



City of Barre, Vermont

February 8, 2024, 5:30 PM

Regular Meeting of the Barre City Planning Commission

Venue Options: **REMOTE VIA ZOOM ONLY**

Zoom:

<https://us06web.zoom.us/j/89301594299?pwd=MXkyVmV6VnVhUC9Obk1GaVhNMFFKUT09>

Meeting ID: 893 0159 4299 Passcode: 815236

Phone: 1 (929) 205-6099 US (New York – Long distance rates will apply)

Agenda

1. Call to order - 5:30 PM
2. Adjustments to the Agenda
3. Approval of Minutes
 - a. December 14, 2023 regular meeting
4. Public comment (for something not on the agenda)
5. Old Business
 - a. Interim Zoning Changes Discussion – density and lot information
6. New Business
 - a. Interim Zoning Changes Discussion – housing configurations
6. Confirm date of next meeting – March 14, 2024
7. Staff updates – as needed
8. Roundtable
9. Adjourn

Barre City Planning Commission

December 14, 2023 Meeting Minutes

Present: David Sichel (Chair), Joe Reil (Secretary), Rosemary Averill, Caitlin Corkins, Raylene Meunier

Absent: Becky Wigg (Vice Chair)

Staff: Janet Shatney (Director of Planning, Permitting & Assessing)

Visitors: None

1. Call to Order.

5:30pm.

2. Adjustments to the Agenda.

None.

3. Approval of Minutes.

a. November 9, 2023.

Shatney reports a few tyographical errors, ordnance instead of ordinance.

Meunier moves to approve, pending corrections, Corkins seconds, Sichel, Reil, Corkins, Meunier in favor, Averill abstaining.

4. Public comment (for something not on the agenda).

None.

5. Old Business.

a. Interim Zoning Changes Discussion

Shatney gave a review of the original changes she put together based on feedback and discussion from the previous meeting. There was discussion around the following topics:

Demolition:

Discussion around advantages and disadvantages of increasing the Design Review Overlay District area as opposed to simply adding additional hurdles to demolition approval. Consensus of discussion was that there are more

ramifications to these changes and to defer them until the upcoming permanent Zoning changes discussion.

Density and Lot Sizes:

Discussion around changes needed for Vermont's HOME Act and whether reducing density requirements further is appropriate.

This link, providing some information about the HOME Act's changes was reviewed:

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Resources-and-Rules/CPR-Act47-FAQ-8-4-2023-Provisional.pdf

Consensus was to reduce density requirements for existing structures and to defer changes for new construction.

Setbacks:

Discussion around reducing setback requirements. There some concern about keeping neighborhood setback settings consistent. New builds would need to follow requirements but could request exceptions if they match the existing character of the neighborhood.

Density Requirements in Mixed Use neighborhoods:

An example of a building on 67 Prospect Street was mentioned. There was some discussion around whether this would impact the intended usage of Mixed Use districts. Consensus is that we could adjust MU-2 and MU-3 districts while leaving MU-1 districts as they are.

Setbacks for Commercial Properties:

Stone's Service Station was discussed, the owners expressed an interest in adding a canopy over their gas pumps. The possibility of changing the zoning or allowing variances to request these changes was discussed but there were concerns about this having unintended consequences so consensus was to defer these changes for future discussion.

Parking:

Consensus was to include changes to become consistent with the HOME Act but to defer future discussion until the Winter Parking Ban regulations are updated.

Shatney will draft these changes for final review in the next Planning Commission meeting.

b. Neighborhood Development Area Request Discussion

Discussion about applying for this Program. Shatney is unclear if Barre City will qualify but will look into it further and we will discuss more in the February 2024 meeting.

6. New Business.

None.

7. Confirm Date of Next Meeting.

a. January, 11, 2023.

8. Staff Updates.

a. New assessor was hired, Martin Appraisal Services, will dedicate 20 hours a week to working with Barre City, beginning with updating values for housing damaged in the flooding.

9. Round Table.

Sichel wishes everyone a Happy Holiday season.

10. Adjourn.

7:05 pm, **Corkins moves to adjourn, Reil seconds, unanimous in favor.**

This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 47 (S. 100). An act relating to housing opportunities made for everyone

Subjects: Housing; land use; Act 250; Human Rights Commission; municipal zoning

This act makes multiple changes to programs and funding to promote housing, including:

Multiple changes to municipal planning and zoning including:

- In residential districts served by sewer and water, a municipality cannot require more than one parking space per dwelling unit. However, it may require 1.5 spaces for multiunit dwellings in areas without sewer and water if existing other parking isn't sufficient.
- Municipalities must allow duplexes where single family units are allowed. Municipalities must permit multiunit dwellings with up to four units in areas of the town served by sewer and water, unless the town requires more units to be built.
- Requiring towns to subject accessory dwelling unit (ADUs) to same standards of review as single-family homes and prohibiting towns from making the criteria for detached ADUs stricter than for single family homes.
- Municipal zoning cannot prohibit hotels renting to those using housing assistance funds.
- In residential districts served by sewer and water, bylaws shall establish building and lot standards to allow five or more units per acre; no dimensional standard for multiunit dwellings can be more restrictive than those for single-family dwellings.
- In residential districts served by sewer and water, affordable housing may add additional units up to 40% of the density and may add an additional floor or not.
- Municipalities may define what areas are "served by municipal sewer and water infrastructure" for purposes of these changes.
- Limiting the aspects of a homeless shelter that can be regulated in town zoning, including that bylaws cannot limit their daily and seasonal hours of operation.
- Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws, including uploading bylaws and zoning districts to the State database.
- Under the provision that gives any 10 voters, residents, or property owners in a town the ability to appeal a zoning decision, prohibits the ability to appeal the character of the area for affordable housing development.

- Allows towns to give their administrative officer authority to approve minor subdivisions and decide if a hearing is required for minor subdivisions.
- Clarifies existing law that the character of the area cannot be appealed in decisions on certain types of housing. Other elements of the decision may be appealed.
- Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.
- Requires additional detail in the housing element of regional plans and municipal plans. The regional plan shall include an estimate of the total housing investments needed and specific actions to address housing.
- Removes the ability of rural towns to require changes to bylaws be adopted by Australian ballot. Any town may still choose to use Australian ballot.
- Allows the Department of Housing and Community Development to use up to 20% of municipal planning funds to provide assistance to towns to meet the requirements of the neighborhood development area designation.

Requires the Vermont Association of Planning and Development Agencies (VAPDA) to study various issues related to improving and coordinating effectiveness between municipal, regional, and State planning.

VAPDA is directed to hire Housing Resource Navigators contingent upon an appropriation in FY 24 budget.

Multiple changes to the State development law known as Act 250, including:

- Raises the Act 250 jurisdictional threshold (for a permit) for housing units from 10 units to 25 for downtowns, neighborhood development areas, village centers with zoning and subdivision bylaws, and growth centers. Also, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units. This is a temporary provision that sunsets on July 1, 2026.
- Removes the cap on the number of priority housing projects that are exempt from Act 250 for downtowns, neighborhood development areas, and growth centers. This is a temporary provision that sunsets on July 1, 2026.
- To be exempt under the temporary Act 250 exemptions, a person needs to request a jurisdictional opinion, stating they would be exempt by June 30, 2026. Construction of exempt housing projects would need to be substantially completed by June 30, 2029.
- Allows municipalities to apply for master plan permits under Act 250 for their designated downtown or neighborhood development area. With a master plan, future development in the downtown would only need an Act 250 permit amendment, not an individual permit.
- Clarifies that the Act 250 fees apply per application and the cap on fees applies per application, not per project.
- Exempts electric distribution utilities from Act 250 for replacing or moving existing distribution lines. This is a temporary provision that sunsets on

January 1, 2026. Requires any utility that uses the exemption to report back to the relevant committees on the projects completed pursuant to the exemption.

VAPDA, in consultation with the Natural Resources Board and stakeholders, shall propose the framework needed to create a municipal delegation process for Act 250 permits; report due December 31, 2023.

Amends the Act 182 of 2022 report to also review the Act 250 housing jurisdictional trigger and whether it should be changed.

Extends the deadline for the Act 182 of 2022 Designated Area Report from July 15, 2023 to December 31, 2023.

Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space in areas with sewer and water or 1.5 spaces in areas without sewer and water for multiunit dwellings if existing other parking isn't sufficient.

Requires sellers to disclose if a property is located on a class 4 highway or legal trail.

Creates a summer study committee to study how to increase compliance with the Residential Building Energy Standards and the Commercial Building Energy Standards. Report due Dec. 1, 2023.

The Rural Recovery Coordination Council is created to study and make recommendations on how to strengthen coordination between agencies and stakeholders involved in rural community development. Report due Dec. 15, 2023. Duty to implement contingent upon an appropriation in FY 24 budget.

Directs the Agency of Natural Resources (ANR) to identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies. Report due Jan. 31, 2025.

Directs the Public Utility Commission (PUC) to revise its rules concerning utility service disconnection at rental property to require a utility to provide notice of the disconnection to the property owner/landlord (even if the tenant is the ratepayer) and, more generally, to allow for remote disconnection. In addition, the PUC shall submit draft legislation to the General Assembly proposing similar disconnection requirements for utilities that are not subject to the PUC's jurisdiction (i.e., municipal and private water and wastewater companies).

Clarifies when an accessory dwelling unit is a public building subject to the jurisdiction of the Division of Fire Safety.

Increases the criminal penalty for a violation of the Fair Housing and Public Accommodations Act.

Directs the Division of Fire Safety to prepare a report on potential revisions to the State's fire and life safety codes for residential buildings that could facilitate the creation of additional residential units.

Creates a Mobile Home Task Force to study and report on the infrastructure, investment, and governance needs of mobile home parks and communities in this State.

Directs the Vermont Housing Finance Agency to provide grants for first generation homebuyers, the development of affordable housing, and the development of affordable rental housing, if funds are made available in fiscal year 2024.

Expands the Vermont Rental Housing Improvement Program to provide grants and loans for the creation of more types of affordable housing units, including the creation of new units.

Authorizes rental housing stabilization services, a tenant representation pilot program, and a rent arrears assistance fund if funding is made available for those purposes in fiscal year 2024.

Exempts rental target housing owners from certain regulatory and insurance requirements if the owners are personally performing lead-based paint activities on the property.

Effective Date: Multiple effective dates, beginning on June 5, 2023

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.

(1) An applicant may request a waiver to allow an alteration, enlargement or expansion of a nonconforming portion of a structure in the same manner and to the same extent as conforming structures in accordance with Subsections 2005 and 4404.

1301.C **Repair and Maintenance.** A landowner may undertake normal repair and maintenance of a nonconforming structure without a zoning permit provided the degree of nonconformity is not increased, 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

Commented [A1]: Additional language for the allowance of the addition of residential units in an existing structure. By covering it in the Nonconformities section, many of the City's structures are non-conforming, this language is drafted to cover those buildings.

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.

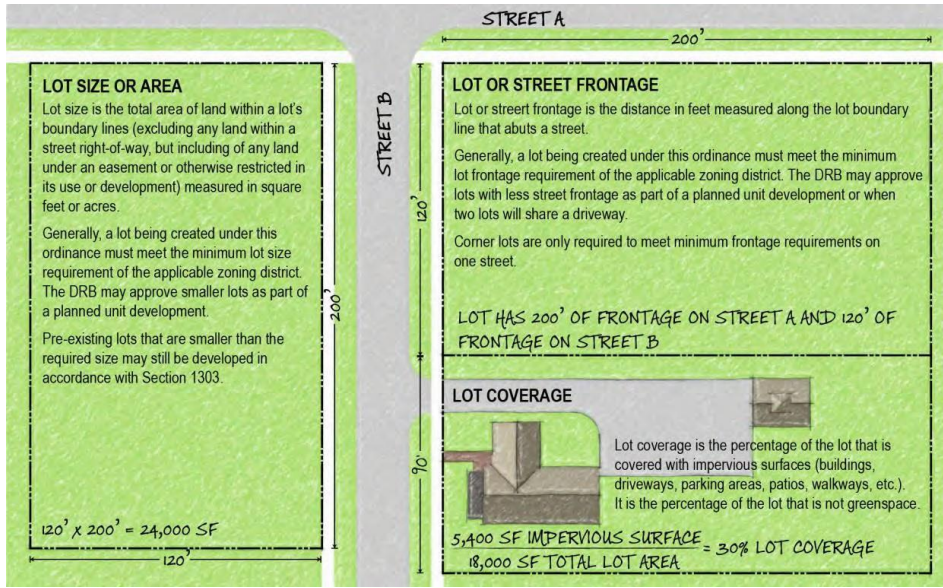
2005.D **Lot Size or Area.** Lot size will be regulated in accordance with the following:

- (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:

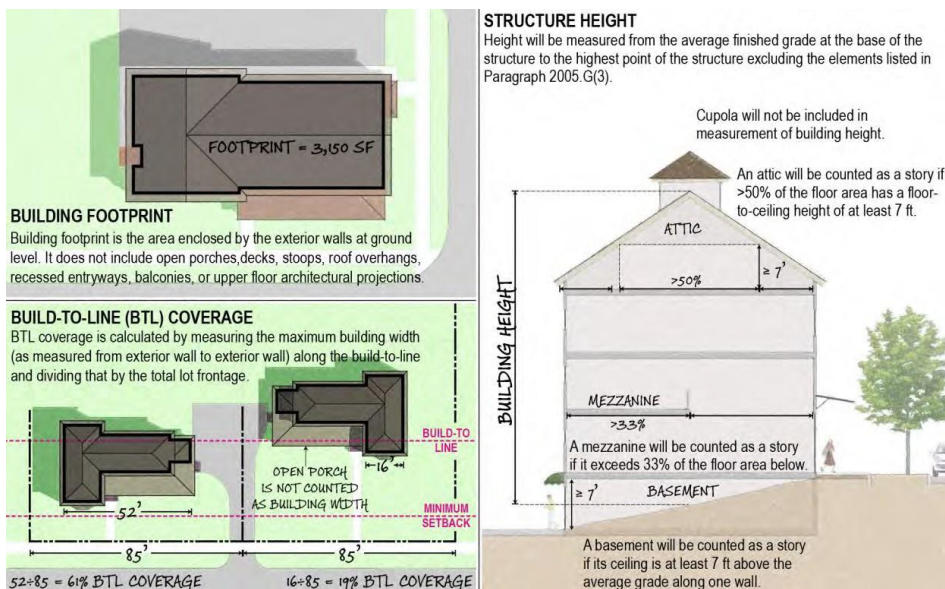
- (1) All development and structures subject to this ordinance must be set back from streets and property lines as shown in the dimensional table (see [Section 2116](#)) unless otherwise specified in this ordinance.
- (2) Lots with frontage on more than one street must meet front setback requirements 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

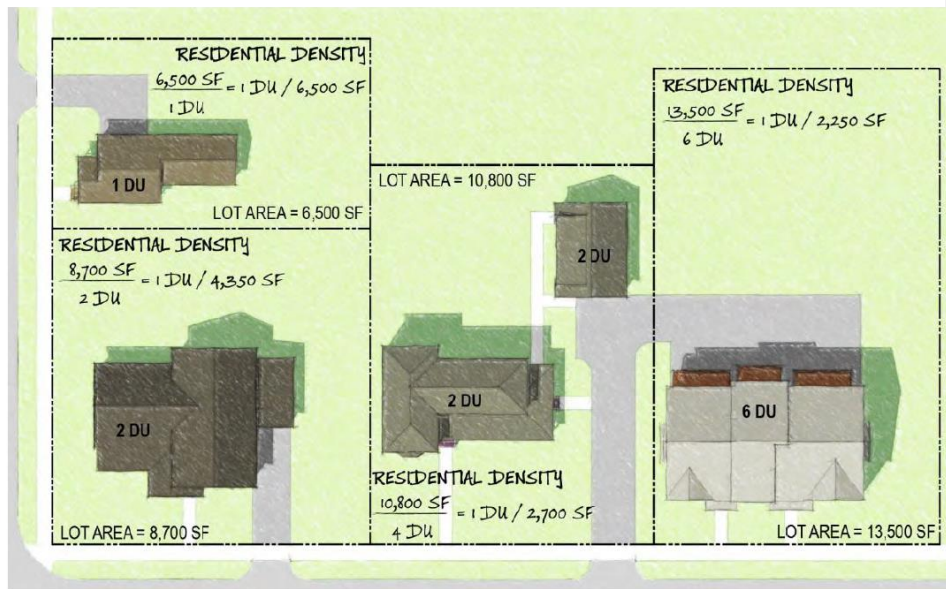
- 2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

- (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.
- (3) Additional dwelling units can be added to existing residential and mixed use structures located in the R-8, R-12, R-16 and MU-2 zoning districts as long as the building footprint remains the same and all other standards are met.
- (4) New residential structures are exempt from density requirements as a Conditional Use requirement, provided all other standards are met.
- (5) At a minimum, any conforming parcel served by city water and sewer may be approved for up to five dwelling units irrespective of the district density standard provide that all other applicable standards of these regulations are met.
- (6) Any parcel served by city water and sewer may be subdivided such that up to five dwelling units are on a conforming parcel irrespective of the district density provided all other applicable standards of these regulations are met.

Commented [A2]: Language discussed at the Dec. meeting to allow for existing structures to be able to add additional dwelling units provided the building footprint remains the same.

Commented [A3]: Additional language for consideration meeting the HOME Act requirements for residential density.

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

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
RESIDENTIAL														
Single-family dwelling 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 ¹	P	P	P	P	P	P	P	X	X	X	X
Two-family dwelling Use of a single structure for habitation by two households and neither is an accessory dwelling unit , 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	X	X	P ¹	P	P	P	P	P	P	P	X	X	X	X
Three- or four-family dwelling 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
Multi-family dwelling (5+ units) 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 Section 3201 .	P	P	P	P	C	X	P	C	C	C	C	X	X	X
Accessory dwelling 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 Section 3202 .	X	X	P ¹	P	P	P	P	P	P	P	X	X	X	X
Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 3203 .	X	X	P ¹	P	P	P	P	P	P	P	X	X	X	X
Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section 3204 .	X	P	P	P	P	P	C	C	C	C	X	X	X	X
Family childcare home Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 3205 .	X	P	P	P	P	P	P	P	P	P	X	X	X	X
Senior housing 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
Assisted living 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
Skilled nursing service 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
Group home Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Section 1105 and Section 3206 .	X	X	P ¹	P	P	P	P	P	P	P	X	X	X	X
Single-room occupancy 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 Section 3207 .	C	C	C	C	X	X	C	X	X	X	X	X	X	X
Emergency housing 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 in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements , 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](#). | ¹ Additional use standards apply (see zoning district section)

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Commented [A4]: Reworded definition based on the HOME Act definition.

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
LODGING														
Bed-and-breakfast Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section 3208 .	X	X	P ¹	P	P	P	P	P	P	P	X	X	X	X
Inn 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 Section 3209 .	X	P	P	P	P	X	C	X	X	X	X	X	X	X
Rooming and boarding house 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 Section 3210 .	X	P	P	P	P	X	P	P	C	C	X	X	X	X
Short-term rental Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 3211 .	X	P	P	P	P	P	P	P	C	C	X	X	X	X
Hotel or motel 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 Section 3212 .	P	P	P	P	X	X	X	X	X	X	C	X	X	X
COMMERCIAL														
Retail sales (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	X X	P P	X X	X X	X X
Sales lot 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 Section 3213 .	X	X	C	X	X	X	X	X	X	X	C	C	X	X
Repair service (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 Section 3214 .	P X	P X	P C	P X	C X	P X	X X	X X	X X	X X	P P	P P	X X	X X
Fueling station 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 Section 3215 .	X	X	C	X	X	X	X	X	X	X	C	X	X	X
Carwash A specialized establishment for washing, waxing, polishing and general cleaning of vehicles.See Section 3216 .	X	X	C	X	X	C	X	X	X	X	C	X	X	X
Lawn, garden and farm supply sales 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 Section 3217 .	X	X	P	X	X	P	X	X	X	C	P	C	X	X
Lumberyard and building supply sales An establishment that sells lumber and heavy building materials and that typically stores most of its stock outdoors or under open-air structures. See Section 3217 .	X	X	C	X	X	X	X	X	X	X	P	P	X	X
Open market or auction house 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 Section 3218 .	X	C	P	X	X	X	X	X	X	X	P	C	X	X
Food or beverage store (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	X X	C C	X X	X X	X X
Convenience store (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](#). | ¹ 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
COMMERCIAL (con't)														
Financial establishment 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
Rental and leasing (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	X X	P P	P P	X X	X X
Office, professional, business or administrative service (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	X X	P P	P P	X X	X X
Personal service (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	X X	P P	X X	X X	X X
Veterinary, pet or animal service (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
Building or property maintenance service 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	X	P	P	X	X
Restaurant (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 Section 3219 .	P P	P P	P C	P X	X X	C X	X X	X X	X X	X X	P X	X X	X X	X X
Mobile food service 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 Section 3220 .	C	C	C	X	X	X	X	X	X	X	C	C	X	X
Bar 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 Section 3221 .	C	C	C	X	X	X	X	X	X	X	X	X	X	X
Nightclub 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 Section 3221 .	C	C	C	X	X	X	X	X	X	X	X	X	X	X
Event facility 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 Section 3221 .	P	P	P	C	X	X	X	X	X	X	C	X	X	X
Catering or commercial kitchen 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	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](#). | ¹ 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
INDUSTRIAL														
Light industry (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
Food or beverage manufacturing (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
Wood products, cabinet or furniture manufacturing (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
Stone products manufacturing (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
Wholesale trade 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
Storage and distribution services (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
Self-storage services 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 Section 3222 .	X	X	X	X	X	C	X	X	X	X	C	P	X	X
Tank farm or fuel storage and distribution services 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 Section 3223 .	X	X	X	X	X	X	X	X	X	X	C	P	X	X
Freight transportation services 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
Passenger transportation services 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
Publishing, printing and sign manufacturing 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
Media recording or broadcasting studio 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
Communications antenna 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 Section 3224 .	P	P	P	P	X	P	X	X	X	P	P	P	C	X
Communications tower A structure used to support one or more communication antennas and related structures and equipment. See Section 3224 .	X	X	X	X	X	X	X	X	X	C	C	C	C	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](#). | ¹ Additional use standards apply (see zoning district section)

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
Information services 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
Composting services 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
Recycling services 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
Solid waste services 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
Hazardous waste services 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
Septic waste services 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
Metal fabrication shop (enclosed) 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
Contractor's yard or unenclosed storage 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 Section 3225 .	X	X	X	X	X	X	X	X	X	X	C	P	X	X
Greenhouse or aquaculture 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
Slaughterhouse 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	X	C	C	X	X
Heavy industry 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	X	C	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](#). | ¹ Additional use standards apply (see zoning district section)

ART, ENTERTAINMENT AND RECREATION														
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
Performance theater 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
Movie theater 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
Artist gallery or studio (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	C X	P P	P P	X X	X X
Museum 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
Indoor recreation (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
Fitness club or gym 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
Commercial outdoor recreation (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
Public outdoor recreation or park 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
Golf course or country club 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
Campground 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
Equestrian facility 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
CIVIC AND COMMUNITY														
Government facility A state- or city-owned or operated establishment that serves a public function and provides governmental services. See Section 1104 .	P	P	P	P	X	C	X	X	X	C	P	P	P	X
Educational institution A state-certified public or private establishment that provides educational services. See Section 1104 .	P	P	P	P	P	X	X	X	X	P	X	X	P	X
Specialty school (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
Clinic or outpatient care services An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.See Section 3227 .	P	P	P	P	X	X	X	X	X	X	P	X	C	X
Hospital or inpatient care services An establishment from which one or more licensed practitioners provide healthcare services to people primarily as inpatients. See Section 1104 .	X	C	C	X	X	X	X	X	X	X	C	X	C	X
Rehabilitation services or residential treatment facility 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 Section 3228 .	P	P	P	P	C	C	X	X	X	C	P	C	C	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](#). | ¹ Additional use standards apply (see zoning district section)

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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
Child day care 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
Religious institution 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 Section 1104 .	P	P	P	P	P	P	X	X	X	P	P	P	P	X
Social assistance and charitable services 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
Funeral and cremation services 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
Cemetery 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
Social club 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
NATURAL RESOURCE BASED														
Farming or forestry An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See Section 1103 .	X	X	X	X	X	X	X	X	X	P	X	X	P	P
Extraction and quarrying 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 Section 3229 .	X	X	X	X	X	X	X	X	X	C	X	C	C	X
On-farm business 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 Section 3230 .	X	X	X	X	X	X	X	X	X	P	X	X	P	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](#). | ¹ Additional use standards apply (see zoning district section)

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
LOTS														
Minimum lot size 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	8700 sf	4,000 sf	4,000 sf	5,400 sf	8700 sf	8700 sf	20,000 sf	20,000 sf	40,000 sf
Minimum lot frontage 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
Maximum lot coverage 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%
SETBACKS														
Minimum front setback 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 Section 3005 .	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
Minimum side setback Measured from the side lot lines. For accessory structures, also see Section 3005 .	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
Minimum rear setback Measured from the rear lot line. For accessory structures, also see Section 3005 .	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
BUILDINGS														
Build-to-line 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
Minimum build-to-line coverage 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
Minimum principal building height 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
Maximum structure height 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 Section 3005 .	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
DENSITY														
Maximum residential density Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with Section 3202 will not be included.	no maximum	no maximum	1 du per 1,800 sf	1 du per 2,100 sf	1 du per 2,700 sf	1 du per 8700 sf	1 du per 2,700 sf	1 du per 3,600 sf	1 du per 5,400 sf	1 du per 8700 sf	1 du per 2,100 sf	n/a	n/a	n/a

Commented [A5]: Updates made to the minimum lot size and the density requirements based on the HOME Act requirements, and as proposed by PC.

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- (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:** ~~1 space per dwelling unit~~
 - (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.

Commented [A6]: The HOME Act states that a municipality cannot require more than one parking space per dwelling unit, but can increase to 1.5 spaces per dwelling unit if the lot is NOT served by municipal water and sewer.

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Deleted: 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.).

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:

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, or the subdivision of a lot that does not conform to the applicable provisions of this ordinance.

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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.