

an undue and adverse affect, on the use of, or cause an undue unsafe condition on, abutting properties.

3. The project will not cause undue and adverse air pollution.
4. The project will not cause undue and adverse ground or surface water pollution so that an unhealthy or unstable condition results from improper stormwater run-off treatment and handling.
5. The project will not cause undue adverse and unhealthy conditions with regard to wastewater collection, treatment, and disposal.
6. The project shall have adequate water to meet the reasonable needs of the project and that the development of water supplies will not create undue adverse affect on adjacent existing water supplies.
7. The project will not cause an undue and adverse effect with respect traffic flow or congestion within or in the immediate service area of the project.
8. The project will not cause undue adverse impact on identified or critical wildlife habitat including Class I and II wetland areas.
9. There shall be adequate municipal and/or private utility services to meet the reasonable needs of the project including power, solid waste, fire protection and emergency services.
- 10 The project will not cause undue and adverse impact on identified floodways.
11. Consideration of Mitigating Factors:

If in the event the board or planning commission is unable to make positive (written) findings on all criterion, it may give due consideration to any mitigating economic or social factors which may sufficiently mitigate one or more negative findings.

The planning commission may require the applicant to designate certain areas within the project to remain undeveloped or designated for other approved purposes in support of the project.

325.06 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this zoning bylaw for planned unit development, provided the rules and regulations are not inconsistent with the zoning bylaw. The Planning Commission shall hold a public hearing after public notice as required by Section 4447 of the Act, prior to the establishment of any supplementary rules and regulations for planned unit development.

Sec 326: Travel Trailers

It shall be unlawful for a travel trailer, pickup camper or motor home to be utilized as a permanent home unless in conformance with the requirements of the district in which it is located such as in an approved travel trailer park, or on one's own private property.

Sec 327: Flood Hazard Area Requirements

327.01 Lands to Which These Regulations Apply.

These regulations shall apply for development in all areas in the Town of Barton identified as areas of special flood hazard on the current National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.

327.02 Conditional Use Permit Required

- A. All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Barton zoning bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.
- B. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24VSA 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.
- C. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
- D. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

327.03 Base Flood Elevations and Floodway Limits

- A. Where available, i.e.; Zones A1-A30, AE, and AH, the base

flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, i.e.; Zone A, base flood elevation and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

327.04 Conditional Use Review Procedures

- A. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

1. Obtain from the applicant;

- a. The elevation (in relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;

- b. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be floodproofed;

- c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;

- d. Base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller).

- e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.

2. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available base flood elevation data.

- B. In reviewing each application, the Board of Adjustment shall consider:

1. The evaluation of the Vermont Department of Water Resources.
2. The availability of alternative locations not subject to

flooding for the proposed use.

3. The susceptibility of the proposed improvement to flood damages.
4. The safety of access to the property in times of flood of ordinary and emergency vehicles.
5. The potential for damage to the property caused by erosion.
6. The danger that materials may be swept onto other lands and cause damage to others.
7. Such other factors as are relevant to the purposes of this bylaw.

C. The Board of Adjustment may grant a conditional use permit for development provided:

1. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law.
2. The development standards of 327.05 are met or exceeded.

327.05 Development Standards Within Areas of Special Flood Hazard

A. All development and structures shall be:

1. Designed to minimize flood damage to the proposed development and to public facilities and utilities, and;
2. Designed to provide adequate drainage to reduce exposure to flood hazards.
3. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
4. Constructed with materials resistant to flood damage;
5. Constructed by methods and practices that minimize flood damage, and;
6. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

C. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

D. On-site waste disposal systems shall be located to avoid

impairment to them or contamination from them during flooding.

E. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

F. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

G. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.

H. Existing buildings to be substantially improved for:

1. Residential purposes shall be modified or elevated to meet the requirements of 327.05(G).

2. Nonresidential purposes shall either:

a. Meet the requirements of 327.05(G), or;

b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

I. Junkyards and storage facilities for floatables materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation.

327.06 Duties and Responsibilities of the Administrative Office

The Administrative Officer shall maintain a record of:

A. All permits issued for development in areas of special flood hazard.

B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.

C. The elevation, in relation to mean sea level, to which buildings have been floodproofed.

D. All floodproofing certifications required under this regulation.

E. All variance actions, including justification for their issuance.

327.07 Variances

Variances shall be granted by the Board of Adjustment only:

1. In accordance with the provisions of 24 VSA section 4468;
2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

327.08 Warning of Disclaimer of Liability

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Barton or any official or employee thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made thereunder.

Sec 328: Streambanks

No development shall occur within 50 feet of the seasonal high water mark of any stream or river shown on the official zoning maps. If such stream or river is within a designated flood plain area, Sec 327, Flood Hazard Area Requirements, shall control.

Sec 329: Intentionally Omitted

Sec 330: Variances

In reviewing each application for a variance, the Board of Adjustment shall render a decision in favor of the applicant/appellant only if the Board can make positive findings on all five (5) criteria under 24 VSA 4468:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or

district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That the unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

Sec 331: Wind Energy Facilities

Wind Energy Facilities (WEF), including but not limited to support towers, guy wires, rotor blades, generators, accessory structures and utility lines and poles, shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to the following regulations. This Section shall apply to all WEFs with blades less than, greater than or equal to twenty (20) feet in diameter. Windmills or systems that are ornamental or artistic in nature rather than functional shall be exempted from this section if total height is less than twenty five (25) feet.

- A. Applicants proposing to construct or install a wind energy facility for personal use shall, in addition to other application requirements outlined in the Town of Barton Joint Zoning Bylaw, submit:
 1. A site plan, indicating the parcel boundary lines, the location of all buildings, structures and improvements on the property, proposed or existing utility poles, guy wires or anchors and the relationship of the system to each of these features;
 2. Design and systems specifications of the WEF;
 3. Mounting and installation design and specifications of the WEF.
 4. Any additional information needed to determine compliance with the provisions of this bylaw.
- B. All building and structures accessory to a wind energy facility shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this bylaw. If the minimum setbacks of the underlying zoning district are less than the height of the windmill, including blade, rotor or

other vertical appurtenances, the minimum distance from the tower to any property line shall be no less than the height of the tower, including blades and other vertical appurtenances.

C. All WEFs shall:

1. Incorporate an automatic braking system device or over-speed control capable of halting operation in winds forty (40) miles per hour (m.p.h.);
2. Be constructed, maintained and operated in a condition which will not cause unreasonable vibrations or noise emission levels (exceeding 55 decibels as measured at the property line of the property) which may have an adverse negative impact upon the use of adjacent properties;
3. Be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high, unclimbable fence with secured access;
4. Adhere to all applicable state and local government, as well as power company rules, regulations and standards.
5. Not include any exterior lighting unless required by the Federal Aviation Administration (FAA)

D. WEFs shall be constructed and maintained according to a safe and appropriate design and shall not be abandoned or left unused.

1. Abandoned, unused or improperly maintained WEFs shall be removed within two (2) years of cessation of operations or use, or when the tower structure becomes structurally unsound, unless the Zoning Board of Adjustment approves a time extension.
2. If the system is not removed or dismantled within the two (2) years of the cessation of operations at a site, the municipality shall notify the owner and may remove the facility. Cost of removal shall be assessed against the property or WEF owner.

ART 400: NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Sec 401: Permits Issued Prior to Amendment of Regulations

Nothing contained in this bylaw shall require any change in plans or construction of a non-complying structure for which a zoning permit has been issued.

Sec 402: Non-Conforming Uses

The following provisions shall apply to all uses existing on the effective date of this bylaw which do not conform to the requirements set forth in this bylaw.

Any non-conforming use of structures or land may be continued indefinitely, but:

402.01 Shall not be expanded without approval of the Zoning Board

of Adjustment, nor shall any external evidence of such use be increased by any means whatsoever.

402.02 Shall not be changed to another non-conforming use without approval of the Zoning Board of Adjustment, and then only to a use which, in the opinion of the Zoning Board of Adjustment is of the same or of a more restricted nature.

402.03 Shall not be re-established if such use has been discontinued or terminated for a period of two years, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

402.04 Expansions

The Board of Adjustment may, after public notice and hearing, allow expansions of any non-conforming use provided such expansion conforms to any other applicable requirements of this bylaw.

Sec 403: Non-Complying Structures

The following provisions shall apply to all structures existing on the effective date of this bylaw which do not comply with the requirements set forth in this bylaw.

Any non-complying structure may be continued indefinitely, but:

403.01 Shall not be moved, enlarged, extended, or restored except in compliance with the requirements of this bylaw.

403.02 Shall not be reconstructed, if such structure has been voluntarily razed by the owner, except in compliance with section 403.05 of this section.

403.03 Shall not be restored or reconstructed on the original foundation following damage from fire, flood or other non-voluntary cause, unless such restoration or reconstruction is completed within two years of such damage. New or reconstructed structures located within a designated floodplain shall comply with section 327 of the bylaw.

403.04 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that it does not increase the degree of non-compliance.

403.05 Non-complying structures which have become structurally obsolete, unsound or dangerous, cost prohibitive to maintain or repair, or have exceeded reasonable functional usefulness, may upon approval of the Zoning Board of Adjustment, be removed and replaced with a similar structure of new construction in the same or alternative location on the lot.

To comply with this Section, the Zoning Board of Adjustment must find that the new construction:

- A. Does not increase the degree of non-compliance presently existing with the current structure;
- B. Does not cause an undue negative impact on the character of the neighborhood;
- C. Does not cause or re-establish an undue negative impact on traffic on roads and highways.

This Section only applies to those non-complying structures which have been voluntarily removed by the owner within two years of their subsequent replacement. Any non-complying structures which have been razed or removed, shall not be re-established under the provisions of this Section after two years of said demolition, and if re-established, must meet the requirements of this Section and the district in which it is located.

403.06 Expansions: The Board of Adjustment may, after public notice and hearing, allow expansions of any non-complying structure provided such expansion conforms to the minimum dimensional requirements of the zoning district in which it is located.

404.0 Establishment of Secondary Principal Structure

The establishment of a secondary principal structure on a single building lot may be permitted upon issuance of a PUD approval by the Planning Commission. Under the provisions of this section there is no requirement to identify a dedicated lot area to each structure. However, all structures must comply with the setback provisions of the district. No subdivision shall occur on lots on which a secondary structure has been established after the effective date of these by-laws unless each lot meets all area and setback requirements of the district.

ART 5: DEFINITIONS

501.0 Definitions- Inclusions

Except where specifically defined herein, all words used in this bylaw shall carry their accepted meanings.

501.01 The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

501.02 The present tense includes the future tense, the singular number includes the plural & the plural number includes the singular.

501.03 The word SHALL is mandatory, the word MAY is permissive.

501.04 The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED or OCCUPIED.

501.05 The word LOT includes the words PLOT or PARCEL.

Sec 502: Individual Term Definitions

For the purpose of this bylaw, hereinafter defined terms or words shall be interpreted as follows:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, & of a nature customarily incidental & subordinate to, the principal use or structure. Such use or structure shall not exceed, in area, 50% of the principal use or structure.

ADEQUATE CAPACITY (Telecommunications): Capacity is considered to be “adequate” if the grade of service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE COVERAGE (Telecommunications): Coverage is “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

AFFILIATE: When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator’s principal partners, shareholders, or owners of some other ownership interest. When used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.

AGRICULTURE: The use of land for farming and agricultural purposes excluding agricultural buildings.

AGRICULTURAL STRUCTURE: Buildings and Structures utilized for agricultural production in connection with: a.) the raising, feeding, and management of cattle, horses, pigs, goats, sheep, chickens, turkeys, geese, ducks, fallow or red deer, pheasant, partridge, ostriches, emus, rabbits or trout, b.) the sale of \$1,000 or

more of agricultural products in a normal year, or c.) a business or farm management plan as approved by the State of Vermont Commissioner of Agriculture.

ALTERNATIVE DESIGN TOWER STRUCTURE (Telecommunications):

Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also *Stealth Facility*).

ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment & the boarding of animals is limited to short term care incidental to the hospital use.

ANTENNA: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

APPLICANT: Any person or party that has legal title to and control of the disposition of the property in question, or an owner in equity acting with the consent of the holder of legal title. Joint owners of property must provide evidence of mutual agreement to or co-sign an application for a Zoning permit.

AREA OF SHALLOW FLOODING: Means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, & where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain with in a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone A on the FFBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-A30, AE, or A99.

AUTO SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline, oil or other fuel for the propulsion of motor vehicles & which may include facilities for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor

vehicles. A service station is not a sales, or major repair agency for autos, trucks or trailers.

AVAILABLE SPACE (Telecommunications): The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

BANKS: An establishment, created under the laws of the State of Vermont, for the custody, loan, exchange, or issue of money, for the extension of credit, & for facilitating the transmission of funds.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE STATION (Telecommunications): The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

BASEMENT: Means any area of the building having its floor subgrade (below ground level on all sides

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

BUILDING HEIGHT: The average of 3 vertical distances measured from the ground level to the peak or highest point of the roof, taken at the two most exposed adjacent building corners and at a point midway between the two subject corners. In the Commercial and Industrial Districts, the Planning Commission may increase height limits after consideration of; evidence of compelling need; character of the neighborhood; and receipt of written waivers from abutting property owners.

BULLETIN 65: Published by the Federal Communications Commission (FCC) Office of Engineering and Technology specifying radiofrequency radiation levels and methods to determine compliance.

CAMP: The use or construction of one or more independent buildings or structures whose purposes are to serve common functions for a united purpose such as a Scout Camp, Boys or Girls Camp, or Training Camp, etc.

CAR WASH: A structure containing facilities for washing automobiles including a chain conveyer or other method of moving cars along, & automatic or semiautomatic application of cleaner, brushes, rinse water & heat for drying.

CELL SITE: A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), and parking, and may include others uses associated with and ancillary to cellular communications transmission.

CELLULAR SERVICE: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

CELLULAR TELECOMMUNICATIONS: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

CELLULAR TELECOMMUNICATIONS FACILITY: Consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

CEMETERY: A plot of ground used, or intended to be used, for the burial &/or disposition of remains of the human or animal dead.

CHANNEL: The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

COLLOCATION: Locating wireless communications equipment from more than one provider on a single site.

COMMERCIAL & FRATERNAL ACCOMMODATIONS: A facility offering transient lodging accommodations to either the general public or to members of the fraternal organization that owns such facility. This shall include, but not be limited to, inns, boarding houses, motels, hotels, bed and breakfast facilities.

COMMON CARRIER: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

COMMUNICATION EQUIPMENT SHELTER: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

COMMUNICATION TOWER: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

COMMUNICATIONS FACILITY: A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings.

CONTRACTOR'S YARD: An area of land used by a contractor for the storage & use of his material &/or equipment.

CORNER LOT: A plot or parcel of land located at the interior angle of the intersection of two streets.

dBm: Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

dBu: Unit of measure of the electric field strength of a signal, expressed in an absolute measure for describing service areas and comparing different transmitting facilities independent of the many variables (see dBm above) introduced by different receiver configurations.

DEVELOPMENT: Means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, & any change in the use of any building or other structure, or land, or extension of use of land.

DIRECTIONAL ANTENNA: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

DISH ANTENNA: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by 3 or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit designed for & occupied by 1 family only.

DWELLING, TWO-FAMILY: A residential building designed for or occupied by 2 families living independently of each other in individual dwelling units.

DWELLING UNIT: A room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, & physically separated from any other rooms or dwelling units which may be in the same structure, & containing independent cooking & sleeping facilities. It shall include prefabricated & modular units which shall meet the standards of building codes, but shall not include hotels & motels.

EARTH RESOURCES EXTRACTION: The removal or mining of sand, gravel, stone or other geological material involving a total or cumulative land extraction area larger than 1000 (horizontal) square feet.

EATING ESTABLISHMENT: Retail establishments selling food &

drink for immediate consumption on or off the premises, including restaurants, lunch counters, & refreshment stands.

ELECTROMAGNETICALLY ABLE: The determination that the signal from and to a proposed telecommunications antenna will not significantly interfere with the existing signals from and to other facilities or antennas located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, water, or other distribution systems, including wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs & similar equipment & accessories in connection therewith, & including buildings, reasonably necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

FACILITY SITE: A property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

FARMING: As defined in 10 VSA 6001(22): The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

FCC 97-303: A Report and Order which sets new national standards for exposure to radio frequency emissions from FCC-regulated transmitters.

FLOOD HAZARD BOUNDARY MAP (FHBM): Means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, &/or E.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, on which the Administrator has delineated both the special hazard areas & the risk premium applicable to the community.

FLOOD INSURANCE STUDY: Means an examination, evaluation, &

determination of flood hazards &, if appropriate, corresponding water surface elevations.

FLOOD PROOFING: Means any combination of structural & non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water & sanitary facilities, structures & their contents.

FLOODWAY: Means the channel of a river or other watercourse & the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREIGHT TERMINAL: A place where transfer between modes of transportation take place or a terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

FREQUENCY: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

FRONTAGE: Length of road line for a single lot.

FRONT LOT LINE: The line between the road right-of-way or property line and the lot in question. Where the right-of-way width has not been established &/or recorded, the Front Lot Line shall be considered to be 25 feet from the center line of the traveled portion of such road or street. Lots at the end of roads or drives need not have a Front Lot Line.

FRONT YARD: Shortest distance between the centerline of a highway right-of-way or road and the nearest point on the regulated structure.

FUEL STORAGE: The commercial, bulk storage of gasoline, diesel fuel &/or other flammable liquids used for the purpose of powering motor vehicles &/or heating homes & other structures in either above ground or in ground tanks.

GHz: Gigahertz. One billion hertz

GRADE OF SERVICE: A measure of the percentage of calls which are able to connect to the base station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 – which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to,

a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, & bioanalytical laboratory or central services facility serving 1 or more such institutions but excluding institutions that provide healing solely by prayer.

HEAVY EQUIPMENT SALES AND SERVICE: The sale & repair of vehicles, implements, & inventory involved in farming, construction, logging, & serving of railroads & ski areas.

HERTZ: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

HOME OCCUPATION: Accessory use of a dwelling solely by the residents thereof, provided: such use utilizes an area of or involves a use expansion less than 50% of the existing principal building area and; does not cause an undue adverse change in the character of the area. (Refer to Section 304 for additional qualifying conditions.)

INDUSTRIAL USE: Those fields of economic activity including mining; construction, manufacturing, transportation, communication, electric, gas, sanitary services; & wholesale trade.

JUNK YARD: Land or buildings used for the collecting, storing, wrecking, dismantling, salvaging or sale of waste paper, glass, rags, scrap metal, discarded material, or machinery parts or vehicles not in running condition.

KENNEL: An establishment in which more than 4 dogs or domesticated animals more than 6 months old are housed, groomed, bred, boarded, trained or sold.

LANDFILL: A lined solid waste disposal facility.

LOADING SPACE, TRUCK: Off-street space used for the temporary location of 1 licensed motor vehicle, not including access driveway, & having direct access to street or alley.

LOCATION (Telecommunications): References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North.

LODGE OR CLUB: The place where members of a local chapter of an association hold their meetings; & the local chapter itself.

LOT (BUILDING): A plot or parcel of land occupied or capable of being occupied by at least one principal building and the accessory buildings or uses customarily incidental to it, including such open

spaces as are required by this Bylaw.

LOT (NON-BUILDING): A non-building lot is a parcel of land created by subdivision under these bylaws whose purpose is limited to uses other than building construction or is permitted for building construction when combined with an adjacent developed or undeveloped BUILDING LOT under common ownership. These parcels have no specific dimensional requirements.

LOT DEPTH: Lot depth shall be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front & the rearmost points of the side lot lines in the rear. In no case shall the lot measurement fall outside the limits of the lot being measured.

LOT WIDTH: Lot Width shall be the length of a line measured parallel to the FRONT LOT LINE at an offset distance equal to the required FRONT YARD setback. In no case shall the lot width measurement line fall outside the limits of the lot being measured.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOUNGE: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec 60.3.

MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis & is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, & other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURING: Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

MEAN SEA LEVEL: Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

MHz: Megahertz, or one million hertz.

MICRO-CELL: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

MICROWAVE: Electromagnetic radiation with frequencies approaching 1,000 MHz, including UHF, extending to infrared frequencies; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

MICROWAVE ANTENNA: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

MOBILE HOME PARK: Land on which 2 or more manufactured homes are parked & occupied for living purposes.

MODIFICATION OF AN EXISTING FACILITY (Telecommunications): Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

MODIFICATION OF AN EXISTING TOWER (Telecommunications): Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

MONITORING (Telecommunications): The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas or repeaters.

MONITORING PROTOCOL (Telecommunications): The testing protocol, such as the Cobbs Protocol (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119), which is to be used to monitor the emissions and determine exposure risk from telecommunications facilities.

MONOPOLE: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

MOTOR VEHICLE SALES & SERVICE: Enclosed establishment for the display, sale & repair of new & used motor vehicles, trailers, mobile homes, & boats. It shall not include the retail sale of gasoline, or retail sale of oil except as incidental to the repair facility.

MUSEUM: Land use or place for exhibit of artistic, historic, or educational items or displays.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this bylaw.

NON-COMPLYING STRUCTURE: Structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws & regulations, prior to the enactment of this bylaw.

NON-CONFORMING USE: Use of land or structure which does not comply with the zoning regulations for the district in which it is located, where such use conformed to all applicable laws & regulations, prior to the enactment of this bylaw.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except 1 family, 2 family, & multi-family dwellings.

OFF-LOT WATER AND/OR SEWER: A lot which provides no on-site water supply and/or on-site wastewater disposal facilities service of any kind.

OMNIDIRECTIONAL ANTENNA: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

ON-LOT WATER AND/OR SEWER: A lot which does not comply with the definition of OFF-LOT WATER AND/OR SEWER.

PARKING LOT: Use of land for vehicle parking where such use is not incidental to a principal building.

PARKING SPACE- OFF-STREET: For the purposes of this bylaw, an off street parking space shall consist of a space adequate for parking a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley & maneuvering space.

PERSONAL COMMUNICATIONS SERVICES or PCS: Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology may allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).

PERSONAL & PROFESSIONAL SERVICES: Establishment engaged in providing services to individuals or other establishments

PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

PLANNED UNIT DEVELOPMENT: An area of land, controlled by a landowner, to be developed as single entity for number of dwelling units, and commercial and industrial uses if any, the plan for which does not correspond in lot sizes, bulk or type of dwelling,

commercial or industrial uses, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of a municipal zoning ordinance adopted under the authority of VSA-Title 24, chapter 117.

PRE-EXISTING TOWERS AND ANTENNAS: Any tower or antenna for which a permit has been issued prior to the effective date of these regulations.

PRINCIPAL BUILDING: Any building or structure whose use, actual oriented, is not subordinate to any use located in another building on the same lot.

PUBLIC FACILITY: Usage by agencies & departments of local, county, state & federal government. Including:

- A. Correctional includes such functions as jail, correctional institution, prison.
- B. Educational includes such functions as elementary, day-care, preschool, kindergarten, junior high & high schools, college, vocational or technical school.
- C. Office includes such functions as governmental office, laboratory, post office, clinic, or library.
- D. Public Safety includes such functions as fire, police, rescue, ambulance, hospital.
- E. Public Assembly Use includes auditorium, theatre, public hall, school hall, meeting hall.
- F. Service includes such functions as garage, warehouse, liquor store.
- G. Public Water, Public Sewer. Water supply & sewage disposal systems approved by the town for municipal operation.

RADIAL PLOTS (Telecommunications): Radial plots are the result of drawing equally-spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage — i.e., the points meeting the threshold of adequate coverage. The draw back is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether the telecommunications equipment will provide adequate coverage for that site.

REAR LOT LINE: Means the lot line opposite & most distant from the front lot line. A corner lot has no rear lot line.

REAR YARD: The shortest distance between the rear lot line and the nearest point of the regulated structure.

RECREATION, INDOOR: Includes bowling alley, theatre, table tennis & pool hall, skating rink, gymnasium, swimming pool, hobby workshop, riding stable & similar places of indoor recreation.

RECREATION, OUTDOOR: The establishment of a facility including; but not limited to golf driving range, golf pitch & putt course, par 3 golf course, outdoor amusement park, hunting preserve, yacht club, golf course, trap, skeet, or archery range, (nonresidential swimming pool, skating rink, riding stable, tennis court) park, & beach, recreation stadium, skiing facility, playground, playfield, park open space and other similar uses as approved by the planning commission.

REDEMPTION AND RECYCLING: Land use or facility for the purpose of receiving, sorting, and/or shipping of recyclable materials.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, seminary, chapel, shrine, & retreat house.

RENEWABLE ENERGY RESOURCES: Means energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat, & geothermal sources.

REPEATER: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

RESERVOIRS: A pond, lake, tank or basin, natural or manmade, used for the storage, regulation & control of water.

RESIDENTIAL UNIT: 1 or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping & sanitary facilities provided within the dwelling unit for the exclusive use of the family living therein.

RESIDENTIAL USE: Includes single family dwelling, manufactured home, 2 family dwelling & multi-family dwelling.

RETAIL BUSINESS: Includes enclosed restaurant, cafe, shop & store for the sale of retail goods, personal service shop & department store; & shall exclude any drive-in service, free standing retail stand, gasoline service & motor vehicle repair service, new & used motor vehicle sales & service, trailer & mobile home sales & service.

RIGHT OF WAY: Line defining the outer limits of a right-a-way.

ROOF AND/OR BUILDING MOUNT FACILITY: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

SAWMILL: A facility established for the processing of logs, pulp and other raw wood material into lumber and other products.

SCENIC VIEW: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object.

SCHOOL: Includes parochial, private, public, & nursery schools, college, university, & accessory uses; & shall exclude commercially operated schools of beauty culture, business, dancing, driving, music, & similar establishments.

SERVICE AREA: An area of land used for the storage of trash receptacles or equipment such as eating establishments.

SECONDARY STRUCTURE: The establishment of a second principal structure on a single lot of record, excepting home occupation.

SELF-SUPPORTING TOWER (Telecommunications): A communications tower that is constructed without guy wires.

SERVICE & REPAIR: A structure that is used to service & repair motor vehicles, bicycles, &/or appliances.

SIDE LOT LINE: A lot line that is neither a front lot line nor a rear lot line.

SHORELINE RECREATIONAL: Land use including Bike and Snow machine trails, Cross country Skiing, Small Boat Rental Facility and similar uses as approved by the Planning Commission.

SIDE YARD: The shortest distance between the side lot line and the regulated structure.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulation herein:

A. Flags & insignia of any government except when displayed in with commercial promotion.

B. Legal notices, identification, informational, or directional signs created as required by governmental bodies.

C. Integral decorative or architectural features of building, except letters, trademarks, moving parts of moving lights.

SIGN, ON SITE: A sign relating in its subject matter to the premises on which it is located.

SPECTRUM: Relating to any transmissions or reception of electromagnetic waves.

STREET LINE: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the center line of the street pavement.

SOLID WASTE TRANSFER STATION: Land use or facility for receiving and transferring consolidated solid wastes including bulky recyclables.

STEALTH FACILITY: Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also Alternative Design Tower Structure.)

STRUCTURE: Means an assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

STRUCTURALLY ABLE (Telecommunications): The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

SUBDIVISION: The dividing of a parcel of land as a result of a conveyance, court ordered partition, or the filing of a plot plan on the town records where the act of division creates one or more building or non building lots. The subdivision shall be deemed to have occurred on the date of conveyance of the first lot or, the date of filing of a plot plan depicting one or more lots, or the date of filing of a deed, describing one or more lots, on the town records.

SUBDIVISION (PRE-EXISTING): A subdivision which occurred, or is recognized by the Zoning Board of Adjustment to have occurred, prior to and in the form it existed on June 19, 1978.

SUBSTANTIAL IMPROVEMENT: Means any repair or reconstruction of a structure, the cost of which equals or exceeds 25% percent of the equivalent fair market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, & is being restored, before the damage

occurred. The term does not, however include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

SYSTEM (Telecommunications): The communications transmission system operated by a telecommunications service provider in the municipality or region.

TELECOMMUNICATIONS FACILITY: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

TELECOMMUNICATIONS PROVIDER: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

TEMPORARY WIRELESS COMMUNICATION FACILITY: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

THEATER: A building or part thereof devoted to showing motion pictures, or for dramatic, musical or live performances.

TILED COVERAGE PLOTS (Telecommunications): Tiled plots result from calculating the signal at uniformly-spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest, usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

TOWER (Telecommunications): A vertical structure for antenna(s) that provide telecommunications services.

TRAVEL TRAILER OR TRAILER: Any vehicle used or so constructed as to permit its being used as a conveyance on the public streets & highways &, whether licensed or not, constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for 1 or more persons. A trailer under this local law shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities other than a mobile home &/or what normally constitutes a permanent dwelling unit. This definition includes uses to which trailers might be put.

TRAVEL TRAILER PARK: A parcel of land on which 3 or more travel trailers are occupied and utilized for sleeping purposes.

USE, PERMITTED: Use specifically allowed in the district, excluding illegal uses & non-conforming uses.

VARIANCE: A departure from any provision of this zoning bylaw relating to setbacks, side yards, frontage requirements, and lot size, but not including the actual use of the lot. Such departure may be approved and issued only by the Barton Zoning Board of Adjustment in accordance with the provisions of 24 VSA 4468.

WAREHOUSE: A structure utilized for bulk storage.

WHIP ANTENNA: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more). Also called omnidirectional, stick or pipe antennas.

WILDLIFE REFUGE: An area of land set aside for the protection & propagation of 1 or more species of animals.

WIND ENERGY FACILITY: An electric power turbine or generator mounted on a tower or rooftop and operated by the wind's rotation of propeller-like blades or vanes for the generation of electricity for off-grid, private consumption and not for resale to a publicly regulated utility.

WHOLESALE BUSINESS: Businesses providing goods and service to other businesses

ART 6: ADMINISTRATION AND ENFORCEMENT

Sec 601: Administrative Officer

The Administrative Officer shall be appointed to administer the zoning bylaw pursuant to Section 4442 of the Act. Said officer shall enforce the provisions of this bylaw and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of this bylaw. Appeals from any decision or act taken by the Administrative Officer shall be made as provided for in Subchapter 8 of the Act.

Sec 602: Zoning Permits

602.01 No land development, as defined in Section 4303(3) of the Act, may be commenced without a permit therefor issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with this bylaw.

602.02 Applications for zoning permits shall be made to the Administrative Officer on forms provided by him for that purpose.

602.03 Prior to the issuance of any zoning permit the Administrative Officer shall first satisfy himself that the subject of the application is in conformance with this bylaw. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this bylaw have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and re-application to complete any activities shall be required.

602.04 In the issuance of zoning permits, the Administrative Officer shall comply with all of the provisions of Section 4443 of the Act.

602.05 The fee for a zoning permit shall be established by the Legislative Body. It may be a sliding scale depending upon the cost of the land development. Said fee shall accompany each application for a permit.

602.06 No zoning permit issued pursuant to Section 4443 of the Act shall take effect until the time for appeal in Section 4464(a) of the Act has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until the final adjudication of said appeal.

602.07 A Zoning permit is required prior to subdivision of land which results in two or more building or non-building lots.

Sec 603: Certificates of Occupancy

603.01 In conformance with 24 VSA 4443: It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this bylaw, until a certificate of occupancy is issued therefor by the Administrative Officer stating that the proposed use of the structure or land conforms to the requirements of this bylaw.

603.02 Applications for certificates of occupancy shall be made to the Administrative Officer on forms provided by him for that purpose.

603.03 Prior to the issuance of any certificate of occupancy, the Administrative Officer shall first satisfy himself that the proposed use of the structure or land conforms to the requirements of this bylaw.

603.04 The fee for a certificate of occupancy shall be established by the Legislative Body. Said fee shall accompany each application for a certificate of occupancy.

Sec 604: Penalties

Violations of this bylaw after the effective date thereof shall be punished as provided in Sections 4444 and 4445 of the Act.

Sec 605: Board of Adjustment

605.01 The Legislative Body shall appoint a Board of Adjustment consisting of not less than five (5) nor more than nine (9) members who shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in the Act; provided however, that the members of the Board of Adjustment incumbent on the effective date of this bylaw shall continue in office for the duration of the terms to which they were respectively appointed.

605.02 Rules of procedure applicable to the Board, the nature of appeals to the Board from actions of the Administrative Officer, public notice requirements, conditions for variance relief, and all other matters governing said Board shall be as provided in Subchapter 8 of the Act.

Sec 606: Referral to State Agency

In accordance with Section 4409(c) of the Act, no zoning permit for the development of land in certain locations specified in said Section shall be issued by the Administrative Officer without first submitting a report to the appropriate State agency, and compliance with the terms of Section 4409(c).

Sec 607: Public Notice

Any requirement of public notice required by this bylaw, whether or not required by any provision of the Act, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the publication of the date, time, place, and purpose of such hearing in a newspaper of general circulation in Barton, and the posting of such notice in one or more public places within the municipality not less than fifteen days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

ART 7: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

Sec 701: Amendments

This bylaw may be amended according to the requirements and

procedures established in Sections 4403 and 4404 of the Act.

Sec 702: Interpretation

702.01 In their interpretation and application, the provisions of this bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, and general welfare of the Town of Barton, Barton Village, and Orleans Village.

702.02 Except as provided by Section 4409(b) of the Act, and where, in this bylaw, specifically provided to the contrary it is not intended by this bylaw to repeal, annul, or in any way to impair any regulations or permits previously adopted or issued; provided however, that where this bylaw imposes a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this bylaw shall control.

Sec 703: Effective Date

This bylaw shall take effect in accordance with the procedures contained in Section 4404 of the Act.

Sec 704: Separability.

The invalidity of any article or section of this bylaw shall not invalidate any other article or section thereof.

Sec 705: Repeal of Former Zoning Bylaw

The former joint Town of Barton Zoning Bylaw, adopted May 5, 1986, as amended March 16, 1987 is hereby repealed.

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ZONING MAP

BAR TON VILLAGE

KEY

HD HIGH DENSITY

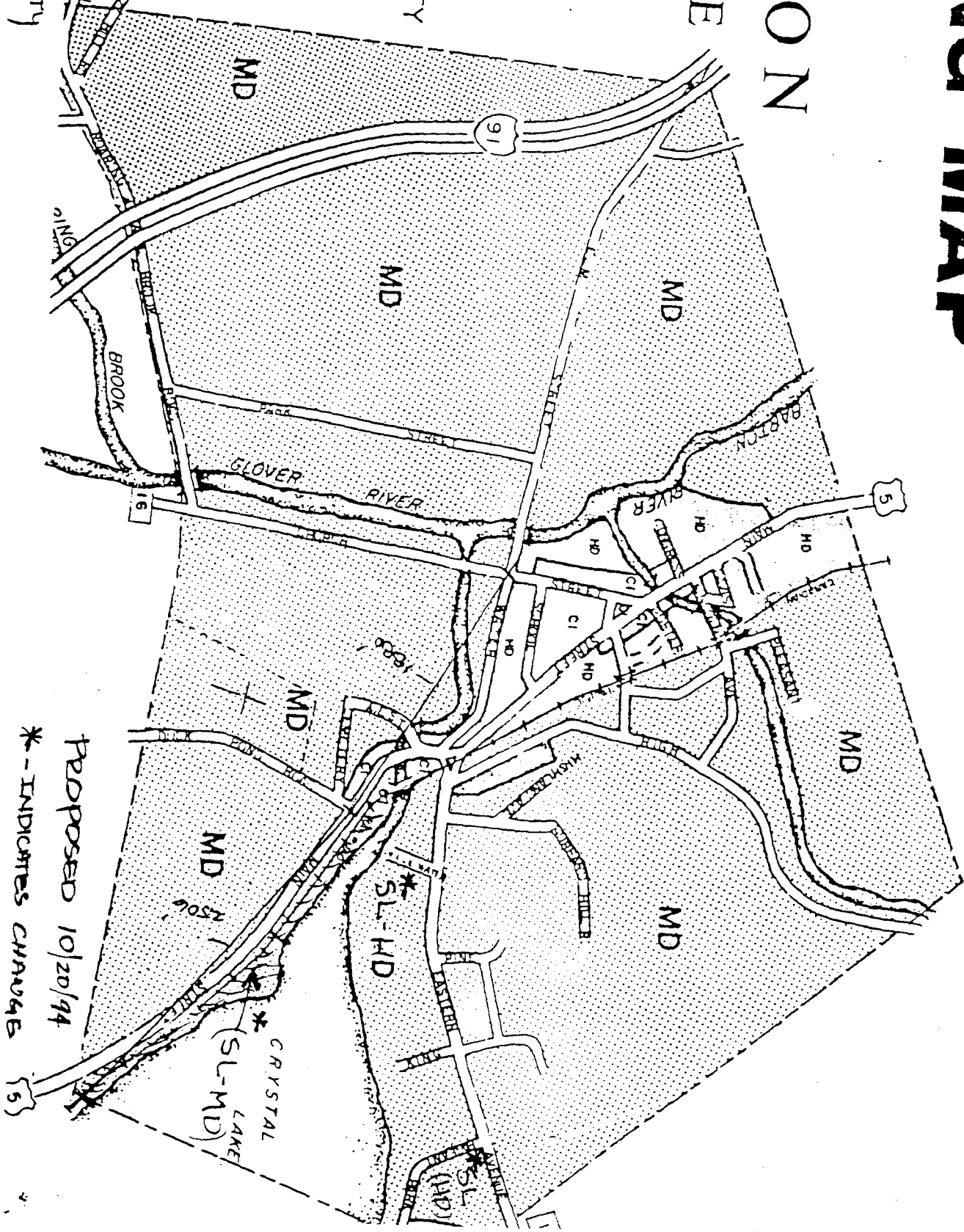
MD MEDIUM DENSITY

LD LOW DENSITY

C1 COMMERCIAL 1

SL

SHORELAND
 HD - HIGH DENSITY
 MD - MED. DENSITY



Proposed 10/20/94







* - INDICATES CHANGES

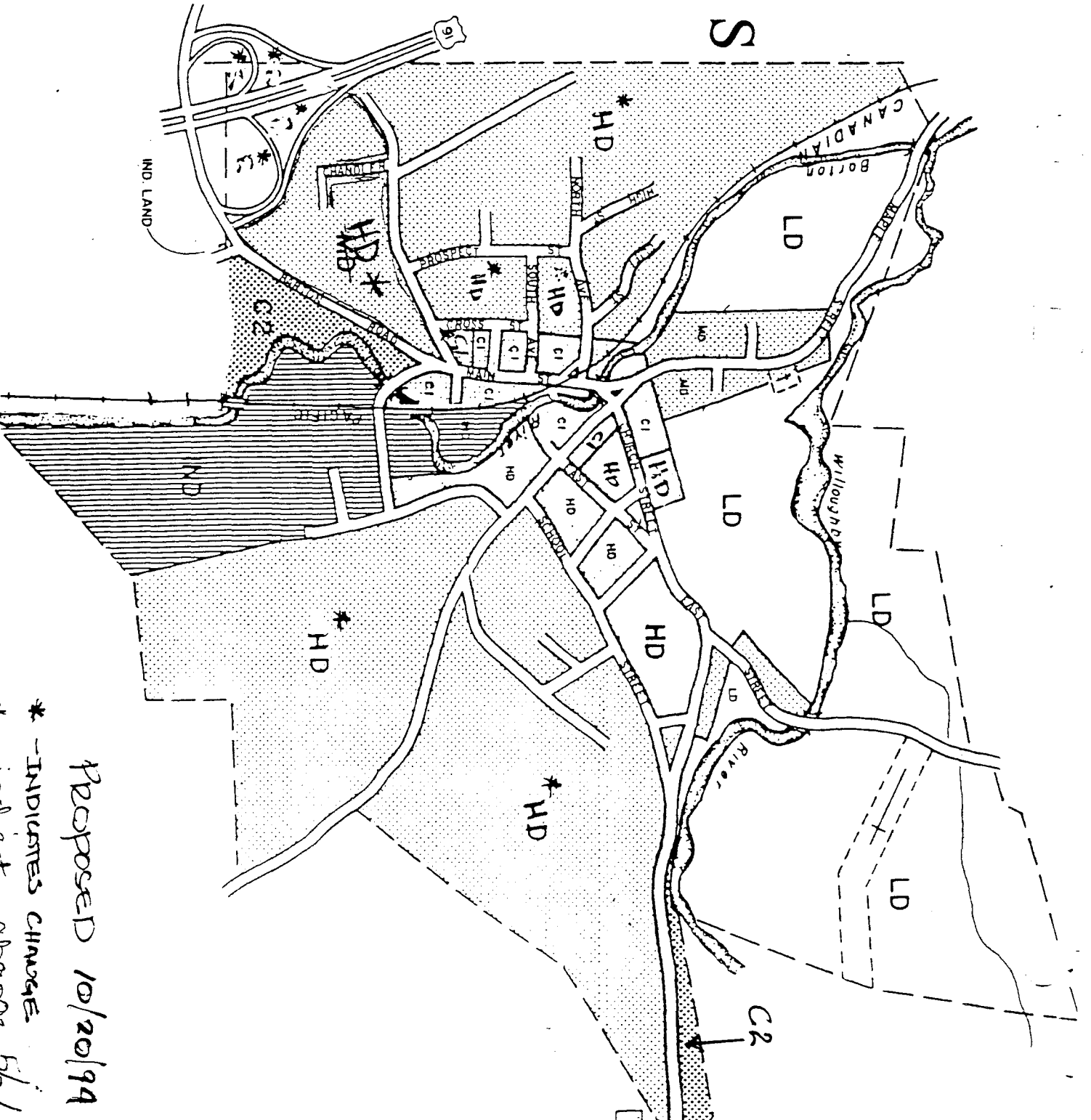
ZONING

MAP

ORLEANS VILLAGE

KEY

-  HD HIGH DENSITY
-  MD MEDIUM DENSITY
-  LD LOW DENSITY
-  C1 COMMERCIAL 1
-  C2 COMMERCIAL 2
-  IND INDUSTRIAL



Proposed 10/20/99

* - indicates change 5/29/99

ZONING MAP

TOWN OF BARTON

KEY



HIGH DENSITY



MEDIUM DENSITY



LOW DENSITY



COMMERCIAL



REMOTE



INDUSTRIAL

SL - SHORELAND

SL-R - REMOTE

SL-L - LOW DENSITY

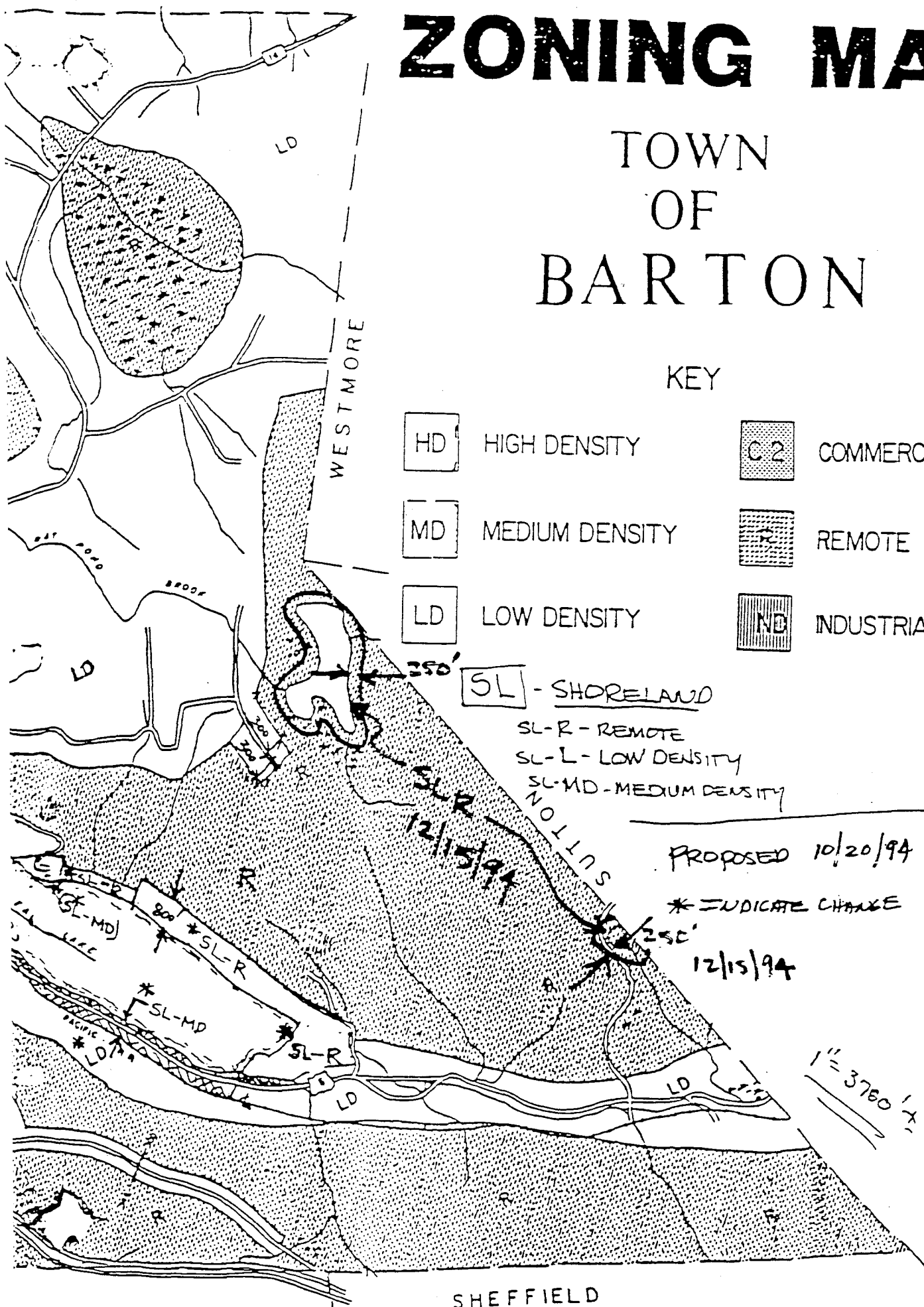
SL-MD - MEDIUM DENSITY

PROPOSED 10/20/94

* INDICATE CHANGE

12/15/94

1" = 3750'













QUINCY



Town of Barton Wellhead Protection Area



-  Surface Water
-  Wellhead Protection Area
-  Interstate Highway
-  State & Federal Highway
-  Class 2 Town Highway
-  Class 3 & 4 Town Highway
-  Railroad Tracks
-  County Boundary
-  Town Boundary
-  Community Wells

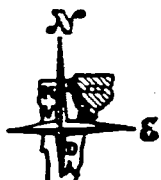
DATA SOURCES

Road Centerlines: VCGI digital data from 1:5000 scale orthophotos.

Political Boundaries: 1:24,000 scale USGS topographic maps.

Surface Waters: 1:5000 scale VT. orthophotos.

Wellhead Protection Areas: Developed By the VT. Dept. of Health from 1:24,000 scale USGS topo maps.



A l b a n y



Map Scale = 1:65,000

MILES

