residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft if shared 8 ft if not shared	n/a
Equipment, ancillary not in a residential or open space district	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	n/a
Fences or gates (see <a href="#">Section 3015</a> )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	n/a
Fire escapes, handicap ramps or similar structures required to conform to the Americans with Disabilities Act or building codes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft, but minimum required to conform to ADA or code	n/a
Flag poles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	36 ft
Garages or carports, detached (attached garages or carports will be considered part of the principal structure and subject to applicable district standards for such structures)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft if shared 4 ft if not shared	24 ft
Stormwater infrastructure or practices (see <a href="#">Section 3021</a> )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	n/a
Heating and cooling units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	n/a
Mailboxes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	n/a
Overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, window sills, chimneys, projections enclosing habitable space or similar architectural features	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 ft beyond the exterior building wall, encroachment into or over a public right-of-way will require approval from the Director of Public Works	n/a
Parking areas (see <a href="#">Section 3104</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft if shared 4 ft if not shared but screened with a fence 8 ft if not shared and not screened with a fence	n/a
Pools, hot tubs or saunas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8 ft	n/a
Porches (unheated space), stoops, awnings or roof overhangs for sheltering people (this does not include carports)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8 ft beyond the exterior building wall, encroachment into or over a public right-of-way will require approval from the Director of Public Works	n/a
Retaining walls (see <a href="#">Section 3015</a> )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	n/a

Structure Type	May Encroach into District Setback			Min Setback	Max Height
	Front	Side	Rear	<i>lesser of the following or district min setback</i>	<i>lesser of the following or district max</i>
Sheds, pool houses, playhouses or treehouses (max 200 sf footprint each, larger structures will be subject to district standards for principal structures)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	16 ft
<i>Note: Max height for pool houses and treehouses will be measured from lowest floor level to highest point of structure.</i>					
Sidewalks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0 ft	n/a
Sports, exercise, recreation or play structures (max 200 sf footprint each, larger structures will be subject to district standards for principal structures)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 ft	16 ft

## 3006 Accessory Uses

3006.A **Applicability.** This section applies to any subordinate use that is located on the same lot as the related principal use and that is clearly incidental to, and customarily found in conjunction with, the principal use. An allowed principal use includes accessory uses in accordance with this section.

3006.B **General Standards.** Accessory uses must meet the general standards of [Subsection 2004.E](#).

3006.C **Accessory Retail Sales.** Retail sales may be allowed as an accessory use to a principal industrial or commercial use in accordance with the following:

- (1) For service uses, accessory retail sales must be limited to products associated with the service (ex., sale of hair care products at a salon).
- (2) For manufacturing uses, accessory retail sales must be limited to products made or assembled on the premises.
- (3) Accessory retail sales must occur primarily within an enclosed structure and any outdoor display of goods for sale must conform to the standards of [Section 3103](#).

## 3007 Camping and Camping Units

3007.A **Applicability.** Any parcel of land that is occupied by or designed to accommodate more than 3 camping units will be considered a campground and subject to all applicable provisions of this ordinance applicable to campgrounds (see [Section 3226](#)).

3007.B **Camping as an Accessory Use.** A property owner may locate up to 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) on his/her residential property to be used for non-commercial, recreational purposes in accordance with the following:

- (1) Such units must not be occupied for more than 21 days total in any calendar year unless the property owner obtains a zoning permit as specified in Paragraph (2) below.

- (2) The Zoning Administrator may issue a zoning permit to allow up to 3 camping units to be located on a residential lot and occupied for a maximum of 90 days total in any calendar year as an accessory use of residential property.
- 3007.C **Camping as a Principal Use.** A property owner may apply for a zoning permit to allow the placement of 1 camping unit as the principal use of an otherwise undeveloped lot in accordance with the following:
- (1) The proposed development may include the construction of a permanent pad, accessory structures and installation of utilities that conform to the standards of this ordinance for similar structures and uses on single-family residential lots.
  - (2) The applicant must demonstrate that the camping unit conforms to the water supply and wastewater disposal standards of [Section 3024](#).
  - (3) The camping unit may remain on the lot year-round, but it may only be occupied for a maximum of 180 days total in any calendar year.
- 3008 Construction-Related Structures and Activities**
- 3008.A **Applicability.** Temporary construction-related structures are permitted in any district on the site of permitted development or an approved staging area in accordance with the provisions of this section. Construction-related structures may include, but are not limited to, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, fences and signs.
- 3008.B **Permitting Process.** The permit for the development will include approval of any construction- related structures. Construction-related structures must be removed from the property promptly upon completion of work and before the Zoning Administrator may issue a final Certificate of Compliance in accordance with [Section 4207](#).
- 3008.C **Staging Areas.** The Zoning Administrator may issue a zoning permit for the temporary use of a property in the General Business or Industrial District as a staging area for an off-site construction project. The Development Review Board may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.
- 3008.D **Dumpsters.** Construction dumpsters must be located and used in accordance with the following:
- (1) Construction dumpsters must not impede pedestrian or vehicular access or otherwise create an unsafe condition for pedestrian and vehicular traffic.
  - (2) Construction dumpsters must be labeled with the name and telephone number of the owner, and as being for construction or demolition materials only.
  - (3) Construction dumpsters must be routinely inspected and emptied as needed.
- 3008.E **Portable Toilets.** Portable toilets must conform to the following:

- (1) Portable toilets must be located to provide the maximum practical setback and screening from streets and adjacent properties.
- (2) Portable toilets must be labeled with the name and telephone number of the owner.
- (3) Portable toilets must be routinely inspected and pumped out as needed.

## **3009 Demolition**

3009.A **Applicability.** All demolition must conform to the standards of this section, including demolition activities that do not require a zoning permit under Paragraph 1101.A(2). Demolition of a structure in the Design Review or Historic Structure Overlay District must also conform to the standards of [Subsection 2202.G.](#)

3009.B **General Standards.** Within 60 days after demolition is complete:

- (1) All structural materials and debris must be removed from the site;
- (2) The site must be restored to a natural grade; and
- (3) Groundcover must be re-established to prevent erosion.

## **3010 Driveways**

3010.A **Applicability.** New, extended or modified driveways serving the proposed development must conform to the standards of this section. A driveway may serve not more than 3 lots (a vehicular travel way proposed to serve more than 3 lots will be considered a street and must conform to the standards of [Subsection 3305.A](#)).

3010.B **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of the city's Public Works Specifications, the Public Works Specifications will take precedence.

3010.C **Technical Review.** The Zoning Administrator will forward all applications for new, extended or modified driveways to the Barre City Director of Public Works and the Director of Public Safety for review and comment. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments.

3010.D **Design Standards.** Driveways must conform to the standards of [Figure 3-2](#) and the following:

- (1) **Angle.** Driveways must intersect the street at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the street at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.
- (2) **Width.** Driveways must not exceed a maximum paved width of 24 feet, exclusive of any turnaround area. The Development Review Board may approve a waiver to allow a wider driveway if the applicant can demonstrate that it is necessary to:

- (a) Accommodate unique physical conditions on the property;
  - (b) Serve trailer trucks;
  - (c) Meet minimum standards for emergency access;
  - (d) Meet the minimum standards of the Americans with Disabilities Act; or
  - (e) Provide improved traffic circulation within the site.
- (3) **Drainage.** Driveways must:
- (a) Not block the flow of drainage in gutters or drainage ditches or pipes.
  - (b) Not discharge run-off onto the traveled portion of the street.
  - (c) Not generate run-off that would unreasonably contribute to an accumulation of stormwater or that would exceed the capacity of downstream facilities or infrastructure.
  - (d) Be installed with culverts, where necessary, designed to carry run-off under the driveway. Such culverts must be sized to convey anticipated peak stormwater flows and be at least 18 inches in diameter, extend at least 2 feet beyond the driveway edges, and installed to minimize erosion damage at the inlet and outlet. It will be the applicant's responsibility to install and maintain such culverts.
- (4) **Pull-Offs.** A driveway longer than 450 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 450 feet apart adequately sized and surfaced to accommodate emergency vehicles.
- (5) **Turnarounds.** A driveway longer than 300 feet must terminate with a parking and turnaround area not more than 50 feet from the principal building that is adequately sized and surfaced to accommodate emergency vehicles.

### **Figure 3- 2: Driveway Design Standards**

	<b>Minimum Paved Width</b>	<b>Maximum Grade</b>
Serving 1 lot and not more than 300 ft long	9 ft	12% average
Serving 2-3 lots and not more than 450 ft long	12 ft	10% average
Serving 1 lot and more than 300 ft long	10 ft	12% over any 100-ft section
Serving 2-3 lots and more than 450 ft long	14 ft	10% over any 100-ft section

### **3011 Drive-Through Facilities**

3011.A When drive-through facilities are specifically allowed under this ordinance, they must be designed in accordance with the following:

- (1) Stacking lanes (where vehicles queue for service) and service areas must be located

to the side or rear of the building.

- (2) Stacking lanes must be clearly signed, marked and separated from travel lanes.
- (3) Stacking lanes must not block access to service drives, parking spaces or loading areas.
- (4) Drive-through traffic must not cause congestion or other unsafe conditions within the site or on the street.
- (5) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.
- (6) Stacking lanes and service areas must not be located within minimum required setbacks.
- (7) Menu boards must conform to the standards of Paragraph 3107.F(4).
- (8) Drive-through facilities must be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

### **3012 Dwelling Units**

**3012.A Applicability.** The standards of this section apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

**3012.B Minimum Unit Size.** The minimum size of a dwelling unit must not be less than:

- (1) 150 square feet for a studio or efficiency unit (one open living area that includes cooking, living and sleeping quarters, as well as sanitation facilities in accordance with [Subsection 3012.C](#));
- (2) 220 square feet for a one-bedroom unit; or
- (3) 220 square feet plus an additional 70 square feet for each additional bedroom (290 sf for two-bedroom, 360 sf for three-bedroom, etc.).

**3012.C Cooking and Sanitation Facilities.** All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

- (1) A dwelling unit must contain permanent bathroom facilities consisting at a minimum of a toilet, sink, and shower or bathtub. The toilet and shower or bathtub must be within a room or enclosure that is fully separated from other living spaces by walls and one or more doors.
- (2) A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.

- (3) Any dwelling unit within a multi-family building containing:
  - (a) 3 or more bedrooms must have utility connections for a washing machine and clothes dryer in the unit.
  - (b) Less than 3 bedrooms must either have utility connections for a washing machine and clothes dryer within the unit or there must be a common laundry room in the building with washing machines and clothes dryers accessible to residents.

- 3012.D **Parking.** All dwelling units must have parking in accordance with [Section 3104](#).
- 3012.E **Water Supply and Wastewater Disposal.** All dwelling units must have safe, functioning water supply and wastewater disposal systems in accordance with [Section 3024](#).
- 3012.F **Trash Disposal.** All multi-family dwelling units must have convenient access to trash, recycling and compost storage areas in accordance with [Section 3108](#).

### **3013 Energy Generation Facilities**

- 3013.A **Applicability.** The standards of Subsections A through D apply to energy generation facilities not exempted in [Subpart 100](#). The standards of Subsection E apply to solar electric generation facilities regulated by the Public Utilities Commission.
- 3013.B **Setbacks.** An energy generation apparatus must be set back a distance equal to its height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted.
- 3013.C **Height.** The height of an energy generation apparatus must conform to the following:
  - (1) The height of ground-mounted solar energy generating apparatus must not exceed 36 feet.
  - (2) The height of a ground-mounted wind energy generating apparatus must not exceed 120 feet.
  - (3) An energy generating apparatus mounted on a building wall must not extend above the lowest portion of the roof.
  - (4) An energy generating apparatus mounted on a building roof must not extend more than 12 feet above the roof surface.
- 3013.D **Removal.** A facility that has been out-of-service for more than 180 days will be considered abandoned and the owner must remove it unless he/she can demonstrate to the Zoning Administrator an intent to resume the energy generation use at a specified future time.
- 3013.E **Screening Requirements.** A solar electric generation facility regulated by the Public Utilities Commission must meet the screening requirements of [Subsection 3106.F](#) for utilities and service areas.

## **3014 Erosion Control**

- 3014.A **Purpose.** This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.
- 3014.B **Applicability.** All construction activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below. The provisions of this section apply to any development that will disturb soil except:
- (1) Development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.
- 3014.C **Erosion Control Plan Required.** Applicants must submit and implement a professionally prepared erosion control plan for construction activities that will disturb more than 10,000 square feet of soil in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.
- 3014.D **General Standards.** All construction activities that will disturb soil must be undertaken in accordance with the following practices (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*):
- (1) Limit the size of the construction area to the minimum necessary to accommodate the proposed development.
  - (2) Preserve significant existing trees within the construction area where feasible. Trees to be preserved within the construction area should be protected by fencing that at a minimum encloses the area around their drip line.
  - (3) Mark site boundaries to identify the limits of construction (including storage and access areas) with flags or fencing. No soil disturbance or compaction should occur outside the delineated construction area.
  - (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
  - (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto streets.
  - (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
  - (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to

neighboring properties, public rights-of-way or water bodies.

- (8) Treat and filter any water pumped out of the construction area before allowing it to flow off the site or to be discharged to a storm drain or water body.
- (9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.
- (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete.
- (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.
- (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (13) Till any compacted soil prior to the final seeding and mulching.
- (14) Stockpile the topsoil removed during construction and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it should be amended as needed.

### **3015 Fences and Walls**

- 3015.A **Applicability.** The provisions of this section apply to all fences and walls not exempted in [Subpart 100](#).
- 3015.B **Setbacks.** Fences and walls may be located within district setbacks as specified in [Figure 3-1](#).
- 3015.C **Height.** The maximum height of fences and non-retaining walls will be as follows unless otherwise approved by the Development Review Board in order to provide adequate screening or security:
- (1) 4½ feet if located between the street and the principal building frontline.
  - (2) 6½ feet if located to the rear or side of the principal building.
  - (3) Height restrictions will not apply to fences within the Industrial district provided that:
    - (a) The fence does not abut land in another zoning district; and
    - (b) The fence height and location does not reduce sight distance at intersections.
  - (4) A fence or wall must not obscure vision above a height of 3 feet at an intersection.

- (5) The height of a fence will be measured from the highest part of the fence (including any structural or decorative elements) to the grade immediately below at the point along the fence where that distance is the greatest.

**3015.D Materials.** Unless otherwise approved by the Development Review Board, a fence or wall:

- (1) Must be constructed of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron or other materials of similar durability;
- (2) Must be constructed so that any support posts are to the inside and the "finished" or "good" side faces out; and
- (3) Must not be constructed of barbed wire, razor wire or similar materials capable of inflicting significant physical injury except as required to meet state or federal regulations.

**3015.E Retaining Walls.** Retaining walls must be located and designed as follows:

- (1) No individual retaining wall may exceed 16 feet in height except that pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.
- (2) All retaining walls more than 4 feet in height must be designed by a qualified professional, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.
- (3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.
- (4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 8 feet as measured from face-to-face.

## **3016 Grading, Excavation or Fill**

**3016.A Applicability.** The provisions of this section apply to all grading, excavating or filling of land not exempted in [Paragraph 1101.A\(6\)](#) or associated with an extraction operation as defined under this ordinance. A property owner must obtain a zoning permit for such grading, excavating or filling of land in accordance with the provisions of this section.

**3016.B Waterways or Wetlands.** Excavation and fill is prohibited within surface waters, wetlands and any required buffers to surface waters or wetlands unless the proposed activity will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits.

**3016.C Fill Material.** The use of any material other than clean soil for fill is prohibited unless the

proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.

**3016.D General Standards.** Grading, excavation and fill must conform to the following unless otherwise approved by the Development Review Board as an element of proposed development subject to a development approval:

- (1) Grading, excavation or fill is prohibited within zoning district setbacks;
- (2) Grading, excavation or fill must not alter the pre-existing grade by more than 5 feet; and
- (3) Grading, excavation or fill must not result in a slope steeper than a 2:1 (horizontal-to- vertical) ratio.

**3017 Manufactured Housing**

**3017.A Applicability.** The provisions of this section apply to all manufactured homes, as defined in this ordinance, whether located on an individual lot or in a manufactured home park.

**3017.B Foundation.** All manufactured homes must be attached to a permanent foundation system in compliance with the International Conference of Building Officials (ICBO) *Guidelines for Manufactured Housing Installation* and the following:

- (1) All wheels, hitches, axles, transporting lights and removable towing apparatus must be permanently removed prior to installation of the manufactured home.
- (2) The foundation must be excavated and must have continuous skirting or backfill, leaving no uncovered open areas except for vents and crawl spaces. The foundation must be located below grade or must include masonry skirting.
- (3) All manufactured homes must be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof.

**3017.C Individual Lots.** A manufactured home on an individual lot will be treated the same as any other type of single-family dwelling under this ordinance.

**3017.D Manufactured Home Parks.** The following standards apply to manufactured home parks:

- (1) A mobile home park must be designed, reviewed and approved as a cluster housing planned unit development in accordance with [Section 3403](#);
- (2) Each manufactured home must be located on a delineated site;
- (3) A manufactured home must not be located closer than 20 feet to any other home within the park; and
- (4) All the homes within a manufactured home park must be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide

adequate emergency access or improve traffic safety.

### **3018 Ponds**

- 3018.A **Applicability.** The provisions of this section apply to any constructed pond with a surface area of more than 200 square feet or a maximum depth of more than 4 feet. A property owner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of this section.
- 3018.B **Waterways or Wetlands.** Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that he/she has obtained all required state permits.
- 3018.C **General Standards.** Ponds must conform to the following unless otherwise approved by the Development Review Board as an element of proposed development subject to a development approval:
- (1) Ponds are prohibited within zoning district setbacks;
  - (2) Ponds must have a grassed spillway system capable of handling stormwater overflow from the pond;
  - (3) Stormwater overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters; and
  - (4) Property owners must manage and maintain ponds so as to not create a nuisance or hazard.

### **3019 Portable or Temporary Structures**

- 3019.A Property owners must obtain a zoning permit to locate portable or temporary structures on their property to the same extent as comparable permanent structures. This specifically includes, but is not limited to:
- (1) Trailers, containers or unregistered vehicles used for storage;
  - (2) Tiny houses, yurts, tents or similar habitable structures; and
  - (3) Canopies, portable garages or similar structures designed to shelter vehicles, equipment or similar personal goods.

### **3020 Riparian Buffers**

- 3020.A **Purpose.** This section is intended to protect and enhance the overall quality, natural function and ecological health of the city's surface water resources by mitigating the impact of development within riparian areas.
- 3020.B **Applicability.** The provisions of this section apply to all land (as measured from the top of bank) within:
- (1) 10 feet of the Stevens Branch and Jail Branch of the Winooski River; and

- (2) 20 feet of all other mapped surface waters.

3020.C **General Standards.** Development is prohibited and natural woody vegetation must be maintained or established within riparian buffers except that:

- (1) Water-dependent structures or uses, public recreation facilities and public trails or walkways will be allowed to the extent allowed in the applicable zoning district.
- (2) Private water access, outdoor recreation, or outdoor seating will be allowed as follows:
  - (a) Such uses may occupy not more than 200 square feet within the buffer from the Stevens Branch and Jail Branch of the Winooski River, or 400 square feet within the buffer from all other mapped surface waters; and
  - (b) That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.
- (3) The vegetation within the riparian buffer may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the existing functions of naturally vegetated riparian buffers.

3020.D **Nonconforming Sites.** Pre-existing development within riparian buffers will be regulated in accordance with the following:

- (1) The pre-existing development and use within the buffer may continue.
- (2) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no exterior modifications within the buffer.
- (3) Exterior modification, redevelopment or replacement of structures or developed areas within the buffer may be allowed within the same footprint as a conditional use.
- (4) On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer maintained as lawns or gardens.

3020.E **Conditional Use Criteria.** In addition to all other applicable criteria of this ordinance, an applicant seeking conditional use approval for development within the riparian buffer must demonstrate that:

- (1) The proposed development cannot reasonably be accommodated on any portion of the lot outside the riparian buffer;
- (2) The proposed development will not have new or greater (as compared to existing

conditions) adverse impact on the natural functions of the surface water and land within the riparian buffer; and

- (3) If the site was previously developed, it will be brought into conformance with the standards of this section to the maximum extent feasible, which may include re-planting the buffer with suitable woody, riparian vegetation.

## **3021 Stormwater Management**

**3021.A Purpose.** This section is intended to:

- (1) Minimize and/or control the quantity and quality of stormwater run-off.
- (2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible.
- (3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation.
- (4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development.
- (5) Protect surface waters and other natural resources from degradation as a result of development.
- (6) Minimize hazards from flooding and streambank erosion.
- (7) Prevent damage to, and reduce public expenditures associated with maintaining municipal infrastructure resulting from inadequate stormwater controls.

**3021.B Applicability.** All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies. The provisions of this section apply to any development that will increase the amount of impervious surface on a lot except that:

- (1) Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.
- (2) For lots with existing impervious surface, the provisions of this section will apply only to new or modified impervious surfaces unless otherwise specified in these regulations, but the applicant may propose to treat an equivalent area of existing impervious surface instead of the new or modified impervious surface.

**3021.C Public Works Specifications.** Applicants must construct stormwater infrastructure in accordance with the city's Public Works Specifications. In the case of a conflict between a

provision of this section and a provision of the Public Works Specifications, the Public Works Specifications will govern.

**3021.D Design and Engineering Requirements.** Applicants must design and engineer proposed development in accordance with low-impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given the site specific conditions including, but not limited to, soil characteristics and slope. Applicants proposing development that will increase the amount of impervious surface on a lot by:

- (1) 2,500 square feet to 10,000 square feet must demonstrate that appropriate stormwater best management practices will be implemented based on the *GSI Simplified Sizing Spreadsheet*.
- (2) 10,000 square feet or more must submit and implement a professionally prepared stormwater management plan in accordance with the *Vermont Stormwater Management Manual*.

**3021.E Best Management Practices.** Development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater management best management practices (BMPs) in accordance with the following:

- (1) BMPs must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall. (See the *Simplified GSI Sizing Tool* for methods and calculations.)
- (2) Stormwater from on-site impervious roofs, streets, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, and/or other pervious surfaces in order to promote on-site water retention and filtration.
- (3) Applicants must demonstrate that the proposed width of all streets and driveways is the narrowest possible necessary to provide safe access and circulation in accordance with the provisions of this ordinance and the city's Public Works specifications.
- (4) Applicants must demonstrate the the proposed amount of on-site parking is the minimum necessary to meet the parking demand in accordance with the provisions of this ordinance and the city's Public Works specifications.

**3021.F Post-Construction Soil Depth and Quality.** All disturbed areas on a site not covered by impervious surface, incorporated into a structural stormwater treatment practice, or engineered as structural fill or slope once development is complete, must conform to the following:

- (1) The duff layer and topsoil in areas to be disturbed during construction must be removed and stockpiled onsite in a designated, controlled area that is not adjacent to surface waters, wetlands, floodplains, or river corridors. The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete.

- (2) At project completion, the soil in disturbed areas must:
- (a) Have a pH from 6.0 to 8.0 or matching the pH of the undisturbed soil on the site.
  - (b) Include a topsoil layer with a minimum organic matter content of 10% dry weight in planting beds and 5% organic matter content in turf areas;
  - (c) Include a topsoil layer with a minimum depth of 8 inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.
  - (d) Have had the subsoils below the topsoil layer scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.
- (3) If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import and establish a minimum 8-inch topsoil layer with subsoils below scarified to at least 4 inches to allow for some incorporation of the topsoil layer.
- (4) The resulting soil must be capable of supporting healthy vegetation. If the disturbed areas will be landscaped in accordance with an approved site plan, the resulting soil must be capable of supporting the plants that will be installed.

## **3022 Swimming Pools**

- 3022.A A property owner may apply for a zoning permit to install a swimming pool (if not exempt under Paragraph 1101.A(12)) on his/her property to be used for non-commercial, recreational purposes as an accessory use in accordance with the following:
- (1) A swimming pool must be completely enclosed to prevent unauthorized access by a wall, fence or other structure not less than 4 feet in height with a self-closing and self-latching gate.
  - (2) An above-ground pool will be considered completely enclosed if its exterior walls are smooth and at least 4 feet in height above grade around its entire perimeter, and if either:
    - (a) The ladder access will be enclosed by a wall, fence, or other structure not less than 4 feet in height with a self-closing and self-latching gate; or
    - (b) Entrance to the pool will be possible only through the use of portable steps or stairs that are removed when the pool is not in use.
  - (3) Swimming pools may be located within district setbacks in accordance with [Figure 3-1](#). A swimming pool must not be located between the principal building and the street unless the applicant can demonstrate that there is no other feasible location.

**3023 Utility Facilities**

- 3023.A **Applicability.** The standards of this section apply to utility facilities not exempted in [Subpart 110](#).
- 3023.B **District Standards.** Minimum lot size and frontage requirements will not apply to lots housing utility facilities.
- 3023.C **Site Security.** Utility facilities must be designed and maintained to prevent unauthorized access and protect public safety.
- 3023.D **Screening Requirements.** A site housing a utility facility must meet the screening requirements of [Subsection 3106.F](#) for utilities and service areas.

**3024 Water Supply and Wastewater Disposal**

- 3024.A All proposed development requiring a zoning permit under this ordinance must conform to applicable city ordinances and specifications and state regulations regarding the provision of potable water and disposal of wastewater.

## 310 SITE DESIGN AND PERFORMANCE STANDARDS

### 3101 Landscaping

3101.A **Purpose.** The provisions of this section are intended to:

- (1) Enhance the appearance of development and the quality of neighborhoods in the city;
- (2) Provide shade, and reduce heat and glare;
- (3) Control soil erosion and stormwater runoff;
- (4) Screen potentially incompatible land uses and utilitarian site features; and
- (5) Calm traffic, and improve pedestrian safety and comfort.

3101.B **Applicability.** Proposed development subject to major site plan approval (see [Subsection 4305.C](#)), including planned unit developments, must provide landscaping in accordance with the provisions of this section.

3101.C **General Standards.** All landscaping required under this ordinance must conform to the following:

- (1) **Landscape Plan.** Applicants for major site plan approval (see [Subsection 4305.C](#)) must submit a landscape plan prepared by a licensed landscape architect or a certified horticulturist if landscaping will be altered or installed.
- (2) **Plant Materials.** Plant materials must meet the specifications in [Figure 3-3](#). Barre City strongly encourages use of native species and prohibits use of invasive species.
- (3) **Performance Bond.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, applicant may install the landscaping within 6 months of the end of construction. The applicant must submit a performance bond to ensure that landscaping will be installed in accordance with the approved plans. The performance bond will be held until the landscaping is completed.
- (4) **Maintenance.** Landscaping required under this section or as a condition of approval must be maintained in a healthy condition. Dead or dying plants must be replaced within one growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in [Figure 3-3](#).
- (5) **Inspection.** The Development Review Board may require that the Zoning Administrator inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after several growing seasons as a condition of approval. An inspection is recommended when landscaping is integral to ensuring that the proposed development performs as approved (such as within green stormwater infrastructure or riparian buffers, or where there is a specific

screening or aesthetic concern, for example).

**Figure 3- 3: Tree Planting Specifications**

Plant Material	Maximum Crown/Spread (at maturity)	Maximum Height (at maturity)	Minimum Caliper (at planting)	Minimum Height (at planting)	Minimum Soil Volume (per plant)	Equivalent Planting Units
Large Tree	40 ft or more	50 ft or more	2.5 inches for single-trunk trees (measured at 6" above grade)	6 ft for multi-trunk trees	1,000 cf	1.0
Medium Tree	30 to <40 ft	30 to <50 ft			500 cf	0.8
Small Tree	<30 ft	<30 ft			250 cf	0.6
Large Shrub	9 ft or more	8 ft or more	n/a	30	120 cf	0.5
Medium Shrub	6 to <9 ft	4 to <8 ft	n/a	18 in	60 cf	0.3
Small Shrub	<6 ft	<4 ft	n/a	12	15 cf	0.1

**Notes**

*Minimum soil volume will not include any soil below 4 feet in depth (ex. 1,000 cf could equal an area 20' wide by 25' long by 2' deep or an area 10' wide by 25' long by 4' deep).*

*Minimum soil volume per plant may be reduced by 40% for planting areas landscaped with multiple plants that are not less than 10 ft in any dimension.*

*Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units.*

*Perennial ornamental plants may be substituted for not more than 30% of the total number of required plants at a rate of 0.1 equivalent planting units. Minimum size at planting must be a #1 container or equivalent.*

**3101.D Front Yard Standards.** Proposed development requiring major site plan approval (see [Subsection 4305.C](#)) must provide landscaping within the minimum front setback, except within the Industrial district or where the principal building is or will be constructed to the edge of the sidewalk, in accordance with the following:

- (1) **Location.** Front yard landscaping must be provided between the edge of the street right-of-way and the frontline of the principal building to:
  - (a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;
  - (b) Provide direction to and enhance building entrances;
  - (c) Provide visual breaks along blank building facades;
  - (d) Enhance and shade sidewalks and walkways;
  - (e) Screen parking areas or other utilitarian site elements; and/or
  - (f) Intercept and filter stormwater runoff.

- (2) **Specifications.** Front yard landscaping must conform to the planting specifications in [Figure 3-3](#).
- (3) **Quantity.** Front yards must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 15 feet of lot frontage (exclusive of street trees).
- (4) **Green Stormwater BMPs.** Barre City strongly encourages front yard landscaping to also function as green stormwater best management practices (BMPs). The Development Review Board may modify the standards of this section as recommended by the Department of Public Works to accommodate green stormwater BMPs.

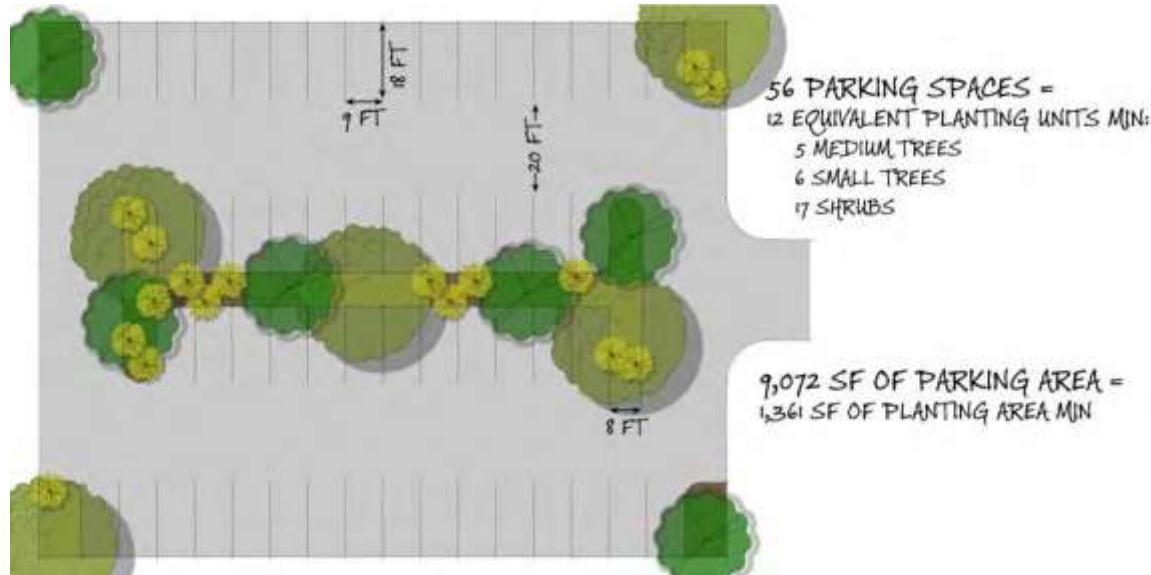
**3101.E Streetscape Standards.** Proposed development requiring major site plan (see [Subsection 4305.C](#)) or subdivision approval must provide street trees along existing and proposed streets except within the Industrial district in accordance with the following:

- (1) **Location.** Street trees must be planted as follows:
  - (a) Within 5 feet of the edge of the street right-of-way unless otherwise recommended by the Department of Public Works.
  - (b) In a planting strip or a tree well within or immediately adjacent to the street right-of-way that is not less than 4 feet in any dimension unless otherwise recommended by the Department of Public Works.
- (2) **Specification, Size and Spacing.** Street trees must conform to the planting specifications in [Figure 3-3](#), and be sized and spaced as follows:
  - (a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.
  - (b) Where there are existing or proposed overhead utility lines 35 feet or more in height, street trees must be medium trees.
  - (c) Where there are existing or proposed overhead utility lines less than 35 feet in height, street trees must be small trees.
  - (d) Street trees must be planted with a reasonably even, linear spacing as specified below:
    - (i) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.
    - (ii) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.
  - (e) As recommended by the Department of Public Works, the Development Review Board may modify the above requirements and allow the applicant to:

- (i) Plant medium or small trees if buildings or similar obstructions will conflict with large trees as they mature;
  - (ii) Shift the spacing of street trees to accommodate site features or maintain sight distance.
- (3) **Preservation of Existing Trees.** Barre City strongly encourages preservation of existing, healthy, mature trees. The Development Review Board may waive the location, spacing and alignment standards above to allow existing trees within 10 feet of the edge of the street right-of-way to meet street tree requirements.
- 3101.F **Parking Area Standards.** Proposed development requiring major site plan approval (see [Subsection 4305.C](#)) must landscape existing and proposed off-street surface parking areas except within the Industrial district in accordance with the following:
- (1) **Location.** Single-loaded parking areas with up to 10 spaces and double-loaded parking areas with up to 20 spaces may be landscaped solely along the perimeter of the parking area provided that the planting area is not less than 8 feet in any dimension. All other parking areas must incorporate landscaped planting islands within the parking area. Parking lot landscaping must be located to:
    - (a) Provide visual breaks within or along rows of parking;
    - (b) Shade parking spaces, sidewalks and walkways;
    - (c) Screen parked vehicles from view at the street and from adjoining properties; and/or
    - (d) Intercept and filter stormwater runoff.
  - (2) **Planting Islands.** Planting islands must:
    - (a) Be not less than 8 feet in any dimension; and
    - (b) Equal an area that is not less than 15% of the total area of parking spaces (excluding access aisles).
  - (3) **Specifications.** Parking area landscaping must conform to the planting specifications in [Figure 3-3](#).
  - (4) **Quantity.** Parking areas must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 5 parking spaces. Parking areas located behind buildings or otherwise screened from street view must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 8 parking spaces.
  - (5) **Expansion of Pre-Existing Parking Areas.** Parking areas that are being expanded must conform to the landscaping requirements of this section as follows:

- (a) If the increase in the number of spaces and impervious surface will be not more than 30% from what existed prior to July 16, 2019, the quantity of landscaping required will be based on the number of new spaces.
  - (b) If the increase in the number of spaces or impervious surface will be more than 30% from what existed prior to July 16, 2019, the quantity of landscaping required will be based on total number of spaces (new + existing).
- (6) **Green Stormwater BMPs.** Barre City strongly encourages parking area landscaping to also function as green stormwater best management practices (BMPs). The Development Review Board may modify the dimensional standards of this section and of [Section 3104](#) as recommended by the Department of Public Works to accommodate green stormwater BMPs.

**Figure 3- 4: Illustrated Parking and Parking Lot Landscaping Standards**



## **3102 Outdoor Lighting**

**3102.A Purpose.** The provisions of this section are intended to:

- (1) Ensure that outdoor lighting is designed to maintain safety and security;
- (2) Minimize the obtrusive and disruptive aspects of outdoor lighting;
- (3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and
- (4) Prevent light trespass and glare by requiring light fixtures to be shielded and properly aimed.

**3102.B Applicability.** All outdoor lighting must be installed in accordance with the provisions of this section except for public street lights located within rights-of-way.

3102.C **General Standards.** All outdoor lighting must conform to the following:

- (1) **Lighting Plan.** Applicants for major site plan approval (see [Subsection 4305.C](#)) must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.
- (2) **Shielding.** All nonexempt outdoor light fixtures must be shielded as specified in [Figure 3-5](#) or [Figure 3-6](#) or as applicable. All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.
- (3) **Total Output.** Total output from all light fixtures on a site must not exceed the limits specified in [Figure 3-5](#) or [Figure 3-6](#) as applicable.
- (4) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.
- (5) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. When aimed straight down, such light fixtures will be considered fully shielded; when aimed above straight down, they will be considered partially shielded. Use of flood or similar high-intensity lighting is discouraged.
- (6) **Freestanding Lights.** Freestanding light fixtures must not exceed 30 feet in height in the Industrial and General Business districts and 24 feet in height in all other districts. Freestanding light fixtures may be located within setbacks. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.
- (7) **Light Trespass.** Outdoor light fixtures must be oriented and shielded as necessary to prevent light trespass over adjacent property or rights-of-way.
- (8) **Internally Illuminated Architecture.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated will be considered partially shielded, Class 3 lighting.
- (9) **Luminous Tube Lighting.** Luminous tube lighting does not require shielding but it will be considered partially shielded lighting for the purposes of calculating total outdoor light output for the site.
- (10) **Time Limits.** Outdoor lighting must be extinguished as specified in [Figure 3-5](#) or [Figure 3-6](#) as applicable unless otherwise approved by the Development Review Board upon finding the lighting necessary to protect public safety or secure the property. The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect

the character of the neighborhood.

3102.D **Special Use Lighting.** There are additional lighting standards for the following uses:

- (1) **Recreation Facilities.** Lighting for outdoor recreation facilities must conform to the following:
  - (a) Lighting for outdoor recreation facilities will be exempt from the lumens per square foot limit specified in [Figure 3-5](#) or [Figure 3-6](#).
  - (b) The facility lighting must be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
  - (c) Light fixtures must be fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.
  - (d) Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
  - (e) All field lighting must be extinguished within 30 minutes of the cessation of play. Events must be scheduled so as to complete activity before 11 p.m. Illumination of the facility will be permitted after 11 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.
- (2) **Sales Lots.** Lighting for the frontage row display area of a sales lot must conform to the following:
  - (a) Lighting for the frontage row of the display area will be considered Class 1 lighting.
  - (b) All frontage row lighting must use fully-shielded light fixtures.
  - (c) The total outdoor light output used for illuminating the frontage row display area must not exceed 60 lumens per square foot of the frontage row display area.
  - (d) Lighting for the frontage row will be exempt from the lumens per square foot limit specified in [Figure 3-5](#) or [Figure 3-6](#).
  - (e) Any frontage row lighting that exceeds the lumens per square foot limit specified in [Figure 3-5](#) or [Figure 3-6](#) must be turned off after 10 p.m., or 30 minutes after the close of business if later.
  - (f) Frontage row lighting remaining on after the time limit will be considered Class 2 lighting and must conform to the applicable standards of this section.

- (3) **Fueling Station Canopies.** Lighting for fueling station canopies must conform to the following:
- (a) Lighting for fueling station canopies will be considered Class 1 lighting.
  - (b) All light fixtures mounted on or recessed into the lower surface of the canopy must be fully shielded and use flat lenses.
  - (c) The total light output used for illuminating fueling station canopies must not exceed 60 lumens per square foot of canopy.
  - (d) The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per square foot limit as specified in [Figure 3-5](#) or [Figure 3-6](#).

**Figure 3- 5: Lighting - Zone 1**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								

**Class 1 Lighting**

Class 1 Lighting includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work occurs after dark, public assembly areas or recreational facilities used after dark, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.

**SHIELDING**

Initial output not more than 2,000 lumens	Fully shielded fixtures required
---	----------------------------------

Initial output 2,000 lumens or more	Fully shielded fixtures required
-------------------------------------	----------------------------------

**TIME LIMITS**

Initial output not more than 2,000 lumens	10 p.m. or 30 min after close of business if later
---	--

Initial output 2,000 lumens or more	10 p.m. or 30 min after close of business if later
-------------------------------------	--

**Class 2 Lighting**

Class 2 Lighting includes all outdoor lighting used for illumination of walkways, vehicular travel ways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.

**SHIELDING**

Initial output not more than 2,000 lumens	Fully shielded fixtures required
---	----------------------------------

Initial output 2,000 lumens or more	Fully shielded fixtures required
-------------------------------------	----------------------------------

**TIME LIMITS**

Initial output not more than 2,000 lumens	10 p.m. or 30 min after close of business if later
---	--

Initial output 2,000 lumens or more	10 p.m. or 30 min after close of business if later
-------------------------------------	--

**Class 3 Lighting**

Class 3 Lighting includes all outdoor lighting used for decorative purposes such as illumination of landscaping, public art, flags or building walls, or internally illuminated architectural elements.

**SHIELDING**

Initial output not more than 2,000 lumens	Partially or fully shielded fixtures may be used
---	--

Initial output 2,000 lumens or more	Fixtures of this intensity used for this purpose are prohibited
-------------------------------------	---

**TIME LIMITS**

Initial output not more than 2,000 lumens	10 p.m. or 30 min after close of business if later
---	--

Initial output 2,000 lumens or more	10 p.m. or 30 min after close of business if later
-------------------------------------	--

**Total Light Output (Class 1-3)**

All light fixtures (fully + partially shielded)	1.25 lumens per sq ft of developed lot area max
---	---

Partially shielded light fixtures only	0.125 lumens per sq ft of developed lot area max
--	--

**Figure 3- 6: Lighting - Zone 2**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

**Class 1 Lighting**

Class 1 Lighting includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work occurs after dark, public assembly areas or recreational facilities used after dark, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.

**SHIELDING**

Initial output not more than 2,000 lumens	Partially or fully shielded fixtures may be used
Initial output 2,000 lumens or more	Fully shielded fixtures required

**TIME LIMITS**

Initial output not more than 2,000 lumens	n/a
Initial output 2,000 lumens or more	n/a

**Class 2 Lighting**

Class 2 Lighting includes all outdoor lighting used for illumination of walkways, vehicular travel ways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.

**SHIELDING**

Initial output not more than 2,000 lumens	Partially or fully shielded fixtures may be used
Initial output 2,000 lumens or more	Fully shielded fixtures required

**TIME LIMITS**

Initial output not more than 2,000 lumens	n/a
Initial output 2,000 lumens or more	n/a

**Class 3 Lighting**

Class 3 Lighting includes all outdoor lighting used for decorative purposes such as illumination of landscaping, public art, flags or building walls, or internally illuminated architectural elements.

**SHIELDING**

Initial output not more than 2,000 lumens	Partially or fully shielded fixtures may be used
Initial output 2,000 lumens or more	Fixtures of this intensity used for this purpose are prohibited

**TIME LIMITS**

Initial output not more than 2,000 lumens	10 p.m. or 30 min after close of business if later
Initial output 2,000 lumens or more	10 p.m. or 30 min after close of business if later

**Total Light Output (Class 1-3)**

All light fixtures (fully + partially shielded)	2.5 lumens per sq ft of developed lot area max
Partially shielded light fixtures only	0.25 lumens per sq ft of developed lot area max

**3103 Outdoor Use Areas**

**3103.A Applicability.** Outdoor service, work, display or storage associated with land uses subject to site plan approval must conform to the standards of this section.

**3103.B General Standards.** All outdoor use areas must conform to the following:

- (1) All outdoor use areas must be shown on the site plan and must not be expanded beyond the area depicted unless the site plan is amended in accordance with this ordinance.

- (2) Outdoor use areas must not be located on or extend into public rights-of-way except as approved by City Council.

#### **3104 Parking and Loading Areas**

3104.A **Purpose.** The provisions of this section are intended to:

- (1) Ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets;
- (2) Avoid creating excess parking and loading areas that result in increased flooding and land consumption, and decreased water quality and pedestrian-friendliness;
- (3) Promote greening and quality design of parking and loading areas to improve stormwater performance and enhance the character of streetscapes and property frontages in the city.

3104.B **Applicability.** All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section except as specifically exempted below:

- (1) **Urban Center 1 and 2 Districts.** The following apply to off-street parking in the Urban Center 1 and 2 districts:
  - (a) There are no minimum off-street parking or loading requirements.
  - (b) The creation of new, private surface parking areas is prohibited except:
    - (i) That existing parking areas may be redesigned and relocated provided that there is no net increase in the total area devoted to surface parking on the development site (which may include multiple parcels).
  - (c) Any off-street parking or loading areas that will be provided in the Urban Center 1 and 2 districts must be sized, located and designed in accordance with the provisions of this section.
- (2) **Small Businesses.** There are no minimum parking or loading requirements for non-residential uses that occupy not more than 1,500 square feet and that are located either on a street with on-street parking or within 1,000 feet (as measured along the sidewalk) of public parking. Any off-street parking areas or loading that will be provided must be sized, located and designed in accordance with the provisions of this section.
- (3) **Natural Resource Based Uses.** There are no minimum parking or loading requirements for natural resource based uses. Any off-street parking or loading areas that will be provided must be sized, located and designed in accordance with the provisions of this section.

3104.C **Amount of Parking.** Except as exempted in Subsection (B) above, all development must provide an adequate amount of off-street parking to fully meet the needs of the proposed

use(s) in accordance with the following:

- (1) **Minimum Number of Spaces.** The minimum number of spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:
  - (a) **Residential Uses:** 2 per detached single-family dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).
  - (b) **Lodging Uses:** 1.2 per guest room.
  - (c) **Commercial Uses:** 1 per 500 square feet of gross floor area (does not include outdoor use areas).
  - (d) **Industrial Uses:** 1 per 1,000 square feet of gross floor area (does not include outdoor use areas).
  - (e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 per 5 seats or 1 per 500 square feet of gross floor area if no seats.
- (2) **Maximum Number of Spaces.** The maximum number of parking spaces will be twice the minimum number of spaces based on the applicable ratio in Paragraph (1), above, unless the applicant submits a professionally prepared parking study establishing the amount of parking needed.
- (3) **Calculation of Number of Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.
- (4) **Modification of Number of Spaces.** The Development Review Board may increase or decrease the amount of off-street parking required if:
  - (a) The applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;
  - (b) The applicant meets the requirements for shared parking in Subsection (D) below; or
  - (c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet (as measured along the sidewalk) of the proposed development to meet all or a portion of the demand.

**3104.D Shared or Off-Site Parking.** The Development Review Board may approve a cooperative parking plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:
  - (a) Determining the minimum parking requirements for each use as if it were a separate use in accordance with Subsection (C) above.
  - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in [Figure 3-7](#). The Zoning Administrator will establish percentages for any unlisted use.
  - (c) Calculate the total for each time period.
  - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Unless shuttle service is provided:
  - (a) The parking area and building(s) served must be connected by a sidewalk and/or pedestrian walkway; and
  - (b) Any shared or off-site parking must be located within 1,000 feet of the associated use (as measured along the sidewalk or walkway).
- (3) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 10 years, in the city's land records. Should the use(s), parties involved, and/or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement must be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of this ordinance unless replacement parking is provided in accordance with this section.
- (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

**Figure 3- 7: Shared Parking Percentages**

Land Use	WEEKDAY		WEEKEND		Nighttime (12 am – 6 am)
	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	50%	100%	50%	100%	100%
Dining	60%	100%	70%	100%	5%
Other Commercial	60%	80%	100%	90%	5%
Residential	50%	90%	80%	90%	100%

3104.E **Location Standards.** Off-street surface parking and loading areas must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with Subsection (D) above.
- (2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.
- (3) Required parking and loading areas must be located on the lot in accordance with the following:
  - (a) Parking areas must meet the setback requirements specified in [Figure 3-1](#). Shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Subsection (D) above.
  - (b) Parking areas must not be located within the minimum required front setback in any district. In the residential districts, parking is prohibited between the street and the building frontline. This will not be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.
  - (c) Except within the Industrial district, loading areas must be located to the side or rear of building they serve.

3104.F **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:
  - (a) Spaces serving a single-family or two-family home; or
  - (b) Tandem parking (a double-depth parking space with one vehicle blocking the other) approved by the Development Review Board for multi-family housing, religious facilities or employee parking.
- (2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be not less than 16 feet wide.
- (3) **Loading Areas.** Loading areas:
  - (a) Serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.

- (b) Serving tractor trailer trucks must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
  - (c) Located within 100 feet of a dwelling unit in a residential or mixed-use zoning district must not be used between the hours of 8 p.m. and 7 a.m. unless otherwise approved by the Development Review Board.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a street right-of-way except for parking that serves a single-family or two-family home and that does not require backing out onto an arterial street.
- 3104.G **Design, Construction and Maintenance Standards.** Off-street surface parking and loading areas must conform to the following:
- (1) **Surface.** Off-street parking and loading areas must provide a firm, level surface appropriate for the anticipated level of use in all seasons. Parking areas for more than 10 vehicles, drive-through lanes and loading areas must be surfaced with asphalt or concrete. The Development Review Board may modify the surfacing requirements to accommodate green stormwater management practices.
  - (2) **Layout.** Perpendicular (90 degree) parking is required unless the applicant demonstrates that due to site-specific conditions angled parking will allow for more efficient site design and compact development footprint. The Development Review Board may modify the dimensional requirements for angled parking spaces and associated aisles as recommended by the Department of Public Works.
  - (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion in accordance with the provisions of [Section 3014](#) and [Section 3021](#). Run-off and/or eroded surface materials must not flow onto adjacent streets or properties.
  - (4) **Markings.** Parking areas with more than 10 spaces must demarcate the parking spaces. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.
  - (5) **Screening.** Off-street parking areas and loading areas must be screened as follows:
    - (a) Parking areas located within 20 feet of a property line with a residential lot must be screened with a fence in accordance with [Subsection 3106.G](#) and a vegetated buffer in accordance with [Subsection 3106.E](#).
    - (b) Loading areas must be screened in accordance with [Subsection 3106.F](#).
  - (6) **Landscaping.** Off-street parking areas must be landscaped in accordance with [Subsection 3101.F](#).

- (7) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:
- (a) Applicants must demonstrate that adequate area is available on the site for snow storage or, if an adequate area does not exist, that snow will be removed from the site.
  - (b) Snow must not be stored within buffers, landscaped areas or stormwater infrastructure unless those features are specifically designed for that purpose.
  - (c) If the parking area has more parking spaces than the minimum required for the use under this section, snow may be stored on the excess spaces.
- (8) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.
- (9) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
- (10) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.
- (11) **Resurfacing of Pre-Existing Parking Areas.** Parking areas that are being resurfaced must meet the following:
- (a) The number and width of existing curb cuts must be brought into conformance with [Section 3002](#) unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would result in a loss of parking spaces below the number required under [Subsection 3104.C](#) or would adversely impact traffic circulation on the site.
  - (b) Parking areas with no stormwater management (i.e., sheet flow to street or off-site) or with failed stormwater management (i.e., catch basins no longer at proper grade to function as designed) must be brought into conformance with [Section 3021](#) unless waived or modified by the Development Review Board upon the applicant demonstrating that he/she is proposing the best fix feasible given pre-existing site conditions.
  - (c) Front parking areas (between the building and the street) with no or less landscaping than required under [Subsection 3101.F](#) must be brought into conformance with landscaping requirements unless waived or modified by

the Development Review Board upon the applicant demonstrating that providing landscaping would result in a loss of parking spaces below the number required under [Subsection 3104.C](#) or would adversely impact traffic circulation on the site.

### **3105 Performance Standards**

- 3105.A **Purpose.** The provisions of this section are intended to protect the character of and quality of life in the city's neighborhoods by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.
- 3105.B **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the neighborhood.
- 3105.C **Glare.** Lighting must not be used in such a manner that it produces glare on streets or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.
- 3105.D **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited.
- 3105.E **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.
- 3105.F **Electrical or Radio Interference.** No use or process must create interference with the operation of electrical or radio apparatus beyond the property line.
- 3105.G **Waste and Material Storage.** Storage of wastes or materials that attract insects or rodents, or otherwise create a health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with [Subsection 3106.F](#).
- 3105.H **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited.
- 3105.I **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as

to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources.

## **3106 Screening**

**3106.A Purpose.** The provisions of this section are intended to maintain and improve community character and quality of life in the city's neighborhoods by providing:

- (1) A landscaped buffer between incompatible land uses; and
- (2) Attractive screening of proposed development and site elements that would create or contribute to visual clutter and distraction.

**3106.B Applicability.** The provisions of this section apply to any development that requires major site plan approval (see Subsection [4305.C](#)) and are minimum requirements for screening. The Development Review Board may require additional screening as deemed necessary to protect the character of the neighborhood and mitigate the impact of incompatible land uses.

**3106.C General Standards.** All landscaping required under this section must also conform to the general standards in [Subsection 3101.C](#) and the specifications of [Figure 3-3](#).

**3106.D Parking Areas.** Off-street parking areas must be screened in accordance with Paragraph 3104.G(5).

**3106.E Side and Rear Yards.** Applicants must maintain or establish a vegetated buffer along the side and rear lot lines if the subject lot abuts land in a residential or mixed-use district, except that no buffer will be required if the abutting property is in the same zoning district as the subject lot or is under common ownership with the subject lot, as follows:

- (1) The buffer must not be less than 8 feet in any dimension.
- (2) The buffer must be landscaped with (see [Figure 3-3](#)):
  - (a) Not less than 1.0 equivalent planting unit (EPU) for every 10 feet, if no fence.
  - (b) Not less than 1.0 EPU for every 15 feet, if combined with a fence.

**3106.F Utilities and Service Areas.** Except within the Industrial district, all utility boxes, pump stations, substations, off-street loading areas, trash storage and recycling areas, outdoor storage areas, antennas and satellite dishes, mechanical equipment, and similar above ground utility or service site elements that will be visible from the street or abutting properties must be screened from view with a vegetated buffer as follows:

- (1) The buffer must not be less than 8 feet in any dimension.
- (2) The buffer must be landscaped with (see [Figure 3-3](#)):
  - (a) Not less than 1.0 equivalent planting unit (EPU) for every 10 feet, if no fence.

- (b) Not less than 1.0 EPU for every 15 feet, if combined with a fence.

**3106.G Fences.** Fences used for screening must conform to [Section 3015](#) and also must:

- (1) Be completely opaque between a height of 1 and 5 feet above the ground;
- (2) Be made of wood, concrete, masonry, stone or metal; and
- (3) Not be made of corrugated or galvanized steel or metal sheets, or be chain link fencing with inserts.

**3107 Signs**

**3107.A Purpose.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

- (1) Protect public safety, including but not limited to, safe pedestrian and vehicular travel;
- (2) Encourage the use of street graphics that are compatible with the character of Barre City and of the neighborhood;
- (3) Promote effective identification, communication and wayfinding; and
- (4) Maintain and enhance an attractive visual environment that fosters a healthy economy.

**3107.B Applicability.** All signs must be designed and installed in accordance with the provisions of this section. The Zoning Administrator must issue a permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in [Subsection 3107.C](#).

**3107.C Exempt Signs.** The following signs are not subject to this ordinance and do not require a zoning permit provided that they are not designed or installed in a manner that would cause them to be prohibited under [Subsection 3107.D](#):

- (1) Public signs or notices erected or required by the city or state that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).
- (2) Political campaign signs that are not:
  - (a) Displayed more than 1 month prior to or more than 1 week following an election or vote;
  - (b) Located within a public right-of-way or mounted on a utility pole;
  - (c) More than 6 square feet in area; and

- (d) More than 4 feet in height.
- (3) Historic markers approved under Vermont's State Historic Site Marker program.
- (4) Noncommercial signs memorializing the names of buildings and when they were constructed that are:
  - (a) An integral architectural element of the building; and
  - (b) Cut into masonry or constructed of bronze or a material of comparable durability and attached to the wall.
- (5) Noncommercial property identification signs (such as street address, mailbox number, building number, or resident's name) that are not:
  - (a) Free-standing (must be mounted on the building or a related accessory structure such as a mailbox);
  - (b) Located within a public right-of-way or mounted on a utility pole; and
  - (c) More than 2 square feet in area.
- (6) Noncommercial directional, traffic control, parking, instructional or warning signs that are not:
  - (a) Located within a public right-of-way or mounted on a utility pole;
  - (b) More than 4 square feet in area; and
  - (c) More than 6 feet in height.
- (7) Not more than one temporary, unlit, noncommercial sign per lot that is not:
  - (a) Displayed for more than 2 weeks;
  - (b) Located within a public right-of-way or mounted on a utility pole;
  - (c) More than 6 square feet in area; and
  - (d) More than 4 feet in height.
- (8) Not more than one "open" flag or window sign per establishment that is not:
  - (a) Displayed when the business is closed (flags must be brought in or window signs must be turned off);
  - (b) Located so that it would project into the public right-of-way or sidewalk within a height of 8 feet from the ground or sidewalk surface if flag; and

- (c) More than 15 square feet in area if a flag or 6 square feet in area if a window sign.
- (9) Not more than one unlit sign per lot advertising the sale or lease of real estate by the owner or an agent that is not:
  - (a) Located within a public right-of-way or mounted on a utility pole;
  - (b) More than 6 square feet in area; and
  - (c) More than 4 feet in height.
- (10) Signs incorporated into machinery or equipment by a manufacturer or distributor, which provide instruction or identify only the product or service dispensed by the machine or equipment (such as signs customarily affixed to vending machines, newspaper racks, ATMs or fuel pumps).
- (11) Flags and insignia of any government, religious, charitable, fraternal or similar organization (see [Section 3005](#) if installing a flagpole).

**3107.D Prohibited Signs.** The following signs are prohibited:

- (1) Off-premise signs, except for signs on a common scheme premises in conformance with this section or signs that are exempt from state regulation under 10 V.S.A § 494.
- (2) Abandoned signs.
- (3) Signs applied or attached to trees, utility poles, public benches, streetlights or similar public infrastructure.
- (4) Signs placed on any public property or public right-of-way, except for sandwich board signs in conformance with this section.
- (5) Signs that obstruct pedestrian traffic or visibility.
- (6) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.
- (7) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights, except for electronic message signs in conformance with this section.
- (8) Signs that are comprised of or incorporate laser source lights, searchlights or other high intensity lights.
- (9) Neon signs.

- (10) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device, including but not limited to feather or whip signs.
- (11) Signs that use obscene, lewd, vulgar or indecent words or images.
- (12) Signs more than 150 square feet in area, except for wall murals in conformance with this section.
- (13) Signs more than 24 feet in height or, if building mounted, above the building's roofline except as specifically authorized in this section.
- (14) Signs designed and located primarily to be visible from limited access highways, except for wall murals in conformance with this section.
- (15) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

**3107.E General Standards.** All signs must conform to the following:

- (1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.
- (2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete foundations.
- (3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.
- (4) Signs must be constructed of durable, all-weather materials.
- (5) Signs must not be designed or located in a manner that would obstruct access to any fire escape, required exit, window or door.
- (6) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.

**3107.F Signs for Specific Uses.** There are additional standards for the following uses:

- (1) **Common Scheme Premises Signs.** Signage for a single development site that consists of multiple uses, buildings or lots sharing a common entrance from the street must be designed and located in a comprehensive and coordinated manner as set forth in an approved signage master plan in accordance with the following:
  - (a) A common scheme premises may use free-standing signs that advertise multiple uses irrespective of whether the advertised uses are located on the same lot as the sign or the ownership of the lots.
  - (b) All signs located on a common scheme premises must be consistent with the

site's approved signage master plan. The master plan must include proposed sign locations, sign types, and schematic design concepts for each sign type.

- (c) A zoning permit will not be required to replace a panel or reword the message portion of a common scheme premises sign provided that there is only a change in content and there are no changes to the approved sign location, size, type or design.
- (2) **Theater Marquees.** In addition to the signs otherwise allowed under this section, a theater may have a marquee, which may advertise current or upcoming movies, shows or performances as follows:
  - (a) The marquee must not project more than 6 feet from the building and must not be more than 4 feet high and 12 feet wide.
  - (b) One or more faces of the marquee may be used for advertising, but the entire marquee will be considered one sign for the purposes of this ordinance.
  - (c) The marquee may use a multi-color, changeable-copy electronic message sign and will not be subject to the size limitation of Paragraph 3107.G(2) provided that the message does not change more than once per hour.
- (3) **Fuel Pricing Signs.** In addition to the signs otherwise allowed under this section, a fueling station may have pricing signs as follows:
  - (a) Each pump may have a pricing sign mounted on it that is not more than 2 square feet in area.
  - (b) Each side of the canopy visible from the street may have a pricing sign that is not more than 6 square feet in area.
  - (c) Pricing signs may be single-color changeable-copy electronic message signs in conformance with Paragraph 3107.G(2) and will not be subject to the limitation in number of electronic message signs provided that the message does not change more than once per hour.
  - (d) Pricing signs must not be illuminated when the station is not open for business.
- (4) **Menu Signs.** In addition to the signs otherwise allowed under this section, a restaurant may have menu signs as follows:
  - (a) One menu sign may be mounted on the building near each entrance that is not more than 2 square feet in area. Such signs must not be internally illuminated or electronic message signs.
  - (b) One menu sign may be mounted near each service window for restaurants with drive-through or walk-up service that is not more than 24 square feet in area and, if free-standing, 6 feet in height. Such signs may be internally illuminated.

- (c) Menu signs must not be illuminated when the restaurant is not open for business.
- 3107.G **Specific Standards.** All signs must conform to the applicable standards of [Figure 3-9](#) through [Figure 3-20](#) and the following:
- (1) **Sign Lighting.** External lighting of signs must be designed and located to avoid light trespass and glare, and must conform to the following unless otherwise specified in this section:
- (a) The total light output of external fixtures illuminating a sign must not exceed 5 lumens per square foot of sign area.
- (b) Fixtures used to illuminate signs must be fully-shielded, and located and aimed so that the light falls entirely on the sign except as specified in Subparagraph (c) below.
- (c) Signs must be lit from above, except that wall signs or wall mural signs may be lit from below or be backlit provided that the light falls entirely on the building wall.
- (d) Sign lighting must be turned off by 10 p.m., or the close of business if later and must not be turned back on until the start of business. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood.
- (2) **Electronic Message Signs.** Electronic message signs where allowed must conform to the following unless otherwise specified in this section:
- (a) There must not be more than one electronic message sign per lot.
- (b) Single-color electronic message commercial signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified in [Figure 3-9](#) through [Figure 3-20](#) as applicable.
- (c) Single-color electronic message noncommercial signs must not exceed the maximum sign area specified in [Figure 3-9](#) through [Figure 3-20](#) as applicable.
- (d) Multi-color electronic message signs are prohibited, except as specifically authorized in this section.
- (e) Electronic message signs must be turned off by 10 p.m. or when the associated business is closed, if earlier, and must not be turned back on until the start of business.
- (f) Electronic message signs must not flash, scroll, fade, brighten, dim or otherwise be animated or create the effect of movement.

- (g) The sign message must not change more than once every 15 minutes.
  - (h) Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The total light output of the sign must not exceed 20 lumens per square foot of sign area after dark. The Development Review Board may further limit the intensity of the sign's illumination as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood.
- (3) **Internally Illuminated Signs.** Internally illuminated signs where allowed must conform to the following unless otherwise specified in this section:
- (a) There must not be more than one internally illuminated sign per lot.
  - (b) The total light output of fixtures illuminating the sign must not exceed 10 lumens per square foot of sign area.
  - (c) The sign must not be illuminated when the business is closed.
  - (d) Internally illuminated pole, monument, projecting or hanging signs must not exceed 12 square feet in area, or the maximum sign area specified in [Figure 3-9](#) through [Figure 3-20](#) as applicable.
  - (e) Internally illuminated blade signs must not exceed 20 square feet in area.
  - (f) Internally illuminated wall signs must be designed as channel letter signs.
  - (g) Internally illuminated signs must be constructed with either: an opaque background and translucent text and symbols; or a colored background that is darker than the text and symbols
  - (h) Internally illuminated signs must not flash, brighten, dim, change color or otherwise be animated.
  - (i) Not more than 30% of the area of an internally illuminated sign may be used for advertising a product(s) available on the premises.
- 3107.H **Temporary Signs.** Temporary signs are allowed to advertise openings, sales or special events in accordance with the following:
- (1) Property or business owners may purchase a permit to display temporary signs in accordance with [Figure 3-8](#).
  - (2) The Zoning Administrator may only issue one permit per lot, or one per business for lots with multiple uses.
  - (3) The permit for a temporary sign authorizes the holder to display one or more signs provided that the total sign area does not exceed 36 square feet.

- (4) The permit holder must:
- (a) Securely attach a temporary sign to a building or a permanent ground-mounted sign.
  - (b) Not install permanent footings, posts or similar structures to support a temporary sign.
  - (c) Not illuminate a temporary sign.
- (5) Barre City will consider temporary signs that are not readily movable to be permanent signs subject to all applicable provisions of this section.

**Figure 3- 8: Temporary Sign Table**

1 – 30 days in any 12-month period	See Fee Schedule
31 – 180 days in any 12-month period <sup>1</sup>	See Fee Schedule

<sup>1</sup> Any temporary sign in place after 180 days shall be considered a permanent sign and a new sign zoning permit must be obtained or violations shall be issued.

**3107.I Sign Area.** Sign area will be determined in accordance with the following:

- (1) The sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message, it will be included in the calculation of sign area.
- (2) The area of a sign will be calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.
- (3) Sign area will only include one side of a double-sided sign. The Zoning Administrator or Development Review Board may waive or modify the sign area requirements for three-dimensional signs.
- (4) The calculated signable area of a non-rectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle as follows:
  - (a) No adjustment if the amount of negative space within the sign area rectangle is less than 30%;
  - (b) A 15% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 30% and less than 50%;
  - (c) A 30% reduction in the calculated area if the amount of negative space within

the sign area rectangle is at least 50% and less than 70%; or

- (d) A 45% reduction in the calculated area if the amount of negative space within the sign area rectangle is 70% or greater.

**3107.J Sign Removal.** A sign must be removed within 90 days of its associated use being changed or terminated as follows:

- (1) For conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered, and the support components may remain.
- (2) For nonconforming signs, both the message and support components of the sign associated with the changed or terminated use must be removed.

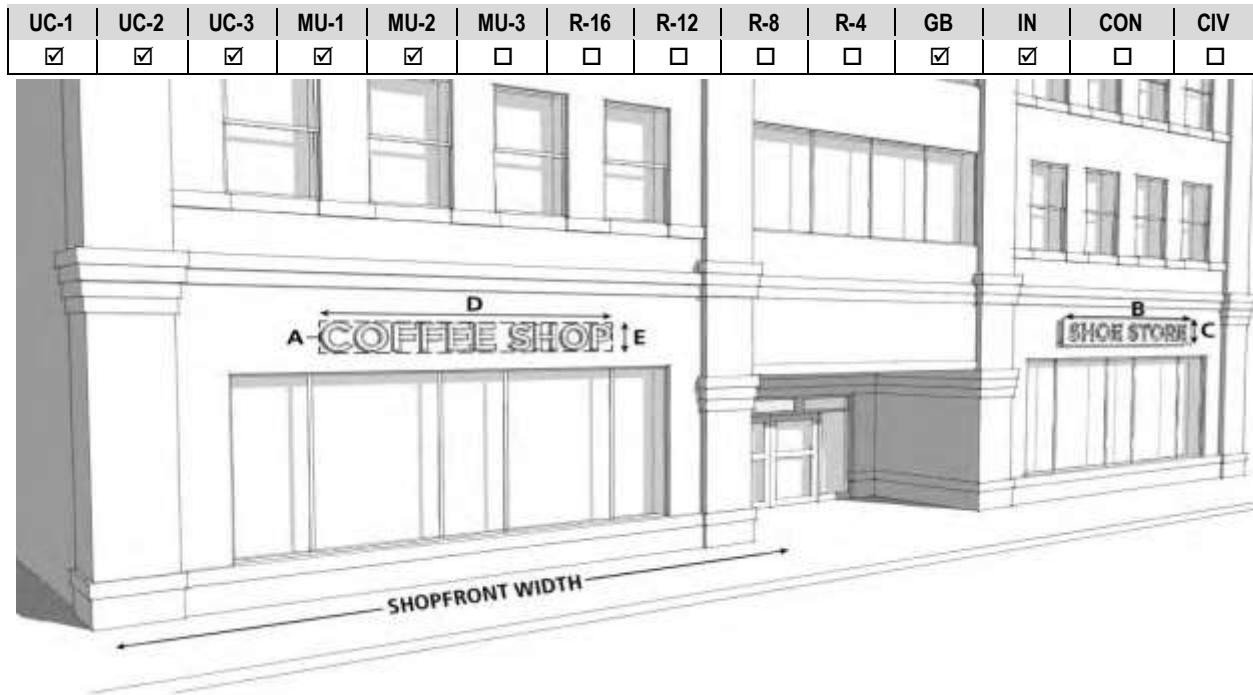
**3107.K Nonconforming Signs.** Nonconforming signs will be regulated as follows:

- (1) A nonconforming sign must not be relocated unless the relocation will bring the sign into conformance with this ordinance.
- (2) The support components of a nonconforming sign may be repaired or maintained provided that there is no change in materials, dimensions or location except if the alteration will bring the sign into conformance with this ordinance.
- (3) The message components of a nonconforming sign may be repaired or maintained by replacing or repainting a sign panel, individual letters or graphics within the same sign area provided that there is no change in the sign's primary content except if:
  - (a) The alteration will bring the sign into conformance with this ordinance; or
  - (b) A business with a nonconforming sign undergoes a name change with no other changes in ownership or operation of the business, in which case the sign may be altered, modified or reconstructed to update the business name by replacing or repainting a sign panel, individual letters or graphics within the same sign area.
- (4) A nonconforming sign must be brought into conformance with this ordinance when:
  - (a) There is a change in the primary content of the sign, except as authorized in Paragraph (3) above;
  - (b) An applicant proposes development that requires major site plan approval (see Subsection 4305.C); or
  - (c) The sign is damaged or deteriorated to the extent that the cost of repair or restoration will exceed 50% of the replacement value of the sign immediately prior to the damage.

**3107.L Distinctive Signs.** Distinctive signs may be allowed as follows:

- (1) **Purpose.** The provisions of this subsection are intended to encourage unique, visually interesting and creative signs that contributes to an identifiable, distinctive, high-quality built environment in Barre City's downtown.
- (2) **Applicability.** Applicants may seek conditional use approval for distinctive, building-mounted signs that do not conform to the standards of this section within the Urban Center 1 and 2, and Mixed Use 1 districts.
- (3) **Review Criteria.** The applicant must demonstrate that the proposed distinctive sign:
  - (a) Will help define and place a strong visual emphasis on the street and other public open spaces;
  - (b) Will be compatible aesthetically and architecturally with the building;
  - (c) Will direct attention to street level architecture and building uses in a manner that adds richness and variety to the pedestrian experience;
  - (d) Will enliven the building facade and streetscape by adding visual interest, a three-dimensional quality and expressive lighting;
  - (e) Will not use standard sign proportions but rather will be scaled and placed so that the sign relates to the building; and
  - (f) Will not be a standard, corporate or franchise sign but rather will be a unique visual element that appears as an integral part of the building design and not as an afterthought application.

**Figure 3- 9: Wall Sign**



#### Description

The wall sign type is flat against the facade consisting of individual cut letters applied directly to the building, raised letters on a panel or painted directly on the surface of the building. Wall signs are placed above shopfronts and often run horizontally along a sign band above the storefront windows, an expression line between stories, an entablature of traditional buildings, or a decorative cornice at the top of a building.

#### Location

J Projection 8 inches max  
Signs per building 1 per establishment max except:

*An establishment with frontage and an entrance on more than one street may have 1 wall sign per street frontage.*

#### Miscellaneous

Wall signs in all districts may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

Wall signs may be internally illuminated in the UC-3, GB and IN districts in conformance with Paragraph 3107.G(3).

Wall signs must not protrude beyond the roof line or cornice of a building.

Wall signs for upper floor establishments must not exceed a signable area of 20 square feet.

#### Size

##### SIGNABLE AREA

A Area 1 sf per linear ft of shopfront up to 80 sf max

B Width Shopfront width max

C Height 12 inch min, 36 inch max

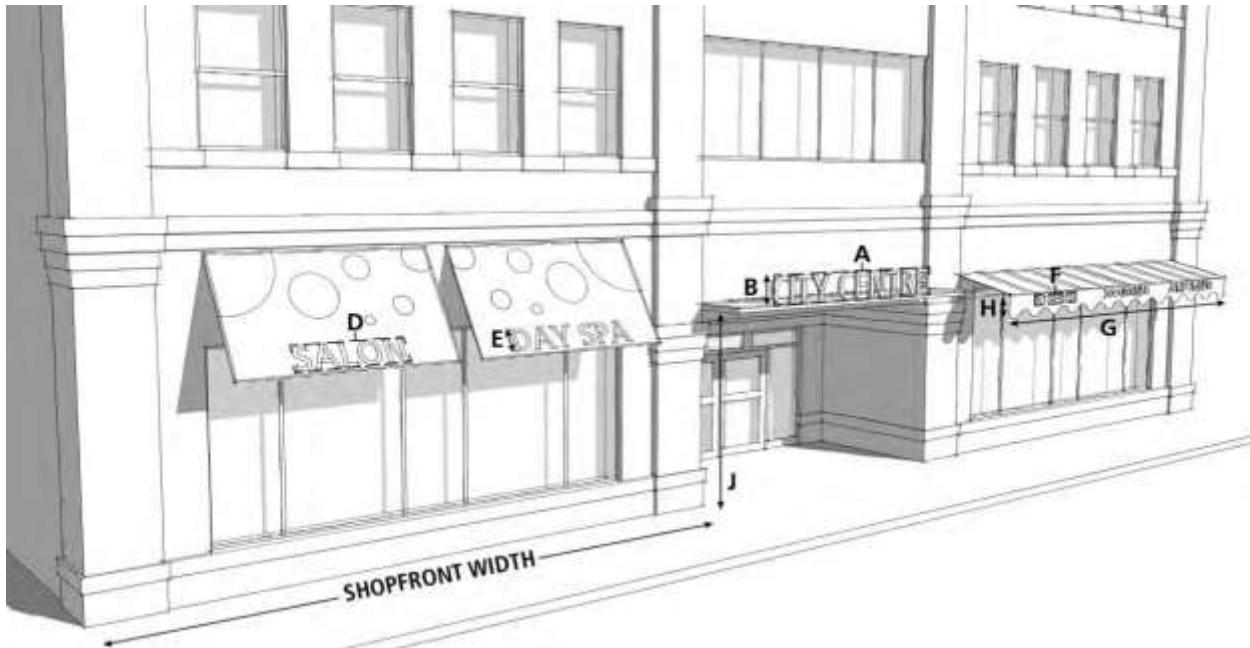
#### LETTERING

D Width 75% of signable width max

E Height 75% of signable height or 18 inches max, whichever is less

**Figure 3- 10: Awning Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									



#### Description

The awning sign type is a traditional storefront fitting and can be used to provide weather protection and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or applied on the awnings.

#### Size

##### PROJECTING

A	Signable area	1 sf per linear ft of storefront max
B	Lettering height	16 inch max
C	Lettering thickness	6 inch max

##### SLOPING PLANE

D	Signable area	25% coverage max
E	Lettering height	18 inch max

##### VALENCE

F	Signable area	75% coverage max
G	Width	Shopfront width max
H	Height	8 inch min, 16 inch max

#### Location

J	Clear height	10 ft min
	Signs per awning	1 projecting max or 1 valance & 1 sloping plane max

#### Miscellaneous

Only the tenants store name, logo and/or address may be applied to the awning. Additional information is prohibited.

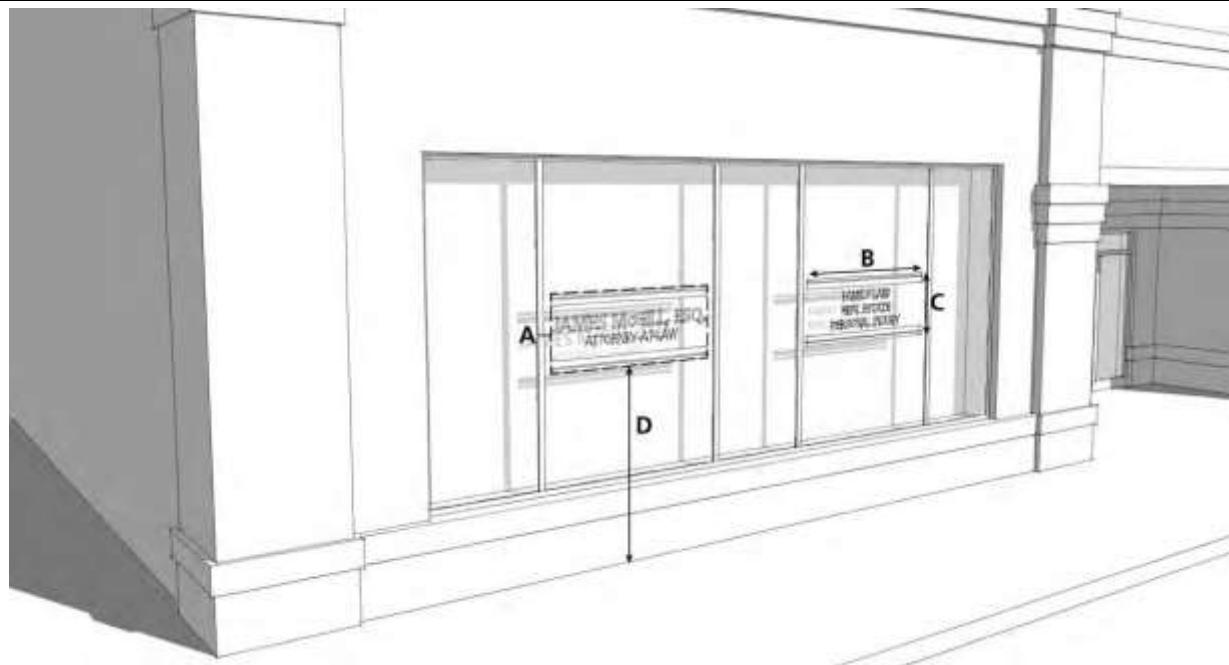
Open ended awnings are strongly encouraged and are required in the DRO district.

Vinyl or plastic awnings are strongly discouraged and are prohibited in the DRO district.

Awning signs must not be illuminated.

**Figure 3- 11: Window Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									



#### Description

The window sign type is often professionally painted or applied directly on the inside of the window consisting of individual letters and designs. Window signs offer a high level of craftsmanship and visibility, and are often used for small professional offices.

#### Size

##### SIGNABLE AREA

A	Area per storefront window	20% max
B	Width	5 ft max
C	Height	36 inch max

#### Location

D Height above ground 5 ft min  
Window signs must be applied directly to the inside of the glass.

#### Miscellaneous

Applied plastic or vinyl cut letters are strongly discouraged and are prohibited in the DRO district.

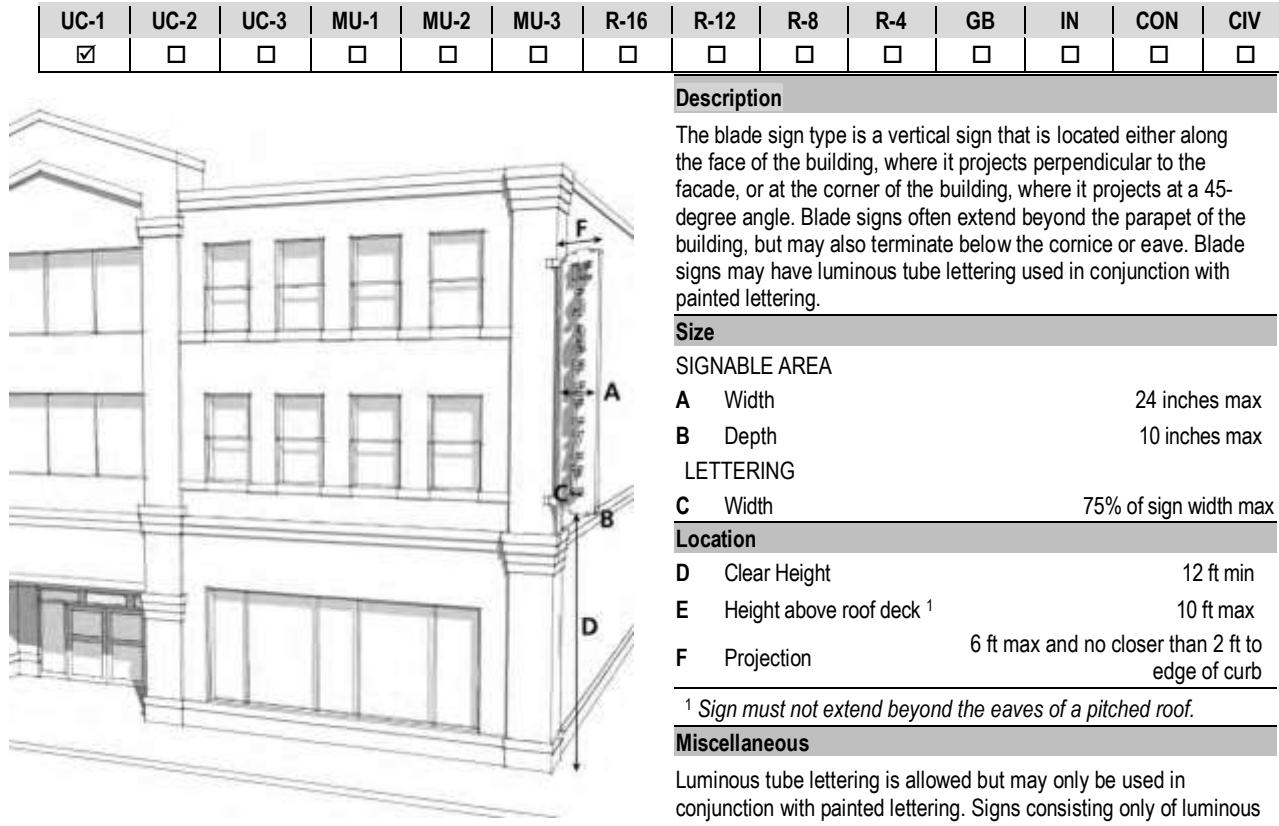
Window signs must have a clear background.

Window signs must not be illuminated.

**Figure 3- 12: Wall Mural Sign**

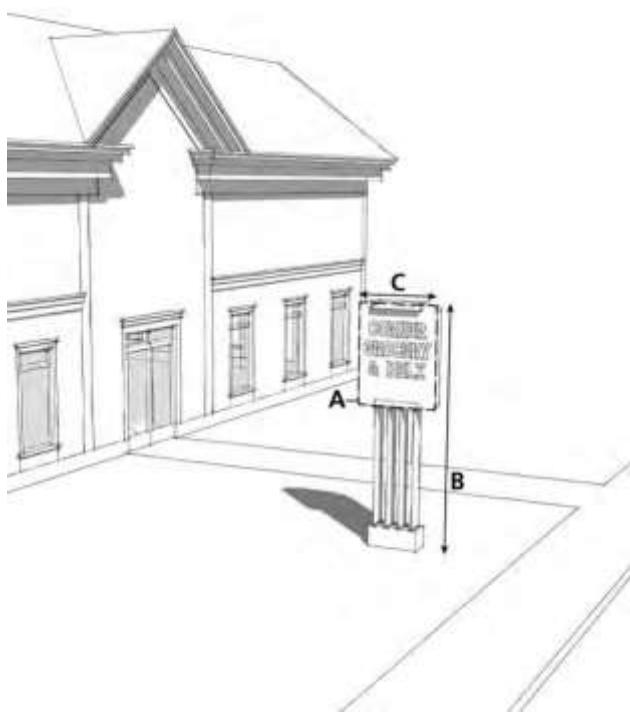
UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV													
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
<b>Description</b>																										
The wall mural sign type is flat against a secondary facade, typically along a side street or alley. These signs are typically painted directly on the building and contain a combination of text and graphic elements. These signs are intended to be visible from a greater distance and are accompanied by additional signage on the primary facade at the business entrance. Non-commercial wall murals that function as public art will not be considered signs and will not require a zoning permit under this ordinance.																										
<b>Size</b>																										
<b>SIGNABLE AREA</b>																										
<b>A</b>	Area			1,000 sf max total and 150 sf max for text elements																						
<b>B</b>	Width			60 ft max																						
<b>C</b>	Height			50 ft max																						
<b>Location</b>																										
<b>D</b>	Height above ground			3 ft min																						
<b>E</b>	Projection			8 inches max																						
<b>Miscellaneous</b>																										
Wall mural signs must not be illuminated.																										
Wall mural signs must not contain any corporate or franchise identification elements other than the business name.																										

**Figure 3- 13: Blade Sign**



**Figure 3- 14: Pole or Monument Sign**

UC-1	UC-2	UC-3	MU-1	MU-2		MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				



#### Description

The pole or monument sign type encompasses a variety of signs that are not attached to a building and have an integral support structure.

A pole sign, usually double-faced, is mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support.

A monument sign stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.

#### Size

A Signable area 24 sf max per side

#### Location

Signs per lot 1 per street frontage

B Height 12 ft max

C Width 9 ft max

#### Miscellaneous

Electronic message signs are allowed in the CIV district in conformance with Paragraph 3107.G(2).

Internally illuminated pole or monument signs are allowed in the UC-3, GB, IN and CIV districts in conformance with Paragraph 3107.G(3).

Pole or monument signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

**Figure 3- 15: Projecting Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Description**

The projecting sign type is mounted perpendicular to a building's facade from decorative metal brackets. They are typically hung in a manner that permits them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides. Often, projecting signs offer an opportunity for a more creative sign design.

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**Size**

**SIGNABLE AREA**

A Area	8 sf max per side
B Width	36 inch max
C Height	36 inch max
Thickness <sup>1</sup>	4 inch max

*Creative signs that have a three-dimensional quality may have a greater thickness.*

---

**Location**

D Clear height	10 ft min
E Projection	4 ft max and no closer than 2 ft to the edge of curb
Signs per building	1 per establishment max except:

*An establishment with frontage and an entrance on more than one street may have 1 projecting sign per frontage.*

*An establishment with a hanging sign may not also have a projecting sign.*

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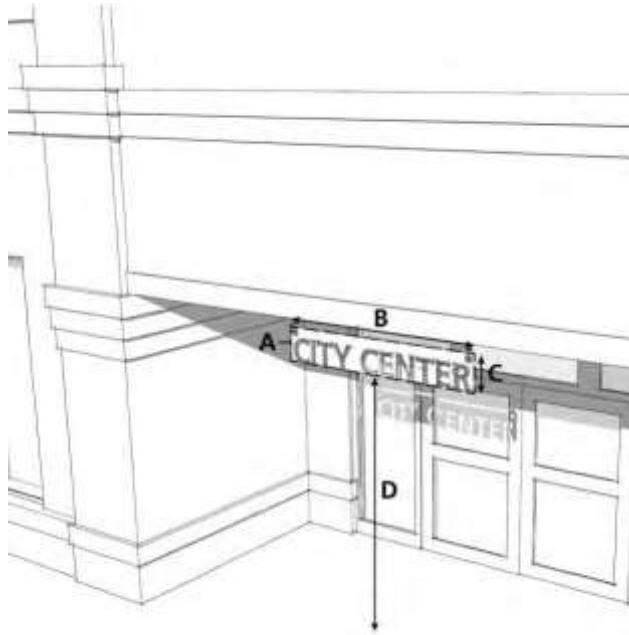
**Miscellaneous**

Internally illuminated projecting signs are allowed in the UC-3, GB and IN districts in conformance with Paragraph 3107.G(3).

Projecting signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

**Figure 3- 16: Hanging Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						



#### Description

The hanging sign type is mounted to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that permits them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides. Suspended signs must be hung well out of reach of pedestrians and all exposed edges of the sign must be finished.

#### Size

##### SIGNABLE AREA

A	Area	6 ft max per side
B	Width	36 inch max
C	Height	36 inch max

#### Location

D	Clear Height	10 ft min
	Signs per building	1 per establishment max except:

*An establishment with frontage and an entrance on more than one street may have 1 hanging sign per frontage.*

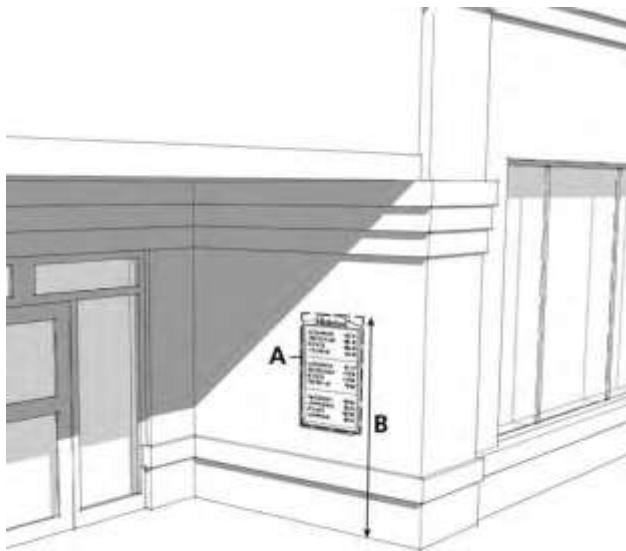
*An establishment with a projecting sign may not also have a hanging sign.*

#### Miscellaneous

Internally illuminated hanging signs are allowed in the UC-3, GB and IN districts in conformance with Paragraph 3107.G(3). Hanging signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

**Figure 3- 17: Directory Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									



#### Description

The directory sign type provides a listing of establishments within a building or series of buildings, entrances and parking locations.

#### Size

A	Signable Area	6 ft max
B	HEIGHT	
	Wall-mounted	8 ft max
	Freestanding <sup>1</sup>	3 ft max

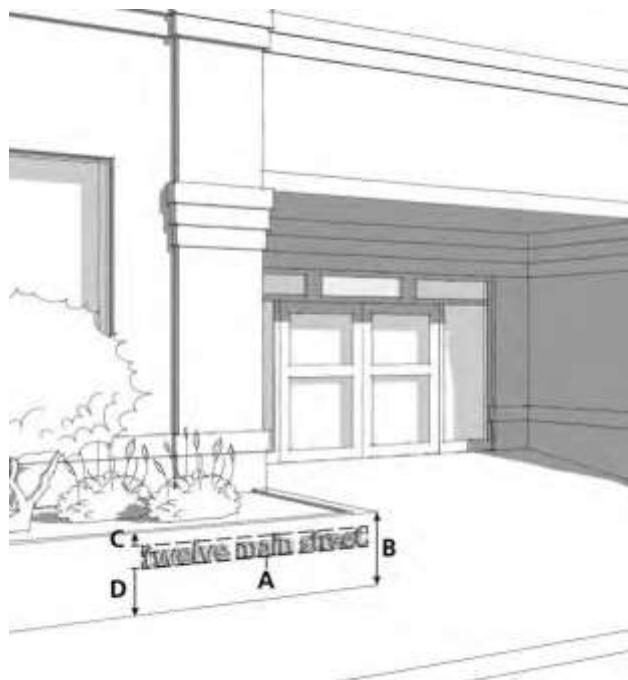
<sup>1</sup> See [Figure 3-14](#) for additional standards.

#### Miscellaneous

Directory signs may include the name of the business and business address but must not include any other words. Directory signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

**Figure 3- 18: Landscape Wall Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>							



#### Description

The landscape wall sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location. This type is often used in place of a pole or monument sign.

#### Size

A	Signable Area	24 sf max
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#### Location

B	Height of landscape wall	4 ft max
---	--------------------------	----------

#### MOUNTING HEIGHT

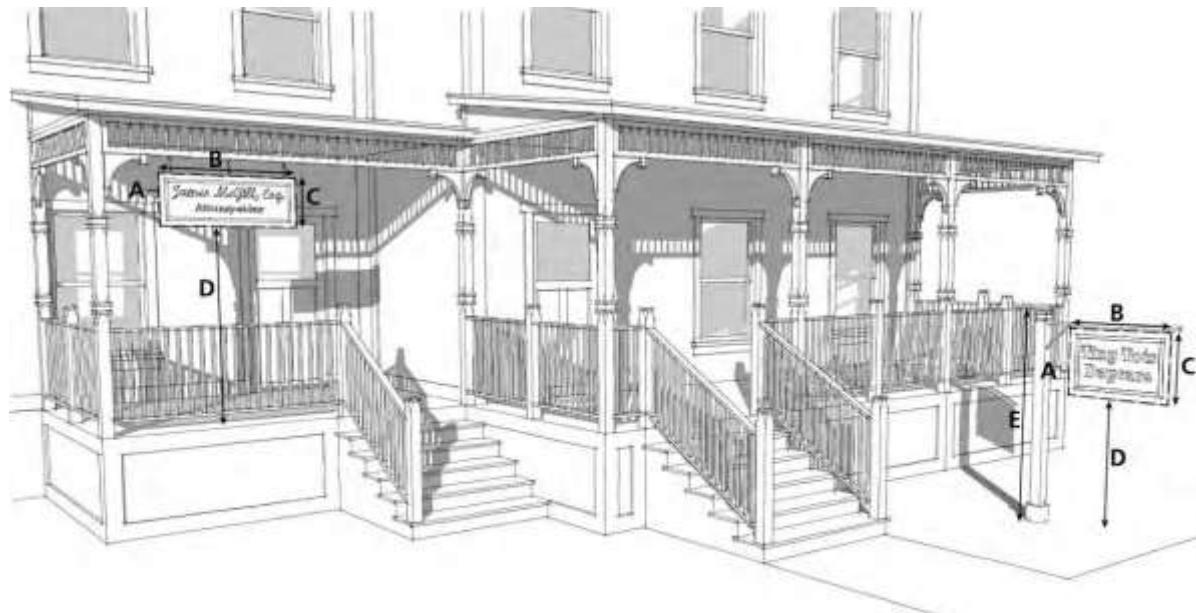
C	Below top of wall	6 inch max
D	Above grade	12 inch max

#### Miscellaneous

Landscape wall signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1).

**Figure 3- 19: Porch or Yard Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						



#### Description

The porch or yard sign type is a sign mounted on a porch or in a yard between the edge of the street right-of-way and the building facade. Yard signs mounted on a porch are placed parallel to the building's facade. Yard signs mounted in a yard are placed parallel or perpendicular to the street. These signs work well for home businesses in residential neighborhoods and businesses located in converted residences.

#### Size

##### SIGNABLE AREA

A	Area	6 sf max per side
B	Width	36 inch max
C	Height	36 inch max

#### Location

##### CLEAR HEIGHT

D	Mounted on porch	80 inches min
D	Mounted in yard	12 inches min

##### OVERALL HEIGHT

E	Mounted in yard	5 ft max
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#### Miscellaneous

Yard signs must not be located within a public right-of-way.

Yard signs must be parallel or perpendicular to the street.

Porch or yard signs may be illuminated with external lights that are aimed and shielded to prevent glare in accordance with Paragraph 3107.G(1). Signs may only be illuminated during business hours

**Figure 3- 20: Sandwich Board Sign**

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Description</b>													
The sandwich board sign type provides secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk. Sandwich boards made of wood and/or slate boards are highly recommended.													
<b>Size</b>													
SIGNABLE AREA													
A Area 6 ft max per side													
B Width 24 inch max													
C Height 36 inch max													
<b>Location</b>													
Signs per building 1 per establishment max except:													
An establishment with frontage and an entrance on more than one street may have 1 sandwich board sign per frontage.													
Sandwich board signs must be located within 10 feet of the entrance to the establishment in the UC-1, UC-2 and MU-1 districts.													
Sandwich board signs must not interfere with pedestrian travel or encroach upon the required accessible path.													
Sandwich board signs may only be displayed during business hours and must be removed when the business is closed.													
<b>Miscellaneous</b>													
Sandwich board signs must not be illuminated.													

### 3108 Trash, Composting and Recycling Storage Areas

3108.A **General Standards.** All proposed development subject to site plan review must provide trash, composting and recycling storage areas as follows:

- (1) Trash, compost and recycling storage areas must be located:
  - (a) Within the principal or an accessory building or inside an enclosure located to the side or rear of the building; and
  - (b) Outside required setbacks as shown on the approved site plan.
- (2) All outdoor trash, compost and recycling storage areas and containers must be located on a hard surface (i.e., asphalt or concrete).
- (3) Trash, compost and recycling storage areas must provide adequate space for the maintenance and servicing of containers.
- (4) Enclosures must be at least 5 feet in height and must obscure all materials and/or containers stored inside.
- (5) Enclosures must be constructed of materials that are compatible with the

buildings they are intended to serve.

- (6) Any doors or gates to trash, compost and recycling storage areas must remain closed and latched except when being accessed for deposit, maintenance, service or collection.
- (7) Trash, compost and recycling storage areas must be accessible and convenient for building residents/tenants and for collection vehicles.

## **320 SPECIFIC USE STANDARDS**

### **3201 Multi-Family Dwellings**

3201.A **Applicability.** The provisions of this section apply to:

- (1) New buildings that will contain 5 or more dwelling units;
- (2) Multi-building developments that will contain 10 or more dwelling units; and
- (3) Existing buildings undergoing a major renovation that will increase the number of dwelling units and result in 5 or more units in the building.

3201.B **Open Space.** Multi-unit residential buildings must provide residents with useable outdoor space as follows:

- (1) There must be at least 400 square feet of common open space per dwelling unit that meets the standards below. The Development Review Board may reduce or waive this requirement upon the applicant demonstrating that the building is located within a  $\frac{1}{2}$ - mile walk of public recreation area that will be accessible to residents via sidewalks or multi-use paths. Common open space must:
  - (a) Be located in one or more areas conveniently accessible to building residents, and no area may be less than 30 feet in any dimension;
  - (b) Be designed with seating areas and other passive recreation facilities to be shared by all residents;
  - (c) Be landscaped with trees, shrubs, groundcover and/or ornamental plants; and
  - (d) Include a children's play area if 30% or more of the units in the building have three or more bedrooms.
- (2) At least 50% of the units must include a private or semi-private outdoor living space (ex. patio, courtyard, porch, balcony) to be accessed from the dwelling unit for the exclusive use of unit residents that is at least 60 square feet in area and not less than 6 feet in any dimension.

3201.C **Bulk Storage.** Each dwelling unit must include a secured, enclosed bulk storage area at least 30 square feet in area and not less than 4 feet in any dimension for the exclusive use of unit residents as follows:

- (1) The storage area may be located within or separate from the dwelling unit.
- (2) The storage area may be located within the building or within an accessory building(s).
- (3) If the storage area will be located within a private garage, it must be in addition to the area necessary to accommodate any required parking.

- (4) The Development Review Board may reduce or waive this requirement for existing buildings and buildings undergoing rehabilitation only.

3201.D **Structured Parking.** New multi-unit buildings or multi-building developments that will include 20 or more units must provide at least one structured parking space (ex. under-building parking, private garage, etc.) for each dwelling unit that meets the requirements below. The Development Review Board may reduce or waive this requirement upon the applicant demonstrating that: (1) some or all of the parking requirement will be provided off-site in accordance with [Subsection 3104.D](#); (2) minimum parking requirements will be reduced or eliminated in accordance with Paragraph 3104.C(4); and/or (3) the units meet the definition of affordable housing in Paragraph 5003.A(2).

- (1) Under-building parking must be screened so that it will not be visible from the street with walls and landscaping that are compatible with the architectural character and exterior materials of the building and that enhance the streetscape.
- (2) Under-building parking must be accessed from the side or rear of the building. The Development Review Board may waive this requirement upon the applicant demonstrating that access from the side or rear is not feasible due to site specific physical conditions (ex. the natural grade of the lot).
- (5) Private garages that face the street must be set back at least 4 feet behind the building frontline.
- (6) Private garages that face the street and that are set back less than 8 feet behind the building frontline must use single-wide garage doors that are not more than 10 feet wide.

3201.E **Bicycle Parking.** Multi-unit residential buildings must provide residents with at least one, conveniently accessible, secure and covered bicycle parking or storage space per unit. Applicants may demonstrate that this requirement will be met by providing bulk storage or structured parking that is adequately sized and configured to accommodate a bicycle.

- (1) The Development Review Board may waive this requirement if the applicant can prove that the occupants of the development do not need that amount of bicycle parking.

3201.F **Pedestrian Access.** Multi-unit residential buildings must be designed with pedestrian access in accordance with:

- (1) The public sidewalk or street to any street-facing ground-level residential entrances;
- (2) Parking areas to residential entrances; and
- (3) Residential entrances to service areas (ex. trash or recycling areas) and common open space areas.

3201.G **Mixed-Use Buildings.** Multi-unit, mixed-use buildings must be designed so that the:

- (1) Non-residential space will not be located above residential space;
- (2) Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed;
- (3) Private entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;
- (4) Impact of service and waste collection areas (noise, light, odors, etc.) on building residents will be minimized; and
- (5) Common open space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

## **3202 Accessory Dwelling**

3202.A An accessory dwelling unit (ADU) must:

- (1) Be located within or associated with an owner-occupied, single-family dwelling;
- (2) Be clearly subordinate to the primary dwelling;
- (3) Share a driveway with the primary dwelling;
- (4) Have provisions for independent living, including sleeping, food preparation and sanitation in accordance with [Section 3012](#);
- (5) Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater;
- (6) Not have more than 2 bedrooms;
- (7) Meet the minimum parking requirements for residential uses of [Section 3104](#);
- (8) Meet the applicable dimensional standards of the zoning district; and
- (9) Meet the water supply and wastewater disposal standards of [Section 3024](#).

3202.B A lot must not have more than one accessory dwelling unit.

3202.C The landowner must reside on the property, but may live in either the primary or accessory dwelling unit.

3202.D An accessory dwelling unit will be considered an accessory use of residential property and will not require site plan approval.

3202.E An accessory dwelling unit will not be included in the calculation of residential density.

### **3203 Home Occupation**

3203.A A home occupation must:

- (1) Be customary in residential neighborhoods;
- (2) Not have an adverse effect on the character of the neighborhood;
- (3) Not generate regular traffic in excess of what is typical of other uses in the neighborhood;
- (4) Meet the performance standards of [Section 3105](#);
- (5) Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday;
- (6) Not be primarily retail in nature, except that retail sales of goods manufactured on the premises and ancillary sales of products directly related to the provision of a personal service (e.g. sales of hair care products by a hair stylist) will be allowed;
- (7) Not occupy more than 50% of the habitable floor area of the dwelling and/or more than 1,000 square feet in one or more accessory buildings;
- (8) Not employ more than 2 people who do not live in the associated dwelling and who work on-site; and
- (9) Not have any outdoor storage or use areas, including product display or parking of heavy vehicles or equipment outside an enclosed structure.

3203.B A home occupation may have a porch or yard sign (see [Figure 3-19](#)) that meets all applicable requirements of [Section 3106](#).

3203.C A home occupation will be considered an accessory use of residential property and will not require site plan approval.

### **3204 Home Business**

3204.A A home business must:

- (1) Not have an adverse effect on the character of the neighborhood;
- (2) Meet the performance standards of [Section 3105](#);
- (3) Operate only between the hours of 7 a.m. to 7 p.m. unless otherwise established as a condition of approval;
- (4) Not be primarily retail in nature, except that retail sales of goods manufactured on the premises and ancillary sales of products directly related to the provision of a personal service (e.g. sales of hair care products by a hair stylist) will be allowed;
- (5) Not occupy more than 50% of the habitable floor area of the dwelling, but may

occupy any amount of space in one or more accessory buildings;

- (6) Not employ more than 4 people who do not live in the associated dwelling and who work on-site; and
- (7) Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of this ordinance and any conditions of approval.

3204.B A home business may have signage as allowed in [Section 3106](#) for the applicable zoning district.

3204.C A home business will require site plan approval.

### **3205 Family Childcare Home**

3205.A A family childcare home must:

- (1) Be operated by a resident of the dwelling;
- (2) Be registered by the state; and
- (3) Not care for more than 6 children on a full-time basis (more than 4 hours per day) and 4 children on a part-time basis (not more than 4 hours per day), not including any children who live in the home.

3205.B A family childcare home will be considered an accessory use of residential property and will not require site plan approval.

### **3206 Residential Care or Group Home**

3206.A A residential care or group home must:

- (1) Be licensed by the state;
- (2) Not be occupied by more than 8 people with a disability; and
- (3) Not be located within 1,000 feet of another residential care or group home (as measured between the two closest points along the property lines).

3206.B A residential care or group home will be considered a by-right use of residential property and will require permits to the same extent as a single-family dwelling under this ordinance.

### **3207 Single Room Occupancy**

3207.A A single room occupancy must:

- (1) Have a resident manager;
- (2) Provide all tenants with a private, secured room for their exclusive use;

- (3) Not house more than two unrelated adults per room;
  - (4) Rent rooms for a period of not less than one month;
  - (5) Provide secured bulk storage in accordance with [Subsection 3201.C](#);
  - (6) Provide laundry facilities within the building for tenant use; and
  - (7) Provide a common outdoor space that is not less than 60 square feet per room in area and that is designed with seating and other passive recreation facilities to be shared by all residents.
- 3207.B The rental rooms must meet the minimum requirements for independent living of [Section 3012](#) or the single-room occupancy must provide at least one common:
- (1) Kitchen for each 8 rooms;
  - (2) Bathroom for each 4 rooms; and
  - (3) Living area per floor that is not less than 400 square feet in area or 600 square feet in area if combined with a kitchen.
- 3207.C Maximum residential density standards will not apply to a single room occupancy.
- 3208 Bed and Breakfast**
- 3208.A A bed and breakfast must:
- (1) Be located within a single-family dwelling and/or an accessory building to a single-family dwelling;
  - (2) Be operated by a resident of the dwelling;
  - (3) Be licensed by the state;
  - (4) Not have more than 4 bedrooms that are used to house guests;
  - (5) Not house any guest for a continuous period of more than 30 days; and
  - (6) Not offer meals to the general public.
- 3208.B A bed and breakfast must provide guest parking in accordance with [Section 3104](#), including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway or between the street and the dwelling.
- 3208.C A bed and breakfast may have a porch or yard sign (see [Figure 3-19](#)) that meets all applicable requirements of [Section 3106](#).
- 3208.D A bed and breakfast will be considered an accessory use of residential property and will not

require site plan approval.

**3209 Inn**

3209.A An inn must:

- (1) Be located within a single-family dwelling and/or an accessory building to a single-family dwelling;
- (2) Be operated by a resident of the dwelling;
- (3) Be licensed by the state;
- (4) Not have more than 12 bedrooms that are used to house guests; and
- (5) Not house any guest for a continuous period of more than 30 days.

3209.B An inn may offer meals or other services (spa, fitness center, meeting rooms, etc.) to the general public as a conditional use.

3209.C An inn must provide guest parking in accordance with [Section 3104](#), including meeting the minimum parking requirements for lodging uses. Guest parking must not be located within the driveway or between the street and the dwelling.

3209.D An inn may have signage as allowed in [Section 3106](#) for the applicable zoning district.

3209.E An inn will require site plan approval.

**3210 Rooming and Boarding House**

3210.A A rooming and board house must:

- (1) Be located within a single-family dwelling;
- (2) Be operated by a resident of the dwelling;
- (3) Not have more than 12 bedrooms that are used to house tenants;
- (4) Provide all tenants with a private, secured bedroom for their exclusive use;
- (5) Not house more than two unrelated adults per bedroom;
- (6) Rent rooms for a period of not less than one month; and
- (7) Meet the minimum parking requirements for residential uses of [Section 3104](#).

3210.B A rooming and boarding house may have a porch or yard sign (see [Figure 3-19](#)) that meets all applicable requirements of [Section 3106](#).

3210.C A rooming and boarding house will require site plan approval.

3210.D A rooming and boarding house will be considered a multi-family dwelling if the rental rooms have provisions for independent living, including sleeping, food preparation and sanitation in accordance with [Section 3012](#).

### **3211 Short-Term Rental**

3211.A A short-term rental must:

- (1) Be of a dwelling or portion of a dwelling with an owner or a tenant with a lease agreement for a period of not less than 12 months;
- (2) Have the owner or tenant living in the dwelling for not less than 180 days within any calendar year;
- (3) Not house any guest for a continuous period of more than 30 days; and
- (4) Be limited to a maximum number of guests that does not exceed twice the number of bedrooms in the dwelling.

3211.B A short-term rental will be considered an accessory use of residential property and will not require site plan approval.

3211.C Lodging or rentals that do not meet the standards of this section will be considered a hotel or motel (see [Section 3212](#)).

### **3212 Hotel or Motel**

3212.A A hotel or motel must:

- (1) Be limited to a maximum number of guestrooms that does not exceed 1 per 400 square feet of gross floor area;
- (2) Not house any guest/tenant for a continuous period of more than 30 days except in an extended stay room that meets the standards below; and
- (3) Provide at least 50 square feet of common open space for each standard guestroom and 100 square feet for each extended stay room that will be:
  - (a) Located in one or more areas conveniently accessible to guests/tenants with no area being less than 30 feet in any dimension;
  - (b) Designed with seating areas and other passive recreation facilities to be available to all guests/tenants; and
  - (c) Landscaped with trees, shrubs, groundcover and/or ornamental plants.

3212.B Extended stay rooms must:

- (1) Provide guests/tenants with a private, secured space for their exclusive use;

- (2) Not house more than two unrelated adults; and
  - (3) Meet the minimum requirements for independent living of [Section 3012](#).
- 3212.C A hotel or motel may include accessory uses such as restaurants, event venues, meeting spaces, fitness centers or spas that are open to the general public.
- 3213 Sales Lot**
- 3213.A The provisions of this section apply to:
- (1) New sales lots;
  - (2) Existing sales lots that will be expanded, resulting in 2,000 square feet or more of additional impervious surface; and
  - (3) Existing sales lots that will be modified, resulting in the redesign or relocation of the display area (this will not be interpreted to include resurfacing of paved areas).
- 3213.B A sales lot must:
- (1) Only display or store merchandise in designated display or storage areas as shown on the approved site plan;
  - (2) Not locate display or storage areas within minimum setbacks for the applicable zoning district;
  - (3) Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces;
  - (4) Screen display or storage areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with [Section 3106](#);
  - (5) Display all merchandise in a static position at ground level (no raised, moving, revolving platforms, pedestals, ramps, mounds, etc.);
  - (6) Provide a buffer at least 16 feet deep between the edge of the sidewalk (or front property line, if no sidewalk) and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see [Section 3101](#)) that conforms to the planting specifications in [Figure 3-3](#);
  - (7) Not locate any merchandise or signs within the required buffer except as specifically allowed below:
    - (a) One permanent sign that meets the applicable standards of [Section 3106](#) may be located within the buffer; and
    - (b) One display area not more than 200 square feet in area that meets the minimum front setback requirement for the applicable zoning district may be

located within the buffer and may be hard surfaced.

- 3213.C Any area used for the display or storage of merchandise must be paved. The Development Review Board may waive this requirement upon the applicant demonstrating that a non-paved surface will be suitable to accommodate the type and amount of goods, type, amount and frequency of traffic, and/or time of the year or length of time that the area will be used without causing erosion or other damage. This will include allowing for surfaces designed to function as a green stormwater practices (see [Section 3021](#)).
- 3213.D Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see [Section 3021](#)).
- 3213.E Any area used for the display or storage of vehicles being offered for sale will not be considered a parking lot and will not be subject to the provisions of [Section 3104](#).
- 3213.F See special lighting standards for sales lots in [Paragraph 3102.D\(2\)](#).

#### **3214 Repair Service**

- 3214.A A repair service must:
- (1) Carry out all repair or service activities within an enclosed building;
  - (2) Carry out any body work, painting or other activities that will produce dust, fumes or odors within a building with a properly functioning ventilation system that meets state and federal requirements; and
  - (3) Locate any washing, lubrication, hydraulic or similar equipment within a building with a properly functioning system for collecting and preventing release of oils or other hazardous materials that meets state and federal requirements.

- 3214.B Vehicles or other goods, including those awaiting repair or pick-up, must not be parked or stored within minimum required setbacks for the applicable zoning district.
- 3214.C All outdoor storage associated with the repair service must meet the standards of [Section 3103](#).

#### **3215 Fueling Station**

- 3215.A The provisions of this section apply to:
- (1) New fueling stations;
  - (2) Existing fueling stations being modified, resulting in the relocation of the fuel storage tanks and/or fuel pumps;
  - (3) Existing fueling stations being modified, resulting in a new building or an addition

to an existing building of 1,000 square feet or more; and

- (4) Existing fueling stations being expanded, resulting in an increase in the number of fuel pumps.

3215.B Fueling stations must:

- (1) Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point (this will apply only to new fueling stations);
- (2) Be located on a lot that has at least 130 feet of frontage and is at least 20,000 square feet in area;
- (3) Locate all fuel pumps and islands at least 35 feet from side and rear lot lines; and
- (4) Not locate fuel pumps and islands between the principal building and the street;
- (5) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district and within 20 feet of the property line with a residential lot; and
- (6) Screen fueling areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with [Section 3106](#).

3215.C New or replacement fuel station canopies must:

- (1) Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way;
- (2) Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;
- (3) Not incorporate franchise designs or corporate identification elements;
- (4) Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;
- (5) Have illumination only on the underside (illuminated fascia are not allowed) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches in accordance with Paragraph 3102.D(3).

3215.D Electric car charging stations located within a parking lot or structure will not be considered a fueling station and will not be subject to the provisions of this section.

## **3216 Carwash**

3216.A The provisions of this section apply to any carwash established as a permanent use. They do not apply to any temporary car-washing events or the washing of vehicles on the vehicle owner's property.

3216.B A carwash must:

- (1) Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides;
- (2) Not operate between the hours of 9 p.m. and 7 a.m.;
- (3) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district or within 20 feet of the property line with a residential lot;
- (4) Screen vehicular use areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with [Section 3106](#);
- (5) Collect all wastewater on-site and prevent it from running off the property or into municipal storm drains; and
- (6) Have a properly functioning wastewater capture and recycling system.

**3217 Lawn, Garden, Farm Supply, Building Supply Sales and Lumberyards**

3217.A Lawn, garden, farm, building supply sales and lumberyards must:

- (1) Only display or store merchandise outside an enclosed structure in designated display or storage areas as shown on the approved site plan;
- (2) Not locate outdoor display or storage areas within minimum setbacks for the applicable zoning district;
- (3) Not display or store merchandise within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces;
- (4) Screen display or storage areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with [Section 3106](#);
- (5) Provide a buffer at least 16 feet deep between the edge of the sidewalk (or front property line, if no sidewalk) and the display area landscaped with not less than 1.0 equivalent planting unit for every 20 feet of display area frontage (see [Section 3101](#)) that conforms to the planting specifications in [Figure 3-3](#);

3217.B Any area used for the display or storage of merchandise will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see [Section 3021](#)).

### **3218 Open Market or Auction House**

3218.A The provisions of this section do not apply to temporary sales or auctions of goods on any property that occur for not more than 4 contiguous days and a total of 20 days in any calendar year in accordance with all other applicable provisions of this ordinance.

3218.B Unless otherwise approved by the Development Review Board, an open market or auction house must:

- (1) Indicate all structures (permanent and temporary) and open areas intended to be used for the display or storage of goods being offered for sale on the approved site plan;
- (2) Not store goods being offered for sale outside an enclosed structure when the business is closed to patrons;
- (3) Not use an amplified sound system that will be audible off the premises; and
- (4) Be limited to operating between the hours of 8 a.m. and 9 p.m.

3218.C Open markets or auction houses that will operate on a seasonal basis must remove all goods stored outside an enclosed building, temporary structures, and signs (message component only, support structure may remain in place) during the off-season.

3218.D The Development Review Board may modify the parking requirements of [Section 3104](#) for an open market or auction house that will be operated on a seasonal or limited basis.

3218.E If an applicant requests a modification from the requirements above, the Development Review Board must find that the use as proposed will not result in adverse off-site impacts.

### **3219 Restaurant**

3219.A A restaurant must:

- (1) Be operated under and in accordance with a valid eating establishment license from Barre City;
- (2) Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved site plan;
- (3) Not have amplified music playing from outside an enclosed building or from within an open-air structure unless otherwise approved by the Development Review Board; and
- (4) Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use.

### **3220 Mobile Food Service**

3220.A Mobile food service must:

- (1) Be operated under and in accordance with a valid eating establishment license from Barre City;
- (2) Not be located within any minimum required setback, buffer or right-of-way unless City Council approves a location within a public right-of-way;
- (3) Be located entirely on private property unless City Council approves a location on public property;
- (4) Not interfere with pedestrian or vehicular access or circulation, or with sight distance at any intersection; and
- (5) Provide appropriate receptacles for trash, recyclables and food waste.

**3220.B** A mobile food service unit or vehicle must be capable of being moved and remain registered, inspected and insured (if a motor vehicle) otherwise the use will be considered a restaurant (see [Section 3219](#)).

**3220.C** Mobile food service may be located within an off-street parking area provided that it will not reduce the number of parking spaces below the minimum amount needed to accommodate the use(s) intended to be served by the parking.

**3220.D** There will be no minimum parking requirements for mobile food service. Any parking provided must meet the standards of [Section 3104](#).

**3220.E** Signs must meet the standards of [Section 3106](#) and will be limited to:

- (1) One or more signs mounted on the vending unit not to exceed a total sign area of 20 square feet, exclusive any menu sign;
- (2) Menu signs in accordance with [Paragraph 3107.F\(4\)](#);
- (3) Awning signs in accordance with [Figure 3-10](#); and
- (4) Sandwich board signs in accordance with [Figure 3-20](#).

### **3221 Bar, Nightclub or Event Facility**

**3221.A** A bar, nightclub or event facility must:

- (1) Be operated under and in accordance with a valid liquor license from Barre City if alcoholic beverages will be served on the premises (this will not include allowing alcohol to be provided at catered events in accordance with city and state regulations) and a valid eating establishment license from Barre City if food will be served on the premises;
- (2) Not have outdoor seating or other outdoor areas for patron or guest use except as specifically shown on an approved site plan;
- (3) Not have amplified sound system playing from outside an enclosed building or from

within an open-air structure unless otherwise approved by the Development Review Board; and

- (4) Provide sound-proofing for any wall, ceiling or floor that is shared with a residential use.

## **3222 Self-Storage Services**

3222.A Self-storage services must:

- (1) Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the standards of [Section 3103](#);
- (2) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil;
- (3) Not have any stored goods displayed for sale except in accordance with [Subsection 3222.C](#);
- (4) Not allow a storage unit renter to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises; and
- (5) Install screening along any property line abutting a residential lot with a fence in accordance with [Section 3106](#).

3222.B Except within the Industrial district, mini-storage buildings must:

- (1) Have sloped roofs with a pitch of not less than 4:12;
- (2) Not cover more than 50% of the total lot area;
- (3) Be oriented with their short side facing the street unless the Development Review Board waives this requirement upon the applicant demonstrating that it is not feasible due to site specific conditions (grade, lot depth, etc.);
- (4) Be compatible in design, materials and colors with one another when there will be multiple buildings on a site; and
- (5) Use dark, muted and/or neutral colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant colors or patterns that would call attention to the buildings.

3222.C Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 4 contiguous days and a total of 20 days in any calendar year.

## **3223 Tank Farm or Fuel Storage and Distribution Services**

3223.A Tank farm or fuel storage and distribution services (as defined in [Section 2115](#)) must:

- (1) Be registered with the state and in compliance with all applicable state and federal regulations;
- (2) Not be located within 1,000 feet of a school, daycare facility, skilled nursing facility, hospital, park or other place of public assembly (measured at the closest point between the property lines);
- (3) Not be located within 500 feet of an existing residence (measured at the closest point between the property lines);
- (4) Locate all aboveground tanks on a hard, level surface;
- (5) Provide a containment system for any aboveground tank that is:
  - (a) Capable of holding at least 125% of the volume of the tank, and
  - (b) Designed to appropriately treat and release any rainwater that accumulates within the containment area;
- (6) Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and
- (7) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

3223.B Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any lot line unless all the standards of [Subsection 3223.A](#) will be met.

3223.C The provisions of this section do not apply to storage of fuels or other materials for on-site use.

## **3224 Communications Antennas and Towers**

3224.A **Purpose.** The purpose of this subsection is to:

- (1) Minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- (2) Accommodate the growing need and demand for communications facilities;
- (3) Encourage the location and collocation of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers;
- (4) Provide for the replacement and/or removal of nonconforming or discontinued antennas and towers; and
- (5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless

service and not effectively prohibiting provision of personal wireless service in Barre City.

**3224.B Applicability.** Except as specifically exempted in [Section 1101](#) or [Section 1102](#), the standards of this subsection apply to the installation, construction or modification of the following communications facilities:

- (1) Existing and proposed antennas and towers;
- (2) Replacement antennas and towers;
- (3) Broadcast antennas and towers;
- (4) Collocated and combined antennas on existing towers;
- (5) Roof-mounted antennas and supporting structures;
- (6) Surface-mounted antennas;
- (7) Antennas mounted on utility poles, including utility poles located within public rights-of-way;
- (8) Stealth wireless communications facilities; and
- (9) Amateur radio antennas and towers with an overall height greater than 50 feet.

**3224.C De Minimis Impact.** The Zoning Administrator may approve and issue a zoning permit for an application for a communication facility if he/she determines that it conforms to all applicable provisions of this ordinance and imposes no or de minimis impact on any criteria established in this ordinance. The Zoning Administrator will only consider an application to have a de minimis impact if it meets all of the following:

- (1) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase;
- (2) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet;
- (3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower; and
- (4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet.

**3224.D Application Requirements.** In addition to all other requirements, applicants must submit the following to demonstrate compliance with the provisions of this section:

- (1) A signed statement from the facility's owner or owner's agent stating that the radio frequency emissions will comply with Federal Communications Commission (FCC) standards;
- (2) Proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph;
- (3) Proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located;
- (4) An FCC license, and construction development approval if applicable, to transmit radio signals in Barre City;
- (5) The name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change;
- (6) A stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower;
- (7) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace;
- (8) A description of the coverage area planned for the cell to be served by the proposed facility;
- (9) A description of the search area used to locate the proposed facility;
- (10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility; and
- (11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.

3224.E **Siting Priorities.** The Development Review Board will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility. In order to justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

- (1) Collocated or combined antennas;
- (2) Surface-mounted antennas;
- (3) Roof-mounted antenna supporting facility; and

- (4) Stealth wireless communications facility.

3224.F **Antenna Types.** Antennas must be designed and configured in a manner that minimizes adverse visual impacts as follows:

- (1) Antennas must be one of the types below (listed in order of preference):

- (a) Flush-mounted;
- (b) Panel;
- (c) Whip; or
- (d) Dish.

- (2) In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

3224.G **Surface-Mounted Antennas.** Surface-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible;
- (2) Be placed at least 15 feet above the ground; and
- (3) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

3224.H **Roof-Mounted A ntenna Supporting Facilities.** Roof-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Be placed only on commercial, industrial, institutional or multi-family buildings that are at least 36 feet in height;
- (2) Be placed as near to the center of the roof as possible;
- (3) Not extend above the roof line of the building to which they are attached by more than 20 feet;
- (4) Have a monopole-type construction;
- (5) Maintain a galvanized gray finish unless the Development Review Board finds that another color will be more contextually compatible;
- (6) Be screened by a parapet or other structure in order to minimize their visual impact

as viewed from the sidewalk or street; and

- (7) Not have signs.

**3224.I Stealth Wireless Communications Facilities.** A stealth facility must:

- (1) Not have antennas or ancillary equipment that is readily identifiable from a public vantage point as wireless communications equipment; and
- (2) Be designed so that they are reasonably consistent with the surrounding built or natural environment.

**3224.J Towers.** Communication towers must:

- (1) Be set back a distance at least equal to their overall height from all lot lines (this does not include any guy-wire anchors) except that:
  - (a) A nonconforming replacement structure must not be placed any closer to a lot line than the original structure and the height must not be increased if the minimum setback cannot be met;
- (2) Have a monopole-type construction except that:
  - (a) Broadcast structures taller than 200 feet, amateur radio antennas and AM broadcast antennas may have a lattice-type construction;
- (3) Maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board (this includes ancillary appurtenances and transmission lines), except if otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC);
- (4) Not have lights, signals or other illumination unless the applicant demonstrates that lighting is required by the FAA or FCC; and
- (5) Not have signs except for hazard notification signs as required by state or federal regulations.

**3225 Contractor's Yard or Unenclosed Storage**

**3225.A Contractor's yard or unenclosed storage must:**

- (1) Not locate storage areas within minimum setbacks for the applicable zoning district;
- (2) Install screening along the front lot line if the outdoor storage would otherwise be visible from the street in accordance with [Section 3106](#);
- (3) Install screening along the side and/or rear property lines if outdoor storage would otherwise be visible from abutting properties with a fence in accordance with [Section 3106](#);

- (4) Control erosion and sediment transport from any materials stored outdoors in accordance with [Section 3014](#);
- (5) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage); and
- (6) Not allow equipment or vehicle maintenance or repair activities to occur outside an enclosed building and in accordance with the provisions of [Section 3214](#).

3225.B The screening requirements in Subsection A above will not apply to:

- (1) Property lines between lots in common ownership;
- (2) Property lines between lots if both lots are located in the Industrial or General Business districts; and
- (3) Front lot lines within the Industrial district.

## **3226 Campground**

3226.A Campgrounds must:

- (1) Be located on a parcel not less than 5 acres in size;
- (2) Not operate from October 15 to April 15;
- (3) Not exceed a maximum density of 8 campsites for each acre of land within the campground (including common and day use areas);
- (4) Be designed so that each campsite is accessed via the internal drive(s) and not directly from a public street;
- (5) Not house any campers for a continuous period of more than 30 days except on a seasonal campsite;
- (6) Not have more than 30% of the total number of campsites within the campground designated and used as seasonal campsites; and
- (7) Provide at least 2,000 square feet of common open space for each campsite that will be improved and maintained with recreation facilities to be available to all campers.

## **3227 Clinic or Outpatient Care Services**

3227.A Clinic or outpatient care services must:

- (1) Be operated by one or more individuals licensed, certified or authorized by the state to provide professional health care services;
- (2) Not be located within 1,000 feet of a school, daycare facility, park or similar

child- oriented use if intended primarily to dispense medical marijuana or drugs to treat opioid addiction (measured as the closest distance between the property lines);

- (3) Be limited to operating between the hours of 9 am and 6 pm if intended primarily to dispense medical marijuana or drugs to treat opioid addiction; and
- (4) Be limited to signage that identifies the use solely through text and that does not include any graphics if intended primarily to dispense medical marijuana or drugs to treat opioid addiction.

**3228 Rehabilitation Services or Residential Treatment Facility**

3228.A Rehabilitation services or residential treatment facility must not be located within 1,000 feet of a school if dispensing drugs to treat opioid addiction.

3228.B Out-patient rehabilitation services or treatment facilities (those that provide services to people not living at the facility) are prohibited in the residential districts.

3228.C A residential treatment facility must:

- (1) Operate under state licensing;
- (2) Be limited to a maximum number of residents that does not exceed 1 per 400 square feet of gross floor area in the facility;
- (3) Not house more than two unrelated residents per room;
- (4) Provide a minimum of 200 square feet of common open space per resident that is designed with seating areas and other passive recreation facilities to be shared by all residents; and
- (5) Not be located within 1,000 feet of another residential treatment facility or group home (measured as the closest distance between the property lines).

**3229 Extraction and Quarrying**

3229.A Extraction and quarrying must:

- (1) Be located on a parcel not less than 5 acres in size;
- (2) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands;
- (3) Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation;
- (4) Submit and implement professionally prepared erosion control and stormwater management plans;
- (5) Not cause the permanent lowering of the water table on surrounding properties;

- (6) Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier);
- (7) Install warning signs and fencing as necessary to protect public safety;
- (8) Meet the performance standards of [Section 3105](#);
- (9) Obtain all necessary city and state permits including, but not limited to, city approval for blasting.
- (10) Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:
  - (a) Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort;
  - (b) Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth;
  - (c) Maintain or establish a final slope that does not exceed a grade of 3:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas (will not include areas of exposed ledge);
  - (d) Evenly spread topsoil capable of sustaining vegetation on all disturbed areas;
  - (e) Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area;
  - (f) Replant disturbed areas with groundcover and not less than 4.0 EPUs per acre disturbed (see [Figure 3-3](#)); and
  - (g) Keep erosion control measures in place until permanent vegetation has been established.

### **3230 On-Farm Business**

3230.A An on-farm business must be:

- (1) A small business that forms as a natural extension of the farm (as defined in this ordinance) and the ongoing, active agricultural use of the property;
- (2) Subordinate to the agricultural operation;
- (3) Integrated with the agricultural operation;
- (4) Located within or adjacent to other developed areas or activity centers on the farm, except that the Development Review Board may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from

agricultural activities or residential areas;

- (5) Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible;
- (6) Appropriate in scale and intensity given the location; and
- (7) Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.

3230.B In addition to the signs allowed under [Section 3106](#), an on-farm business may:

- (1) Display not more than 6 temporary signs advertising products or activities currently in season as follows:
  - (a) A temporary sign may be mounted on a permanent support structure;
  - (b) Each temporary sign must not be more than 8 square feet in area or more than 8 feet in height;
  - (c) An individual temporary sign must not be displayed for more than 90 days in any calendar year; and
  - (d) Temporary signs may be located on any land farmed by the operator of the on - farm business.

## **330 SUBDIVISION STANDARDS**

### **3301 Applicability**

3301.A All subdivision of land must conform to the standards of this chapter.

### **3302 Suitability of The Land**

3302.A The applicant must demonstrate that the land to be subdivided is suitable for development without:

- (1) Endangering public health or safety; and
- (2) Adversely impacting the environment, adjoining properties or the character of the neighborhood.

3302.B Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

3302.C Grading, excavating and/or filling of land to create developable lots must meet the standards of [Section 3016](#).

### **3303 Capability of Community Facilities and Utilities**

3303.A The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and utilities including:

- (1) School facilities and educational services;
- (2) Police, fire protection and ambulance services;
- (3) Street infrastructure and maintenance;
- (4) Parks and recreation facilities; and
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.

### **3304 Lot Design and Configuration**

3304.A **Lot Arrangement.** The applicant must design the subdivision:

- (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features;
- (2) To connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography

and natural features;

- (3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of this ordinance (this will not apply to lots intended for conservation purposes);
- (4) So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned street (this will not apply to lots intended for conservation purposes);
- (5) To minimize the number of new curb cuts along arterial streets or state highways;
- (6) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision;
- (7) So that there will be no privately-owned reserve strips (a strip of land located between a subdivision and other property that is not dedicated to public use); and
- (8) To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

**3304.B Lot Dimensions.** The applicant must design the subdivision:

- (1) So that all lots front on a street in accordance with the standards of [Subsection 2005.E](#) and [Section 3002](#) (this will not apply to lots intended for conservation purposes);
- (2) So that lot dimensions meet the minimum standards for the zoning district;
- (3) So that side lot lines are at right angles to straight streets or radial to curved streets, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;
- (4) So that rear lot lines are parallel to front lot lines, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;
- (5) So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features;
- (6) To avoid flag and other irregularly shaped lots, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features or to allow for shared driveways (also see [Subsection 2005.E](#));
- (7) To minimize the number of lots with frontage on more than one street; and
- (8) To minimize the number of lots with a rear lot line that abuts the side lot line of an

adjacent lot.

### **3305 Design and Layout of Necessary Improvements**

**3305.A Streets.** Applicants must design and construct all new or extended streets within a subdivision in accordance with this subsection.

- (1) **Applicability.** Any vehicular way that will be used to provide access to more than 3 lots or principal buildings will be considered a street and must conform to the standards of this section irrespective of whether the street will be public or private.
- (2) **Public Works Specifications.** Applicants must construct new or extended streets in accordance with any public works specifications duly adopted by Barre City. In the case of a conflict between a provision of this ordinance and a provision of the public works specifications, the public works specifications will take precedence.
- (3) **Technical Review.** The Zoning Administrator will forward all applications for new or extended streets to the Department of Public Works for review and comment upon receipt of a complete application. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments.
- (4) **Engineering Requirements.** A professional engineer must certify that all new or extended streets were designed and constructed in accordance with all applicable public works specifications, provisions of this ordinance and any conditions of approval prior to the Zoning Administrator granting a final certificate of compliance.
- (5) **General Standards.** Applicants must design and construct all new or extended streets within a subdivision to:
  - (a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic);
  - (b) Calm traffic and discourage travel speeds in excess of the posted speed limit;
  - (c) Avoid congestion on existing streets;
  - (d) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles;
  - (e) Logically extend and improve the connectivity of the city's existing street network;
  - (f) Extended to the boundary lines of the parcel(s) being subdivided to facilitate the coordinated subdivision of adjacent land and connectivity of the city's street network unless otherwise approved by the Development Review Board upon the applicant demonstrating that it would not be feasible due to pre-existing development patterns on adjacent land, topography or other physical conditions on the property;

- (g) Provide efficient access to property;
  - (h) Minimize the amount of impervious surface necessary to provide convenient and safe access to property;
  - (i) Be graded and laid out to conform as closely as possible to the pre-existing topography;
  - (j) Provide adequate drainage;
  - (k) Be located the maximum distance feasible from surface waters (at least 150 feet is preferred and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of [Section 3020](#) as applicable; and
  - (l) Minimize the number of stream crossings.
- (6) **Connectivity.** New cul-de-sac or dead-end streets:
- (a) Must not exceed 600 feet in length (this will not include street stubs); and
  - (b) Will only be approved if the applicant demonstrates one of the following applies:
    - (i) The proposed street includes a stub designed to be extended or interconnected when adjacent property is subdivided or developed;
    - (ii) Pre-existing development patterns on adjacent property, topography or other physical conditions make construction of a through street impractical or undesirable; or
    - (iii) The proposed street will serve not more than 6 lots or principal buildings.
- (7) **Access Management.** Applicants must implement proper access management techniques in the design of new or extended streets and driveways. All accesses must be designed to:
- (a) Have sight distances that are not less than 150 feet unless otherwise recommended by the Department of Public Works;
  - (b) Restrict access to the permitted location and prevent uncontrolled access along the property frontage;
  - (c) Facilitate the movement of vehicles off the street and to prevent vehicles from queuing on the street;
  - (d) Not require backing maneuvers within the street right-of-way;

- (e) Provide facilities for safe crossing and use by pedestrians and bicyclists, including meeting Americans with Disabilities Act standards;
  - (f) Not cause water to enter onto intersecting streets;
  - (g) Not interfere with the drainage system of any intersecting streets; and
  - (h) Meet the standards of [Section 3002](#) and [Section 3010](#) as applicable.
- (8) **Access Points.** A subdivision with more than 24 lots or principal buildings must have at least two access points from public streets. The Development Review Board may:
- (a) Waive or modify this requirement as recommended by the Department of Public Works for sites with physical conditions that make provision of a second access impractical or undesirable; and/or
  - (b) Allow the secondary access to be gated and limited to emergency access.
- (9) **Design Speed.** Applicants must design new or extended streets for a speed of 25 miles per hour or less.
- (10) **Right-of-Way.** A new or extended street must:
- (a) Have a right-of-way at least 60 feet in width if intended to accommodate on-street parking;
  - (b) Have a right-of-way at least 50 feet in width if not intended to accommodate on-street parking; and
  - (c) Be located in the center of the right-of-way.
- (11) **Travel Lane Width.** Applicants must design new or extended streets in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:
- (a) For streets with a traffic volume of not more than 100 trips per day on average (equivalent to 10 dwelling units), travel lane widths must be not more than 10 feet; or
  - (b) For streets with a traffic volume in excess of 100 trips per day on average, travel lane widths must be at least 9 feet and not more than 10 feet with 2-foot shoulders or parking lanes on both sides.
- (12) **Parking Lane Width.** Parking lanes must be at least 8 feet and not more than 9 feet wide.
- (13) **Intersections.** Applicants must design new or extended streets in accordance with

the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:

- (a) To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees;
  - (b) With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet);
  - (c) With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting street; and
  - (d) With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Development Review Board upon the recommendation of the Department of Public Works may approve a curb radius of up to 40 feet for streets designed to accommodate significant truck traffic.
- (14) **Drainage.** Applicants must design new or extended streets:
- (a) With green stormwater practices consistent with the *Vermont Stormwater Manual* to the maximum extent feasible given the physical characteristics of the property (ex., soils and slopes);
  - (b) To not block or restrict the flow of drainage in existing ditches, swales or gutters;
  - (c) To not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure;
  - (d) With culverts that are sized to convey anticipated peaks stormwater flows; and
  - (e) With culverts that are installed to minimize erosion damage at the inlet and outlet.
- (15) **Grade.** New or extended streets must generally conform to the topography and must not exceed a maximum grade of 8% as measured over any 100-foot section. The Development Review Board may allow segments less than 100 linear feet in length to exceed the maximum grade to respond to the site's topography and natural features when recommended by the Department of Public Works.
- (16) **Cross-Slope.** All new or extended streets must have a cross-slope of at least 1% and not more than 3%.
- (17) **Street Names and Signs.** The applicant must name new or extended streets and install street signs in accordance with state and city requirements.

3305.B **Pedestrian and Bicycle Facilities.** The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

- (1) **Public Sidewalks.** The applicant must install sidewalks along both sides of a new or extended street except in the Residential 4 and Conservation districts where a shared use path on one side of a new or extended street may be substituted for the sidewalks.
- (2) **Internal Walkways.** The applicant must install internal walkways as necessary to provide access within the subdivision to common lands or facilities, parking areas or similar amenities, as well as between buildings and the street.
- (3) Sidewalk Design and Construction. Sidewalks must:
  - (a) Be at least 5 feet wide;
  - (b) Be surfaced with concrete;
  - (c) Meet Americans with Disabilities Act standards, including provision of curb ramps with a tactile warning surface;
  - (d) Be separated from the street either vertically with at least a 6-inch curb or horizontally with at least a 5-foot tree belt;
  - (e) Terminate at a crosswalk when there is a connecting sidewalk on the other side of the street.
- (4) Shared Use Path Design and Construction. Shared use paths must:
  - (a) Be at least 10 feet wide;
  - (b) Be hard surfaced;
  - (c) Meet Americans with Disabilities Act standards;
  - (d) Be horizontally separated from the street with at least an 8-foot tree belt; and
  - (e) Terminate at a crosswalk when there is a connecting path or sidewalk on the other side of the street.

3305.C **Street Trees.** The applicant must install street trees in accordance with [Subsection 3101.E](#).

3305.D Water and Wastewater Facilities. The applicant must:

- (1) Provide potable water and wastewater facilities to each lot within the subdivision in accordance with the city's public works specifications; and
- (2) Connect each lot within the subdivision to the city's water and sewer systems.

- 3305.E **Firefighting Facilities.** The applicant must provide water for fire protection and install fire hydrants in accordance with the city's public works specifications and fire protection and prevention ordinance.
- 3305.F **Public and Private Utilities.** The applicant must design the subdivision to provide utility service to each lot in accordance with the following:
- (1) All utilities must be located underground unless prevented by ledge or other physical conditions that make burying lines impractical.
  - (2) Utilities must be located within street rights-of-way to the maximum extent feasible.
  - (3) The applicant must provide the city with a maintenance and access easement for any utilities not located within a public right-of-way.
- 3305.G **Erosion Control.** The applicant must design and undertake construction within the subdivision in accordance with the standards of [Section 3014](#).
- 3305.H **Soil Preservation.** The applicant must:
- (1) Stockpile any topsoil removed during the course of construction on-site;
  - (2) Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted;
  - (3) Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments; and
  - (4) Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.
- 3305.I **Debris Removal.** The applicant must remove any debris generated during the course of construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited.
- 3305.J **Stormwater Management.** The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with [Section 3021](#).
- 3305.K **Parks and Recreation Areas.** The applicant must design the subdivision with appropriate areas and facilities for active and passive outdoor recreation in accordance with the following:
- (1) All subdivisions with more than 12 lots or principal buildings must provide a minimum of 400 square feet per dwelling unit or  $\frac{1}{4}$  acre of common recreation areas or facilities, whichever is greater, except:
    - (a) No common recreation areas or facilities will be required for single-family

residential subdivisions if all lots within the subdivision will be more than  $\frac{1}{4}$  acre in size.

- (b) The Development Review Board may waive or modify the requirement for common recreation areas or facilities for subdivisions located within  $\frac{1}{4}$  mile walk of a public park (as measured along public sidewalks, paths or walkways).
- (2) Land set aside for recreation areas or facilities must be suitable for active or passive outdoor recreation.
- (3) Each lot within the subdivision must have convenient access to the common recreation areas or facilities.

**3305.L Monuments and Lot Corner Markers.** The applicant must install:

- (1) Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.
- (2) Lot corner markers at corners and angle points of all lots in accordance with state statute.

**3305.M Construction and Maintenance of Necessary Improvements.** The applicant must:

- (1) Construct the necessary improvements in accordance with all conditions of approval under this ordinance and the city's public works specifications before the Zoning Administrator may issue any zoning permits for further development within the subdivision.
- (2) Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents with the city along with the final plat.

## 340 PLANNED UNIT DEVELOPMENT STANDARDS

### 3401 Applicability

3401.A Applicants may propose development that deviates from the standards of the base zoning district(s) in accordance with the provisions of this subpart.

### 3402 Campus Development

3402.A **Purpose.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of multi-lot, multi-building and/or multi-use sites.

3402.B **Applicability.** Campus developments are permitted in the urban center, mixed use, general business and industrial districts. For the purposes of this section, a campus is a self-contained development that includes multiple buildings and/or lots that:

- (1) Are commonly owned and/or managed;
- (2) Are located in proximity to and related to one another;
- (3) Share common facilities, amenities and/or infrastructure; and
- (4) Are connected with pedestrian walkways.

3402.C **Dimensional Standards.** The following will apply to campus developments:

- (1) The development must meet all setback requirements of the base zoning district (see [Section 2116](#)) around the perimeter of the campus;
- (2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see [Section 2116](#)) will not apply internally within the campus; and
- (3) The lot coverage for the campus as a whole must not exceed 70%.

3402.D **Residential Density.** There will be no maximum residential density within a campus development provided that residential use is allowed in the base zoning district. Multi-family residential development within a campus must conform to the standards of [Section 3201](#).

3402.E **Use.** The uses allowed within a campus development will be as established in the base zoning district and as follows:

- (1) Any institutional, office, light industrial or residential use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use;
- (2) Retail uses must not occupy more than 40% of the total floor area within the campus; and
- (3) The Development Review Board may approve uses not otherwise allowed in the

base zoning district within a campus development as a conditional use upon determining that:

- (a) Such uses are incidental to or supportive of the principal purpose of the campus; and
- (b) Such uses will not exceed 20% of the total floor area within the campus.

**3402.F Common Open Space.** At least 20% of the total lot area of the campus must be reserved as common open space in accordance with the following:

- (1) A common open space must not be less than 20 feet in any dimension;
- (2) A common open space must be landscaped and designed with amenities that will make the space suitable for passive recreational use or community gardening;
- (3) Outdoor areas developed for active recreation use (ex. sports courts or fields) must not be included in the calculation of common open space;
- (4) A common open space must not be used for parking, utility, trash collection or other service functions; and
- (5) Green stormwater and renewable energy infrastructure may be located within a common open space provided that such functions will not prevent the space from being used for passive recreation.

**3402.G Pedestrian Access.** All principal buildings within a campus must be connected with a system of sidewalks or multi-use paths. The Development Review Board may require the applicant to extend sidewalks along nearby public streets into the campus.

**3402.H Vehicular Access and Parking.** The campus must provide vehicular access and parking in accordance with the following:

- (1) Vehicular access and on-site parking will not be required to each principal building or on each lot if the campus provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served;
- (2) Vehicular access and surface parking must be located around the perimeter of the campus to the maximum extent feasible; and
- (3) Vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of this ordinance.

**3402.I Signs.** The campus must have an approved common scheme signage plan in accordance with [Section 3106](#) and the following:

- (1) The campus may have an entrance sign not more than 64 square feet in area and 20 feet in height at its principal street entrance;

- (2) Any secondary entrance may have a sign that is not more than 32 square feet in area and 12 feet in height; and
- (3) All other signage must be designed and located in accordance with the standards of with [Section 3106](#) and so as to be primarily visible from within the campus.

### **3403 Cluster Housing**

3403.A **Purpose.** The purpose of this section is to address the need for smaller and more affordable housing choices in response to changing household demographics and living preferences. The intent is to encourage development of pocket neighborhoods composed of small footprint, detached homes sited around common open space.

3403.B **Applicability.** Cluster housing is permitted in any residential zoning district.

3403.C **Density.** The maximum density for cluster housing will be 200% of the residential density allowed in the base zoning district.

3403.D **Dimensional Standards.** The following will apply to cluster housing:

- (1) The development must meet all setback requirements of the base zoning district (see [Section 2116](#)) around the perimeter of the development site;
- (2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see [Section 2116](#)) will not apply internally within the development site; and
- (3) The lot coverage for the development as a whole must not exceed 60%.

3403.E **Use.** Nonresidential principal uses are prohibited within a cluster housing development.

3403.F **Cluster Size.** Cluster housing must consist of at least 3 and not more than 18 detached single- or two-family homes arranged around a common open space.

3403.G **Number of Clusters.** Multiple clusters may be located on a single site provided that they are separated by a landscaped buffer not less than 40 feet in any dimension.

3403.H **Dwelling Unit Standards.** Cluster housing must consist of single- or two-family detached dwellings that:

- (1) Have a footprint of not more than 1,200 square feet if single-family or 1,600 square feet if two-family (attached garages will be included in the footprint calculation);
- (2) Are not more than 24 feet in height and have all portions of the building more than 18 feet above ground within the roof pitch;
- (3) Have at least 400 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet; and

- (4) Meet the minimum requirements for a dwelling unit of [Section 3012](#).

3403.I **Common Open Space.** Cluster housing must be arranged around a common open space in accordance with the following:

- (1) A minimum of 400 square feet of common open space suitable for community gardens and/or passive outdoor recreation is required per dwelling unit;
- (2) The common open space must have homes abutting on at least two sides;
- (3) Each dwelling unit must face and have direct access to the common open space (the building must not be separated from the open space by a street or driveway);
- (4) The common open space must be landscaped and must not be used for parking, utility, trash collection or other service functions; and
- (5) Green stormwater and renewable energy infrastructure may be located within the common open space provided that such functions will not prevent residents from using the common open space for passive recreation.

3403.J **Accessory Structures.** Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 576 square feet and a height of not more than 18 feet. Shared or common accessory structures must have a footprint of not more than 1,200 square feet and a height of not more than 24 feet.

3403.K **Community Buildings.** The development may include one or more community buildings that are clearly incidental to the homes and that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. A community building must be:

- (1) Commonly-owned by the residents; and
- (2) Compatible in scale, design and height to the homes.

3403.L **Vehicular Access and Parking.** The development must provide vehicular access and parking in accordance with the following:

- (1) Vehicular access and on-site parking will not be required to each dwelling or on each lot if the development provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the dwellings;
- (2) Vehicular access and parking must not be located within front yards, the common open space, or between dwellings and the common open space;
- (3) Vehicular access and parking must be located around the perimeter of the housing cluster to the maximum extent feasible; and
- (4) Vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of this ordinance.

#### **3404 Conservation Subdivision**

3404.A **Purpose.** The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources and open space.

3404.B **Applicability.** Conservation subdivisions are allowed in the Residential 4 zoning district.

3404.C **Density.** The density of a conservation subdivision must not exceed the maximum density as determined based on the applicable zoning district standards (total area to be subdivided divided by the residential density).

3404.D **Dimensional Standards.** The following will apply to conservation subdivisions:

- (1) The development must meet all setback requirements of the base zoning district (see [Section 2116](#)) around the perimeter of the development site;
- (2) The dimensional standards for lots, setbacks and buildings in the base zoning district (see [Section 2116](#)) will not apply internally within the development site; and
- (3) The lot coverage for the development as a whole must not exceed 40%.

3404.E **Use.** All residential uses allowed (permitted or conditional) within the base zoning district will be a permitted use within a conservation subdivision.

3404.F **Conservation Areas.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:

- (1) The following will be considered primary conservation resources and must be included in the conservation area:
  - (a) Wetlands;
  - (b) Mapped flood hazard and river corridor areas; and
  - (c) Severely steep slopes (25% or greater);
- (2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:
  - (a) Primary agricultural soils;
  - (b) Riparian buffers (see [Section 3020](#));
  - (c) Moderately steep slopes (15% to <25%); and
  - (d) Woodlands that are part of a contiguous forest block at least 50 acres in size.
- (3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.

- (4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement:
  - (a) Held by the city, state and/or a land trust or conservancy; and
  - (b) That prohibits further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources.
- (5) Conservation areas must not be cleared, graded, filled or subject to construction except as follows and in accordance the terms of the easement:
  - (a) The Development Review Board may allow streets and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the site to be developed provided that disturbance of the conservation will be the minimum necessary to provide adequate access;
  - (b) Underground utilities may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area;
  - (c) Community gardens, trails and passive recreation amenities may be developed within conservation areas;
  - (d) Green stormwater and renewable energy infrastructure may be allowed within conservation areas; and
  - (e) Required agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use.

**3404.G Development Areas.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:

- (1) The development must be designed as one or more clusters composed of 3 to 18 lots or dwelling units separated by open space;
- (2) All lots or dwelling units must have direct pedestrian access to conservation area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails;
- (3) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources; and
- (4) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways,

narrow lanes, and locating development near existing streets).

- 3404.H **Community Buildings.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.

## **4 ADMINISTRATIVE MECHANISMS**

### **400 ROLES AND RESPONSIBILITIES**

#### **4001 Zoning Administrator**

- 4001.A The Planning Commission will nominate and the City Council will appoint a Zoning Administrator in accordance with the city charter and state statute. The City Council may appoint an Acting or Assistant Zoning Administrator to act under the supervision of the Zoning Administrator, in the Zoning Administrator's absence, and/or if the Zoning Administrator has a conflict of interest.
- 4001.B The Zoning Administrator will:
- (1) Assist applicants in determining whether and which city permits and/or approvals will be needed for a project;
  - (2) Provide applicants with application forms;
  - (3) Inspect projects during construction as necessary;
  - (4) Maintain records;
  - (5) Respond to complaints and violations; and
  - (6) Perform all other tasks necessary to administer this ordinance.

- 4001.C The Zoning Administrator must enforce the provisions of this ordinance strictly and may only issue zoning permits for development that conforms to this ordinance.
- 4001.D The Zoning Administrator will refer applications to the Development Review Board as required under this ordinance.

#### **4002 Planning Commission**

- 4002.A The City Council appoints members to the Planning Commission in accordance with the city charter and state statute.
- 4002.B The Planning Commission does not perform any development review functions under this ordinance, but may make recommendations on planning and development issues in Barre City generally.
- 4002.C The Planning Commission may prepare amendments to this ordinance and make recommendations to the City Council on the amendment of this ordinance.

#### **4003 Development Review Board**

- 4003.A The City Council appoints members to the Development Review Board in accordance with the city charter and state statute.

4003.B The Development Review Board performs development review functions as specified in this ordinance and in accordance with state statute and its adopted rules of procedure.

**4004 Advisory Committees**

4004.A **Design Advisory Committee.** The City Council may form and appoint members to a Design Advisory Committee in accordance with the city charter and state statute. If no Design Advisory Committee is appointed, the Zoning Administrator will fulfill the committee's functions. In accordance with the provisions of [Section 4303](#), the Design Advisory Committee reviews applications for development within the Design Review Overlay District as follows:

- (1) The Design Advisory Committee will provide written comments and recommendations to the Zoning Administrator and/or Development Review Board regarding design modifications that would further the purposes of this ordinance.
- (2) The Design Advisory Committee's comments and recommendations are intended to provide general direction to the applicant, Zoning Administrator and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the zoning permit and/or conditions of approval.

4004.B **Technical Advisory Committee.** The Technical Advisory Committee is composed of the city manager and representatives from the police, fire, public works, codes, and planning departments. The Zoning Administrator may request that Technical Advisory Committee members review applications for projects that due to their size, nature or location have the potential to affect provision of municipal services as follows:

- (1) Committee members will provide written comments and recommendations on the anticipated impacts of proposed development on municipal services and how those impacts should be addressed, which the Zoning Administrator will send to the applicant and Development Review Board, as applicable.
- (2) Committee member's comments and recommendations are intended to provide general direction to the applicant, Zoning Administrator and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the zoning permit and/or conditions of approval.

## **410 FEES AND FILING REQUIREMENTS**

### **4101 Permit Fees**

- 4101.A The City Council will establish fees for the Zoning Administrator or other city employees to charge for administering this ordinance. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections during construction.
- 4101.B An applicant must pay the applicable fee(s) when submitting an application. The Zoning Administrator must not deem an application complete until all applicable fees are paid in full.

### **4102 Impact Fees**

- 4102.A Barre City may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance.

### **4103 Performance Bonds or Sureties**

- 4103.A The Zoning Administrator or Development Review Board may require an applicant to provide a performance bond or similar surety acceptable to the city as a condition of approval to insure the completion of required improvements.
- 4103.B The applicant will provide a quote prepared by a qualified professional for the full project cost. The Zoning Administrator or Development Review Board will base the amount of any bond or surety on that quote.
- 4103.C Barre City will only release the bond or surety after certification by the applicant and determination by the Zoning Administrator that the required improvements have been satisfactorily completed.

### **4104 Monitoring or Inspection Costs**

- 4104.A The Zoning Administrator or Development Review Board may condition approval upon monitoring and inspection during construction or once the use has commenced when deemed necessary to ensure compliance with this ordinance, the cost of which will be paid by the applicant.

### **4105 As-Built Drawings**

- 4105.A The Zoning Administrator or Development Review Board may require an applicant to file as-built drawings as a condition of approval.
- 4105.B Barre City will require as-built drawings for any infrastructure to be built within public rights-of-way or to be turned over to the city.
- 4105.C The Zoning Administrator may require an applicant to file as-built drawings when approved plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

**4106 Other Permits, Approvals and Certifications**

- 4106.A The Zoning Administrator or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by Barre City or other regulatory entities prior to the issuance of a zoning permit, the start of construction, and/or the issuance of a certificate of compliance.

## **420 ZONING PERMITS**

### **4201 Submitting a Zoning Permit Application**

4201.A **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require a zoning permit, and any associated development approvals, under this ordinance;
- (2) Providing applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s);
- (3) Notifying applicants of the fees or other charges that the city may charge in relation to the application or proposed development;
- (4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the regional permit specialist; and
- (5) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable.

4201.B **Applicant.** The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a zoning permit, and any associated development approval, under this ordinance;
- (2) Provide all the information necessary to demonstrate compliance with this ordinance; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4201.C **Application Requirements.** The Zoning Administrator:

- (1) May waive an application requirement upon finding the information is not necessary to determine compliance with this ordinance.
- (2) May require an applicant to provide additional information as necessary to demonstrate compliance with this ordinance.
- (3) Must keep written documentation of any application requirement waived or additional information requested as part of his/her office records.

4201.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it.

- (2) Inform the applicant of his/her determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.
- 4201.E **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 4401](#).
- 4202 Acting on a Complete Zoning Permit Application**
- 4202.A **Time to Act.** Once the Zoning Administrator determines that an application for a zoning permit is complete, he/she must act within 30 days to approve, deny or refer it to the Development Review Board except that the time period within which the Zoning Administrator must act will not commence for a zoning permit application that requires:
- (1) One or more development approvals under this ordinance until the applicant has obtained all those necessary approvals, including design review if applicable, for the proposed development; or
  - (2) Notification of a state agency until the agency comments or the comment period elapses, whichever occurs first.
- 4202.B **Referral to Design Advisory Committee.** The Zoning Administrator must refer any application for proposed development within the Design Review Overlay district not exempted in [Section 1101](#) to the Design Advisory Committee for design review in accordance with [Section 4303](#) before acting on a complete application or referring it to the Development Review Board.
- 4202.C **Deemed Approval.** If the Zoning Administrator does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- 4202.D **Decisions.** The Zoning Administrator must approve or deny applications in writing and specifically provide the following information:
- (1) When approving an application, the Zoning Administrator must inform the applicant that he/she must:
    - (a) Post a notice of the zoning permit (to be provided by the Zoning Administrator) in a visible location on the subject property throughout the 15-day appeal period and until the development authorized by the permit is complete; and
    - (b) Not commence the development authorized by the permit until the appeal period has ended.
  - (2) When denying an application, the Zoning Administrator must:

- (a) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (b) Include a copy of [Section 4401](#), which explains the appeal process.

**4202.E Conditions of Approval.** The Zoning Administrator:

- (1) May issue a zoning permit with conditions as necessary to ensure compliance with this ordinance, including conditions recommended by the Design Review Advisory Committee and Technical Advisory Committee members;
- (2) May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 3 years with conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit;
- (3) Must condition any zoning permit for proposed development that is subject to the state's residential or commercial building energy standards on the applicant providing the Zoning Administrator with a copy of an energy certificate for the building when construction is completed; and
- (4) Must condition any zoning permit for proposed development that requires the construction, modification or replacement of a potable water supply or wastewater system, or that increases the design flow or modifies the operational requirements of a potable water supply or wastewater system on the applicant:
  - (a) Obtaining written approval to connect to city water and sewer or a state potable water and wastewater permit, as applicable; and
  - (b) Providing the Zoning Administrator with a copy of that approval or permit prior to the start of construction.

**4202.F Posting of Permits.** The Zoning Administrator must post a copy of the zoning permit in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

**4202.G Filing of Permits.** The Zoning Administrator must:

- (1) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the City Clerk for recording within 30 days after it becomes effective;
- (2) File a copy of the permit as part of his/her office records; and
- (3) Provide a copy of the permit to the city assessor.

**4202.H Bylaw Amendment.** The Zoning Administrator must act on any application submitted when City Council is considering amendments to this ordinance in accordance with the provisions of 24 V.S.A. § 4449(d).

#### **4203 Obtaining a Zoning Permit**

- 4203.A **Permit Takes Effect.** A zoning permit takes effect on the 16<sup>th</sup> day after the Zoning Administrator issues it provided that no appeal is filed during the previous 15 days or that the applicant has not requested a delay (see Subsection B, below). If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.
- 4203.B **Delay in Effect.** The applicant may request that a zoning permit and any associated development approvals not take effect until he/she has obtained all permits and approvals necessary to commence the development in accordance with the following:
- (1) The Zoning Administrator may delay the effective date of a permit and any associated development approvals for no more than 18 months unless the Development Review Board approves a longer delay due to factors beyond the applicant's control (e.g., extended or contested Act 250 proceedings or litigation).
  - (2) It will be the applicant's responsibility to notify the Zoning Administrator when he/she is ready to commence the development and request that the zoning permit and any associated development approvals take effect.
- 4203.C **Permit Timeframe and Extension.** Zoning permits and any associated development approvals expire 3 years from the date the permit takes effect unless:
- (1) The Development Review Board specifies otherwise as a condition of approval;
  - (2) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration; or
  - (3) Prior to the zoning permit's expiration, the applicant requests and receives from the Zoning Administrator an extension of not more than 2 years. The Zoning Administrator may only grant one such extension upon the applicant demonstrating that:
    - (a) Any improvements completed to date conform to the conditions of the permit and any associated development approvals; and
    - (b) There have been no amendments to this ordinance or change in external circumstances that would have caused a material change in the decision(s) on the original application(s).
- 4203.D **Transfer of Permit.** Zoning permits and any associated development approval remain in effect as specified in this ordinance irrespective of any change in ownership of the subject property. All subsequent property owners are subject to the requirements and conditions of any zoning permit and associated development approvals.
- 4203.E **Expired Permits.** If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under this ordinance.

#### **4204 Amending Permits or Approvals**

- 4204.A An applicant may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to the permit's expiration. The applicant must demonstrate that the proposed changes to the development:
- (1) Are minor modifications that conform to all applicable provisions of this ordinance;
  - (2) Are not material or substantial changes that would have affected the decision on the original application;
  - (3) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approval; and
  - (4) Do not change the type, character or intensity of the approved development or use to a greater extent than specified below:
    - (a) Any proposed modification must not result in an increased requirement for parking or loading spaces;
    - (b) Any proposed increase in impervious surface must not exceed 500 square feet; and
    - (c) Any proposed substitution of plant materials must not change the overall landscape design concept.

4204.B The scope of the review will be limited to those aspects of the development affected by the proposed changes.

4204.C The Zoning Administrator may decline to amend a permit, and any associated development approval, and refer the request to the Development Review Board (see [Section 4310](#)).

4204.D The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

#### **4205 Revoking Permits or Approvals**

4205.A The Zoning Administrator may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant omitted or misrepresented a material fact on an application or at a hearing.

#### **4206 Inspecting Development during Construction**

4206.A The Zoning Administrator may inspect any development during construction as necessary to ensure compliance with this ordinance and any permit or approval conditions.

#### **4207 Obtaining a Certificate of Compliance**

4207.A **When Required.** An applicant must request a certificate of compliance from the Zoning Administrator before he/she occupies or commences the use of any development subject to design, site plan or conditional use review.

- 4207.B **Application.** The Zoning Administrator will provide applicants with the necessary form to apply for a certificate of compliance.
- 4207.C **Time to Act.** The Zoning Administrator must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Zoning Administrator may:
- (1) Require the applicant to submit documentation from a qualified professional certifying that the development as constructed conforms to the approved plans; and/or
  - (2) Inspect the subject property and consult with other city or state personnel as necessary to determine compliance.
- 4207.D **Deemed Approval.** If the Zoning Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- 4207.E **Criteria.** Before receiving a final certificate of compliance, the applicant must demonstrate to the Zoning Administrator that:
- (1) The development is substantially complete and conforms to the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of this ordinance;
  - (2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable city specifications, the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of this ordinance;
  - (3) The applicant has recorded all required documents with the city including, but not limited to, as-built drawings, energy certificate, approval of water and sewer connection or wastewater and potable water supply permit, access permit, and stormwater permit; and
  - (4) The applicant has paid all required fees.
- 4207.F **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:
- (1) The Zoning Administrator may require the applicant to submit a performance bond in accordance with [Section 4104](#) to insure full completion of the outstanding work;
  - (2) The Zoning Administrator will require the applicant to submit a performance bond in accordance with [Section 4104](#) if any commonly-owned or shared improvements or infrastructure connections remain incomplete; and

- (3) The applicant must apply for a final certificate of compliance prior to the expiration of the temporary certificate.

4207.G **Phased Development.** If the development will be phased, Zoning Administrator may issue certificates of compliance for individual phases as they are completed in accordance with the permit and associated conditions of approval.

4207.H **Decisions.** The Zoning Administrator must approve or deny applications for a certificate of compliance in writing. When denying an application, the Zoning Administrator must:

- (1) State the reasons for the denial;
- (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (3) Include a copy of [Section 4401](#), which explains the appeal process.

4207.I **Denials.** If the Zoning Administrator denies an application for a certificate of compliance:

- (1) The Zoning Administrator must commence appropriate enforcement action under [Subpart 100](#) if he/she finds a violation of this ordinance.
- (2) The applicant may re-apply after remedying any conditions identified as the reason for the denial.

## **430 DEVELOPMENT APPROVALS**

### **4301 Application Process**

4301.A **Pre-Application Conference.** A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant, but will not be deemed binding in the preparation or review of any subsequent application for development approval.

4301.B **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require one or more development approvals, including design review, under this ordinance;
- (2) Providing applicants with the necessary form(s) to apply for the required approval(s); and
- (3) Notifying applicants of the fees or other charges that the city may charge in relation to the application or proposed development.

4301.C **Applicant.** The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a development approval under this ordinance;
- (2) Provide all the information necessary to demonstrate compliance with this ordinance; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4301.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly after the applicant submits it; and
- (2) Inform the applicant of his/her determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

4301.E **Waiver of Application Requirements.** The Zoning Administrator:

- (1) Will waive requirements for site plan drawings ([Subsection 4302.A](#)) for minor site plan applications that do not involve physical changes to the exterior of a structure or to the site;

- (2) Will waive requirements for site plan drawings ([Subsection 4302.A](#)) for sign applications;
- (3) May waive an application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with this ordinance;
- (4) May require an applicant to provide additional information as necessary to determine compliance with this ordinance; and
- (5) Must keep written documentation of any application requirement waived or additional material requested as part of his/her office records and submit that information to the Development Review Board with the application.

4301.F **Referral to Design Advisory Committee.** The Zoning Administrator must refer any application for proposed development within the Design Review Overlay district not exempted in [Section 1101](#) to the Design Advisory Committee for design review in accordance with [Section 4303](#) before acting on a complete application or referring it to the Development Review Board.

4301.G **Referral to Development Review Board.** Once the Zoning Administrator determines that an application is complete, he/she must warn a public hearing on the application by the Development Review Board at their next available regularly scheduled meeting following the warning period required under [Section 4501](#).

4301.H **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 4401](#).

## **4302 Application Requirements**

4302.A **Site or Subdivision Plan.** Applicants must submit a site or subdivision plan with any application for a development approval that conforms to the specifications below unless a specific requirement is waived in accordance with [Subsection 4301.E](#). It is the applicant's responsibility to provide the information necessary to demonstrate compliance with this ordinance.

- (1) **Scale.** All plan drawings must be to scale. Site plan drawings should be at a scale of 1" = 30' or less whenever possible.
- (2) **Project Narrative.** The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of this ordinance by listing the facts and reasons why the application meets each of the applicable criteria of [Figure 4-1](#).
- (3) **Site or Subdivision Plan Drawing(s).** The applicant must submit a site or subdivision plan drawing(s) that includes the following information:
  - (a) **Drawing Details.** Drawing details must include:

- (i) The location, height, impervious surface coverage and use of all structures;
  - (ii) The location and use of all greenspace, open space and green stormwater infrastructure;
  - (iii) The location and use of all existing and proposed utilities (including gray stormwater infrastructure) and associated easements; and
  - (iv) The location and dimensions of all existing and proposed streets, sidewalks and walkways, bikeways and paths, driveways, parking facilities, loading spaces, dumpster locations, snow storage locations, points of access to surrounding streets, points of access to surrounding bike and sidewalk network, and associated easements.
- (4) **Landscape and Lighting Plan Drawing(s).** When landscaping and/or outdoor lighting will be installed or modified, the applicant must submit a landscape and/or a lighting plan drawing(s) that includes the following information:
- (a) **Landscaping Details.** Landscaping details must include:
    - (i) Location and species of all plant materials that will be used to meet landscaping or screening requirements under this ordinance;
    - (ii) Existing and proposed amenities associated with the landscape plan (specialty hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).
  - (b) **Lighting Details.** Lighting details must include:
    - (i) Location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and
    - (ii) Specifications of all proposed light fixtures including any shields, mounting hardware, poles or bases demonstrating compliance with the requirements of [Section 3102](#).
- (5) **Architectural Drawing(s).** For new principal buildings or exterior modifications to existing principal buildings subject to design review, building elevations and other architectural drawings as necessary to demonstrate compliance with the applicable standards of this ordinance.
- (6) **Erosion Control and Stormwater Management Plan Drawing(s).** When the provisions of [Section 3014](#) and/or [Section 3021](#) apply to proposed development, the applicant must submit a stormwater management and/or an erosion control plan drawing(s) that demonstrate compliance with [Section 3014](#) and/or [Section 3021](#) as applicable.

4302.B **Signage.** Applicants must submit a signage plan with any application for a development

approval that involves the installation or modification of a sign that includes all required elements listed below unless a specific requirement is waived in accordance with [Subsection 4301.E](#):

- (1) Type, location, height and area of all existing and proposed signs;
- (2) Design, materials and colors of all existing and proposed signs; and
- (3) Location, type and initial output (measured in lumens) of all existing and proposed sign lighting.

4302.C **Traffic Impact Analysis.** Applicants must submit a traffic impact analysis that conforms to VTrans' most current traffic impact study guidelines with any application for a conditional use approval for proposed development that will generate 75 or more peak hour trips or for a subdivision with 25 or more lots.

**4303 Design Review**

4303.A **Applicability.** Development within the Design Review Overlay district ([Section 2201](#)) that involves exterior modifications to a structure or site will require design review under this section before the Zoning Administrator may issue a zoning permit or the Development Review Board may grant a development approval, as applicable. Interior alterations and changes of use that do not involve exterior modifications will not require design review.

4303.B **Purpose.** The purpose of design review is to ensure that proposed development maintains and enhances those aspects of the built environment that contribute to Barre City's historic character, architectural heritage and sense of place.

4303.C **Review Process.** Applications will be reviewed based on the following process:

- (1) The Design Review Advisory Committee must meet to review all applications subject to design review within 15 days of the Zoning Administrator deeming the application complete. (Note: As specified in [Subsection 4004.A](#), if no Design Review Advisory Committee exists, the Zoning Administrator will conduct the design review. In doing so, the Zoning Administrator may deny or place conditions on a zoning permit to ensure compliance with the standards of [Section 2201](#). The applicant or other interested person may appeal such actions or decisions to the Development Review Board in accordance with [Section 4402](#).)
- (2) Meetings of the Design Review Advisory Committee are subject to Vermont's open meeting law, but are not subject to the hearing and notice requirements of this ordinance.
- (3) The Design Review Advisory Committee may recommend specific modifications to the proposed development based on:
  - (a) The standards and criteria of this ordinance; and
  - (b) If the proposed development involves exterior modifications to a contributing historic structure in the Historic Structure Overlay district, the *Secretary of the*

*Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

- (4) **Administrative Approval.** When the proposed development does not need a development approval from the Development Review Board, the Zoning Administrator will review and act upon the application in accordance with [Subpart 100](#). The Zoning Administrator may deny or condition approval of an application based on the Design Review Advisory Committee's recommendations. The applicant may appeal those conditions to the Development Review Board as specified in [Section 4402](#).
- (5) **Development Approval.** When the proposed development does require a development approval from the Development Review Board, the recommendations of the Design Review Advisory Committee will be forwarded to the Development Review Board with the application. The Development Review Board may deny or condition approval of an application based on the Design Review Advisory Committee's recommendations.

**4303.D Review Criteria.** Applications will be reviewed based on the following criteria:

- (1) **Historic Preservation.** Applicants must demonstrate that exterior modifications to contributing historic structures within the Historic Structure Overlay district are in conformance with the practices recommended in the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.
- (2) **Location.** Applicants must demonstrate that new buildings will be sited and designed to be compatible with the setback of existing buildings from the street, spacing between existing buildings, and alignment of existing buildings in the immediate area.
- (3) **Height.** Applicants must demonstrate that the height of a new or modified building is appropriate in relation to the average height of existing adjacent buildings.
- (4) **Proportion.** Applicants must demonstrate that the width and height of the front elevation of a new or modified building is appropriate in relation to the width and height of the front elevations of existing adjacent buildings; and
- (5) **Fenestration.** Applicants must demonstrate that the fenestration pattern of the front elevation of a new or modified building is appropriate in relation to the fenestration pattern of the front elevation of existing adjacent buildings, and creates a compatible rhythm of alternating solid walls to window/door openings along the street.
- (6) **Roofs.** Applicants must demonstrate that the shape, pitch, and direction of the roof on a new or modified building is appropriate in relation to the design of roofs of existing buildings in the immediate area.
- (7) **Materials and Textures.** Applicants must demonstrate that the proposed exterior

materials and textures on a new or modified building are high quality, durable and appropriate in relation to the materials and textures of existing buildings in the immediate area. Use of Barre granite as an exterior building material is strongly encouraged.

- (8) **Architectural Features.** Applicants must demonstrate that new or modified buildings incorporate architectural features that are raised above the wall plane to create shadow lines such as cornices, entablatures, friezes, pilasters, lintels or moldings and that are compatible with the architectural features of existing buildings in the immediate area.
- (9) **Signs.** Applicants must demonstrate that the type, size, location, design, materials and lighting of new or modified signs conforms to [Section 3106](#) and will be complementary to the building (if building mounted), site (if free-standing) and neighboring properties.
- (10) **Utility Service.** Applicants must demonstrate that utility lines will be installed underground whenever feasible given site conditions, and that any above ground utilities have been located, designed and screened to minimize their visual impact from the street and neighboring properties.
- (11) **Accessory Structures.** Applicants must demonstrate that the materials, scale, design, and placement of accessory structures on the site is complementary to the principal building and neighboring properties.

#### **4304 Sign Review**

4304.A **Applicability.** The provisions of this section will apply to any application for a new or modified sign associated with an existing use or with a use not subject to site plan review. All other signs will be reviewed as part of the site plan review for the proposed development (see [Section 4305](#)).

4304.B **Review Process.** The Zoning Administrator will act on sign applications as follows:

- (1) The Zoning Administrator must act on a complete sign application within 30 days.
- (2) The Zoning Administrator may approve, deny or refer sign applications to the Development Review Board.
- (3) The Zoning Administrator must refer any application for signs within the Design Review Overlay district to the Design Advisory Committee for design review in accordance with [Section 4303](#) before acting on the application.
- (4) To approve a sign application, the Zoning Administrator must find that the proposed sign conforms to the standards of [Section 3106](#).
- (5) The Zoning Administrator may approve a sign application with conditions as necessary to ensure compliance with this ordinance.
- (6) The applicant or other interested person may appeal any of the Zoning

Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 4402](#).

#### **4305 Site Plan Review**

4305.A **Applicability.** All proposed development other than a single-family or two-family dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval before the Zoning Administrator may issue a zoning permit.

4305.B **Purpose.** The purpose of site plan review is to ensure that:

- (1) The physical aspects of proposed development comply to all applicable provisions of this ordinance;
- (2) Proposed development is of high quality and designed to be visually compatible with its setting through use of landscaping, screening, outdoor lighting, signage, building form and mass, and architectural details;
- (3) Proposed development is appropriately sited, and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible;
- (4) Streets, curb cuts, driveways, parking facilities, emergency access, utilities and other infrastructure, both on-site and off-site, are adequate and available to support the proposed development; and
- (5) Proposed development is energy efficient and avoids, mitigates and/or minimizes (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4305.C **Classification.** The Zoning Administrator will classify a site plan application for proposed development that:

- (1) **Minor Site Plan.** Does not meet the definition of a major site plan as a minor site plan (see [Subsection 4305.D](#)); and
- (2) **Major Site Plan.** Includes any of the following as a major site plan (see [Subsection 4305.E](#)):
  - (a) Commencement of a new conditional use;
  - (b) Constructing a multi-family dwelling (5 units or more) or any increase in the number of units within a multi-family dwelling resulting in the total number of units in the building being 5 or more;
  - (c) Change of use if the two uses do not fall under the same definition in [Section 2115](#);
  - (d) Construction of a new principal building;

- (e) Major renovation of an existing principal building;
- (f) Construction of a new street access (this will not be interpreted to include modification of existing curb cuts); or
- (g) Construction of more than 2,000 square feet of impervious surface (this will not be interpreted to include resurfacing of existing impervious surfaces).

4305.D **Minor Site Plans.** The Zoning Administrator will act on minor site plan applications as follows:

- (1) The Zoning Administrator must act on a complete minor site plan application within 45 days.
- (2) The Zoning Administrator may approve, deny or refer minor site plan applications to the Development Review Board.
- (3) To approve a site plan application, the Zoning Administrator must find that the proposed development meets all of the applicable criteria specified in [Figure 4-1](#).
- (4) The Zoning Administrator may approve a minor site plan application with conditions as necessary to ensure compliance with this ordinance.
- (5) The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 4402](#).

4305.E **Major Site Plans.** The Development Review Board will review major site plan applications and any minor site plan applications referred by the Zoning Administrator as follows:

- (1) The Development Review Board must hold a public hearing and issue a decision on a site plan application in accordance with [Subpart 100](#).
- (2) To approve a site plan application, the Development Review Board must find that the proposed development meets all of the applicable criteria specified in [Figure 4-1](#).
- (3) The Development Review Board may approve a site plan application with conditions as necessary to ensure compliance with this ordinance.

4305.F **State Highways.** The applicant must submit a letter of intent from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway.

## **4306 Conditional Use Review**

4306.A **Applicability.** The commencement or expansion of a conditional use requires approval from the Development Review Board before the Zoning Administrator may issue a zoning permit.

- 4306.B **Purpose.** The purpose of conditional use review is to ensure that proposed development will not have undue adverse effects on the neighborhood, environment, and public infrastructure, facilities or services.
- 4306.C **Acting on a Conditional Use Application.** The Development Review Board must hold a public hearing and issue a decision on a conditional use application in accordance with [Subpart 100](#).
- 4306.D **Review Criteria.** To approve a conditional use application, the Development Review Board must find that the applicant has demonstrated that the proposed development meets all of the applicable standards specified in [Figure 4-1](#).
- 4306.E **Conditions of Approval.** The Development Review Board may approve a conditional use application with conditions as necessary to ensure compliance with this ordinance.

#### **4307 Planned Unit Development Review**

- 4307.A A planned unit development (PUD) will require subdivision approval under this ordinance.
- 4307.B If proposed development within a PUD also requires site plan and/or conditional use approval under this ordinance, the Development Review Board will conduct those reviews concurrently with subdivision review in accordance with [Section 4309](#).

#### **4308 Subdivision Review**

- 4308.A Applicability.
- (1) A property owner must not subdivide, sell, transfer or lease land without first recording an approved subdivision plat in the city's land records in full conformance with this ordinance, except that he/she:
- (a) May file boundary surveys and/or corrective deeds in the city's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries without obtaining subdivision approval under this ordinance.
- (2) The Zoning Administrator must not issue any permits for land development on a lot created by subdivision until the property owner has recorded a subdivision plat in the city's land records in conformance with this ordinance.
- 4308.B Purpose. The purpose of subdivision review is to ensure that:
- (1) Subdivided lots are suitable for development without endangering public health, safety or welfare;
- (2) Appropriate provisions are made for necessary improvements including, but not limited to, water supply, sewage disposal, stormwater management, fire and emergency protection and access, and utilities;
- (3) Proposed subdivisions are complimentary to and functionally integrated with

surrounding development and the city's street network to the greatest extent feasible; and

- (4) Proposed subdivisions are energy efficient and avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

**4308.C Lot Line Adjustment and Lot Merger**

- (1) The Zoning Administrator may approve the realignment, relocation or elimination of a boundary line between adjoining lots in accordance with the procedures of [Subpart 100](#) provided that the proposed change:
- (a) Will not result in an increase in the number of lots;
  - (b) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity);
  - (c) Will not substantially increase the degree of nonconformity of a pre-existing nonconforming lot or structure; and
  - (d) Will not violate any conditions of a prior permit or approval.
- (2) The Zoning Administrator may refer applications to the Development Review Board for review as a minor subdivision.
- (3) Within 180 days after the Zoning Administrator approves an application, the applicant must file a final subdivision plat for recording in the city's land records in accordance with [Subsection 4308.I.](#)

**4308.D Sketch Plan Review**

- (1) The applicant must file a complete application and sketch plan for review by the Zoning Administrator.
- (2) The Zoning Administrator may forward the sketch plan to other city departments and/or advisory committees for review and comment as appropriate.
- (3) The Zoning Administrator must notify the owners of all properties adjoining the subject property (including those across the street) in writing of the applicant's intent to subdivide the subject property. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information.
- (4) The Zoning Administrator must send the applicant a written response to a complete sketch plan application within 60 days of its filing that:
- (a) Indicates whether the subdivision as proposed generally conforms to the standards of this ordinance.

- (b) Makes recommendations to guide the applicant in preparation of more detailed plans.
  - (c) Requests any additional application materials deemed necessary to determine compliance with this ordinance.
  - (d) Determines whether the applicant will be required to file a preliminary plan or may file a final plan for review by the Development Review Board in accordance with [Subsection 4308.E](#).
- (5) After the Zoning Administrator determines that the applicant is ready to move forward, the applicant will have 1 year to file the materials required for the next step of the subdivision review process.
- (6) The Zoning Administrator's actions under this section will not constitute a formal decision on the subdivision plan.
- (7) The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 4402](#).
- 4308.E **Classification.** The Zoning Administrator will classify an application for a proposed subdivision that:
- (1) **Minor Subdivision.** Does not meet the definition of a major subdivision as a minor subdivision (see [Subsection 4308.F](#)); and
  - (2) **Major Subdivision.** Includes any of the following as a major subdivision (see [Subsection 4308.G](#)):
    - (a) A planned unit development;
    - (b) The creation of 5 or more lots from a parent parcel in any 5-year period (inclusive of the parent parcel); or
    - (c) The construction of a new, extended or upgraded street.
- 4308.F **Minor Subdivision.** An applicant for a minor subdivision approval may skip the preliminary approval process and submit a final plan for review and approval by the Development Review Board in accordance with the provisions of this section.
- 4308.G **Major Subdivision.** An applicant for a major subdivision approval must submit a preliminary and final plan for review and approval by the Development Review Board in accordance with the provisions of this section.
- 4308.H Preliminary Plan Review
- (1) An applicant for major subdivision approval must file a complete application

and preliminary subdivision plan for consideration by the Development Review Board.

- (2) The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with [Subpart 100](#).
- (3) The Development Review Board must issue a written decision on the preliminary plan that includes:
  - (a) Findings of fact that address each of the applicable criteria in [Figure 4-1](#);
  - (b) Any conditions of approval;
  - (c) Any specific changes required in the final subdivision plan;
  - (d) The issues to be analyzed and addressed in the final subdivision application;
  - (e) Any modification or waiver of application requirements for final plan review. The Development Review Board may:
    - (i) Request any additional application materials deemed necessary to determine compliance with this ordinance; and
    - (ii) Modify or waive application requirements deemed unnecessary to determine compliance with this ordinance.
- (4) If the Development Review Board approves the preliminary plan, the applicant will have 6 months to file the final subdivision plan.

#### 4308.I Final Plan Review

- (1) The applicant must file a complete application and final subdivision plan for consideration by the Development Review Board.
- (2) The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of this ordinance and assure that the applicant has met all conditions the Development Review Board imposed on the preliminary plan.
- (3) The Development Review Board must hold a public hearing and act on a final subdivision in accordance with [Subpart 100](#). If a proposed subdivision will be located within 500 feet of the city boundary, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.
- (4) The Development Review Board's approval of a final plan will not constitute the city's acceptance of any street, easement, open space or other feature shown on the plan. Action by the City Council is required to accept any street, easement, open space or other feature.

#### 4308.J Filing Requirements

- (1) If the Development Review Board approves the final plan, the applicant will have 180 days to submit a final subdivision plat for recording in the city's land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.
- (2) The Zoning Administrator may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.
- (3) The final subdivision plat must meet all state requirements (see 27 VSA § 1403).
- (4) The Zoning Administrator or the Chair of the Development Review Board must sign the final subdivision plat before it is recorded in the city land records.
- (5) No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed.
- (6) Once properly filed, a final subdivision plat will not expire.

**4308.K Modification of Approved Subdivisions**

- (1) The Development Review Board must review any request to amend an approved subdivision plat.
- (2) The process for applying for an amendment will be the same as for the original approval.
- (3) The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.
- (4) The applicant must file an approved, amended plat in accordance with the provisions of [Subsection 4308.I](#).

**4309 Combined Review**

- 4309.A When proposed development requires more than one approval, the Development Review Board must warn and hold a single hearing for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each approval.
- 4309.B The Zoning Administrator will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- 4309.C The Development Review Board must hold a public hearing and act on an application for combined review in accordance with [Subpart 100](#). In addition, the hearing notice must:
- (1) Include a statement that the hearing will be a combined review of the proposed development; and

(2) List each type of review the Development Review Board will conduct.

- 4309.D All hearing and decision requirements and deadlines applicable to each review process will apply.
- 4309.E The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.

**4310 Amending Approved Plans**

- 4310.A The Development Review Board must review any request to amend an approved plan that the Zoning Administrator cannot approve under [Section 4204](#).
- 4310.B The process for applying for an amendment will be the same as for the original approval.
- 4310.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the approved development affected by the proposed amendment.
- 4310.D The applicant must demonstrate that the proposed amendment is justified due to changes:
- (1) In factual or regulatory circumstances that were beyond the applicant's control;
  - (2) In the construction or operation of the proposed development that were not reasonably foreseeable at the time of the original application; or
  - (3) In technology.
- 4310.E The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application, and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated development approvals.
- 4310.F The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

**Figure 4- 1: Development Review Criteria**

CRITERIA	SITE PLAN	CONDITIONAL USE	PUD OR SUBDIVISION
1 The dimensional standards of the proposed development conform to the standards of the applicable district or of <a href="#">Subpart 100</a> if a pre-existing nonconformity.	✓	✓	✓
2 The off-site impacts of the proposed development will not exceed the levels established in <a href="#">Section 3105</a> .	✓	✓	-
3 The proposed development will provide safe and adequate access and circulation that conforms to the standards of <a href="#">Sections 3002</a> and <a href="#">3010</a> .	✓	✓	✓
4 The proposed development will provide sufficient parking and loading areas that conform to the standards of <a href="#">Section 3104</a> .	✓	✓	-
5 The proposed development will provide exterior lighting where necessary for public safety and to facilitate nighttime use that conforms to the standards of <a href="#">Section 3102</a> .	✓	✓	✓
6 The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate off-site impacts that conform to the standards of <a href="#">Sections 3020</a> and <a href="#">3101</a> .	✓	✓	✓
7 The proposed development will implement appropriate erosion control and stormwater management practices that conform to the standards of <a href="#">Sections 3014</a> and <a href="#">3021</a> .	✓	✓	✓
8 Signs for the proposed development will conform to the standards of <a href="#">Section 3106</a> .	✓	✓	✓
9 The proposed development will conform to city (or state, if applicable) specifications for construction of necessary improvements (streets, sidewalks, driveways, utilities, etc.), to city (or state, if applicable) building codes, and to city (or state, if applicable) standards for emergency service access.	✓	✓	✓
10 The demand for water supply, wastewater, educational and municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned community facilities.	-	✓	✓
11 The proposed development will be compatible with and will not have undue adverse effects on the character of the neighborhood as defined in <a href="#">Paragraph 5003.C(2)</a> .	-	✓	✓
12 Traffic generated by the proposed development will not exceed the capacity of or create congestion or unsafe conditions on streets, highways and intersections in the vicinity.	-	✓	✓
13 The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and environmental quality.	-	✓	✓
14 The proposed development will logically extend existing settlement patterns and create interconnected street networks to the maximum extent feasible given the terrain and other characteristics of the land.	-	-	✓
15 The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of streets and other infrastructure necessary to serve the lots.	-	-	✓
16 Lots within the proposed development will vary in size and frontage, and buildings will vary in design (form, style, color, materials, etc.) and placement, to replicate the settlement patterns of the city's traditional neighborhoods (i.e., not a 'cookie-cutter' subdivision).	-	-	✓

## **440 APPEALS**

### **4401 Who May Appeal**

- 4401.A An interested person may appeal an action taken or decision made under this ordinance as specified in this subpart.
- 4401.B For the purposes of this ordinance, an interested person is:
- (1) An applicant who alleges that this ordinance imposes unreasonable or inappropriate restrictions on the existing or future use of his/her property.
  - (2) Barre City or any adjoining municipality.
  - (3) A person owning or occupying property in the immediate neighborhood of proposed development who can demonstrate:
    - (a) A physical or environmental impact on his/her interests; and
    - (b) That the action taken or decision made under this ordinance is not in accord with the policies, purposes, or terms of this ordinance or the *Barre City Plan*, as most recently adopted.
  - (4) Any combination of at least 10 voters or landowners in Barre City who by signed petition allege that the relief an applicant is requesting under this subpart is not in accord with the policies, purposes, or terms of this ordinance or the *Barre City Plan*, as most recently adopted.
  - (5) Any department or administrative subdivision of the state that owns property or interest in property in Barre City, and the Vermont Agency of Commerce and Community Development.

### **4402 Appeals of Zoning Administrator Decisions**

- 4402.A An interested person may appeal any action or decision of the Zoning Administrator to the Development Review Board by filing two copies of a notice of appeal and any applicable fees with the Barre City Clerk within 15 days of the date of the Zoning Administrator's action or decision.
- 4402.B The City Clerk will forward one copy of the notice of appeal to the Development Review Board and the other to the Zoning Administrator.
- 4402.C A notice of appeal must be in writing and must include all of the following information:
- (1) The name and address of the appellant (the person filing the appeal);
  - (2) A copy of the Zoning Administrator's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);
  - (3) A brief description of the subject property;

- (4) A reference to the section(s) of this ordinance that the appellant alleges the Zoning Administrator has not properly followed or applied; and
  - (5) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
- 4402.D If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
- 4402.E The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irreparable damage will directly result if the Development Review Board does not grant the stay.
- 4402.F Upon receipt of a complete notice of appeal, the Development Review Board must:
- (1) Hold a public hearing and act on the appeal in accordance with Chapter 100.
  - (2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that it decided the issues in an earlier appeal.
- 4402.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator.
- 4402.H If no interested person appeals the Zoning Administrator's action or decision to the Development Review Board within 15 days, the action or decision will not be able to be contested at a later time.
- 4403 Appeals of Development Review Board Decisions**
- 4403.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.
- 4403.B The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Zoning Administrator must provide a prospective appellant with the interested person list upon request.
- 4403.C If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of [Section 4402](#) to appeal the Zoning Administrator's issuance of a zoning permit implementing a Development Review Board approval.
- 4403.D An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.

- 4403.E If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

#### **4404 Waivers**

- 4404.A The Development Review Board:

- (1) May approve waivers that authorize an adjustment of up to 10% to a dimensional standard of this ordinance.
- (2) Must not approve waivers to reduce any riparian or wetland setback or buffer required under this ordinance.
- (3) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this ordinance.

- 4404.B The applicant must file a complete zoning permit application and a written request for a waiver with the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed development.
- (2) A reference to the dimensional standard(s) of this ordinance that the applicant is requesting a waiver from.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver (see [Figure 4-2](#)).

- 4404.C The Development Review Board must hold a public hearing and act on the waiver request in accordance with Chapter 100. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

- 4404.D To approve a waiver, the Development Review Board must find that all of the applicable criteria specified in [Figure 4-2](#) have been met.

#### **4405 Variances**

- 4405.A The Development Review Board:

- (1) May approve variances that authorize adjustments to the dimensional standards of this ordinance under the specific circumstances described in this section.
- (2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this ordinance.

- 4405.B The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:
- (1) A brief description of the subject property and proposed development;
  - (2) A reference to specific provision(s) of this ordinance that the applicant is requesting a variance from;
  - (3) The specific modification(s) that the applicant is requesting; and
  - (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see [Figure 4-2](#)).
- 4405.C The Development Review Board must hold a public hearing and act on the variance request in accordance with Chapter 100. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.
- 4405.D To approve a variance, the Development Review Board must find that all of the applicable criteria specified in [Figure 4-2](#) have been met as follows:
- (1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply.
  - (2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply.
  - (3) For all other variances, the general variance criteria apply.

**Figure 4- 2: Waiver and Variance Review Criteria**

CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE
1 The proposed development will not alter the essential character of the neighborhood in which the property is located.	✓	✓	✓
2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.	✓	✓	✓
3 The proposed development will not be detrimental to public health, safety or welfare.	✓	✓	✓
4 The proposed development is beneficial or necessary for the continued reasonable use of the property.	✓	-	-
5 The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	✓	-	-
6 The applicant has not created the unnecessary hardship.	-	✓	✓
7 The applicant is proposing the least deviation possible from this ordinance that will afford relief.	-	✓	✓
8 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of this ordinance in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with this ordinance and a variance is necessary to enable reasonable use of the property.	-	✓	-
9 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with this ordinance.	-	-	✓
10 The proposed development will not reduce access to renewable energy resources on adjacent property.	-	-	✓

## **450 NOTICE, HEARINGS AND DECISIONS**

### **4501 Notice of Hearing**

- 4501.A The Zoning Administrator must notify the public at least 15 days before a hearing on any application before the Development Review Board by all of the following:
- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Barre City.
  - (2) Posting the date, place and purpose of the hearing at City Hall and at least one other public place within Barre City.
  - (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted on the subject property within public view.
    - (a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
  - (4) Notifying the owners of all properties adjoining the subject property (including those across the street) in writing.
    - (a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

- 4501.B A defect in the form or substance of the public notice requirements will not invalidate any action or decision under this ordinance when a reasonable effort has been made to provide adequate posting and notice.

### **4502 Site Visits**

- 4502.A The Zoning Administrator or Development Review Board may require an applicant to grant them access to a site prior to making a decision on an application when deemed necessary to ensure compliance with this ordinance.
- 4502.B A site visit must be warned as a public meeting in accordance with [Section 4501](#) and open to the public if a quorum of Development Review Board members will be present.

### **4503 Conducting a Hearing and Taking Evidence**

- 4503.A The Development Review Board must hold a public hearing within 60 days of the Zoning Administrator determining that an application is complete unless otherwise specified in this ordinance or the applicant agrees to a later hearing date.
- 4503.B The Development Review Board must conduct public hearings, hear testimony and take evidence according to its adopted rules of procedures.
- 4503.C All hearings must be open to the public as follows:

- (1) Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel, or may submit written testimony in advance of the hearing.
  - (2) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- 4503.D The applicant or an authorized representative must be present at any public hearing when the Development Review Board will be considering his/her application.
- (1) The Development Review Board will continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
  - (2) In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- 4503.E Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed hearing.
- 4504 Recessing or Continuing A Hearing**
- 4504.A The Development Review Board may recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with this ordinance or upon the applicant's request.
- 4504.B If the Development Review Board recesses or continues a hearing to a specific date and time, the hearing will not have to be warned again when resumed.
- 4505 Decisions**
- 4505.A **Deliberations.** The Development Review Board must deliberate and make a decision on an application in a closed deliberative session.
- 4505.B **Time to Act.** Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application.
- 4505.C **Deemed Approval.** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 4505.D **Findings.** The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of this ordinance.
- 4505.E **Conditions of Approval.** The Development Review Board:

- (1) May attach any conditions it deems necessary to an approval to achieve the purposes of this ordinance including, but not limited to:
  - (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
  - (b) Required improvements to public facilities or infrastructure to serve the proposed development;
  - (c) Schedule or phasing of development;
  - (d) Inspection or monitoring; and/or
  - (e) Performance bonds.
- (2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered part of any subsequent zoning permit issued by the Zoning Administrator for the approved development.

**4505.F Submittal of Revised Plans.** If the Development Review Board attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Zoning Administrator issuing a zoning permit for the proposed development.

**4505.G Notification and Filing.** The Development Review Board must:

- (1) Send a copy of the decision to applicant by certified mail;
- (2) Send a copy of the decision to all others who participated in the hearing; and
- (3) File a copy of the decision with the Zoning Administrator.

**4505.H Effect and Expiration.** If the approved development is:

- (1) Not substantially completed or commenced before the zoning permit expires as established in [Section 4203](#), the development approval will expire with the zoning permit.
- (2) Substantially completed or commenced before the zoning permit expires as established in [Section 4203](#), the development approval will remain in effect unless the use is abandoned or discontinued as established in [Section 1205](#). Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

## 460 VIOLATIONS AND PENALTIES

### 4601 Applicability

- 4601.A The Zoning Administrator must act to enforce this ordinance in accordance with state law and the provisions of this chapter.
- 4601.B A violation of this ordinance will constitute a civil offense enforced in accordance with the provisions of 24 VSA §1974(a) or 24 VSA §4451.
- 4601.C Nothing in this chapter will prevent Barre City from exercising its authority to abate or remove public health risks or hazards.

### 4602 Investigation and Action by the Zoning Administrator

- 4602.A **Investigation.** The Zoning Administrator must investigate alleged violations of this ordinance. Violations include, but are not limited to:
- (1) Commencing land development for which zoning permit or development approval is required without first obtaining such an approval or permit;
  - (2) Failing to comply with all requirements, representations and conditions of any approved plan or permit;
  - (3) Commencing or continuing land development if the permit or approval authorizing the work has expired; and
  - (4) Selling, transferring or offering to sell or transfer land unless a subdivision plat has been approved and filed in full compliance with this ordinance.

- 4602.B **Action.** Upon determining that a violation exists, the Zoning Administrator must take appropriate action in an effort to enforce this ordinance including, but not limited to any combination of the following:

- (1) Issuing a municipal civil complaint ticket (see [Section 4604](#)) or a notice of violation (see [Section 4605](#));
- (2) Issuing a stop work order;
- (3) Requiring the property owner to apply for a curative zoning permit;
- (4) Requiring the immediate removal of a violating structure or cessation of a violating use;
- (5) Denying a certificate of compliance; and/or
- (6) Imposing fines and penalties to the maximum extent allowed under state law until the property owner remedies the violation.

- 4602.C **Limitations on Enforcement.** The Zoning Administrator must not enforce any violation:

- (1) That has existed for more than 15 years; or
- (2) Of a zoning permit that was issued after July 1, 1998 and was not filed in the city's land records.

**4603 Liabilities and Penalties**

- 4603.A The property owner will be held responsible for any violation and be subject to any penalties imposed under this ordinance. In addition to the property owner, Barre City may also take enforcement action against any other party (ex. tenant, contractor, engineer, agent, owner's representative, etc.) who violates this ordinance.
- 4603.B Each day that a violation exists constitutes a separate offense and may be separately ticketed under [Section 4604](#).
- 4603.C If any enforcement action results in the need for a new or amended zoning permit or development approval, Barre City may impose penalties in addition to the standard permit fees.

**4604 Municipal Civil Complaint Ticket**

- 4604.A The Zoning Administrator or other authorized city staff may issue a municipal complaint ticket for any violation of this ordinance in accordance with the Judicial Bureau's procedure for municipal complaint tickets.
- 4604.B A violation ticketed under this section will be punishable by a fine of:
- (1) \$150 for a first offense, with a waiver fee of \$50.
  - (2) \$450 for a second offense ticketed for the same violation within 1 year, with a waiver fee of \$200.
  - (3) \$800 for a third and any subsequent offense ticketed for the same violation within one year, with a waiver fee of \$400.
- 4604.C Upon the fourth offense, Barre City may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

**4605 Notice of Violation**

- 4605.A The Zoning Administrator may issue a notice of violation for any violation of this ordinance.
- 4605.B The Zoning Administrator must:
- (1) Send a notice of violation to the property owner and any other responsible parties by certified mail that:
    - (a) Describes the violation;

- (b) Identifies the specific provision(s) of this ordinance being violated;
  - (c) States the specific action required to cure the violation;
  - (d) States that if the violation is not cured within 7 days, the city may institute court proceedings to obtain a court order directing compliance with this ordinance and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;
  - (e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and
  - (f) States that the notice of violation may be appealed as per Section 4402.
- (2) Deliver a copy of a notice of violation to the City Clerk for recording in the city's land records.
- 4605.C Upon failure of the property owner or other responsible party to cure a violation of this ordinance, Barre City may institute appropriate court action.

## **5 DEFINITIONS**

### **500 GENERAL**

#### **5001 Interpretation**

- 5001.A The words used in this ordinance have their normal dictionary meaning unless they are specifically defined in this part or elsewhere within this ordinance. The Zoning Administrator or Development Review Board, as applicable, will interpret the meaning of any term used in this ordinance. That interpretation may be appealed in accordance with the provisions in [Section 4402](#) or [Section 4403](#).
- 5001.B The words defined in this ordinance have the specific meaning stated unless the context clearly indicates that they have another meaning.
- 5001.C The definitions identified as being from state statute are intended to be consistent with that statute.
- 5001.D This ordinance uses:
- (1) "Must" and "will" to express that something is required;
  - (2) "Must not" and "will not" to express that something is prohibited;
  - (3) "May" and "may not" for discretionary actions; and
  - (4) "Should" and "should not" when something is encouraged or discouraged.
- 5001.E This ordinance uses:
- (1) "Parcel" and "lot" interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed;
  - (2) "Site" or "property" to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;
  - (3) "Property owner", "landowner", "applicant" and "developer" to refer to the party responsible or authorized to act under this ordinance and those terms may include any individual designated to act on behalf of the responsible party;
  - (4) "Business" to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and
  - (5) "Home", "residence", "dwelling" to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).
- 5001.F There are illustrations provided throughout this ordinance that are intended to provide

guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of this ordinance, the written provision will take precedence.

**5001.G** Unless specifically stated otherwise, the calculation of time periods defined in this ordinance:

- (1) As a specific number of days will be based on calendar days;
- (2) As a specific number of months will be based on calendar months (ex. January 1 to June 1 is 6 months);
- (3) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year); and
- (4) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

**5002 Use and Dimensional Standards**

5002.A All uses allowed in one or more zoning districts are defined in [Section 2115](#).

5002.B Dimensional standards and their method of measurement are defined in [Section 2005](#).

**5003 Defined Terms**

5003.A

- (1) **ABANDONED DEVELOPMENT** means any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement.
- (2) **AFFORDABLE HOUSING** as defined in state statute means:
  - (a) Ownership housing with a total housing cost (principal, interest, taxes, insurance and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 120% of the median income in Washington County or Vermont, whichever is greater; or
  - (b) Rental housing with a total housing cost (rent, utilities and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 80% of the median income in Washington County or Vermont, whichever is greater; and
  - (c) That is subject to covenants or restrictions that will preserve that affordability for at least 15 years.

5003.B

- (1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.
- (2) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, support the bicycles horizontally in at least 2 places, and allow the bicycles to be locked to the frame with standard user-supplied locks.
- (3) **BLIGHTED STRUCTURE** means a structure or portion of a structure that exhibits objectively determinable signs of deterioration sufficient to constitute a threat to public health, safety and welfare.
- (4) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (5) **BUILDING, ACCESSORY** means a building that is clearly and customarily incidental and subordinate to the principal building on the lot.
- (6) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.
- (7) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.
- (8) **BUILDING, PRINCIPAL** means the main or predominate building in which the principal use on the lot is located.

5003.C

- (1) **CALIPER** means the diameter of a tree trunk measured at 6 inches above the ground.
- (2) **CHARACTER OF THE NEIGHBORHOOD** means a neighborhood's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Barre City Plan and the zoning district purpose statements) elements including, but not limited to:
  - (a) The pattern, type, scale and intensity of land use;
  - (b) Traffic conditions, street design, streetscaping and walkability;
  - (c) The bulk, form, size, scale, placement and arrangement of buildings;
  - (d) Historic resources, landmarks, views and scenic resources;

- (e) The type, size, arrangement, use and accessibility of open space; and
  - (f) Noise, light, odors, vibration and other impacts perceptible off-site.
- (3) **CLEAN SOIL** means (a) natural soil that is free of waste and contaminants including, but not limited to, solid waste, hazardous waste and wood waste as those terms are defined in 10 V.S.A. § 6602; or (b) development soil as defined in 10 V.S.A. § 6602. Grout and waste materials from mining, quarrying, extraction, construction or demolition will not be considered acceptable fill materials.

5003.D

- (1) **DAMAGED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.
- (2) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) **DEMOLITION** means the destruction and physical removal of a structure or portion of a structure from a lot.
- (4) **DEMOLITION BY NEGLECT** means a failure to perform the normal repair and maintenance needed to prevent deterioration of a structure that has, or will if sustained, result in structural damage and render the structure hazardous or unsafe.
- (5) **DESTROYED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.
- (6) **DEVELOPMENT**. See definition of LAND DEVELOPMENT.
- (7) **DRIVEWAY** means a vehicular travel way that provides access to not more 2 lots or principal uses.
- (8) **DWELLING UNIT** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation and meets the minimum requirements of [Section 3012](#).
- (9) **DWELLING UNIT, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See [Section 3202](#).

5003.E

- (1) **ESSENTIAL SERVICES** means the infrastructure that is necessary to provide or distribute a utility service such as electricity, gas, telephone, cable, water or sewer to customers.

5003.F

- (1) **FACADE** means the front of a building or any of its sides facing a street or other public space.
- (2) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (3) **FLOOR AREA** means the sum total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.
- (4) **FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (5) **FRANCHISE OR CORPORATE DESIGN** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.
- (6) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (7) **FRONTLINE** means a line extending parallel from the exterior front wall of a building.
- (8) **FUNCTIONAL UPPER FLOOR** means a floor above the ground floor that meets minimum building code requirements for occupiable space, and that has a floor area that is not less than 60% of the floor area of the ground floor.

5003.G

- (1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

5003.H

- (1) **HANDICAP OR DISABILITY** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct

threat to property or the safety of others due to current alcohol or drug use.

- (2) **HARD SURFACED** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.
- (3) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined by the state or federal government as a hazardous material.
- (4) **HAZARDOUS WASTE** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.
- (5) **HISTORIC SITE OR STRUCTURE** means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a site or structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.
- (6) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the property, including all of the living and cooking facilities.

5003.I

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition includes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see [Section 3021](#)).
- (2) **IN KIND REPLACEMENT** means a replacement material or component that is:
  - (a) Substantially the same type, design, dimension, texture and detailing as the

original;

- (b) Identical in exterior appearance to the original if not exactly the same; and
  - (c) At least as durable or strong as the original.
- (3) **INTERESTED PERSON** as defined in state statute means:
- (a) The applicant;
  - (b) Barre City or any adjoining municipality;
  - (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under this ordinance is not or will not be in accord with the Barre City Plan or this ordinance.
  - (d) Any 10 people, who may be any combination of Barre City voters or landowners, who allege that a decision or act made under this ordinance is not or will not be in accord with the Barre City Plan or this ordinance by a signed petition. The petition must designate one person to serve as the group's representative.
  - (e) Any department and administrative subdivision of the state owning property or any interest in property in Barre City; or
  - (f) The Vermont Agency of Commerce and Community Development.

5003.J

- (1) **JUNK** as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.
- (2) **JUNK MOTOR VEHICLE** as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5003.K

5003.L

- (1) **LAND DEVELOPMENT** as defined in state statute means:
- (a) The division of a parcel into two or more parcels;

- (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
  - (c) Mining, excavating or filling; or
  - (d) Any change in, or extension of, the use of land or a structure.
- (2) **LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.
- (3) **LIGHT FIXTURE, FULLY SHEILEDDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.
- (4) **LIGHT FIXTURE, PARTIALLY SHIELDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.
- (5) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the city land records and that can be lawfully owned and conveyed separately from any other land.
- (6) **LUMINOUS TUBE LIGHT** means a light fixture:
  - (a) Created by or containing gas discharge tubes that emit light or glow when electric voltage is applied;
  - (b) Replicates the appearance of gas discharge tubes using LEDs tubes or other technology.

5003.M

- (1) **MAJOR RENOVATION** means:
  - (a) Any structural alteration to the foundation, roof, floor, exterior or load-bearing walls of a building;
  - (b) Constructing an addition to increase the floor area of a building; or
  - (c) Extensive alteration of a building in order to significantly change its function

and use.

- (2) **MANUFACTURED HOME** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.
- (3) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (4) **MINI-STORAGE BUILDING** means a single-story building divided into individual, self-contained units each of which is accessed solely from outside the building and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.
- (5) **MIXED-USE BUILDING** means a building that includes at least one dwelling unit and one principal nonresidential use.
- (6) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.
- (7) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

5003.N

- (1) **NOISE** means an unwanted sound that may disturb or annoy the average person.
- (2) **NONCONFORMITY** means a lot, structure or use that lawfully existed prior to the adoption or revision of this ordinance, but now does not conform to one or more standards of this ordinance.
- (3) **NORMAL MAINTENANCE AND REPAIR** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5003.O

- (1) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (2) **OUTDOOR RECREATION, ACTIVE** means a recreational activity that:

- (a) Requires specialized facilities, fields, courts, ranges and/or related structures;
  - (b) Requires use of motorized vehicles; or
  - (c) Has potential adverse off-site impacts (such as noise or light).
- (3) **OUTDOOR RECREATION, PASSIVE** means a recreational activity (such as: trails for walking, biking, cross-country skiing or snowshoeing; sledding; hunting and fishing; rustic picnic areas; wildlife observation; frisbee; kite-flying; etc.) that:
- (a) Can be conducted in a minimally developed open space;
  - (b) Requires little to no specialized facilities; and
  - (c) Does not have adverse environmental or off-site impacts.
- (4) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5003.P

- (1) **PARCEL.** See definition of LOT.
- (2) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth or other impervious materials used to cover the ground in order to make a firm, level surface.
- (3) **PATIO** means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.
- (4) **PERMANENT FOUNDATION** means a slab, walls and/or footings constructed of concrete, masonry or similar materials that extend below the frost line and that form a secure, stable base to which a structure may be attached.
- (5) **PRINCIPAL ENTRANCE** means an entry that is intended to provide the general public with direct access to one or more principal uses within a building. This definition does not include entrances intended to access dwelling units, service areas or other portions of a building not open to the general public.
- (6) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that is:
  - (a) Visible from public vantage points;
  - (b) Intended for the enjoyment of the general public; and
  - (c) Not designed or located to identify or draw attention to a business and the

type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.

- (7) **PUBLIC PARK** means an area of land made available to the general public for active or passive recreation use. This definition does not include private property that a landowner has made available for public recreation use (i.e., for hunting, fishing, use of trails, etc.) unless it has been dedicated to such a purpose through a legally binding means.

5003.Q

5003.R

5003.S

- (1) **SIGN** means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from off the premises. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under this ordinance, and public art.
- (2) **SIGN, ABANONDED** means:
- (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;
  - (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
  - (c) A sign that has not been maintained in accordance with this ordinance.
- (3) **SIGN, COMMERCIAL** means a sign that functions as commercial speech in that it:
- (a) Is meant to be an advertisement visible from public vantage points;
  - (b) References a particular product, service, company or business location; and
  - (c) Is displayed with an economic motivation.
- (4) **SIGN, ELECTRONIC MESSAGE** means a sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.
- (5) **SIGN, INTERNALLY ILLUMINATED** means a sign with an interior light source that shines through a transparent or translucent surface material.

- (6) **SMART GROWTH PRINCIPLES** as defined in state statute means growth that:
- (a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;
  - (b) Develops compact mixed-use centers at a scale appropriate for the community and the region;
  - (c) Enables choice in modes of transportation;
  - (d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;
  - (e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;
  - (f) Balances growth with the availability of economic and efficient public utilities and services;
  - (g) Supports a diversity of viable businesses in downtowns and villages;
  - (h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and
  - (i) Reflects a settlement pattern that, at full build-out, is not characterized by:
    - (i) Scattered development located outside compact urban and village centers that is excessively land consumptive;
    - (ii) Development that limits transportation options, especially for pedestrians;
    - (iii) The fragmentation of farmland and forestland;
    - (iv) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and
    - (v) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.
- (7) **STREET** means a vehicular travel way that provides the principal means of access to abutting property.
- (8) **STREET, ARTERIAL** means a Class 1 or Class 2 town highway as shown on the most recent Vermont Agency of Transportation General Highway Map for Barre City.
- (9) **STREET, MAINTAINED** means a street that is kept open and maintained so as to be

safe and suitable for use by a passenger vehicle on a year-round basis.

- (10) **STREET, PAPER** means a street that has not been built but is shown on an approved site plan, subdivision plat, tax map or official map.
- (11) **STREET, PRIVATE** means a street that is not owned by the state or city.
- (12) **STREET, PUBLIC** means a street that is owned by the state or city.
- (13) **STRUCTURAL ALTERATION** means a change in the dimension or configuration of a structure's roof, or any exterior walls or other supporting members, including but not limited to, any change in the dimension, location or number of windows or doors.
- (14) **SUBSTANTIALLY COMPLETE** means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.
- (15) **SURFACE WATER** means a river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.
- (16) **SURVEY** means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, street, right-of-way or easement.

5003.T

- (1) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.
- (2) **TOP OF BANK** as defined by state regulation means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (3) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (4) **TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.
- (5) **TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

5003.U

- (1) **USE** means the purpose or activity that a lot or structure (or a portion of a lot or

structure) is intended, designed or arranged to house, accommodate, support or facilitate.

- (2) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly and customarily incidental and subordinate to the principal use.
- (3) **USE, PRINCIPAL** means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-family dwelling will be considered residential.

5003.V

5003.W

- (1) **WETLAND** as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.

5003.X

5003.Y

- (1) **YARD**, means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under this ordinance.
- (2) **YARD, FRONT** means the yard that is located between the street and the front line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.

5003.Z