

TOWN OF BARRE, VERMONT

AN ORDINANCE OF THE TOWN OF BARRE, VERMONT
AMENDING APPENDIX A, ZONING,
OF THE BARRE TOWN CODE OF ORDINANCES

WHEREAS, the Barre Town Selectboard adopted a new zoning by-law on August 5, 2008; and

WHEREAS, the Barre Town Planning Commission, after discussing potential by-law revisions at several meetings, held a duly warned public hearing about the proposed by-law amendments on July 19, 2017; and

WHEREAS, on July 19, 2017 after closing the public hearing the Planning Commission voted to approve certain zoning by-law amendments, which are described in a report dated August 2, 2017; and

WHEREAS, the Planning Commission advises the proposed amendments are consistent with the current Town Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BARRE TOWN SELECTBOARD THAT:

SECTION 1.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 3, Section 3.8 (A) of the Barre Town Code of Ordinances shall be amended to read as follows.

Sec. 3.8. Outdoor storage limitations.

(A) Truck trailers ~~Portable storage containers~~

This limitation is for ~~Such containers shall include any trailer, customarily pulled by a commercial tractor unit, for the delivery of goods over the road, enclosed container, of whatever type, construction, or material which is transported by a vehicle and left on site, customarily used for the transport of goods, whether by highway or boat, whether mobile or stationary, whether registered and/or inspected or not.~~

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

Regardless of whether temporary or allowed by ~~conditional use permit and site plan approval~~, the following shall apply:

1. The use of the trailer(s) ~~container~~ shall be accessory to the principal use of the property.
2. The trailer(s) ~~container~~ shall meet setbacks for the zone in which it lies.
3. The trailer(s) ~~container~~ shall not encumber required parking spaces for the subject use.
4. The trailer(s) ~~container~~ shall sit on inflated tires ~~except in cases where the container does not have tires or any means for tires.~~

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

SECTION 2.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 4, Section 4.2 of the Barre Town Code of Ordinances shall be amended to read as follows and that a Section 4.22 shall be added and shall read as follows:

Sec. 4.2. Accessory dwelling.

~~Accessory dwellings are allowed in accordance with are fully defined in Article 8 of the Bylaw and by 24 VSA 117 § 4412 (1) (E) and (F) and further defined in Article 8 of this Bylaw.) A dwelling unit may be considered as an accessory dwelling if it is located within a single family dwelling or attached to the dwelling and the dwelling is owner occupied. The accessory dwelling shall not exceed thirty (30) percent of the floor space of the primary dwelling. Sufficient wastewater capacity must be shown and if the primary dwelling is on municipal sewer an additional sewer unit must be obtained for the accessory dwelling, water will be based on usage. If the primary dwelling is using an on-site septic system, certification from a qualified/certified engineer that the system is capable of handling the additional flow will be necessary. An upgrade to the system may be required. The onsite water supply shall also be adequate to serve both dwellings.~~

~~Accessory dwellings require zoning review by submission of and a Change Of Use Permit. Additionally, conditional use review and approval by the Development Review Board (DRB) is required if the proposed accessory dwelling in accordance with 24 VSA 117 § 4412 (F), meets one or more of the following criteria:~~

- ~~• If is a new structure;~~
- ~~• It represents an increase in the height or floor area of the existing dwelling;~~
- ~~• It results in an increase in the dimensions of the parking areas.~~

~~Conditional use review is explained fully in Article 5, Sec. 5.5 of the Bylaw.~~

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

Sec. 4.22. Residential structure limits.

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

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

SECTION 3.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 5, Sections 5.5 and 5.6 of the Barre Town Code of Ordinances shall be amended to read as follows:

Sec. 5.5. Conditional use review.

No permit shall be issued by the zoning administrator for any use, structure, or development which requires a conditional use permit in this bylaw until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings and attach conditions as provided for in 24 V.S.A.117 §4414(3), §4460(4), and §4464.

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

(A) General review standards for conditional use approval

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

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

~~The following standards are required by this bylaw; any required extension or capital expense to the present maintained highway system; the impact on neighboring uses; intrinsic capability of the land and its surrounding areas to support the use;~~

~~(B) SPECIFIC REVIEW STANDAS FOR CONDITIONAL USE APPROVAL~~

- ~~1. 6.~~ Minimum lot size;
- ~~2. 7.~~ Distance from adjacent or nearby uses;
- ~~3. 8.~~ Criteria (as needed) as adopted relating to site plan review pursuant to Article 5, Sec. 5.6 (~~6~~) of this bylaw;
- ~~4. 9.~~ Any other standards and factors (as needed) that the bylaw may require;
- ~~5. Possible requirements by the DRB that the applicant install, operate, and maintain any and all devices which may be used to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or any similar nuisance. Performance standards shall be specified by the appropriate State regulatory agency;~~
6. ~~10.~~ Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;
- ~~7. 11.~~ Loading/unloading facilities.

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

Sec. 5.6. Site plan review.

No permit shall be issued by the zoning administrator for any use, structure, or development which requires site plan review and approval until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings and attach conditions as provided for in 24 V.S.A.117 §4416.

One (1) hearing shall be held for site plans classified as ~~minor~~ minor, and two hearings shall be held for site plans classified as ~~major~~ major.

(A) Major and Minor Classification. The applicant shall file one (1) plan for review by the zoning administrator to be examined and classified by the zoning administrator as either a ~~major~~ major or ~~minor~~ minor development application using the criteria laid out in this section.

Square footage is figured as gross useable floor area of a structure. Whether or not a space is unusable shall be determined by the zoning administrator and/or the DRB.

1. Major Classification. An application for land development is considered major if it meets one or more of the criteria listed below:
 - a. Retail commercial, professional commercial, or office use: The proposal includes construction of a new structure, or expansion of an existing structure, which will exceed 2,500 square feet.
 - b. Hotel, motel, bed and breakfast.
 - c. Restaurant use: The proposal includes construction of a new structure or an expansion of an existing structure that exceeds two thousand five hundred (2,500) square feet.
 - d. Industrial use: ~~T~~the proposal includes construction of a new structure that exceeds four thousand (4,000) square feet, or an expansion of an existing structure that will make the overall size of the structure exceed 4,000 square feet.
 - e. Combined use: Any combination of the above categories which proposed construction exceeds three thousand (3,000) square feet.
 - f. Commercial or Industrial Expansion: Any proposed expansion of an existing structure that increases the overall size to three thousand five hundred (3,500) square feet.
 - g. Earth disturbance/Extraction/Quarrying: ~~[~~—] Any proposed land development that disturbs at least one-half (1/2) acre of land for the purpose of extracting natural resources or the storage of solid waste. This provision includes any proposed land development that requires a significant amount of fill as determined by the zoning administrator.
 - h. Public utilities: Any proposed land development that requires significant additions or changes to any public utility or facility, including but not limited to: ~~S~~trees, roads, sidewalks, water, sewer and storm water control.

- i. Traffic impacts: Any proposed land development that has a significant impact on either traffic patterns or traffic generation in the areas around the development, and/or would create an added negative impact in an existing heavy traffic area.

2. Minor Classification. All applications for proposed land development that do not meet any of the standards for major classification shall be considered minor, and still subject to development review in accordance with 24 VSA.117, and the criteria listed in Article 5, section 5.6 (F) subsection 5.5 (A);

(B) Site plan review submittal requirements

For all minor and major applications requiring a site plan review, the applicant must submit ten (10) additional copies of the site plans and any additional documentation required. Site plans must be submitted at least 22 (twenty-two) eighteen ~~18~~ days prior to the hearing scheduled by the DRB ~~for minor site plan applications, and at least 30 days prior for major site plan applications.~~ A copy of the application and corresponding documentation shall be kept on file in the planning and zoning department and be made available to the public during regular business

SECTION 4.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 6, Section 6.5 in the title, in (A), l, h, in (A) 4, and (B) 3 be amended to read as follows:

Sec. 6.5. PUD-Planned unit development (PUD) standards and review criteria.

(A) Standards

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

h. Other specific standards:

Max building height:	Thirty (30) feet.
Buffer around the outside border of the PUD (except along roadways):	Twenty-Five (25) feet.
Minimum spacing between buildings:	Thirty (30) <u>Twenty (20)</u>
feet.	
Minimum setback from municipal street:	Thirty (30) <u>Twenty-Five</u>
<u>(25)</u> feet.	

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

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

(B) Review criteria.

1. All proposed PUD projects, including elderly/housing complexes, shall be reviewed using the regulations contained in the Barre Town subdivision ordinance.
2. All proposed PUD projects, including elderly/housing complexes, shall also be considered conditional uses and as such reviewed using the conditional use review criteria outlined in Article 5, Sec. 5.5 of this bylaw.
3. All proposed PUD projects shall also be reviewed with respect to the following:

The efficient, effective, and creative use of land;
 Open space preservation;
 The use of/impact on public facilities;
 Provision of opportunities for housing; and
 Contribution to the enhancement of the quality of life in the area neighboring the PUD and in Barre Town generally. To help meet current and future State and local energy efficiency goals.

SECTION 5.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 7, Section 7.10 be amended to read as follows:

Sec. 7.10. Waivers.

Waivers are intended to allow the reduction of dimensional requirements in accordance with specific standards as allowed for in 24 VSA 4414 4418 (8). The primary intent of this provision is to provide relief to lots unduly burdened by zoning requirements adopted after the lots were created. Request for waivers shall be heard by the Development Review Board, as Conditional Use Permits under Article 5, Sec. 5.5 and requests for waivers must be acceptable with regard to how they meet the criteria. Waivers may be considered in the following cases:

- ~~1. Lots and structure in existence prior to the enactment of this bylaw;~~
2. 1. Structures providing for disability accessibility, and fire safety, and other requirements of law;
2. To provide reasonable expansions of existing uses because of limitations on the property due to lot configuration, topography, or structure placement and was in conformance to the zoning bylaw in effect at the time.

In all cases the waiver:

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

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

~~At the discretion of the DRB, a survey or confirmation of exact boundary lines may be required as part of the request.~~

SECTION 6.

The Selectboard of the Town of Barre hereby ordains that Appendix A, Zoning, Article 8 be amended by adding the following definition:

- (E) Use definitions:**
 Residential:

Accessory Dwelling: An efficiency or two bedroom apartment may be considered as an accessory dwelling if is located within a single-family dwelling, attached to the dwelling, or detached but located on the same parcel, is clearly subordinate to the primary dwelling, and the primary dwelling is owner occupied. Both dwellings must remain under the same ownership at all times. An accessory dwelling must have facilities and provisions for independent living, including sleeping, and food preparation. The accessory dwelling shall not exceed 30% of the floor space of the primary dwelling and must have sufficient wastewater capacity.

SECTION 7.

This ordinance shall become effective twenty-one (21) days after adoption.

Adopted this ____ day of _____, 2017.

TOWN OF BARRE

By: _____
Thomas White, Chairman

ATTEST:

Donna J. Kelty, Town Clerk-Treasurer