



# **CITY OF BARRE**

# **ZONING REGULATIONS**

**Version Date: August 21, 2017**

Planning and Zoning Department  
City of Barre  
6 North Main Street  
Barre, VT 05641

802-476-0245

# History:

The following public hearings were held regarding this ordinance:

- **Planning Commission Public Hearings: April 23 and June 11, 2003**
- **Council Hearing: August 5, 2003**

The ordinance was adopted by the City of Barre Council on August 5, 2003.

This Zoning Ordinance replaces the previous Zoning Ordinance, Ordinance No. 1973-4, in its entirety.

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Additional amendments were adopted 3/21/06 by Ord. 2006-1, 7/18/06 by Ord. 2006-2, and 12/1/09 by Ord. 2009-05 as noted in this ordinance.

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The following public hearings were held regarding the most recent amendment (Ord. 2010-03):

- **Planning Commission Public Hearings: June 24, 2010**
- **Council First Reading: July 27, 2009**
- **Council Second Reading: August 3, 2010**

The amendment was adopted by the City of Barre Council on August 3, 2010 and published August 7, 2010.

An Interim Zoning Map Change was approved by City Council on 4/28/15 for the Parkside Terrace/South Main Street area for Members Advantage Credit Union; Effective on 5/17/15.

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An Interim Zoning Map Change was approved by City Council on 5/24/16 for the Quarry Street/Circle Street neighborhood; Effective 6/13/15.

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An Interim Zoning Change for the addition of exempt language for public signs or notices erected by the City or State of Vermont are exempt from the sign section of the ordinance and approved by City Council on 8/01/17; Effective on 8/21/17.

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**ZONING REGULATIONS  
ORDINANCE NO. 2010-3**

**AN ORDINANCE AMENDING THE ZONING REGULATIONS  
OF THE CITY OF BARRE, VERMONT.**

**ARTICLE 1. GENERAL PROVISIONS**

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**1.1 ENACTMENT & AUTHORITY**

- 1.1.01 The Council of the City of Barre hereby ordains that this Zoning Regulation is hereby adopted and enacted as the “City of Barre Zoning Regulation”.
- 1.1.02 These zoning regulations, set forth in this text and any incorporated zoning maps, are hereby established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter V.S.A.) §4402(1) and have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (Title 24, Chapter 117 V.S.A.) hereinafter referred to as “the Act”.

**1.2 ESTABLISHMENT OF THE OFFICIAL ZONING MAP**

- 1.2.01 The Official Zoning Map is hereby adopted by reference and declared to be part of these bylaws. Regardless of the existence of copies which may be made or published from time to time, the Official Zoning Map is the Zoning Map most recently adopted by the Barre City Council and recorded in the City Records. An unofficial reproduction of the Official Zoning Map is included as an attachment to these bylaws (Attachment A).
- 1.2.02 No changes of any nature shall be made on the Official Zoning Map except in conformance with the formal amendment procedures and requirements set forth in the Act [§§4441,4442].

**1.3 AREAS AND ACTIVITIES COVERED BY THESE BYLAWS**

- 1.3.01 All development within the City of Barre is subject to regulation under these bylaws unless expressly noted below.
- 1.3.02 Development includes [§4303(10)]:
1. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure;
    - a. Regarding signs, this includes situations when the graphics or text on the sign is altered (e.g. replacing existing signs with new business signs).
    - b. Regarding parking and driveways, this includes paving existing unpaved parking lots and driveways.
  2. Any grading and landscaping associated with any development under this subsection (1.3.02), any alteration to a previously approved site plan, and/or any other grading or landscaping in which existing drainage patterns are affected on adjacent properties.
  3. The construction of any pond with an impoundment greater than 10,000 cubic feet.
  4. Any earthwork including mining, excavation, or filling greater than 10 cubic yards.
  5. Any change in use of any structure or land or part thereof.

6. Demolition of structures within any of the Design Review Districts.

1.3.03 The following are considered *de minimis* or otherwise exempt from zoning and are therefore not considered to be development:

1. Normal maintenance and repair of an existing structure that does not result in any change to the footprint or height dimensions of the structure, an increase in wastewater generation, or a change in use.
2. The internal alteration of existing structures, which does not result in a change in use.
3. Except in the Design Review Districts, the external alteration of structures which does not result in a change in use or any change to the footprint or height dimensions of the structure including:
  - a. Replacement of siding, roofs, windows, decks, porches, and doors.
  - b. Replacement of existing fencing with the fencing of the same material and size and at the same location and configuration.
  - c. Replacement of a structure where the total floor area does not exceed 500 square feet and where the replacement is substantially equivalent to the original and is on the same footprint and configuration.
  - d. Reconstruction of any sidewalks, driveways, and parking substantially equivalent to the original and is in the same footprint and configuration.
4. Unattached accessory structures that do not exceed 40 square feet and 6 feet in height providing the structure meets setback requirements and are not to be used for living purposes.
5. Except in the Design Review District, telecommunications equipment including transmitters, receivers, and repeaters provided such equipment does not interfere with public safety telecommunications [considered to be *de minimis* for §4412(9)]. Equipment that interferes with public safety telecommunications is prohibited.
6. Temporary signs, signs inside buildings, off premises signs, or signs on or over public property and any other signs regulated under the Barre City Sign Ordinance are not considered development under these bylaws.
  - a. A specific list of *de minimis* signs are listed in section 5.15.02.
7. Except within any of the Design Review Districts, the construction of handicapped ramps, fences 6 feet in height and less provided they meet the requirements of 4.5.03, and stone walls and retaining walls 3 feet in height and less.
8. Except within any of the Design Review Districts, the demolition of structures.
9. Small accessory lawn items and features such as lamp posts, swing sets, patio or terraces at grade, flag poles, barbecue pits, decorations such as statues and similar items, play houses, and animal houses up to 40 square feet in size.
10. The minor portion of a dwelling for an occupation that meets the limitations established under section 5.5.
11. Farming including:



- a. Accepted agricultural and best management practices (AAPs and BMPs) as defined by the Commissioner of Agriculture, Food, and Markets [§4413(d)].
- b. The construction or alteration of farm structures however such construction or alteration shall meet setbacks required by these bylaws unless specifically waived by the Commissioner. Written notification, including a sketch plan showing the proposed structure and associated setback distance from street rights-of way, property lines, and surface waters, and any waiver from the state, shall be made to the Administrative Officer prior to construction as required in the AAPs [§4413(d)].

12. Forestry including:

- a. Accepted management practices for silviculture (forestry) as defined by the Commissioner of Forest, Parks, and Recreation [§4413(d)].

13. Power generation and transmission facilities that are regulated under 30 V.S.A. §248 by the Vermont Public Service Board.

14. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs [§4413(e)].

15. Garage sales, yard sales, auctions, or similar activities that do not exceed four (4) consecutive days, nor more than twenty (20) total days in any calendar year.

**1.4 INTENT**

1.4.01 It is the intent of these bylaws to provide for the orderly development of the City of Barre, to implement the City of Barre Master Plan as most recently amended, and to further the purposes expressed in §4302 of the Act that are applicable to the City of Barre.

**1.5 INTERPRETATION AND EFFECT**

1.5.01 All uses and structures legally in existence as of the effective date of these bylaws are allowed to continue indefinitely. Any subsequent development related to pre-existing structures and uses shall be subject to applicable requirements of these bylaws.

1.5.02 These bylaws shall not repeal, abrogate, or impair any other land use controls including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. The provisions of these bylaws, however, shall be minimum requirements and shall therefore take precedence over any concurrent and less restrictive controls [§4413(c)].

1.5.03 The issuance of a permit under these bylaws shall not relieve the applicant from the obligation of obtaining any other local permits or necessary approvals by federal or state law.

1.5.04 All permits and decisions in these bylaws are made with respect to property location and these permits and decisions run with the land. Similarly, enforcement of violations of these regulations is applied to the property where the violation occurs and said violations will run with the land.

**1.6 DESIGNATION OF EFFECT**

1.6.01 These bylaws shall be considered a civil ordinance for the purposes of enforcement through the Judicial Bureau.

**1.7 EFFECTIVE DATE OF BYLAWS**

- 1.7.01 Amendments to these bylaws shall be effective twenty (20) days after adoption (by majority vote of the City Council) and shall remain in effect until repealed or amended in accordance with the Barre City Charter (sec. 107 and 108).
- 1.7.02 Development occurring during any adoption or amendment process shall be administered in accordance with the provisions laid out in §4449(d) of the Act.

**1.8 SEVERABILITY**

- 1.8.01 The provisions of these bylaws are severable. If a court of competent jurisdiction holds any provision or the application thereof to any person or circumstance unconstitutional or invalid, the remainder of these bylaws shall not be affected.

**1.9 COMPUTATION OF TIME**

- 1.9.01 Where an event is required or permitted by these bylaws to occur before, on, or after a specified period of time measured from another event, the first day shall not be counted and the final day shall be counted in calculating the period [§4403a].

**1.10 AMENDMENTS**

- 1.10.01 These bylaws may be amended according to the requirements and procedures established in the Act for preparation of bylaws (§4441) and adopted by the City Council in accordance with the Barre City Charter (sec. 107 and 108).

## **ARTICLE 2. DEFINITIONS**

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### **2.1 INTERPRETATION**

- 2.1.01 Unless otherwise defined in this article, definitions listed in Section 4303 of the Act shall be applicable throughout this chapter.
- 2.1.02 Except where specifically defined in this article or Section 4303 of the Act, all words used in this chapter shall have their ordinary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes an individual, partnership, association, corporation, company, organization or other entity.

### **2.2 DEFINITIONS**

- 2.2.01 In this chapter, the following words or combination of words mean:

**ACCESSORY USE:** A use customarily incidental, subordinate and clearly related to the principal use and located on the same parcel;

**ACCESSORY STRUCTURE:** A structure customarily incidental, subordinate and clearly related to the principal building, detached from the principal structure, and located on the same parcel;

**ACCOMMODATION, BED & BREAKFAST:** A detached single family dwelling with 10 units or less for rent, for short term, overnight lodging of less than 30 days duration. The single family residence must be the primary residence of either the owner or operator of the bed & breakfast;

**ACCOMMODATION, EXTENDED STAY MOTEL/HOTEL:** A hotel or motel containing furnished apartment-type units rented on a short term basis each with a kitchen (including stove with an oven or micro-wave oven, minimum twelve (12) cubic feet refrigerator, sink, and cooking and eating utensils), bath, living space, and separate bedroom/sleeping space. No more than fifteen percent (15%) of the units shall contain more than one bedroom. Guests shall not stay for more than one hundred eighty (180) days in any three hundred sixty five (365) day period.

**ACCOMODATION, HOTEL:** A use of a structure in which (a) living and sleeping accommodations are used primarily for transient occupancy on a daily basis and is available to the general public, and (b) one or more common entrances serve all such living and sleeping units, and (c) twenty-four (24) hour desk service is provided. Restaurant or other public dining facilities, bars or lounges, public banquet halls, ballrooms, or meeting rooms may be allowed as accessory uses.

**ACCOMMODATION, MOTEL:** A use of a structure which (a) contains living and sleeping accommodations used primarily for transient occupancy to the general public on a daily basis for compensation, with the exception of the manager's or caretaker's unit, and (b) has convenient access to parking for the unit's occupants by way of separate entrances, outside the main building, into the individual units.

ACT: Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, as amended from time to time;

ADMINISTRATIVE OFFICER: Any individual appointed in accordance with the provisions in section 13.1 to administer and enforce these bylaws.

ALTERATION: Structural change, rearrangement, change of location or addition to a structure, other than repairs and modification of interior located equipment;

AMUSEMENT ARCADE, INDOORS: A use of land for the provision of entertainment using coin- or token-operated games or fairground-style games of skill or chance, indoors;

AMUSEMENT ARCADE, OUTDOORS: A use of land for the provision of entertainment using coin- or token-operated games, or fairground-style games of skill or chance, out-of-doors;

ANIMAL BOARDING FACILITY: A use of land for the temporary storage or housing of five or more domesticated animals at any time. The housing, storage or raising of animals as part of a farm is not deemed to be an animal boarding facility;

ANIMAL EXHIBIT: A use of land for the storage or housing of animals for public display with or without charge;

ANIMAL HOSPITAL: A use of land for the treatment and housing of animals for the purpose of providing veterinary care;

ANTENNA, TELEVISION SATELLITE DISH, COMMERCIAL: A use of land for any device erected and designed to transmit or receive any type of radio, television, telephone or electromagnetic signals for commercial, industrial, or governmental purposes;

ANTENNA, TELEVISION SATELLITE DISH, RESIDENTIAL: A use of land for any device erected and designed to transmit or receive any type of radio, television, telephone or electromagnetic signals as an accessory use to a primary residential use;

APARTMENT, ACCESSORY: A small apartment, created within or as an addition to an existing single-family dwelling unit, which meets the accessory apartment standards of 24V.S.A. § 4406;

AQUARIUM: A use of land for the housing of fish or other aquatic life for public display with or without charge;

ART GALLERY: A use of land for the housing of artworks for public display with or without charge;

ART STUDIO: A use of land for the creation of artworks, in which retail sale is a minor activity;

ATHLETIC FACILITY: A use of land for facilities and/or equipment for athletic training, physical fitness or sports, with or without charge;

ATM FACILITY: A use of land for housing an Automated Teller Machine for financial transactions;

**ATTACHED DWELLING:** Two or more dwelling units contained within a building;

**AUCTION, ANIMALS:** A use of land for the sale of animals at public or private auction;

**AUCTION HOUSE:** A use of land for the sale of chattels, excluding animals, at public or private auction;

**AUTO BODY SHOP:** A use of land for the commercial repair or renewal of vehicle bodies in which painting is performed using an air or gas compressor or other mechanized painting method;

**AUTO DETAIL SHOP:** A use of land for the commercial refurbishment of vehicles in which painting is not performed using an air or gas compressor or other mechanized painting method;

**AUTO STORAGE YARD:** A use of land for the storage of vehicles;

**AUTO/SCRAP/SALVAGE YARD:** A use of land for the storage of vehicles, vehicle parts and other solid materials for the purpose of disposal, salvage, parting-out, recycling, transferring or scrap-handling;

**BAKING FACILITY:** A use of land for the manufacture of baked goods;

**BANK, LOAN OFFICE OR CREDIT UNION:** A use of land for businesses involving financial transactions on a walk-in basis;

**BANK, LOAN OFFICE OR CREDIT UNION, DRIVE-THROUGH:** A use of land for businesses providing financial transactions to customers in vehicles;

**BAR, TAVERN, WITH CABARET FACILITIES:** A use of land for the sale and consumption of alcoholic substances for consumption on the premises, including the provision of live entertainment;

**BAR, TAVERN, WITHOUT CABARET FACILITIES:** A use of land for the sale and consumption of alcoholic substances for consumption on the premises, without the provision of live entertainment;

**BEVERAGE CENTER:** A use of land for the sale of beverages and party snack foods (such as potato chips, candy, cookies, etc.) and the return of beverage containers;

**BICYCLE SALES/SERVICE SHOP:** A use of land for the retail sales and repair of bicycles and similar no motorized vehicles;

**BILLBOARD:** See SIGN, ADVERTISING;

**BILLIARD/POOL PARLOR:** A use of land for facilities for playing pool, billiards and similar table games;

**BOARD:** The Development Review Board of the City of Barre, Vermont, and will be referenced in the future as the DRB;

**BOARDINGHOUSE:** A use of land for the provision of meals and sleeping accommodation for 30 or more days in a building of a residential character.

**BOAT SALES/SERVICE FACILITY:** A use of land for the retail sale and repair of boats and other watercraft;

**BOWLING ALLEY:** A use of land for facilities for bowling and similar games;

**BUFFER:** A land area used to provide separation or screening between different land uses, or a required setback from a wetland, stream, river, body of water or utility;

**BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattels;

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade located at the front of the building to the highest point of the building's roof;

**BUILDING SUPPLIES DEALER:** A use of land for the sale of building and construction materials to be used for off-site construction and installation;

**CAMPGROUND:** A use of land for the temporary accommodation of campers in tents, cabins and/or recreational vehicles used for sleeping and cooking;

**CAMPGROUND, TENTS ONLY:** A use of land for the temporary accommodation of campers in tents used for sleeping and cooking;

**CANOPY:** An accessory structure attached to a building to afford protection from the weather, such as a carport, awning, or similar device. Specifically excluded are canopy-type structures at gasoline sales facilities;

**CAR WASH:** A use of land for the cleaning and washing of vehicles either as a provided service or in which the customer performs the work;

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

**CHANGE IN USE:** Change in use includes:

1. An increase in intensity of an existing use or an increase in intensity beyond a limit established under an existing permit (e.g. a change in hours of operation from 9-5 to 24 hours per day or a change from 10 trucks per day to 20 trucks per day);
2. The expansion of a use into space previously not dedicated to that use (e.g. a manufacturer in Suite A expands into Suite B; a single family dwelling encloses a porch to increase floor area of the home);
3. The replacement of an existing or permitted use with a new use (e.g. cease operation as an office and use the space as a retail establishment);
4. The addition of a use to a structure or land (e.g. a vacant lot is used for parking; a manufacturing plant converts some space for a factory outlet store (retail establishment)).

**CHURCH/HOUSE OF WORSHIP:** A use of land for worship, and/or religious instruction;

**CIRCUS/CARNIVAL:** A use of land for the provision of entertainment open to the general public, with or without a fee, involving rides, shows, food booths, animal shows, amusements and games of chance or skill;

**CITY:** The City of Barre, Vermont (referred to as “the city” or “this city”), and shall extend to and include its several officers, agents and employees;

**CITY COUNCIL, COUNCIL:** The city council of the City of Barre, Vermont;

**CLINIC:** Office building used by state-licensed members of a healing profession, for the diagnosis and out-patient treatment of human ailments (see HOSPITAL CLINIC);

**CLUB, MEMBERSHIP:** A use of land for facilities that cater to the members of a club and its guests, and not operated primarily for profit;

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water, within a planned unit development reserved for the use or enjoyment of the planned residential development residents and owned and maintained in common by them through a homeowner's association or funded trust. Common open space does not include street rights-of-way or off-street parking areas;

**COMMUNICATIONS STUDIO:** A use of land for the housing of production facilities for movies, video, audio or similar forms of recorded entertainment, and for the electronic broadcast thereof. The incidental production of such recorded entertainment in front of live audiences of not more than 25 people is included;

**COMMUNITY CENTER, COMMERCIAL:** A use of land for public gatherings on a for-profit basis, including, but not limited to, such facilities as public or private meeting halls, or places of assembly;

**COMMUNITY CENTER, NONCOMMERCIAL:** A use of land for public gatherings on a not-for-profit or nonprofit basis, including, but not limited to, such facilities as public or private meeting halls, or places of assembly;

**COMMUNITY HOUSE:** See GROUP HOME;

**CONTRACTING SERVICES:** A use of land for off-site repair and/or serving of buildings which does not include the outside storage of building materials. This includes, but is not limited to, plumbing repairs, electrical repair and general contracting services.

**CONTRACTOR YARD:** A use of land for the storage of construction materials equipment used in construction work performed off the lot;

**CONVENIENCE STORE:** A use of land for the sale of food and nonfood items commonly used in a home, in a building of not more than 2,500 square feet of retail space, and where gasoline, diesel fuel or similar products (except for propane for household use) are not sold;

**CONVENIENCE STORE/GASOLINE SALES:** A use of land for the sale of food and nonfood items commonly used in a home, in a building of not more than 2,500 square feet of retail space, and where gasoline, diesel fuel or similar products are sold;

**CORRECTIONS FACILITY:** A use of land for incarceration of individuals;

**COVERAGE:** That percentage of a lot covered by the building area. The building area is the total area taken on a horizontal plane at the main finished grade of the principal building on a lot, and all accessory buildings, exclusive of uncovered porches, terraces and steps; all dimensions shall be measured between exterior faces of walls;

**CREMATORY:** A use of land for facilities to dispose of human or animal remains via cremation;

**CROSSWALK:** That portion of a roadway at an intersection or elsewhere, distinctly marked for pedestrian crossing by lines painted on the roadway pursuant to a resolution of the council, and that portion of a private driveway between the street line and the roadway;

**CUL-DE-SAC:** A dead-end street with provision of a turn-around area for vehicles at the dead end;

**DAYCARE:** A use of land for the provision of care on a regular basis of children in a building or facility dedicated to the purpose, and in which no overnight accommodation is provided;

**DAYCARE, HOME, SMALL:** A use of land for the provision of care on a regular basis of not more than six children in the residence of the homeowner, and in which no overnight accommodation is provided. The children of the owner are not included in the count;

**DAYCARE, HOME, LARGE:** A use of land for the provision of care on a regular basis of more than six, but not more than 12 children, in the residence of the homeowner, and in which no overnight accommodation is provided. The children of the owner are not included in the count;

**DE MINIMUS:** Latin for insignificant, minute, frivolous. Something or some act which is “de minimis” in interest is one which does not rise to a level of sufficient importance to be dealt with judicially (or require a permit in the case of zoning).

**DENTAL LAB:** A use of land for the manufacture of dentures and related dental products, in which patients are neither examined nor treated on the premises. Manufacture of dental retail products, such as toothpaste or toothbrushes, is excluded from this use;

**DESIGN REVIEW DISTRICTS:** Refers to any adopted design review district in the City including the Historic Central Business Design Review District #1 and Central Business Design Review District #2.

**DEVELOPMENT:** See section 1.3;

**DISTRIBUTION CENTER:** A use of land for the receiving, storage and shipment of products,;

**DRB:** The Development Review Board of the City of Barre;

**DRIVE-THROUGH BUSINESS:** A use of land for service or product distribution to the consumer where placement of order and pick-up take place from a vehicle, including ingress and egress;

**DRIVEWAY:** The portion of a lot and right-of-way used for vehicle access between a street and an area for parking vehicles;

**DRY CLEANING PLANT:** A use of land for laundry, dyeing and/or dry cleaning services for individual customers, in which the laundry, dyeing and dry cleaning work is performed on the premises;



**DRY CLEANING SERVICE:** A use of land for laundry, dyeing and/or dry cleaning services for individual customers, in which the laundry, dyeing and dry cleaning work is performed off the premises;

**DUMPSTER:** An enclosed container or a container with a lid used to store waste on a temporary basis. However, a waste storage receptacle used to store domestic waste on a lot with a single detached dwelling or duplex is not deemed a dumpster;

**DWELLING:** A structure for living accommodations for people on a permanent basis;

**DWELLING, MULTIPLE-FAMILY:** A use of land for a building or structure which contains three (3) or more dwelling units;

**DWELLING, SINGLE-FAMILY:** A use of land for a building or structure which contains no more than one dwelling unit;

**DWELLING, TWO-FAMILY:** A use of land for a building or structure which contains two dwelling units, sometimes referred to as a “duplex”;

**DWELLING UNIT:** A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sleeping, cooking and eating;

**ELDERLY HOUSING:** A use of land for the housing of elderly or handicapped persons where common meals are provided. This use does not include the housing for parolees, prison-release program members or substance-abuse rehabilitation program members. (Added 3/21/06 by Ord. 2006-1)

**EMERGENCY SHELTER:** An emergency use of land for the temporary housing or care of individuals or families (including limited counseling) for a period not to exceed 30 days, in which these people have been displaced from their normal dwellings because of natural or manmade disasters. Emergency shelters do not include daycare facilities, convalescent homes or group homes;

**FABRICATING ESTABLISHMENT, HEAVY:** See MANUFACTURING, HEAVY;

**FABRICATING ESTABLISHMENT, LIGHT:** See MANUFACTURING, LIGHT;

**FARMING** means (10 V.S.A. §6001(22)):

- a. the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural or orchard crops; or
- b. the raising, feeding, or management of livestock, poultry, fish, or bees; or
- c. the operation of a greenhouse; or
- d. the production of maple syrup; or
- e. the on-site storage, preparation and sale of agricultural products or wastes produced on the farm; or
- f. the on-site production of fuel or power from agricultural products or wastes produced on the farm; or
- g. the raising, feeding, or management, of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

**FARM STRUCTURE** is a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with farming but excluding a dwelling for human habitation [§4413(d)].

**FENCE, WALL:** A free-standing structure of metal, masonry, stone, wood or any combination, which is attached to the ground and used for confinement, screening or partitioning purposes, excluding temporary fences and barricades;

**FLEA MARKET, LONG TERM:** A use of land for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts and small appliances or equipment, or similar goods in small quantities for a duration of more than 10 days at a time, or more than four times in a calendar year;

**FLEA MARKET, TEMPORARY:** A use of land for the sale of new and used household goods, personal effects, tools, artwork, food, plants, handicrafts and small appliances or equipment, or similar goods in small quantities for a duration of 10 days at a time or less and not more often than four times in a calendar year;

**FLOOR AREA, HABITABLE:** Floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, library, recreation room and kitchen;

**FLOOR AREA, TOTAL:** Sum of the gross horizontal area of the floors of a building or structure, excluding basement floor areas. All dimensions shall be measured between interior faces of walls or, when walls are not present, between the leading edges of the building or structure;

**FOOD CATERING SERVICE:** See **FOOD SALES, TAKE OUT/CATERING**;

**FOOD PROCESSING FACILITY, LARGE:** A use of land for the conversion of raw materials into intermediate and finished food products for human or animal consumption off the premises. This definition does not include a facility in which meals are served to the general public;

**FOOD SALES, OPEN AIR MARKET:** A use of land for the sale of food and nonfood items commonly used in a home, where such sales do not take place in a building;

**FOOD SALES, TAKE OUT/CATERING:** A use of land for the preparation, sale, pick-up and/or delivery of food for consumption off the premises and where gasoline, diesel fuel or similar products are not sold;

**FOOD STORE, LARGE:** A use of land for the sale of food and nonfood items commonly used in a home, in a building over 10,000 square feet, and where gasoline, diesel fuel or similar products are not sold;

**FOOD STORE, SMALL:** A use of land for the sale of food and nonfood items commonly used in a home, in a building over 2,500 square feet, but not more than 10,000 square feet, and where gasoline, diesel fuel or similar products are not sold;

**FRONT OF BUILDING:** The side of the building which reflects the address assigned for the purposes of emergency 911.

**FUNERAL HOME:** A use of land for preparing human bodies for funerals and holding funeral services,;

**GARDEN SUPPLY STORE:** A use of land for the display and retail sale of garden plants, gardening implements and equipment, gardening chemicals and related products;

**GAS AND/OR OIL DISTRIBUTION FACILITY:** A use of land for storage of gas and/or heating fuel suitable for residential or commercial use and distribution of such gas and/or heating oil by way of commercial vehicles. This definition does not include gasoline;

**GASOLINE SALES FACILITY:** A use of land for the retail sale of gasoline, diesel fuel for vehicles, automotive oil and similar automotive consumables, but not including tires, in which the above products are primarily installed on the premises, and no mechanical repairs are performed;

**GOLF COURSE:** A use of land on more than three-quarters of an acre for golfing facilities, including structures, equipment and buildings and may also include driving ranges;

**GOLF COURSE, OTHER:** A use of land on less than three-quarters of an acre for golfing facilities, including structures, equipment and buildings, but does not include driving ranges;

**GRADE, FINISHED:** Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto;

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

**HISTORIC INN:** A use of land for the provision of sleeping facilities for travelers for a fee and for limited periods of time, housed in a building listed on the National Register of Historic Buildings or a similar a list recognized by the City of Barre or State of Vermont;

**HOME OCCUPATION:** Accessory use of a service character conducted within a dwelling by an occupant thereof, which is clearly secondary to the dwelling used for living purposes by the occupant, and which does not change the residential character thereof;

**HOME OCCUPATION, MAJOR:** A home occupation which is determined not to be a minor home occupation.

**HOME OCCUPATION, MINOR:** A home occupation where there are no nonresidents employed at the home occupation site, there are no retail sales occurring at the home occupation site, no walk-in traffic occurs, there is no outside storage of materials, and there is not an increase in the level of noise, smoke, dust, lighting or odors. In addition, a family child care home approved by the State and serving no more than six children shall be considered a minor home occupation.

**HOSPITAL:** A use of land for medical treatment facilities with overnight accommodations;

**INCREASED USE:** A change in use whereby:

- a. The proposed use generates more traffic, including truck deliveries, than the current uses.
- b. The proposed use generates more odor, noise, vibration, smoke, dust, heat or glare than the current use.
- c. The hours or days of operation are expanded.

**INTERSECTION:** means the area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at any angle, whether or not any such street crosses the other;

**JUNKYARD:** A use of land for outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business which is maintained or used for storing or keeping two or more junk motor vehicles which are visible from any portion of a public highway. The term does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs;

**KIOSK:** A small structure having one or more sides open, on which notices advertisements, etc. are posted.

**LANDFILL:** A use of land for the permanent storage of discarded materials beneath or on the surface of the ground;

**LANDFILL COLLECTION SITE:** A use of land for premises, facilities, structures or buildings for the temporary storage or sorting of discarded materials for later removal to a landfill or recycling center;

**LANDSCAPE SERVICE FACILITY:** A use of land for establishments that provide maintenance, planting, sodding, seeding, trimming or other horticultural care off the premises. Storage and care of plant materials on the premises for pick-up and delivery is also deemed a landscape service;

**LAUNDROMAT:** A use of land for facilities for cleaning clothes in which customers perform the work themselves, and no dry cleaning facilities are provided;

**LAUNDRY:** A use of land for facilities for cleaning clothes in which customers pay to have the work performed, and no dry cleaning facilities are provided;

**LEADING EDGE OF THE BUILDING OR STRUCTURE:** The furthest point of a building or structure covering or extending over the ground including roof overhangs, cornices, covered porches, canopy edges or any other building or structure projections;

**LIBRARY:** A use of land for the housing of books and media or related materials for public or private use;

**LIQUID WASTE FACILITY:** A use of land for the storage, processing and transport of sewage, runoff or similar liquid waste;

**LOADING SPACE:** Off-street space used for the temporary location of one licensed motor vehicle, which space is at least 12 feet wide, 40 feet long and 14 feet high, located entirely within a lot, and having direct access to a street or alley;

**LOT:** A lawfully created division of land for the purpose of conveyance of ownership. (Added 3/21/06 by Ord. 2006-1)

**LOT AREA:** Total area within the lot lines, excluding any part thereof lying within the boundaries of a street or proposed public street;

**LOT, CORNER:** A lot which has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle less than 135 degrees;

**LOT LINE:** The property line bounding a lot;

**LOT LINE, FRONT:** In the case of a lot with only one street frontage, the front lot line shall be the lot line separating the lot from the street. In the case of a lot with more than one street frontage, the front lot line shall be the line separating the lot from the street which faces the front of building or front of the proposed building. When no building exists or no building is proposed on a lot with more than one street frontage, the front lot line shall be the longest lot line which abuts a street.

**LOT LINE, REAR:** The lot line which is most distant from and is most parallel to the front lot line.

**LOT LINE, SIDE:** Any lot line which is not a front or rear lot line.

**LUMBER YARD:** See **BUILDING SUPPLIES DEALER**;

**MACHINE SHOP:** A use of land for manufacturing or repair using machinery such as, but not limited to, lathes, milling machines and grinding machines;

**MAIL SERVICE FACILITY:** A use of land for the collection distribution, temporary storage, forwarding and receiving of letters and packages, including walk-in service for the public;

**MAINTAIN:** To preserve from failure or decline;

**MANUFACTURING, HEAVY:** A use of land for manufacturing involving the assembly or creation of products from raw materials. Specifically included are asphalt batch plants, commercial incinerators (not accessory to a permitted use), oil-, gas- or coal-fired facilities to process raw materials, and other similar uses that potentially generate water, noise or airborne pollutants;

**MANUFACTURING, LIGHT:** A use of land for manufacturing involving the assembly of materials or parts to be used in the manufacture or assembly of consumer or industrial products including, but not limited to, small appliances, electronics, computers, optics and similar goods;

**MARINA:** A use of land for the storage and docking of boats on water, including facilities for the storage of boats on land and the sale and repair of boats;

**MASSAGE THERAPY FACILITY:** A use of land for the provision of physical therapy and rehabilitation services using massage;

**MEDICAL LAB:** A use of land for the processing, testing, measurement and analysis of medical samples obtained from humans and/or animals, in which neither examination nor treatment of humans or animals is provided;

**MINI-WAREHOUSE/SELF STORAGE:** A use of land for the rental of storage facilities to the general public, excluding outside storage;

**MINIMUM HOUSING STANDARDS ENFORCEMENT AGENCY:** The organization, department or division designated by the City Council as the entity responsible for administration and enforcement of the minimum housing standards;

**MINIMUM HOUSING STANDARDS ENFORCEMENT OFFICER:** The director or individual responsible for administration of the Minimum Housing Standards Agency;

**MINIMUM HOUSING STANDARDS ENFORCEMENT INSPECTOR:** Any person designated by the Minimum Housing Standards Officer to endorse the provisions of the Minimum Housing Standards regulations;

**MOBILE HOME** A mobile home, as defined in 10 V.S.A.; § 6201, as amended from time to time, and is further defined by any rule issued under Section 6201 (1)(D) of said Title 10, so long as said rule is in force. A prefabricated, sectional or modular home is not considered a mobile home;

**MOBILE HOME PARK:** A mobile home park as defined in 10 V.S.A.; § 6201, Vermont Statutes Annotated, as amended from time to time;

**MOTORCYCLE, SALES/SERVICE SHOP:** A use of land for the sale and repair of motorcycles and similar vehicles;

**MUNICIPALITY:** The City of Barre;

**MUSEUM, GENERAL:** A use of land for the display of exhibits open to the public, including accessory uses such as offices, meeting rooms, conservation laboratories, theaters, classrooms, reenactment or educational facilities.

**MUSEUM, INDUSTRIAL & LABOR:** A use of land for the display of exhibits, open to the public, involving the history of industry, industrial practices, technology, transportation, labor relations, history of labor or crafts, including accessory facilities such as offices, meeting rooms, conservation laboratories, theaters, classrooms, reenactment or educational facilities.

**NET AREA:** The site area less all land covered by buildings, public or private streets, parking lots, driveways, or utility easements and all other paved vehicular ways and facilities;

**NET OPEN SPACE:** Open space devoted to planting, patios, walkways, and recreational areas, but excluding areas covered by buildings, public or private streets, driveways, utility easements or parking lots, or any land determined unsuitable by the Development Review Board under the criteria of this ordinance;

**NONCOMPLYING STRUCTURE:** A structure not complying with the zoning regulations applicable to the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to the effective date of this ordinance;

**NONCONFORMING USE:** Use of land or structure which does not comply with all zoning regulations applicable to the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the effective date of this ordinance;

**NONRESIDENTIAL USE:** All uses of buildings, structures or land except dwellings;

**OCCUPANT:** Any person including an owner living and sleeping in a dwelling or rooming unit;

**OFFICE, GENERAL:** A use of land for the transaction of business or the carrying on of an occupation, where walk-in service is less than 25% of the total transactions. Specifically excluded are medical, dental, optical, real estate, and legal services. An office shall not include any use where manufacturing, assembly, cleaning, testing, material processing or repair or any product are performed;

**OFFICE, MEDICAL/DENTAL/OPTICAL:** A use of land for the provision of medical, dental or optical services on a walk-in basis, in which patients are not afforded overnight accommodation;

**OFFICE, REALTY/LAW/FINANCIAL SERVICES:** A use of land for the provision of real estate, legal, or financial services on a walk-in basis;

**ON-PREMISES:** Referring to signs which are on the same parcel as the business they advertise.

**OPEN SPACE:** Land in which no buildings are constructed, or land in its undeveloped or natural state;

**OWNER:** Applied to a building or land, any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land;

**PARCEL:** Any contiguous piece of land in single ownership and not divided by a public or private highway, with defined boundaries created by an act of subdivision;

**PARK, PRIVATE:** A use of land for the provision of recreation in the open air, not catering to the general public, including recreation equipment normally associated with a children's playground and simple structures for sheltering people from inclement weather, but not including any amusement rides for adults nor mechanized rides of any kind;

**PARK, PUBLIC:** A use of land for the provision of recreation for the general public, including recreation equipment normally associated with a children's playground and simple structures for sheltering people from inclement weather, but not including any amusement rides for adults nor mechanized rides of any kind;

**PARKING AREA:** An accessory use of land for the provision of parking spaces in the open air, where such parking is not the primary use of the land;

**PARKING GARAGE, OTHER:** A use of land for storing vehicles, equipment and trailers, not for use by the general public, including public works garages;

**PARKING GARAGE, PRIVATE:** A use of land for the provision of parking spaces, not catering to the general public in an enclosed structure, including roof parking;

**PARKING GARAGE, PUBLIC:** A use of land for the provision of parking spaces for the general public in an enclosed structure, including roof parking;

**PARKING LOT, PRIVATE:** A use of land for the provision of parking spaces in the open air, not open to the general public;

**PARKING LOT, PUBLIC:** A use of land for the provision of parking spaces in the open air, open to the general public;

**PARKING SPACE:** Off-street space used for parking one licensed motor vehicle;

**PATH, BRIDLE:** A use of land for a public path for foot traffic, human-powered vehicles, wheelchairs, horse riding and horse-drawn vehicles;

**PATH, RECREATION:** A use of land for a public path for foot traffic, human-powered vehicles and wheelchairs;

**PERSON:** Associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as individuals;

**PERSONAL SERVICE, GENERAL:** A use of land for a profession providing services to the general public of a consolatory nature, including, but not limited to barber, hairdresser, cosmetician, shoe repair, shoe shine, financial, legal, insurance, real estate, family guidance and marriage counseling, but not including medical, dental, psychological, psychiatric nor optical services;

**PERSONAL SERVICE, HEALTH:** A use of land for a profession providing services to the general public for treating health, including, but not limited medical, dental, psychological, psychiatric and optical services;

**PET STORE:** A use of land for the retail sale of pets, pet food and pet supplies to the general public, including provision for housing, on a temporary basis, of pets awaiting sale;

**PHOTO PROCESSING FACILITY:** A use of land for the processing of photographic materials, including the provision of service to the general public;

**PHOTO PROCESSING, MEDICAL:** An accessory use of land for the processing of photographic materials for medical use;

**PHOTO STUDIO:** A use of land for taking photographs, including provision of such services to the general public on a walk-in basis;

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a legal or beneficial owner, to be developed as a single entity for a number of residential uses. A planned residential development permits flexibility in building siting, lot coverage, mixtures of housing types, usable open spaces, and the preservation of significant natural features;

**PLANNING COMMISSION:** The Planning Commission of the City of Barre;

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

**POSTAL PROCESSING FACILITY:** A use of land for the receiving, processing and forwarding of letters and parcels without provision of such services to the general public on a walk-in basic;

**PREMISES:** A lot, plot or parcel of land, including buildings and structures thereon;

**PRINTING, PRINTING FACTORY:** A use of land for printing production, including the provision of such services to the general public on a walk-in basis as an accessory use;



**PRINTING, QUICK PRINT FACILITY:** A use of land for providing printing services to the general public on a walk-in basis as a primary use;

**PUBLIC ASSEMBLY USE:** A use of land for meetings and events;

**PUBLIC ROAD:** A class 1, 2 or 3 road as designated by the State of Vermont.

**PUBLIC SAFETY FACILITY:** A use of land for the provision of police, security, fire, ambulance, paramedic, rescue, emergency management, incarceration for not more than seven days or similar services;

**PUBLIC SEWER:** Sewage disposal system of the City of Barre, Vermont;

**PUBLIC WATER:** Water supply system of the City of Barre, Vermont, or water supply system of a company regulated by the Vermont Public Service Board;

**RAILROAD STORAGE/SERVICE/REPAIR:** A use of land for the maintenance, repair and storage of railroad rolling stock;

**RECREATIONAL VEHICLE:** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use;

**RECYCLING CENTER, OVER 2,000 sq. ft.:** A use of land for the collection, sorting, temporary storage and shipment of recyclable materials. Redemption of cans and bottles excluded as an accessory use is not considered a Recycling Center;

**RECYCLING CENTER: 2,000 sq. ft. MAXIMUM:** A use of land for the collection, sorting, temporary storage and shipment of recyclable materials. Redemption of cans and bottles excluded as an accessory use is not considered a Recycling Center;

**REPAIR SHOP:** A use of land for the on-site repair of equipment or parts of machinery within an enclosed building. This includes, but is not limited to, electrical motor repairs, yard equipment servicing, and small engine repairs.(Added 3/21/06 by Ord. 2006-1)

**RESEARCH LAB, TYPE 1:** A use of land for research facilities not involving food, animals, chemicals, biological materials, nuclear materials, or other materials or activities that create dirt, dust, noise or other pollutants;

**RESEARCH LAB, TYPE 2:** A use of land for research facilities not included in RESEARCH LAB, TYPE 1;

**RESTAURANT:** A use of land for the preparation and sale of meals for consumption on the premises;

**RETAIL ESTABLISHMENT:** A use of land for the buying and selling of goods;

**SALES, OUTDOORS:** A use of land for selling goods out of doors for more than four days at a time or for more than 20 days in a year;

**SCHOOL ADMINISTRATIVE/FACULTY OFFICE:** A use of land for the offices for the staff and administrators of a school;

**SCHOOL, DINING FACILITY:** A use of land for a dining facility that provides meals primarily for the students and staff of a school, and may also provide meals for visitors to a school as an incidental activity;

**SCHOOL, DORMITORY:** A use of land for the accommodation of students and staff of a school and the accommodation of temporary visitors to the school who are using school facilities;

**SCHOOLGROUNDS:** Real property under the jurisdiction of the board of school commissioners of the city's school district;

**SCHOOL, SORORITY/FRATERNITY:** A use of land for the accommodation of members of a fraternity, sorority or club affiliated with a school;

**SCHOOL/COLLEGE/EDUCATIONAL INSTITUTION:** A use of land for the training of students;

**SETBACK:** The required minimum distance between the leading edge of a building or structure and the related front, side, or rear lot line that is open, unoccupied and unobstructed by structures, except as otherwise provided elsewhere in this ordinance.

**SEWAGE TREATMENT PLANT** Any arrangement of devices and structures used for treating sewage;

**SHOPPING CENTER:** A use of land for retail establishments, theaters, restaurants, amusement arcades, furniture stores and similar establishments combined in structures on one site, with pedestrian zones in the open air;

**SHOPPING MALL:** A use of land for retail establishments, theaters, restaurants, amusement arcades, furniture stores and similar establishments combined on one site and housed in a structure with an enclosed pedestrian zone inside the structure;

**SIDEWALK:** Any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways;

**SIGN:** Any device designed to inform or attract the attention of persons.

**SIGN, DIRECTIONAL:** Any sign displayed to provide direction and/or orientation for pedestrian or vehicular traffic, including signs marking entrances, exits, parking, one-way drives, service areas, pickup and delivery areas, or similar informational wording.

**SIGN, FREESTANDING:** Any sign not attached to or part of any building, but permanently affixed, by any other means, to the ground. Freestanding signs include monument, pole, and post-and-arm signs.

**SIGN, NONCONFORMING:** Any lawful sign existing as of the effective date of the adoption of this Ordinance and which could not be displayed under the terms of these bylaws.

**SIGN, PROJECTING:** A form of attached sign which is not painted on, incorporated into, or affixed parallel to the wall of a building. Projecting signs are generally mounted perpendicularly to the building.

**SIGN, TEMPORARY:** Any sign used for a limited period of time for advertising or informational purposes supplementary to or replacing existing permanent signs. These may include flags, banners, real estate signs, construction signs, political campaign signs, and sandwich board signs.

**SIGN, THREE-DIMENSIONAL:** A special type of two-sided sign, whether freestanding or projecting. This sign type allows for incorporating three-dimensional objects or creating an effect with a third-dimension.

**SIGN, WALL:** Any sign that is painted on, incorporated into, or affixed flat to surface of a building or other parallel structure including awnings, marquees, and similar structures.

**SOLID WASTE INCINERATOR:** A use of land for the collection, sorting and incineration of solid waste;

**SOLID WASTE TRANSFER FACILITY:** A use of land for the collection, sorting and shipment of solid waste;

**STABLE:** A building or structure for housing horses;

**STATE:** The State of Vermont (referred to as “the state” or “this state”);

**STREET:** An existing or proposed public way for vehicular traffic which affords the principal means of access to abutting properties. The word "street" shall include streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city;

**STREET FRONTAGE:** Lot lines which abut a public street;

**STREET LINE:** The right-of-way line of a street as dedicated by a deed or record. Where the width of a street is not established the street line shall be considered to be 25 feet from the centerline of the street pavement;

**STREET TREES:** Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, and ways within the city;

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground, except a wall or fence on an operating farm, and also except storage tanks, bins and other receptacles and accessories thereto, placed under the surface of the finished grade;

**SWIMMING POOL:** A receptacle of water, or any artificial pool of water either having a depth at any point of more than 18 inches, whose surface area exceeds 100 square feet, and which is intended for the purpose of immersion or partial immersion therein of human beings. All pool equipment and fixtures shall be part of a pool.

**TAILOR/SHOE REPAIR SHOP:** A use of land for the repair and alteration of shoes or clothing for customers on a walk-in basis, and the fabrication of individual shoes or items of clothing made-to-order for individual customers on a walk-in basis. This use specifically does not include the fabrication of shoes or clothing for wholesale distribution;

**TANNING BOOTH:** A facility or piece of equipment for administering radiation to people to induce suntans;

**TANNING SALON:** A use of land for providing sun tanning services in one or more  
**TANNING BOOTH;**

**TEMPORARY FENCE AND BARRICADES:** A fence used for a temporary period on a construction site.

**TERMINAL, TAXI/BUS/PASSENGER:** A use of land for the storage and dispatch of taxicabs, buses and similar vehicles;

**THEATER:** A use of land for the entertainment of people involving motion pictures, video transmissions, plays, lectures, music performances, and similar entertainments;

**TRAFFIC SIGN:** All signs, signals and markings placed or erected by authority of laws of the State of Vermont, by authority of the council or pursuant to city ordinances, for the purpose of regulating or directing traffic or the parking of vehicles;

**TRANSITIONAL HOUSING:** A use of land for the housing of two or more unrelated people in which meals are prepared and/or served to the group in common. Housing of the group is part of an organized program to provide for the needs of an affinity-group such as, but not limited to: parolees or prison-release program members, handicapped or special-needs people, orphans, people undergoing physical rehabilitation, substance-abuse rehabilitation or convalescence; (Amended 3/21/06 by Ord. 2006-1)

**TRUCK STORAGE:** A use of land for the storage of licensed trucks;

**TRUCK TERMINAL:** A use of land for the storage and dispatch of trucks and the temporary storage of goods awaiting transshipment;

**UNDUE HARDSHIP:** Undue hardship means, compared to others in a similar situation, the applicant will have unreasonable costs of compliance due to physical, topographic, or other factors existing on the site. The applicant has the burden of proof in demonstrating the claim that compliance would be an undue hardship.

**USE, CONDITIONAL:** A use allowed in a district with approval by the DRB under conditions specified in zoning ordinances;

**USE PERMITTED:** A use specifically allowed in a district, excluding illegal uses and nonconforming uses;

**USE, PRIMARY:** The main permitted or conditional use for the lot;

**USE, TEMPORARY:** An accessory use in which the duration is less than seven days at a time and not more than 60 days in a year;

**VEHICLE MAINTENANCE FACILITY:** A use of land for the refueling of vehicles, repair of vehicles, installation of vehicle parts, including tires, in which such services are not offered to the general public on an individual basis;

**VEHICLE REPAIR FACILITY:** A use of land for the repair of private and commercial vehicles, and the sale and installation of vehicle parts, including tires;

**VEHICLE SALES/RENTAL:** A use of land for the sale or rental of vehicles;

WAREHOUSE, STORAGE, INCLUDING Food A use of land for the storage of goods, including food;

WAREHOUSE, STORAGE, NONFOOD: A use of land for the storage of goods, except food;

YARD SALE, LONG-TERM: A use of land for selling goods out of doors for not more than four days at a time and more often than four times in a calendar year;

## **ARTICLE 3. ZONING DISTRICTS AND ZONING MAP**

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### **3.1 ZONING DISTRICTS**

3.1.01 The City of Barre is hereby divided into the following districts, as shown on the City Zoning Map of the City of Barre, Vermont (their respective abbreviations follow each district):

1. Residential-R-10
2. Planned Residential-PR
3. Commercial-C
4. Central Business District-CBD
5. Downtown Mixed Use District –DMU [Added 3/21/06 by Ord. 2006-1]
6. Industrial-I
7. Conservation Area-CA
8. Industrial/Commercial-I/C

3.1.02 In addition, the regulations establish the following overlay districts:

1. Historic Central Business Design Review District #1
2. Central Business Design Review District #2

### **3.2 ZONING MAP**

3.2.01 The boundaries of the districts created in this ordinance are hereby established as shown on the Zoning Map. Where uncertainty exists as to the boundaries of any district shown on the map, the following rules shall apply to determine the boundaries which are uncertain:

1. Where district boundaries appear to approximately follow the centerline of highways, roads, alleys, railroads, streets, streams, lot lines or property lines, such lines or centerlines shall be construed to be such boundaries as they exist at the time when such district boundaries were created. “Approximately follow” shall be interpreted as within 10 feet of a line.
2. Where district boundaries are indicated as being measured from or being parallel to the centerlines of highways, roads, alleys, railroads, lot lines, property lines, or streams, such boundaries shall be construed as being measured from or being parallel thereto at a distance there from as indicated or as determined by the scale shown on the map.
3. In case further uncertainty exists, the Commission (if requested, with the aid of a licensed surveyor hired at the expense of the disputant by the Commission) shall make a determination as to the location of a boundary, based on the graphic scale of the map. The disputant shall have the privilege of suggesting to the Commission a qualified licensed surveyor.

## **ARTICLE 4. GENERAL REGULATIONS AND REVIEW CRITERIA**

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### **4.1 PROHIBITED USES: ALL DISTRICTS**

4.1.01 In all districts, the following uses are not permitted: smelters; blast furnaces; slaughterhouses; rendering plants; hide tanning or curing plants; manufacture or processing of fertilizer, bone, rubber, ammonia, or chlorine; manufacture or refining of petroleum or explosives; and manufacture of gas.

### **4.2 ACCESS, DRIVEWAYS & FRONTAGE**

4.2.01 No new or additional land development may be permitted on a lot which does not have frontage on a public road unless the following conditions are met:

1. The parcel was already developed or has valid zoning permits for development as of April 30, 2006 or
2. The parcel has access to a public road via an easement established prior to April 30, 2006 and at least 20 feet wide or via an existing undeveloped right-of-way shown on an approved subdivision and when, in either case,
  - There is a homeowner-type association which ensures both winter and long-term maintenance of the road.
  - Said association shall be either a condominium association in accordance with state laws or another type association approved by City Council.
  - Said association must include all parcels to be developed accessing the easement or undeveloped right-of-way.
  - All deeds shall include notice that public road access is provided via a private driveway of which no public maintenance is, or will not in the future, be provided unless the driveway is re-constructed in accordance with public road standards and accepted as a Class 2 road.
  - Driveways shall be designed and maintained to provide for adequate emergency access and proper stormwater drainage as determined by the Municipal Engineer.

No new lots are permitted to be created without frontage on a public road and reasonable potential for construction of driveways to the proposed building area..

4.2.02 Single family and two-family dwellings are subject to the following requirements:

1. A lot or parcel of land shall have only one driveway.
2. All driveways shall be no more than 15 feet wide at the junction of the driveway and the public traveled way.

4.2.03 For all uses other than single family, two-family dwellings, gasoline sales facilities or gasoline sales/automotive repairs, a required driveway shall be at least 20 feet wide at the junction of the driveway and the public traveled way.

4.2.04 All driveways entering onto a public street shall have a three-foot paved apron when a sidewalk does not exist.

4.2.05 The City Engineer may permit additional driveway width and shall control the location of driveway access based upon the following criteria:

1. The driveway access does not interfere with the operations of a signalized intersection;

2. The driveway access has adequate site distance for entering and exiting the site;
3. The driveway access has an adequate radius for the proposed vehicular access;

### **4.3 CONDITIONAL USE**

- 4.3.01 A Zoning Permit shall not be issued for any use or structure that requires a conditional use permit until the DRB issues conditional use approval.
- 4.3.02 Upon receiving an application for a conditional use permit, the DRB shall set a date for a public hearing and shall give public notice in the manner prescribed in the Act.
- 4.3.03 After the hearing, the DRB shall issue conditional use approval, if it determines and makes findings, in writing, that the proposed use conforms to the standards and requirements in Articles 6 and 7 and meets all other applicable requirements in this ordinance for such structure or use and that the proposed conditional use will not adversely affect:
1. The capacity of existing or planned community facilities;
  2. The character of the area affected;
  3. Traffic on roads and highways in the vicinity;
  4. Ordinances or bylaws of the City of Barre then in effect; and
  5. Utilization of renewable energy resources.
- 4.3.04 In granting conditional use approval, the DRB may attach reasonable conditions and safeguards that it deems necessary to implement the purposes of the Act and these regulations. They may include, but are not limited to requirements for the installation, operation and maintenance of such devices and/or such methods of operation as may be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration or other nuisances. The DRB may also attach reasonable conditions regarding the extent of open spaces between the proposed use and surrounding properties as will tend to prevent injury which might otherwise result from the proposed use to surrounding properties and the neighborhood.
- 4.3.05 The DRB shall either issue a conditional use permit or deny an application for such permit within 60 days after the date of the final public hearing on the application. Failure to so act within such period shall be deemed approval of the application.

### **4.4 SITE PLAN REVIEW**

- 4.4.01 No Zoning Permit shall be issued for any use or structure, except for one family and multi-family residences up to four residential units until a site plan is approved. The DRB or Zoning Administrator, as the case may be, shall consider and may impose appropriate conditions, modifications and safeguards with respect to the following: [Amended 3/21/06 by Ord. 2006-1]
1. Vehicular access, circulation, parking and loading for all vehicles that can reasonably be expected to serve, use and access the site.
  2. Pedestrian Access. Pedestrian circulation within the site and access through the site to adjacent properties and along public roads may be required.



3. Landscaping and screening. Landscaping may be required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads and as otherwise necessary to provide adequate screening.
4. Exterior lighting. Light fixtures shall not create excessive illumination or off-site glare and shall be directed so as not to cause glare on adjacent roadways, cause excessive levels of illumination or result in direct illumination of neighboring properties.
5. Hours of Operation. Hours of operation may be limited to ensure that an approved use does not adversely affect the character and reasonable expectation of peace and quiet of residential neighborhoods.
6. Stormwater and Drainage. Adequate provisions shall be made for the management of stormwater runoff. Surface water runoff shall be minimized and, if possible, detained on site.

4.4.02 Site plans submitted to the Development Review Board shall include the following items unless waived by the Development Review Board:

1. Proposed layout of the entire property, including metes and bounds for property lines and easements.
2. The location of all existing and proposed property lines, right-of way lines, buildings, structures, watercourses, wetlands and other existing physical features on or adjacent to the property.
3. Setback distances to lot lines of all existing and proposed buildings.
4. Location of all proposed and existing easements.
5. Location and size of all private and public existing storm lines, stormwater detention facilities, sanitary lines, water lines and any other utilities on the site.
6. An arrow indicating direction of North.
7. Contours for the entire plan at ten-foot intervals.
8. Proposed grading plan.
9. Location of all flood zone designations on the property.
10. Location of all existing and proposed landscaping.
11. Location of all sidewalks.
12. Location of existing and proposed parking and traffic circulation.
13. A chart indicating existing, proposed and required parking.
14. Exterior lighting plan, including levels of illumination.
15. Any other materials or information that the Development Review Board and/or Zoning Administrator deems necessary to determine if a land development meets all applicable Zoning regulations.

4.4.03 The DRB shall approve or disapprove a site plan within 60 days after the date upon which it receives the proposed plan. Failure to so act within such period shall be deemed approval of the plan.

#### **4.5 FENCES AND WALLS**

4.5.01 Fences and walls six feet in height or less are permitted uses in each district and may be erected along property lines with a Zoning Permit. Fences and walls greater than six feet in height shall require conditional use approval from the DRB.

4.5.02 Fences shall not be required to meet the setback requirements for the districts in which they are located, provided they meet the requirements of this section.

4.5.03 The finished side of a fence shall face adjoining properties or the street if the appearance of the fence is not the same on both sides.

4.5.04 Trees, shrubs, evergreens, walls, fences and any structures located within a yard which interfere with the view or sight of an operator of a motor vehicle are not permitted.

4.5.05 Snow fences are permitted in any yard area from November 1 through May 1.

4.5.06 Temporary fences and barricades are permitted during construction periods.

#### **4.6 SETBACK EXEMPTIONS**

4.6.01 Within any required yard area, there can be no structures or buildings unless otherwise explicitly exempted as follows or elsewhere in this ordinance. Exempt structures and buildings include the following unless noted differently elsewhere in this ordinance:

1. Fences and walls
2. Sidewalks and driveways
3. Lampposts
4. Signs
5. Patios or terraces at grade level
6. Swing sets and similar playground equipment
7. Handicapped ramps
8. Flag poles
9. Barbecue pits
10. Decorations such as statutes or similar items
11. Playhouses
12. Animal housing up to 40 square feet in size

#### **4.7 NONCONFORMING USES AND NONCOMPLYING STRUCTURES**

4.7.01 Intent - It is the intent of this section to maintain the property rights of a parcel of land which has a nonconforming use or noncomplying structure, while at the same time protecting the property rights of the surrounding neighborhood.

- 4.7.02 Nonconforming Uses - Any nonconforming use may be used and continued, provided:
1. It shall not be moved, enlarged, altered, extended, reconstructed or restored, except as otherwise provided in this section;
  2. It shall not be changed to another nonconforming use without approval of the DRB of the City of Barre and there is not an increased use;
  3. It shall not be reestablished or restored, if such use has been discontinued for a period of one year, regardless of evidence of intent to resume such use, or has been changed to, or replaced by, a conforming use; provided, however, that if a nonconforming use is discontinued or suspended by governmental authority, the period during which it has been so discontinued or suspended shall not be counted in determining the period of discontinuance.
- 4.7.03 Noncomplying Structures - Any noncomplying structure may be used and continued, provided it shall not be moved, enlarged, altered, extended, reconstructed or restored unless such changes comply with the standards of the district in which such structure is located.
- 4.7.04 Other provisions of this ordinance notwithstanding:
1. A nonconforming use or noncomplying structure may be maintained so long as such maintenance does not result in increased floor area and the maintenance does not require a Zoning Permit as per the regulations in § 14.1.01.
  2. A nonconforming use or noncomplying structure may be altered with DRB approval in order to address considerations of energy, safety, environment and health so long as such alteration does not result in increased floor area or increased use.
  3. Any nonconforming use or noncomplying structure damaged by fire, flood, explosion or other casualty may be rebuilt and used as before, provided that said structure contains no greater floor area or increased use than before and is reconstructed within two years.
  4. Any nonconforming use or noncomplying structure which is partially or totally demolished or razed by order of a governmental authority, may be rebuilt and used as before such order, provided that the structure contains no greater floor area or increased use than before and is reconstructed within two years.
  5. Fixtures, machinery, equipment and tools used in a nonconforming use may be replaced, provided they are not of a size, capacity or productive capacity greater than the item they replace. Replacements (value exceeding \$1,000.00) requiring a change in location or which are of a greater size, capacity or productive capacity may be made with the approval of the Development Review Board, provided that the change does not intensify the nonconforming use by:
    - a. Expanding the structure in any manner
    - b. Appreciably increasing external conditions such as, but not limited to, noise, traffic, dust, vibrations, and odor.
  6. The DRB, upon application made before the expiration of a period prescribed in this section, may extend such period of time for hardship arising out of, but not limited to, inability to reconstruct due to strikes, acts of God, shortages of materials or transportation, weather conditions and other equitable considerations.

- 4.7.05 Noncomplying Principal Residential Structures - In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to a noncomplying residential principal structure shall be permitted:
1. Alteration to a principal structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
  2. Alteration to a principal structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements.
  3. Alteration to any side of a principal structure which encroaches upon a required setback area, where the alteration will not encroach at a distance greater than the existing structure.
  4. Alteration to a structure which will not increase the footprint of the existing structure, provided that existing height restrictions shall not be exceeded.

4.7.06 Nonconforming Signs

1. Activities covered under this subsection. Development involving a nonconforming sign.
  - a. A nonconforming sign is any legal sign, or part thereof, which is not conforming to the provisions of these bylaws. Legal non-conforming signs may exist as a result of construction prior to adoption of these bylaws, construction under an earlier set of less restrictive bylaws, a zoning permit improperly authorized by the City, or through a variance issued at any time.
2. Standards & Requirements. A nonconforming sign is allowed to exist indefinitely but shall be subject to the following:
  - a. In addition to the standards and requirements below, the nonconforming sign meets the standards and requirements of other nonconforming structures described under section 4.7.
  - b. **std.** Change of font, logo or colors using the same materials within an existing frame shall not be required to be brought into conformance.
  - c. **req.** Within any Design Review District, a nonconforming sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way except to bring the sign into complete conformance.
  - d. **std.** Outside any Design Review District, a nonconforming sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way except to either:
    - i. **req.** Bring the sign into complete conformance; or
    - ii. **std.** Where an applicant demonstrates an undue hardship from the provisions found in (i) the DRB may approve a sign which is not of complete conformance but, rather, is of greater compliance than the original sign.

**4.8 EXISTING SMALL LOTS**

- 4.8.01 Any parcel of land which is legally subdivided, is in individual and separate nonaffiliated ownership from surrounding properties, and is in existence on the effective date of the minimum lot size requirements in these regulations may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot

size requirement if the parcel is at least 5,000 square feet in area. This provision shall not exempt development on such lots from the other provisions of these regulations.

4.8.02 If such nonconforming lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged for the purpose of development with the contiguous lot to the extent necessary to meet the district lot size regulations. Individual contiguous lots under common ownership may be transferred to other ownership without subdivision if:

1. The remaining lots meet all applicable district regulations
2. The lots remain in their originally approved configuration
3. The transferred lot(s) are either of adequate configuration to meet applicable district regulations or will be used in conjunction with other contiguous lots in order to meet applicable district regulations

#### **4.9 WAIVERS**

4.9.01 The Development Review Board may grant a waiver from dimensional requirements when:

1. Fire safety, disability accessibility, or other building code requirements can not be reasonably satisfied without a waiver or
2. Energy conservation and renewable energy structures can not be reasonably developed without a waiver or
3. The waiver is necessary to allow for reasonable expansions of existing uses and construction of new uses given existing configuration of development on the parcel, irregular lot configuration, or restrictions of existing topography.

In all cases, the waiver:

1. Must be found to be in conformance with the municipal plan and state planning goals.
2. Shall not change the overall character of the surrounding area or neighborhood.
3. Shall not exceed 5% of the required lot size.
4. Shall not exceed 20% of the any other dimensional requirement.

The applicant may propose, or the Development Review Board may require, mitigation of any affect through design, screening, or other remedy as part of the waiver approval.

#### **4.10 MINIMUM UNIT SIZE**

4.10.01 All residential units shall have a minimum unit size of 550 square feet for one-bedroom and efficiency units and 150 additional square feet of unit size for each additional bedroom.

## **ARTICLE 5. SPECIFIC USES AND STRUCTURES**

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### **5.1 ACCESSORY APARTMENTS**

- 5.1.01 As required in the Act, no zoning regulation shall have the effect of excluding as a permitted use one accessory apartment that is located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.
- 5.1.02 These accessory units shall satisfy the following requirements:
1. The apartment is located within an owner-occupied single-family dwelling or in an accessory building located on the same parcel as the single-family dwelling.
  2. The property has sufficient wastewater capacity.
  3. The unit does not exceed 30 percent of the total habitable floor area of the single-family residence as determined by Assessment Department records.
  4. Applicable setback, coverage, and parking requirements are met.

### **5.2 ANTENNAS & TELEVISION SATELLITE DISHES**

- 5.2.01 Antennas and television satellite dishes for residential use may be installed in residential districts without a Zoning Permit, as long as the district's height limit and setback requirements are met.
- 5.2.02 Antennas and television satellite dishes associated with nonresidential uses shall be considered a structure requiring a Zoning Permit.
- 5.2.03 Antennas, television satellite dishes, wind turbines with blades and rooftop solar collectors shall be required to meet the district's height limits and any other applicable zoning regulation and such structures shall not exceed 20 feet in height or no more than 50% of the height of the building, whichever is less.

### **5.3 GASOLINE SALES FACILITIES AND/OR GASOLINE SALES/AUTOMOTIVE REPAIRS**

- 5.3.01 In all districts where permitted, gasoline sales facilities and/or gasoline sales/automotive repairs shall comply with the following requirements:
1. A lot on which such facility is located shall not be within 500 feet (air distance) of another gasoline sales facilities, gasoline sales/automotive repairs or a school;
  2. The lot frontage of the lot in which the facility is located shall be at least 130 feet, and the lot depth shall be at least 130 feet;
  3. Pumps, lubricating and other service devices shall be located at least 35 feet from the front lot line and side and rear lot lines;
  4. All motor vehicle parts and dismantled vehicles are to be stored within a building, and no repair work other than repair work taking less than an hour is to be performed outside a building;
  5. No signs shall be nearer than 10 feet of any property line, nor exceed 20 feet in height;

6. There shall be not more than two access driveways from the street. The maximum width of each access driveway shall be 40 feet.

#### **5.4 GROUP HOMES**

- 5.4.01 As provided in the Act, a residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of a property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home. Said 1,000-foot-separation shall be measured between the actual residences and not the edge of the parcels.

#### **5.5 HOME OCCUPATIONS**

- 5.5.01 As provided in the Act, no provision of these regulations shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Home occupations are permitted with the following conditions:

1. The owner of the home occupation shall reside on the premises;
2. No more than two nonresidents may be employed by the home occupation;
3. There are no retail sales unless the items sold are the product of the owner's own labor;
4. No traffic shall be generated in volumes that would be greater than normally expected in a residential area;
5. The home occupation shall not increase the level of noise, smoke, dust or odors in the neighborhood; and
6. Home child daycare facilities serving no more than six full-time and four part-time children shall be considered as home occupations subject to the requirements of this section.

#### **5.6 MOBILE HOMES**

- 5.6.01 A mobile home may be used for residential purposes in appropriate residential districts and must comply with the regulations of the district.
- 5.6.02 It shall be unlawful for any person to keep or occupy a mobile home for any other purpose except that a mobile home may be kept in a motor vehicle sale showroom and a motor vehicle lot, but not there occupied for any purpose.

#### **5.7 MOBILE HOME PARKS**

- 5.7.01 No person shall construct or operate a mobile home park without first obtaining site plan approval from the DRB and a permit from the Administrative Officer. Before issuing a mobile home park permit, a performance bond shall be given by the operator to the City of Barre, to assure that the park is constructed and maintained in a manner consistent with the manner in which a good householder would maintain his or her property, and consistent with the requirements of law.
- 5.7.02 Application for a mobile home park site plan approval shall be made to the DRB. The application shall be in writing and accompanied with a site plan and drawings, showing

property lines, area, contours showing any proposed grading, roads, walkways, lots, parking spaces, water lines, sanitary sewer lines, sanitary sewer and storm sewer drainage facilities, garbage stations, recreational area location and electrical distribution.

5.7.03 The following standards and requirements shall apply to all mobile home parks:

1. The area of a park shall be not less than five acres, ten percent of which shall be devoted to common recreational purposes for benefit of occupants of the park and their guests; such area shall be open and no building erected thereon;
2. A mobile home shall be on a lot not less than 10,000 square feet in area, exclusive of any roads, walks and common recreational areas;
3. Access driveways and roads for vehicular travel in the park shall be not less than 50 feet wide, and shall be paved over compacted gravel;
4. Parking space shall be provided in conformity with ordinance;
5. Each mobile home lot shall have a water supply source approved by the City of Barre Board of Health;
6. Each mobile home lot shall have attachment for sewage disposal approved by the City of Barre Board of Health;
7. The park shall be provided with adequate storm sewers to remove surface drainage of water;
8. No mobile home shall be located closer to a public street than 80 feet, nor closer to a property line than 50 feet;
9. A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all mobile home park property lines, except within fifty feet of either side of the centerline of any road leading into the park from a street;
10. No mobile home shall be parked on a lot closer than 20 feet of the location of another mobile home;
11. No additions shall be made to a mobile home except a canopy and/or porch open on three sides, or an addition made by a mobile home manufacturer, or an addition approved by the Development Review Board.

## **5.8 SOIL, SAND AND GRAVEL EXTRACTION**

5.8.01 The extraction of soil, sand and gravel for personal use on site is permitted without approval of the Administrative Officer or the DRB, provided that the proposed operation will not:

1. Cause any hazard to public health and safety; or
2. Adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic, or scenic features.

5.8.02 The removal of soil, sand or gravel for sale shall be permitted only upon approval of a plan for the rehabilitation of the site by the DRB and posting a bond to assure rehabilitation in accordance the Act.



## **5.9 SWIMMING POOLS**

- 5.9.01 No swimming pool shall be constructed less than 10 feet from any side or rear property line nor less than 25 feet from the nearest street line.
- 5.9.02 All in ground pools shall be completely enclosed by a fence at least four feet in height. A dwelling or accessory building may be used as part of such enclosure, in lieu of fencing.
- 5.9.03 Structures associated with a pool must meet all applicable yard requirements for the district where they are located.

## **5.10 TRANSMISSION LINES**

- 5.10.01 So long as they are used for transmission line use, the land, rights and easements owned by a public utility company on the effective date of this ordinance and then actually used for the accommodation or use of transmission lines (as used in Section 4409(a)(1) of the Act) shall be exempt from the provisions of this ordinance. This provision, together with other provisions made in this ordinance, relating to transmission lines, are made to provide reasonable provisions for the location of such transmission lines.

## **5.11 TRANSMISSION TOWERS**

- 5.11.01 On a lot having an elevation of over 900 feet above sea level, upon application in writing and after consideration and evaluation required under this ordinance, and on finding that any proposed tower will be so located that if it falls, it will fall entirely upon the land of the applicant and not less than 20 feet from the lot line of any abutting lot, the DRB may approve a lot for radio, telecommunications or television use, with a transmission tower or towers; provided, however, that after such approval, the applicant applies for and receives a conditional use permit from the DRB and provided, further, that the lot shall otherwise meet all the standards and requirements of the district in which it is located.

## **5.12 TEMPORARY ACCESSORY YARD SALES**

- 5.12.01 Temporary accessory yard sales are permitted without the issuance of a Zoning Permit.

## **5.13 CONSTRUCTION TRAILERS**

- 5.13.01 Portable trailers used for temporary office or storage associated with construction are permitted in all districts and are not required to meet setback requirements if the following conditions are met:
1. The construction trailers are on-site or within 300 feet of the lot with construction.
  2. A Zoning Permit is obtained for each construction trailer.
  3. Construction does not cease for more than one month, except when necessary due to inclement weather.
  4. The construction trailer is removed within one month of completion of construction.

## **5.14 LIMITATIONS OF REGULATIONS**

- 5.14.01 In accordance with the Act, the following uses may be regulated only with respect to locations, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
- State- or community-owned and operated institutions and facilities

- Public and private schools and other educational institutions certified by the state department of educations
- Churches and other places of worship, convents, and parish houses
- Public and private hospitals
- Regional solid waste management facilities for which a notice of intent to construct has been received under V.S.A. Chapter 159
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a

Not interfering with the intended functional use shall mean establishing requirements that make it unreasonable or impossible to fulfill the establishment's primary function.

5.14.02 Agricultural and silvicultural practices shall not be regulated to the extent outlined in the Act.

## **5.15 SIGNS**

5.15.01 Purpose and Objectives

1. The City recognizes signage as a form of free speech which has received protection under the U.S. Constitution since the founding of the country. Among other things, the use of signs is necessary for the proper functioning of our Democracy, to advance public safety through dissemination of information, and is integral to the proper functioning of commerce through advertising. The City also recognizes that neither the public nor local businesses are served well by unlimited or unregulated signage. The purpose of these provisions is to promote the public welfare, convenience and safety of the City's inhabitants and visitors by regulating the display of signs in an orderly, effective and safe manner.
2. The City aspires to preserve and improve the existing attractive aspects of the Barre City environment through sign provisions which:
  - a. Are conducive to business, industry and tourism;
  - b. Encourages the use of street graphics which are compatible with both the community character and the specific district in which it is located;
  - c. Is readable, clear and maintained in safe and good repair;
  - d. Maintains and enhances the aesthetic environment and the City's ability to sustain economic development and growth;
  - e. Facilitates safe pedestrian and vehicular traffic;
  - f. Enables the fair and consistent enforcement of these bylaws; and
  - g. Furthers the objectives and policies of the City of Barre Master Plan.

5.15.02. *De minimis* Signs

1. Signs meeting basic minimum requirements and limitations listed below shall be considered *de minimis* (no permit required).
  - a. *De minimis* signs shall meet all requirements identified under section 5.15.04.
  - b. *De minimis* signs shall not be of a type that is prohibited as defined under 5.15.03.

2. The following signs are considered to be *de minimis* and therefore may be developed without a permit:
  - a. *req.* Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
  - b. *req.* Granite mailbox posts when engraved with names and/or addresses;
  - c. *req.* Legal notices displayed in accordance with governmental regulations or requirements;
  - d. *req.* Historic markers authorized by the City Council;
  - e. *req.* Integral decorative or architectural features of buildings; memorial signs or tablets denoting the names of buildings and dates of erection when cut into the masonry or constructed of bronze or other nonflammable material and attached to the wall;
  - f. *req.* Signs to guide on-site traffic and circulation or to protect public health and safety. For instance, “entrance only”, “parking in back of building”, and “watch for falling ice” are appropriate directional and safety signs. These signs shall bear no advertising matter and shall not exceed three (3) square feet per sign.
  - g. *req.* One identifying sign attached to each outdoor bin or dispenser containing items for sale (ice, newspapers, vending machine, etc.) not to exceed one square foot per sign.
  - h. *std.* Signs located on registered and inspected vehicles, including rolling stock of common carriers, provided such sign is not the functional equivalent of a regulated or prohibited sign. This standard is not intended to prevent a business owner from parking their vehicle at their place of business. Vehicles with magnetic door signs or decals are generally not considered signs. Situations where a vehicle could be the functional equivalent of a sign could include, but are not limited to, placing a vehicle on the roof of the building or on a post to advertise the business; placing signs on top of a vehicle in the business parking lot; or otherwise placing a vehicle with advertisements outside of a designated parking area.
  - i. *req.* Awning lettering not to exceed six (6) inches per letter and located on the lower edge or fringe of an awning, displaying one time the name of the business. In addition, any street number may be expressed twice in numeral form. Any other lettering or graphics of any size will constitute a sign and requires a permit.
  - j. *req.* Menu signs attached to restaurants provided they do not exceed six (6) square feet.
  - k. *req.* Signs placed on private property by the City or other governmental agency designed and placed in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) published by the US Department of Transportation.
  - l. 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). The provisions of Paragraph (1) above will not apply to such signs.

#### 5.15.03 Prohibited signs

1. The following signs may not be erected in any zoning district:

- a. **std.** Signs which interfere with, imitate or resemble official traffic control signs or attempt or appear to attempt to direct the movement of traffic (see 10 V.S.A. §494);
- b. **std.** Signs which prevent a driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs or otherwise interfere with visibility or traffic safety (see 10 V.S.A. §494).
- c. **req.** Signs which contain, include or are illuminated by any flashing, intermittent or moving lights, or moves, or have any animated or moving parts, except that this restriction shall not apply to a traffic control sign, time and temperature displays, or barber poles (see 10 V.S.A. §494). This includes, but is not limited to, television marquees.
- d. **req.** Signs located on trees, painted or drawn on a rock or other natural feature, except that this restriction shall not apply to residential or hiking/recreational trails directional signs (see 10 V.S.A. §494).
- e. **std.** Signs which are located so as to be readable primarily from a limited access highway (see 10 V.S.A. §494).
- f. **std.** Signs which obscure in whole or in part any city or state sign.
- g. **req.** Roof signs including signs painted on or applied to a roof surface. Signs may not extend above the ridge of the roof or parapet of a building.

#### 5.15.04 General Sign Requirements

- 1. **std.** All signs must be made of durable materials and maintained in good condition.
  - a. All signs shall be maintained in substantially as good condition as when they were constructed or installed. In the event any sign should suffer structural deterioration or damage, or malfunction of any operative systems, or any visible deterioration, it shall be promptly repaired or removed by the owner.
- 2. **std.** Signs shall be of a professional quality.
  - a. Lettering shall be neat and materials appropriate for the purpose.
- 3. **req.** All signs must be attached to a building or mounted on a supporting structure which is securely set in the ground.
- 4. **req.** Signs shall abide by side and rear setbacks as determined by the districts in which the sign is located.
- 5. Sign lighting. Sign lighting is regulated based on the type of lighting that is proposed-external, backlit or internally lit.
  - a. All sign lighting.
    - i. In addition to the standards and requirements below, sign lighting shall also meet the standards and requirements of other outdoor lighting described under section 4.4.01(4).
    - ii. **std.** Signs shall be illuminated such that the illumination does not create glare or unduly illuminate surrounding areas.
      - aa. An unduly illuminated sign is one that increases the measurable vertical light level at a point 20 feet from the sign in any direction.
  - b. Externally illuminated signs.
    - i. **req.** Light fixtures used to illuminate signs shall be top mounted and shall direct the light downward toward the sign.

- aa. **std.** Where an applicant claims an undue hardship with the provisions found in (i) the DRB may approve alternative light mounting locations.
    - ii. **req.** Light fixtures shall employ the use of grids, hoods, baffles, or similar features and aimed so that light is directed only onto the sign face.
  - c. Backlit signs.
    - i. **req.** Backlit (i.e. reverse channel illumination) signs shall light lettering and logo and other related sign elements only.
  - d. Internally illuminated signs.
    - i. **req.** Internally illuminated signs, including neon, fluorescent, and other tube lighting, are prohibited in all districts. (See 10 V.S.A. §7105 for addition state restrictions on neon). This includes, but is not limited to, digital price signs.
- 6. **req.** When a business or organization closes, moves, or otherwise terminates at a location, all signs pertaining to that use, service, or product must be removed from the location within one-hundred eighty (180) days unless an extension of time is approved by the Development Review Board.
- 7. Calculation of the number of signs.
  - a. **req.** The number of each type of sign discussed in section 5.15.05 shall be limited to a specified number per parcel or a number per business on the parcel as proscribed in these provisions.
    - i. The number of “by-right” signs shall not be counted in meeting these requirements.
    - ii. Parcels may have EITHER a freestanding sign OR projecting sign(s) per frontage but not both types on the same frontage area.
    - iii. Parcels may have wall sign(s) AND EITHER ‘projecting sign(s)’ OR a ‘freestanding sign’.

#### 5.15.05 Types of Permitted Signs and Specific Requirements and Standards

- 1. Freestanding signs.
  - a. Number.
    - i. **req.** One freestanding sign may be approved **per parcel** except where a property has frontage on more than one street. Where a property has frontage on more than one street, one freestanding sign may be approved within each respective front setback area. See Section 5.15.04.7 for additional information on allowed numbers of signs.
  - b. Maximum size.
    - i. **req.** Unless otherwise specified in these bylaws, the maximum size of any freestanding sign shall be 32 square feet.
    - ii. Calculating sign area.
      - aa. The area of any sign regulated under this subsection shall be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes which includes all of the display and all of the elements of the matter displayed. Frames and panels are included in this computation, but structural supports not bearing advertising

matter are not included. The area of a sign that is printed on both sides is counted only once.

bb. The area of three-dimensional signs will be calculated as a special case of a two-dimensional sign where the widest plan view shall be considered to be the area of the sign for freestanding signs. The area will be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes following the perimeter of the entire sign, graphic panels, graphic symbols, and/or physical items, and figuring the area within that perimeter. Any lettering or graphics on the top or bottom surfaces of a sign will be counted as sign area.

c. Height.

i. **req.** No freestanding sign shall be higher than 15 feet in height to the highest point on the sign. Height is measured from the average grade around the base of the sign to the highest point on the sign.

d. Spacing.

i. **req.** No freestanding sign shall be located within 25 feet of another freestanding sign.

2. Wall signs.

a. Number.

i. **req.** One or more wall signs may be approved **per business establishment within a building** except where a building has frontage on more than one street. Where a building has frontage on more than one street, one or more wall sign per business establishment may be approved on each respective frontage area. See Section 5.15.05.7 for additional information on allowed numbers of signs.

ii. Counting signs.

aa. **req.** Signs on windows and doors shall be placed on the inside of the glass to avoid being counted as a wall sign. Signs on the outside of windows and doors are considered wall signs and are counted against the total number of signs and area of signs.

bb. **std.** Where an applicant can demonstrate to the Administrative Officer an undue hardship with the provisions found in (aa) the Administrative Officer may approve the placement of signs on the exterior of the door or window without penalty against the sign totals. One example of an undue hardship is tinted storefront glass which will make visibility of an interior sign difficult or impossible.

b. Maximum size.

i. **req.** Unless otherwise specified in these bylaws, the maximum size of any wall sign shall be one square foot for every linear foot of building frontage which the sign is affixed to, up to a maximum of 50 square feet per sign. Where there are multiple signs on a frontage for a business establishment, the maximum total for all wall signs on any frontage shall not exceed a combined one square

foot of for every linear foot of building frontage which the sign is affixed to, up to a maximum of fifty (50) square feet of signage per business. Where a business within a business has no frontage it shall be allowed a maximum of fifty (50) square feet of signage. Where there are multiple businesses in a single building, the maximum total for all wall signs on any frontage shall not exceed a combined one square foot for every linear foot of building frontage which the signs are affixed to.

- ii. Calculating sign area.
  - aa. The area of any sign regulated under this subsection shall be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes which includes all of the display and all of the elements of the matter displayed. Frames and panels are included in this computation, but structural supports not bearing advertising matter are not included.
  - bb. Where individual letters or graphics are mounted on the surface of a building with no backing or panels, the area of a sign will be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes around the perimeter of each word and figuring the area within those lines.

c. Height.

- i. **req.** No wall sign shall be higher than 15 feet in height. Height is measured from the average grade around the base of the sign to the highest point on the sign.

3. Projecting signs. Note that projecting signs that extend over public property may be subject to approval through the Barre City Sign Ordinance as well as these provisions.

a. Number.

- i. **req.** One projecting sign may be approved **per business establishment** except where a building fronts on more than one street. Where a building fronts on more than one street, one projecting sign per business establishment may be approved on each face area. See Section 5.15.04.6 for additional information on allowed numbers of signs.

b. Maximum size.

- i. **req.** Unless otherwise specified in these bylaws, the maximum size of any projecting sign shall be 25 square feet per sign.
- ii. Calculating sign area.
  - aa. The area of any sign regulated under this subsection shall be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes which includes all of the display and all of the elements of the matter displayed. Frames and panels are included in this computation, but structural supports not bearing advertising matter are not included. The area of a sign that is painted on both sides is counted only once.
  - bb. The area of three-dimensional signs will be calculated as a special case of a two-dimensional sign where the widest plan view shall be considered to be the area of the sign for

projecting signs. The area will be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes following the perimeter of the entire sign, graphic panels, graphic symbols, and/or physical items, and figuring the area within that perimeter. Any lettering or graphics on the top or bottom surfaces of a sign will be counted as sign area.

c. Height.

- i. **req.** No projecting sign shall be higher than 15 feet in height. Height is measured from the average grade around the base of the sign to the highest point on the sign.
- ii. **req.** Where a projecting sign is over a publicly traveled area such as a sidewalk, the minimum clearance to the lowest point on the sign shall be 10 feet

d. Spacing.

- i. **req.** No projecting sign shall be located within 15 feet of another projecting sign.
- ii. **req.** No projecting sign shall be located within 15 feet of a side property line.

5.15.06 Special categories of signs

1. Gas stations. Additional provisions include:

- a. **req.** Signs on pumps displaying brand and prices are allowed and shall not be counted against sign totals.
- b. **req.** Provided the canopy over the pumps is not in excess of 15 feet in height, two additional signs may be placed on the canopy. These additional signs shall not exceed 15 square feet each.
- c. **req.** In addition to the square footage allowed for freestanding signage, gas stations may be approved for an additional 24 square feet to be used solely for the display of fuel pricing.

2. Home businesses. Additional provisions include:

- a. **req.** For any home business, a sign not exceeding ten (10) square feet may be displayed. The sign may be of any type described in 5.15.05.
- b. **req.** Home business signs in residential districts (i.e. residential, planned residential, and conservation districts) shall not be lit between 7:00 PM and 7:00 AM.

3. Home occupations. Additional provisions include:

- a. **req.** Home occupation signs may be approved provided the sign is unlit and does not exceed two (2) square feet.

4. Special signs. In addition to other signs described in section 5.15.05 special signs may be applied for at the entrances of multi-tenant properties (e.g. shopping plazas); at the entrances of private roads; and at the entrances of businesses on lots without frontage.

- a. **req.** Where two (2) or more business establishments are located within the same structure or in multiple structures on one lot, the DRB may approve one additional freestanding, wall or projecting sign provided:
  - i. **req.** The special sign meets the requirements of 5.15.05 regulating other signs of the type in question.



- ii. **std.** The special sign shall not have an undue adverse affect upon the character of the neighborhood.
      - iii. **std.** The special sign shall emphasize the place (e.g. Barre City Plaza or North Main Mall) over the individual tenants although tenant signage is permitted as a part of the total signage of the special sign.
      - iv. **req.** If the development has frontage and access from a second street, the DRB may approve a second special sign.
    - b. **req.** Subdivisions or housing projects are permitted one free-standing special sign for identification purposes provided:
      - i. **req.** The sign does not exceed 16 square feet.
      - ii. **req.** The sign is not lit.
    - c. **req.** In the case where a business is located on a parcel which does not have frontage on a public street and is served by a legally deeded right of way through a parcel that does have such frontage, said right of way shall be considered as a part of the business' lot for purposes of allowing a freestanding special sign. Any such special sign, however, must be shared with other businesses also using said right of way.
5. Kiosks. Kiosks are allowed provided:
- a. **std.** The information displayed thereon shall serve a public purpose such as providing the names and locations of establishments within the vicinity of the kiosk; or providing space for changing information such as posters and announcements; and
  - b. Such kiosk shall meet the following location and dimensional requirements:
    - i. **req.** May be placed on public property with approval of a sign permit via the Barre City Sign Ordinance.
    - ii. **std.** Such kiosk shall not impede the flow of pedestrian traffic.
    - ii. **std.** Such kiosk shall not interfere with any publicly funded amenity.
    - iii. **req.** The maximum footprint of the kiosk shall be 64 square feet.
    - iv. **req.** The maximum height of such kiosk shall be ten (10) feet.
6. Municipal welcome signs and event signs. Signs erected and maintained by the City of Barre which show the place and time of public or private/non-profit meetings and events in City, and may identify the name of the City, including "Welcome to" may be approved by the Administrative Officer provided:
- a. **req.** The sign does not exceed sixty-four (64) square feet in area.
  - b. **req.** Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway (see 10 V.S.A. §494).
  - c. **std.** Municipal informational and guidance signs may be approved by the DRB to assist persons in reaching destinations that are transportation centers, geographic districts, historic monuments, and significant or unique educational, recreational or cultural landmarks provided that such destinations are not private, for profit enterprises.
    - i. **req.** The maximum size of the signs shall be twelve (12) square feet and shall not exceed twelve (12) feet in height.
    - ii. **std.** Such signs shall be uniform throughout the Town regarding color, shape and placement (see 10 V.S.A. §494).

7. Changeable-letter signs. The City of Barre, Barre School District, a house of worship or a non-profit civic organization (e.g. Elks, VFW, American Legion) may erect a changeable letter sign.
  - a. **req.** A changeable letter sign may be internally illuminated.
  - b. **req.** The square footage of a changeable letter sign counts against the total square footage of allowable signage for the sign.
  - c. **req.** The sign shall abide by all other sign requirements in these regulations.

## 5.16 ADAPTIVE REUSE OF A HISTORIC STRUCTURE

### 5.16.01 Purpose and objectives

1. Adaptive reuse is designed to provide for the continued viability of historic structures that have outlived their original agricultural, civic or industrial function or where the original use was considered abandoned and is once again viable at the location.
2. Through these provisions the City shall allow for the reuse of these historic structures, including non-conforming structures, while requiring the retention of the historic character. The allowed uses may include non-conforming uses as outlined below.

### 5.16.02 Determining eligibility of historic structures.

1. Structures eligible for adaptive reuse are limited to structures which:
  - a. **std.** have historical or architectural significance to the city, as determined by the DRB.
    - i. Evidence of significance may include listing on federal or state historic site registers or surveys, and/or other evidence presented in the application or at the hearing that demonstrates that the structure would be eligible for such listing.
  - b. **req.** are no less than 50 years old.

### 5.16.03 Use requirements

1. Structures determined to be eligible for adaptive reuse may be considered for one or more of the following uses subject to conditional use approval:
  - a. **req.** any use allowed within the district in which the structure is located;
  - b. **req.** any use which legally occupied the structure as a non-conforming use, even if the non-conforming use was considered abandoned.
  - c. **std.** any use considered to be less non-conforming than the original use, as that standard in generally applied to other non-conforming uses in section 4.7 of these bylaws.
2. **std.** As applicants are being given expanded rights to use these structures in a manner not provided to others in the district, the DRB reserves the right to apply additional conditions to these uses beyond what may generally be applied in similar situations where the use had been allowed as a conditional use. Additional restrictions may include, but are not limited to, days and times of operation, noise and lighting limitations, traffic and parking requirements, and other aesthetic considerations (see section 5.16.04 below).

### 5.16.04 Structural and design requirements

1. Structures granted approval under the adaptive reuse provisions in section 5.16.03 shall meet the additional design considerations below:
  - a. **req.** Structures proposed for adaptive reuse shall not have the footprint increased to accommodate the use.
  - b. **req.** Non-conforming structures proposed for adaptive reuse must meet the additional limitations of section 4.7 of these bylaws.
  - c. **std.** Remaining property, including but not limited to yards, driveways, parking, and landscaping, will be improved to be consistent with, and minimize impact upon, the character of the neighborhood.
  - d. **std.** Any proposed exterior renovations shall maintain the historic and architectural character of the structure, including those characteristics which were integral to the DRB's determination that the structure is of historic or architectural significance to the City.
  - e. **std.** Other structures on the property should be maintained in a manner which supports the overall appearance and function of the adaptively reused structure.
  - f. **std.** In the event that the structure is destroyed while an adaptive re-use is in effect, the structure may be reconstructed, following conditional use approval by the DRB, provided the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, building materials and fenestration.

## ARTICLE 6. TABLE OF USES

The following table provides a list of the permitted uses (P), conditional uses (C), and uses not permitted (blank) for each zoning district. When determining a land use classification for a property, the most specific use below shall be interpreted as the use of that property. [Amended 3/21/06 by Ord. 2006-1]

USE (C- Conditional Use; P- Permitted Use)	R-10	PR	CBD	COM	DMU	I-C	I	CONS
Accommodation, Bed & Breakfast	C	C	C	C	C	C		C
Accommodation, Extended Stay Hotel /Motel			C	C	C	C		
Accommodation, Hotel /Motel			C	P	C	C		
Amusement Arcade, Indoors			C	C	C	C		
Amusement Arcade, Outdoors			C	C	C	C		
Animal Boarding Facility				C	C	P	C	C
Animal Exhibit				C	C	C		
Animal Hospital				C	P	P		
Antenna/Television Satellite Dish, Commercial	C	C	C	P	P	P	P	C
Antenna/Television Satellite Dish, Residential	P	P	P	P	P	P	P	P
Apartment, Accessory	P	P	P	P	P	P	P	P
Aquarium				P	P	P		
Art Gallery			C	P	P	P		
Art Studio		C	P	P	P	P	C	
Athletic Facility			C	P	P	P	C	C
ATM Facility		C	P	P	P	P	C	
Auction, Animals				C		C	C	
Auction House			C	P	P	P	C	
Auto Body Shop				P		C	C	
Auto Detail Shop			C	P	C	P	P	
Auto Storage Yard				C		C	C	
Auto/Scrap/Salvage Yard							C	
Baking Facility			C	P	P	P	P	
Bank, Loan Office, Credit Union			P	P	P	P		
Bank, Loan Office, Credit Union Drive-Through			P	P	P	P		
Bar, Tavern, with Cabaret Facilities			C	P	P	P		
Bar, Tavern, without Cabaret Facilities			C	P	P	P		
Beverage Center			P	P	P	P		
Bicycle Sales/Service Shop			P	P	P	P		
Billiard/Pool Parlor			C	P	P	P		
Boarding House		C	C	C	C	C		
Boat Sales/Service Facility				P	P	P	C	
Bowling Alley			C	P	P	P		
Building Supplies Dealer				P	P	P	P	
Campground								C
Campground, Tents Only								P
Car Wash				P		P		
Cemetery		P						C
Church, House of Worship			C	P	P	C		
Circus/Carnival					C	C		
Club, Membership			C	P	P	P		
Communications Studio			P	P	P	P		
Community Center, Commercial			C	P	P	P		

USE (C- Conditional Use; P- Permitted Use)	R-10	PR	CBD	COM	DMU	I-C	I	CONS
Community Center, Noncommercial			C	P	P	P		
Contractor Yard				P		P	P	
Contracting Services				P	P	P	P	
Convenience Store			P	P	P	P		
Convenience Store/Gasoline Sales				P	P	P		
Corrections Facility						C	C	
Crematory		P		P	P	P		
Daycare			C	C	C			
Daycare Home, Large	C	C	C	C	P	C		
Daycare Home, Small	P	P	P	P	P	P	P	P
Dental Lab			P	P	P	P	P	
Distribution Center				P	C	P	C	
Drive-Through Business				P	P	P		
Dry Cleaning Plant				C		C	P	
Dry Cleaning Service			P	P	P	P		
Dwelling, Multi-Family (new and additions)		P	C	C	C	C		C
Dwelling, Single-Family (new)	P	P	C	C	C	C		C
Dwelling, Two-Family (new)		P	C	C	C	C		C
Dwelling, Single-Family and Two-Family (additions and accessory)	P	P	P	P	P	P		P
Dwelling, Multi-Family (accessory building)	P	P	P	P	P	P		P
Elderly Housing		C	C	C	C	C		
Emergency Shelter		C	C	C	C	C	C	
Flea Market, Long-term				C	C	C		
Flea Market, Temporary			C	P	P	C	C	
Food Processing Facility,					C	C	P	
Food Sales, Open Air Market			C	P	C	C		
Food Sales, Take Out/Catering			P	P	P	P		
Food Store, Large			C	P	C	P		
Food Store, Small			P	P	P	P		
Funeral Home		C	C	P	P	P		
Garden Supply Store				P	P	P		
Gas and/or Oil Distribution Facility						C	P	
Gasoline Sales Facility				P	P	P		
Golf Course	C							C
Golf Course, Other								C
Granite Industry Uses					P			
Group Home, Large			C	C	C	C		
Health Club			C	P	P	P	C	
Historic Inn		C	C	P	P	P		
Home Occupation, Major	C	C	C	C	C	C	C	C
Home Occupation, Minor	P	P	P	P	P	P	P	P
Hospital				P	C	C		
Hospital Clinic			C	P	P	P		
Junkyard							C	
Landfill							C	
Landfill Collection Site							C	
Landscape Service Facility				P		P	C	
Laundromat			C	P	P	P		
Laundry				P	P	P	C	
Library			P	C	P	C		
Liquid Waste Facility							C	

USE (C- Conditional Use; P- Permitted Use)	R-10	PR	CBD	COM	DMU	I-C	I	CONS
Machine Shop					P	C	P	
Mail Service Facility			C	P	C	P	P	
Manufacturing, Heavy							C	
Manufacturing, Light					C	P	P	
Marina				C	C	C		
Massage Therapy Facility			C	P	P	P		
Medical Lab					C	C	C	
Mini-Warehouse/Self Storage				P		P	C	
Mobile Home Park		C						
Motorcycle, Sales/Service Shop				P	P	P		
Museum, General			C		C	C		
Museum, Industrial and Labor			C		C	C	C	
Office, General			P	P	P	P		
Office, Medical/Dental/Optical			P	P	P	P		
Office, Realty/Law/Financial			P	P	P	P		
Park, Private	C	C	C	C	C	C		C
Park, Public	C	C	C	C	C	C		P
Parking Area	C	C	C	P	P	P	P	C
Parking Garage, Other				C	P	P	P	
Parking Garage, Private		C	C	P	P	P	C	
Parking Garage, Public			C	P	C	P	C	
Parking Lot, Private		C	C	P	P	P	C	C
Parking Lot, Public			C	P	C	P	C	C
Path, Bridle	C	C		C	C	C	C	P
Path, Recreation	C	C	C	C	C	C	C	P
Personal Service, General			P	P	P	P		
Personal Service, Health			P	P	P	P		
Pet Store			C	P	P	P		
Photo Processing Facility				P	P	P	P	
Photo Processing, Medical			C	P	P	P	P	
Photo Studio			P	P	P	P		
Planned Residential Development		C						C
Postal Office			P	P	P	P	C	
Postal Processing Facility			C	P	P	P	P	
Printing, Printing Factory				C	C	P	P	
Printing, Quick Print Facility			P	P	P	P		
Public Assembly Use			C	C	C	C		
Public Safety Facility		C	P	P	P	P	P	
Railroad Storage/Service/Repair				C		C	C	
Recreational Pier			C	C	C	C		
Recycling Center, 2,000 sq. ft. max.				P		P	P	
Recycling Center, over 2,000 sq. ft.				C		C	P	
Repair Shop				P	P	P	P	
Research Lab, Type 1				C	C	P	P	
Research Lab, Type 2							P	
Restaurant			P	P	P	P		
Retail Establishment			P	P	P	P		
Sales, Outdoors			C	P	C	P		
School Administrative/Faculty Office			C	P	P	P		
School, Dining Facility			C	C	C	C		
School, Dormitory			C	C	C	C		
School, Sorority/Fraternity				C	C	C		
School/College/Educational Institution			C	C	C	C		
Shopping Center			C	C	C	C		

<b>USE (C- Conditional Use; P- Permitted Use)</b>	<b>R-10</b>	<b>PR</b>	<b>CBD</b>	<b>COM</b>	<b>DMU</b>	<b>I-C</b>	<b>I</b>	<b>CONS</b>
Shopping Mall			C	C	C	C		
Solid Waste Incinerator							C	
Solid Waste Transfer Facility							C	
Tailor/Shoe Repair Shop			P	P	P	P		
Tanning Salon			P	P	P	P		
Terminal, Taxi/Bus/Passenger			C	C	C	C		
Theater			P	P	P	P		
Transitional Housing				C	C	C		
Truck Storage						C	C	
Truck Terminal						C	C	
Vehicle Maintenance Facility					C	P	P	
Vehicle Repair Facility				P	C	P	P	
Vehicle Sales			C	P	C	P		
Vehicle Sales/Service			C	P	C	P		
Warehouse, Storage, Including Food					C	P	P	
Warehouse, Storage, Nonfood					C	P	P	
Yard Sale, Long-term				C	C	C		

# ARTICLE 7. DIMENSIONAL REQUIREMENTS

[Amended 7/18/06 by Ord. No. 2006-2]

	Minimum Lot Size (sq. ft.) <sup>1</sup>	Front Setback <sup>2</sup>	Rear Setback <sup>2</sup>	Side Setback <sup>2</sup>	Maximum Lot Coverage	Maximum Building Height
Residential-R-10 <sup>3</sup> Single-Family Nonresidential Accessory Structures	10,000 2 acres	20' 30' 20'	20' 20' 20'	8' 20' 8'	25%	35' 35' 35'
Planned Residential - PR <sup>3</sup> Single-family Two -family Multi-family Nonresidential Accessory Structures	5,000 5,000 2,000/unit 2 acres	20' 20' 20' 40' 20'	20' 20' 20' 40' 20'	8' 8' 8' 30' 8'	40%	35' 35' 35' 35' 35'
Commercial-C All Buildings and Structures	-	10'	9' <sup>4</sup>	8' <sup>4</sup>	100%	40'
Central Business-CBD <sup>5</sup> All Buildings and Structures	-	5'	0'	0'	100%	72'
Downtown Mixed Use	-	5'	0'	0'	100%	72'
Industrial-I Principal Buildings Accessory Structures	15,000	10' 10'	0' <sup>4</sup>	0' <sup>4</sup>	100%	40' 60'
Industrial/Commercial-I/C Principal Buildings Accessory Structures	15,000	10'	9' <sup>4</sup>	9' <sup>4</sup>	100%	40' 60'
Conservation Area-CA All Buildings and Structures	5 acres	0'	0'	0'	100%	None

<sup>1</sup> Existing small lots undeveloped in any district need be only 5,445 square feet to allow for development of any uses permitted in that district.

<sup>2</sup> A two-foot overhang on the principal building is permitted for roof eaves into all yard areas. Please also refer to Articles 4 and 5 regarding special setback provisions for certain special uses and non-complying structure alterations.

<sup>3</sup> In the R-10 and PR districts the following exceptions to the yard requirements apply:

- When a principal structure has a noncomplying side yard setback, the side yard line shall follow the leading edge of the building with a minimum of at least a four foot setback.
- Porches and decks attached to the principal structure and not enclosed by walls or windows are permitted at a setback of 16 feet in the front and rear.
- Covered, unenclosed steps are permitted at a setback of 16 feet in the front and rear and four feet on the sides.
- Handicapped ramps are exempt from all setback requirements.
- When there are no other existing non-complying accessory structures on a property, one accessory structure up to 480 square feet and not greater than 24 feet long on any side and not greater than 12 feet in height is permitted at a setback of four feet on the side and rear.

<sup>4</sup> When abutting a residential district, a minimum 25' setback is required.

<sup>5</sup> No drive-thru shall be located within 50' of North Main Street, Washington Street, or Church Street within the Barre Downtown Historic District and extending to the southerly side of Seminary Street.



## **ARTICLE 8. PARKING/LOADING SPACE REGULATIONS**

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### **8.1 APPROVAL PROCESS**

- 8.1.01 A parking plan shall be a plan drawn to scale and dimensioned with size of parking stalls, aisle widths and loading facilities.
- 8.1.02 A parking plan shall be required in any of the following circumstances:
1. When there is a change in the current configuration of an existing parking lot.
  2. When a new parking area is being created.
  3. When a change in property use or change in building size would require a greater number of off-street parking spaces.
  4. When a plan does not require DRB approval, the plan shall be approved by the Administrative Officer and require a Zoning Permit. The Administrative Officer has the right to approve adjustments and changes in parking and loading facilities for site plans approved by the DRB when in compliance with the regulations below and when the adjustments or changes do not conflict with any conditions of approval required by the DRB.

### **8.2 REQUIRED PARKING SPACES**

- 8.2.01 Off-street parking spaces shall be provided at least as set forth in this section. Parking spaces shall be provided as follows:
1. For single-family dwelling, two-family dwelling and a mobile home: Two parking spaces for every dwelling unit;
  2. For multiple-family dwelling: one and one-half spaces per dwelling unit;
  3. For boarding house, historic inn, bed and breakfast accommodations, motel and hotel accommodations: One and one-half parking spaces for every guestroom;
  4. For public assembly use: One parking space for every three seats in the place; where there are no seats, one parking space shall be provided for every 300 square feet of floor area in the building used for public assembly;
  5. For business and professional offices: One parking space for every 300 square feet of office space;
  6. Restaurant bars, and taverns: One space per three seats;
  7. Retail establishment (if not listed elsewhere): One space for every 250 square feet of area open to the public;
  8. All other uses: For all uses not listed above, the applicant shall submit a proposal stating the amount of parking needed based upon similar uses. The Zoning Administrator or DRB, whichever has approval for the proposed development, may accept, modify, or disapprove said parking proposal.
- 8.2.02 Upon approval of the DRB, the provisions of this section pertaining to parking space requirements may be reduced to the extent that the applicant can demonstrate:

1. Unique use times;
2. Overlap coverage with adjoining property;
3. The regulation is unnecessarily stringent; or
4. The interest of public safety.

8.2.03 No parking spaces are required in the Central Business District, other provisions of this ordinance notwithstanding. No off-street parking spaces shall be located within 50 feet of North Main Street, Washington Street, or Church Street within the Barre Downtown Historic District and extending to the northerly side of Granite Street.

8.2.04 Parking spaces for any number of separate uses may be outlined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except with the approval of the DRB.

**8.3 DESIGN AND MAINTENANCE**

(Amended 3/21/06 by Ord. 2006-1)

8.3.01 Sizes: All newly constructed off-street parking spaces shall be designed in accordance with the following minimum standards except for lots with less than 10 parking spaces and serving residential uses only:

Parking Angle (Degrees)	Aisle Width	Space Size (feet)
45	13	9 x 19
60	18	9 x 19
90	24	9 x 19

Parking lots with less than 10 parking spaces and serving residential uses only are required to have 9 x 19 foot parking spaces, but are only required to have aisle widths of at least 12 feet.

8.3.02 Calculations: When determining the number of required parking spaces results in a fractional space, the fractional space shall be interpreted as one required parking space.

8.3.03 Access: Parking facilities except for lots with less than 10 parking spaces and serving residential uses only shall be designed to the following requirements for vehicular access to a street or alley unless otherwise regulated by another governmental agency:

Dimension	Requirements (feet)
Minimum (two-way)	24
Minimum (one-way)	12
Maximum	35 (except when it can be demonstrated that additional width is required for truck access)

Parking lots with less than 10 parking spaces and serving residential uses only are required to have 9 x 19 foot parking spaces, but are only required to have aisle widths of at least 12 feet.

- 8.3.04 In addition, access shall be designed acceptable to the City Engineer so that it:
4. Does not interfere with the operations of a signalized intersection;
  5. Has adequate site distance for entering and exiting the site;
  6. Has an adequate radius for the proposed vehicular access;
- 8.3.05 Striping: Paved parking lots with over 20 parking stalls shall be striped. Stripes shall extend the length of the parking space.
- 8.3.06 Stormwater: Adequate stormwater drainage facilities shall be installed in order to ensure stormwater does not flow onto abutting properties. In addition, adequate stormwater facilities shall be installed in order to ensure that stormwater does not flow onto abutting walkways or streets in such a way or amount that affects the use of the sidewalks or streets, including causing icing of the sidewalk or street.
- 8.3.07 Residential Buffer: Where any nonresidential district or use abuts a residential district, the parking or loading space shall be no closer than 15 feet of the property line abutting the residential district, and the 15 foot strip shall be suitably screened and landscaped in a reasonable manner.
- 8.3.08 Snow Removal: All parking plans must either provide adequate space for storage of cleared snow or else must include a provision that cleared snow will be removed from the site.
- 8.3.09 No parking for residential uses shall be within 15 feet of any public right-of-way.

#### **8.4 LOADING AND UNLOADING REQUIREMENTS**

- 8.4.01 Loading and unloading requirements do not apply in the Central Business District.
- 8.4.02 Size: For every building hereafter erected, extended or changed in use for the purpose of business, trade or industry, there shall be provided adequate off-street space for loading and unloading of vehicles. A loading space shall be of adequate size to suit the specific use and shall provide space for all truck loading to occur within the property boundaries. No loading or unloading space shall require the use of the public right-of-way.
- 8.4.03 No loading and unloading area that is located within 100 feet of an occupied property zoned residential may be used for loading or unloading between the hours of 8 pm and 7 am unless permission is granted otherwise by the property owners within 100 feet.

#### **8.5 PARKING/LOADING SPACE WAIVERS**

- 8.5.01 The Development Review Board can grant a waiver from the parking and loading requirements when an applicant can demonstrate that the parking lot design provides for safe and adequate circulation. All such waivers shall require that the City Engineer review and provide a recommendation whether such a waiver should be granted. Parking and loading requirement waivers do not need to meet the criteria for a variance in the Act.

**ARTICLE 9.**

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Reserved for Future Use

## **ARTICLE 10. DESIGN REVIEW OVERLAY DISTRICTS**

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### **10.1 HISTORIC CENTRAL BUSINESS DESIGN REVIEW DISTRICT #1**

10.1.01 In this article, the word “district” means the Historic Central Business Design Review District and the Central Business Design Review District created in Article 3 this ordinance, and the word “lot” shall mean a lot in the district.

#### **PURPOSE**

10.1.02 The purpose of the Historic Central Business Design Review District (#1) is to protect and ensure the historic, architectural and economic resources of downtown Barre City, and to encourage new construction that will support the existing character and historic qualities of this area. Much of the area is located in the Barre Downtown Historic District that is listed in the National Register of Historic Places.

#### **LOCATION**

10.1.03 This District is identified on the Zoning map. This District is an overlay of the underlying zoning districts, which include parts of the Central Business District, and the Flood Hazard Zone, a portion of the Commercial District on South Main Street. The District begins at the intersection of Seminary Street and North Main, proceeds west to the Railroad Tracks, west along the tracks to the south boundary line of the Barre City Post Office property, east along the south side of Church Street, one lot deep, including the Barre City Fire Station, to the west side of Spaulding Street, east to the Spaulding Street/Washington Street intersection, crossing Washington Street to the south side of Academy Street, one lot deep, turning north along the west side of Washington Street and continuing on the east side of Main Street to the north side of Seminary Street, one lot deep, and to include City-owned parking lots between West Street and Seminary.

#### **REVIEW AUTHORITY**

10.1.04 The Development Review Board shall carry out the review for this District. Within the Design Review District, no structure including signs shall be erected, reconstructed, substantially altered, restored, moved or demolished without review of the design plans and proposal by the Development Review Board. Applications that are not within this District shall be reviewed by requirements listed in the underlying Zoned District. When deemed beneficial, the Development Review Board may seek advice and comments in reviewing design plans for this District. Maintenance-related items are exempt from review.

#### **APPLICATION PROCESS**

10.1.05 Applications shall be submitted to the administrative officer who will review the application and determine if it is complete. Once the application is deemed complete it will be warned for a public hearing in front of the Development Review Board.

#### **REQUIRED APPLICATION MATERIAL**

10.1.06 A Zoning Permit application shall include the following items unless waived by the approving body upon determination that certain items are not applicable [Amended 3/21/06 by Ord. 2006-1]:

1. Complete signed application forms and fees. A completed application shall include a plan, drawn to scale, with the dimension and location of the property, existing and proposed structures, driveways, pedestrian ways, and access points to public streets and parking spaces if proposed. The Planning & Zoning Office shall provide the forms.

2. Applications for the construction, reconstruction or alteration of any structure in the Design Review District shall include the following:
  - a. Architectural elevations (all sides of the building), drawn to scale, of existing structures, any new structures or changes to existing structures. Building elevations shall show door and window types, shutters, and other exterior details.
  - b. A site plan for the development shall be required if the project involves changes to the site as well as the building. The site plan shall show proposed landscaping, including the planting, list of the type and size of material to be installed, sheet flow drainage, and right-of-ways. It shall include a description of materials and colors to be used on the exterior of the structure (all sides).
  - c. When deemed beneficial to the review, the authority may request photographs of the site and the surrounding affected structures.
  - d. A narrative describing the proposed project.
  - e. Where deemed necessary, the application will address the concerns of the Flood Hazard Zone as a part of the application.

10.1.07 Note: When the review authority has deemed it beneficial, it may require the applicant to submit additional information to provide a clear understanding of the proposal. This additional information may include models or other three-dimensional materials showing the area surrounding the proposed project site.

#### **DEMOLITION OF STRUCTURES**

- 10.1.08 Within the Design Review District, review and approval by the Development Review Board shall be required prior to the demolition of a building or a structure. Because a portion of the District includes the Barre Downtown Historic District which is listed in the National Register of Historic Places, the Development Review Board may approve the demolition if it finds:
1. The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the municipality; or
  2. The retention of the structure would cause undue financial hardship to the owner. The burden of proving this hardship is on the owners.

#### **REVIEW CRITERIA**

- 10.1.09 Prior to the granting of approval, approval of a demolition, or approval of a site design within the Design Review District, the Development Review Board shall give consideration to the following design review criteria:
1. Applications shall be compatible with the streetscape (front yard setback) and character of the area in proposing consideration of exterior design, arrangement, orientation, texture and materials, so that they relate to the surrounding buildings and structures in that area.
  2. Scale and general size of proposed buildings or structures shall address the existing surroundings, including such factors as the building's overall height, width, street frontage, number of stories, roof type, and architectural details. New buildings shall be at least two stories with the incorporation of brick, granite, wood, cast-iron, historic used

materials and other materials that maintain the character of the surrounding area along the street frontage and alleyways.

3. When a proposed project is to be located next to a recognized historic structure, the historic and architectural value of that structure shall not be diminished. When developing the application, the applicant shall consider this relationship by incorporating exterior architectural features, so that the proposal conforms to its surrounding area.
4. If natural features and existing landscaping are to be removed, there shall be plans to replace such features and landscaping. The restoration or reestablishment of landscaping shall consider such features from the surrounding properties (e.g., plant types).
5. Open space shall add to the visual amenities of the vicinity and surrounding properties. If open space is intended for active use, it shall be so designed as to maximize its accessibility for all, encouraging social interaction.
6. Applications shall address pedestrian and vehicular circulation. Special attention shall be given to pedestrian movements in locating the number of curb cuts to public streets and to proposed sidewalk widths, to the separation of vehicles and pedestrians, to the arrangement of parking areas, and to service and loading areas. Applications shall incorporate accessible routes and ramps for individuals with a disability.
7. Screening shall be required for refuse and utilities to block them from public view. Screening material shall consist of plantings that will provide screening during all seasons; structures made of wood, brick or granite in keeping with the general design of the structure and the criteria listed in #3 & #4. Whenever possible, utility components (HVAC units) shall be housed within or on the top of the proposed building. When not possible, the applicant must provide evidence as to why, and offer proper screening. In reviewing proposed screening, the Development Review Board shall look at criteria #3 & #4 to ensure the proposed screening is appropriate.
8. Satellite dishes may be permitted on the roof in an area within a 10-foot radius of the center of the building. Any other proposed location should be considered a conditional use. The criteria for conditional use review shall include that the satellite dish not be located on the front façade. The City of Barre's Development Review Board shall consider that satellite dishes not be seen from street level along North Main Street.
9. Applicants shall be required to develop within their proposal how they will deal with rain, snow, and ice that may affect neighboring properties or public improvements. This plan will have a provision for how they propose to address snow and ice within circulation areas.
10. Any application which proposes new structures, additional lot coverage, or installation of machinery or equipment which emits heat, vapor, fumes, or noise shall attempt to minimize, insofar as practical, any adverse impact on light, air, and water or on noise levels of the immediate surroundings
11. Utility lines that are to service the proposed project shall be buried.
12. Internally-illuminated and pole-mounted signs are prohibited from the exteriors of buildings within this District. Signage that is to be separate from building (free-standing) shall be developed as in criteria #3.

13. Applicants shall be encouraged to use attractive exterior lighting fixtures that minimize light pollution. They should use criteria #3 & #4 in developing their proposal.

## **10.2 CENTRAL BUSINESS DESIGN REVIEW DISTRICT. #2**

### **PURPOSE**

10.2.01 The purpose of the Central Business Design Review District is to protect and ensure the historic, architectural and economic resources of downtown Barre City, and to encourage new construction that will support the existing character and historic qualities of this area.

### **LOCATION**

10.2.02 This District is identified on the Zoning map. This District is an overlay of the underlying zoning districts, which include parts of Central Business District, Commercial District, Industrial/Commercial District, Industrial District and the Flood Hazard Zone. Beginning at the intersection of Maple Avenue/North Main/Route #62, west to the east side of Route #62, to the east side of the Stevens Branch of the Winooski River, south to the north side of Prospect Street, east to Main Street, crossing Main Street to the south side of Elm Street one lot deep and including the former Matheson School to the intersection of Elm Street and Summer Street, turning north on the east side of Summer Street to the south side of Maple Avenue, one lot deep, turning west to the Maple Avenue/North Main Street intersection one deep, also to include three lots on the northwest side of North Main Street.

### **REVIEW AUTHORITY**

10.2.03 The Development Review Board shall carry out the review for this District. Within the Design Review District, no structure including signs shall be erected, reconstructed, substantially altered, restored, moved or demolished without review of the design plans and proposal by the Development Review Board. Applications that are not within this District shall be reviewed by requirements listed in the underlying Zoned District. When deemed beneficial, the Development Review Board may seek advice and comments in reviewing design plans for this District. Maintenance-related items are exempt from review.

### **APPLICATION PROCESS**

10.2.04 Applications shall be submitted to the administrative officer who will review the application and determine if it is complete. Once the application is deemed complete, it will be warned for a public hearing in front of the Development Review Board.

### **REQUIRED APPLICATION MATERIAL**

10.2.05 A Zoning Permit application shall include the following items unless waived by the approving body upon determination that certain items are not applicable [Amended 3/21/06 by Ord. No. 2006-1]:

1. Complete signed application forms and fees. A completed application shall include a plan, drawn to scale, with the dimension and location of the property, existing and proposed structures, driveways, pedestrian ways, and access points to public streets and parking spaces if proposed. The Planning & Zoning Office shall provide the forms.
2. Applications for the construction, reconstruction, or alteration of any structure in the Design Review District shall include the following:
  - a. Architectural elevations (all sides of the building), drawn to scale, of existing structures, any new structures or changes to existing structures. Building elevations shall show door and window types, shutters, and other exterior details.



- b. A site plan for the development if the project involves changes to the site as well as the building. The site plan shall show proposed landscaping, including the planting, list of the type and size of material to be installed, sheet flow drainage, and rights-of-ways.
- c. A description of materials and colors to be used on the exterior of the structure (all sides).
- d. When deemed beneficial to the review, the authority may request photographs of the site and the surrounding affected structures.
- e. A narrative describing the proposed project.
- f. Where deemed necessary, the application will address the concerns of the Flood Hazard Zone as a part of the application.

10.2.06 Note: When the review authority has deemed it beneficial it may require the applicant to submit additional information to provide clear understanding of the proposal. This additional information may include models or other three-dimensional materials showing the area surrounding the proposed project site.

**DEMOLITION OF STRUCTURES**

10.2.07 Within the Design Review District, review and approval by the Development Review Board shall be required prior to the demolition of a building or a structure. The Development Review Board may approve the demolition if it finds:

- 1. The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the municipality; or
- 2. The retention of the structure would cause undue financial hardship to the owner. The Burden of proving this hardship is on the owners.

**REVIEW CRITERIA**

10.2.08 Prior to the granting of approval, approval of a demolition, or approval of a site design within the Design Review District, the Development Review Board shall give consideration to the following design review criteria:

- 1. Applications shall be compatible with the streetscape (front yard setback) and character of the area in proposing consideration of exterior design, arrangement, orientation, texture and materials, so that they relate to the surrounding buildings and structures in that area.
- 2. Scale and general size of proposed buildings or structures shall address the existing surroundings, including such factors as the building’s overall height, width, street frontage, number of stories, roof type and architectural details. New buildings will be encouraged to be at least two stories with the incorporation of brick, granite, and/or wood along the streetscape and alleyways.
- 3. When a proposed project is to be located next to a recognized historic structure, the historic and architectural value of that structure shall not be diminished. When developing the application, the applicant shall consider this relationship by incorporating exterior architectural features, so that the proposal conforms to its surrounding area.
- 4. If natural features and existing landscaping are to be removed, there shall be plans to replace such features and landscaping. The restoration or reestablishment of landscaping shall be encouraged.

5. Open space shall add to the visual amenities of the vicinity and surrounding properties.
6. Applications shall address pedestrian and vehicular circulation. Special attention shall be given to pedestrian movements in locating the number of curb cuts to public streets and to proposed sidewalk widths, to the separation of vehicles and pedestrians, to the arrangement of parking area, and to service and loading areas. Applications shall incorporate accessible routes and ramps for individuals with a disability.
7. Refuse and utility screening shall be required to be blocked from public view during all seasons. Structures shall be in keeping with the general design of the structure and criteria #3 & #4. Whenever possible, utility components (HVAC units) shall be housed within or on the top of the proposed building. When not possible, the applicant must provide evidence as to why, and offer proper screening. In reviewing proposed screening, the Development Review Board shall refer to criteria #3 & #4 to ensure the proposed screening is appropriate.
8. Satellite dishes, signal towers and antennas shall conform to review criteria #7.
9. Applicants shall be required to develop within their proposal how they will deal with rain, snow, and ice that may affect neighboring properties or public improvements. This plan will have a provision for how they propose to address snow and ice within circulation areas.
10. Any application which proposes new structures, additional lot coverage, or installation of machinery or equipment which emits heat, vapor, fumes or noise shall attempt to minimize, insofar as practical, any adverse impact on light, air, and water or on noise levels of the immediate surroundings levels of the immediate surroundings .
11. Internally-illuminated and pole-mounted signs are prohibited within this District.
12. Applicants shall be encouraged to use attractive exterior lighting fixtures that minimize light pollution.

## **INDUSTRIAL AND INDUSTRIAL/COMMERCIAL DISTRICTS**

- 10.2.09 The review criteria listed below only apply to the properties located within the Industrial/Commercial District and the Industrial District.
1. Applications shall be compatible with the streetscape (front yard setback) and character of the area in proposing consideration of exterior design, arrangement and orientation.
  2. Scale and general size of proposed buildings or structures shall address the existing surroundings, including such factors as the building's overall height, width and street frontage.
  3. When a proposed project is to be located next to a recognized historic structure, the historic and architectural value of that structure shall not be diminished.
  4. If natural features and existing landscaping are to be removed, there shall be plans to replace such features and landscaping. The restoration or reestablishment of landscaping shall be encouraged.
  5. Applications shall address pedestrian and vehicular circulation. Special attention shall be given to pedestrian movements in locating the number of curb cuts to public streets and

to proposed sidewalk widths, to the separation of vehicles and pedestrians, to the arrangement of parking areas and to service and loading areas

6. Refuse and utility screening shall be required to be blocked from public view during all seasons. Structures shall be in keeping with the general design of the structure and criteria #3 & #4. Whenever possible, utility components (HVAC units) shall be housed within or on top of the proposed building. When not possible, the applicant must provide evidence as to why, and offer proper screening. In reviewing proposed screening, the Development Review Board shall refer to criteria #3 & #4 to ensure the proposed screening is appropriate.
7. Satellite dishes, signal towers and antennas shall conform to review criteria #6.
8. Applicants shall be required to develop within their proposal how they will deal with rain, snow, and ice that may affect neighboring properties or public improvements. This plan will have a provision for how they propose to address snow and ice within circulation areas.
9. Any application which proposes new structures, additional lot coverage, or installation of machinery or equipment which emits heat, vapor, fumes or noise shall attempt to minimize, insofar as practical, any adverse impact on light, air and water or noise levels of the immediate surroundings.
10. Internally-illuminated signs are prohibited within these Districts.
11. Applications shall be encouraged to use attractive lighting fixtures that minimize light pollution.

## **ARTICLE 11. PLANNED UNIT DEVELOPMENT**

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### **11.1 AUTHORIZATION**

11.1.01 In accordance with, the Act and within specified districts, these zoning regulations may be modified by the Development Review Board to allow planned unit developments, subject to the following standards and procedures.

### **11.2 PURPOSE**

11.2.01 Planned unit developments are encouraged to permit flexibility in the application of land development regulations for the purposes of Act and to be in conformance with the municipal plan. The following are purposes for planned unit development:

1. To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
2. To implement the policies of the municipal plan, including provision of affordable housing.
3. To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
4. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
5. To provide for efficient use of public facilities and infrastructure.
6. To encourage and preserve opportunities for energy-efficient development and redevelopment.

### **11.3 REQUIREMENT FOR USE OF PUD AND PUD PERMITTED USES**

11.3.01 All multi-family residential developments proposing more than eight additional units or any development constructing, altering or disturbing 20,000 square foot of building except single-family developments and those developments in the Industrial District shall be submitted and reviewed as a PUD. For the purpose of this section, any development of parcels within 500 feet of each other within a five year period is considered when determining whether a PUD is required if said development is under the same ownership control or the development is an extension of an overall development of a related tract of land. Any other development meeting the minimum PUD size requirement may also be submitted as a PUD at the discretion of the applicant.

11.3.02 A PUD may include within its area any use permitted in the district in which it is located, subject to the standards and criteria for a PUD.

11.3.03 A PUD in an R-10 district may, with the approval of the DRB, also include two-family and multiple-family dwellings when the total project size exceeds 7.5 acres.

## 11.4 STANDARDS AND CRITERIA

- 11.4.01 All required DRB approvals shall occur simultaneously with the procedures and approval of a proposed PUD. All PUD applications shall include the same items required for a site plan review.
- 11.4.02 All PUD developments shall meet the requirements set forth for the district where they are located unless they conflict specifically with these PUD requirements
- 11.4.03 For developments in the PR and R-10 Districts, the following standards shall apply:
1. Residential density is established by reducing the total acreage by the amount of land for streets and easements, and determining the number of dwelling units that would be built under the zoning district regulations.
  2. Not less than 20% percent of the property shall be open space devoted to planting, walkways and recreational areas which are accessible and available for the collective use and benefit of the occupants of the development.
  3. In calculating usable open space, the DRB may determine that all or part of stream areas, bodies of water, drainage easements and slopes in excess of 30 percent grade may be excluded by considering:
    - a. The extent of these areas in relation to the area of the planned residential development; and
    - b. The degree to which these areas contribute to the quality, livability and amenity of the planned residential development.
- 11.4.04 For PUD developments in any district, the following standards shall apply:
1. All common open space development rights in a PUD must be conveyed to the municipality, a funded trust, homeowner's association or other entity approved by DRB. The terms of the conveyance must include provisions for guaranteeing:
    - a. The continued use of the land for the intended purposes;
    - b. Continuance of proper maintenance of the open space; and
    - c. The availability of funds for proper open space maintenance.
  2. Zoning district lot size, yard, setback, frontage requirements may be waived for the PUD notwithstanding any other general standards for PUD's when it is found that such waivers are in conformance with the purposes of PUD's and in conformance with the municipal plan.
  3. Parking requirements for PUD's shall be determined by a parking needs analysis prepared by the applicant and approved by the DRB. The need for parking shall be determined by the proposed uses and can take into consideration potential shared parking based upon time usage.
  4. For residential developments, an adequate recreation area with playgrounds facilities, sitting areas, or other similar amenities shall be provided. Determination of an adequate recreation area shall be proposed by the applicant and approved by the DRB based upon the type and number of residents. In lieu of on-site recreation improvements, a developer

- may proposed off-site recreation improvements to public spaces when it can be demonstrated that such public spaces will serve the recreation needs of the PUD residents.
5. Perimeter requirements. Structures located on the perimeter of the development must be set back at least thirty feet from any abutting property line and be screened in a manner approved by DRB. The required perimeter setbacks may be waived by the DRB where buildings already existed for at least ten years that do not meet these setback requirements and in commercial zoning districts that have setbacks less than thirty feet.
  6. The DRB may require public improvements be made, either on-site or off-site, where existing public improvements or facilities are of inadequate capacity to serve the proposed development. Said public improvements could include, but are not limited to, improvements to public utilities, emergency service delivery, road improvements, school impact, and traffic circulation improvements. Public improvements shall be determined by a public improvements impact analysis. The applicant shall provide the community with funding necessary to complete the analysis.
  7. All buildings and uses shall be of a size and scale compatible to the area they are located. This shall include, but is not limited to, size of similar uses in the area, overall traffic generation, net gain or loss of jobs in the City, impact on the demand for public services, tax revenue gains and losses for the City, and estimates of how much of the project's revenue will be retained and redirected into the local economy. Overall compatibility shall be determined by a community impact analysis. The applicant shall provide the community with funding necessary to complete the analysis.
  8. PUD projects involving multiple owners or adjoining parcels may be considered given that there are provisions in place that guarantees the continual use as one development.
  9. The DRB shall consider and may impose appropriate conditions, modifications and safeguards as specified in 4.4 Site Plan Review.
  10. Applicants may propose phasing for projects that are in accordance with the municipal plan and available city resources. Phasing approved by the DRB shall specify time frames required for obtaining any additional approvals. Any approved phasing shall take precedent over any other time frames required for obtaining zoning permits in this ordinance. The DRB may approve a PUD with some flexibility in design where certain elements can be approved at a later time by either the DRB or the zoning administrator.

**ARTICLE 12.**

Reserved for Future Use

## **ARTICLE 13. ADMINISTRATOR AND DEVELOPMENT REVIEW BOARD**

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### **13.1 ADMINISTRATIVE OFFICER**

- 13.1.01 There shall be an Administrative Officer, who shall be appointed for a term of office specified in the Act by the Commission with the approval of the City Council. The Commission with the approval of the City Council shall have the power to appoint an acting Administrative Officer as provided in Section 4442 of the Act. These officers may be removed at any time by the Commission, for cause.
- 13.1.02 The compensation of the Administrative Officer and acting Administrative Officer shall be fixed by the Council.
- 13.1.03 The Administrative Officer shall administer this ordinance literally, and shall not have the power to permit any land development in the City of Barre, which is not in conformance with this ordinance or pertinent provisions of the Act.
- 13.1.04 The Administrative Officer shall have the right to administratively approve the following uses unless listed as a conditional use in Article 6 or unless the use is a land development in the Design Overlay District requiring DRB approval. All other approvals must be obtained through the Development Review Board:
1. Single family dwellings including accessory uses;
  2. Multi-family dwellings with up to four units including accessory uses;
  3. Permanent signs, including in the Design Overlay Districts;
  4. Sandwich signs and temporary signs;
  5. Changes in use which are permitted;
  6. Accessory structures and accessory buildings with a total floor area of less than 3,000 square feet;
  7. Additions with a total floor area of less than 3,000 square feet;
  8. Minor home occupations
  9. Parking lots when a DRB approval is not required for related development.

### **13.2 DEVELOPMENT REVIEW BOARD**

- 13.2.01 A Development Review Board is hereby created, which shall have all the powers and duties set forth in the Vermont Statutes Annotated-Title 24, Chapter 117 for the DRB and the charter and ordinances of the City of Barre, Vermont. The adoption of this ordinance hereby repeals all prior references in all city ordinances or city resolutions pertaining to the Planning Commission and/or DRB.
- 13.2.02 The members of the Development Review Board shall be made up of two City residents from each ward, with three City residents appointed at large, with a total membership of nine members. No more than one member from each ward shall be appointed in a given year, except to fill vacancies. The term of office shall be for four years and not more than



three members shall be appointed in any one given year, except to fill vacancies. These appointments shall be made by the City Council.

## **ARTICLE 14. ADMINISTRATION AND ENFORCEMENT**

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### **14.1 ZONING PERMITS**

- 14.1.01 No land development may be commenced within the City of Barre except as noted below without a Zoning Permit issued by the Administrative Officer. No Zoning Permit may be issued except in conformance with the provisions of these regulations.
- 14.1.02 The Zoning Officer has the right to require a site plan with any items required for a Development Review Board site plan if reasonably needed in order to determine conformance with the zoning or other applicable land use ordinances. Grounds for “reasonably needed” include any or all of the following conditions:
1. The Administrative Officer has reasonable grounds to question whether plans submitted by an applicant are accurate based upon other available mapping or orthophotography.
  2. The applicant is proposing setbacks that are within three feet of the required setbacks and no reliable field verification or mapping regarding property lines is available.
  3. Proposed development is within three feet of existing rights-of-way or easements.
  4. Proposed development will cause additional storm water drainage onto a road or into the storm water system.
  5. The applicant proposes changing existing grades more than two feet in elevation.
- 14.1.03 The Administrative Officer shall not issue a Zoning Permit unless an application fee, plot plan and any other approvals required in this ordinance have been submitted or paid, as the case may be.
- 14.1.04 All applications for land developments require the signature of the person owning title to the property or their duly authorized agent.
- 14.1.05 The following procedures shall be followed for development approval:
1. The applicant completes a development application and submits it with the required site plan and appropriate fees to the Zoning Administrator.
  2. Once determined the application is complete, the Zoning Administrator will either approve, deny, or refer the application to the Development Review Board within 30 days, or else the application shall be "deemed approved". All permits issued require the applicant to post a notice provided by the City within view from the public-right-of-way most nearly adjacent to the applicant's property until the time for appeal has expired. Failure to post a property shall make the permit null and void. The Zoning Administrator must also post the permit at one location and provide a copy to the lister as prescribed in the Act.
  3. Notices and posting will be in accordance with the Act if the development requires Development Review Board review.
  4. If Development Review Board approval is required and obtained, the applicant must pay any additional required zoning fees. The Zoning Administrator will then review the plans to ensure that they are in compliance with the Development Review Board decision and issue a Zoning Permit as outlined above.

5. No Certificates of Occupancy as defined in the Act are required.

14.1.06 An applicant shall be notified of the action of the DRB by certified mail, sent to the address given by the applicant in his or her application, within the time limit in this ordinance or the Act.

14.1.07 The City Council shall set annual fees to be paid by an applicant for administration and approvals relating to this ordinance.

## **14.2 PERMIT AND APPROVAL EXPIRATION**

14.2.01 Development pursuant to any action by the DRB which is granted approval shall secure the necessary Zoning Permits within 12 months of the date of the signed decision.

14.2.02 Development associated with a Zoning Permit shall commence construction within a 36-month period.

14.2.03 All development associated with a Zoning Permit shall have all exterior work, including, but not limited to, siding and roofing, completed within five years from the date the Zoning Permit becomes effective.

14.2.01 In the event that any of the time limits listed above are not met, then the Zoning Permit is null and void.

14.2.05 Permits and DRB approvals outstanding as of June 12, 1998 shall be exercised by January 1, 2007. If an outstanding approval secures the Zoning Permit, that permit shall be exercised "as if" just issued as mentioned above. Outstanding approvals which are not secured by January 1, 2007 shall be deemed null and void as of January 2, 2007.

## **14.3 PENALTIES AND VIOLATIONS**

14.3.01 Scope of Provisions

1. The commencement or continuation of any land development which is not in conformance with the provisions of these bylaws shall constitute a violation. Violations of these bylaws shall be prosecuted in accordance with the Act [ §§4451, 4452].

14.3.02 Identification and Investigation of Violations

1. The Administrative Officer is required, by law, to enforce all violations of these bylaws [§4448(a)]. Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Administrative Officer.
  - a. Any person may file a written complaint with the Administrative Officer if it is believed that a violation of these bylaws has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Administrative Officer shall properly record such complaint, investigate within a reasonable time, and take action as appropriate in accordance with these bylaws.
  - b. The Administrative Officer may not enter upon any private property, for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court [13 V.S.A. §4701].

14.3.03 Formal Notice of Violation

1. No action may be brought under this section unless the alleged offender has had at least seven (7) working days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].
2. The warning notice shall state:
  - a. That a violation exists;
  - b. That the alleged offender has an opportunity to cure the violation within the seven (7) day period;
  - c. That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and
  - d. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.
3. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of these bylaws after the seven (7) day notice period and within the next succeeding twelve (12) months.
4. Notices of violation shall be recorded in the municipal land records. When violations are cured and any related assessed penalties are paid, the Administrative Officer shall record a notice of violation removal in the municipal land records.

#### 14.3.04 Informal Resolution of Violations

1. Where a landowner is cooperating with the Administrative Officer in finding a cure for the violation, the Administrative Officer has the authority to enter written agreements to resolve violations. The Administrative Officer is under no obligation to enter into any agreement- informal resolutions are not required under statute and are provided by the City of Barre as an amicable means of resolving violations.
2. At a minimum, any agreement must:
  - a. be in writing and be signed by both the violator and administrator.
  - b. Must establish a timeline for curing the violation.
  - c. Give written authorization that will allow the Administrative Officer to inspect the premises upon completion (or by the agreed upon date of completion) to ensure compliance.
3. The Administrative Officer is prohibited from making any agreement allowing a violation to continue even if the violation is minimal, inadvertent, and/or the violator agrees to pay a fine [§4448(a)]. Acceptable reasons for providing time to cure a violation may include winter weather (e.g. landscaping or constructing a fence may not be possible until spring).

#### 14.3.05 Enforcement Action

1. Where a property owner fails to remedy the situation within the 7-day period or the timetable agreed to under an informal resolution, the Administrative Officer, in the name of the City of Barre, shall bring appropriate action to enforce the provisions of these

bylaws [§4452]. Enforcement may be by any means allowed under §4444 of the Act including, but not limited to:

- a. The Administrative Officer may issue a Municipal Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. §1974 and §1977 with penalties as prescribed below:
    - i. First offence. A first offence of these bylaws shall be punishable by a fine of \$100. The waiver fee shall be \$75.
    - ii. Subsequent offences. Any subsequent offences of the same provision of the bylaws within a 12 month period shall be punishable by a fine of \$200. The waiver fee shall be \$150.
  - b. The Administrative Officer may notify the City Attorney of the violation who will take action in Environmental Court or Superior Court, as appropriate, with penalties as prescribed below:
    - i. Any person who violates these bylaws shall be fined not more than the amount prescribed under the Act [§4451(b)] which at the time of the development of these regulations is \$100.
2. Each day that a violation is continued after the initial seven (7) day notice shall constitute a separate offense. All fines imposed and collected shall be paid to the City of Barre.
3. Limitations on enforcement. The City of Barre shall observe any limitations on enforcement proceedings related to municipal permits and approvals as set forth in the Act [§4454] including the following
- a. An enforcement action relating to any municipal land use permit must be instituted within ten (10) years of the date of when the alleged violation first occurred and not thereafter provided:
    - i. The statute of limitations applies to landowners who did not create the violation. This means that the statute of limitations will not protect the person who violates the bylaws, only subsequent purchasers of the property.
    - ii. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.
  - b. No action, injunction, or enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit which received final approval from the applicable board, commissioner, or officer of the City of Barre after July 1, 1998, unless the municipal land use permit or a notice of the permit was recorded in the land use records of the City of Barre as required by the Act [§4454(b)].
  - c. Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by the City of Barre under any other authority it may have, including,

but not limited to, the City's authority under Title 18 relating to abatement and removal of a public health risk or hazard [§4454(c)].