



SAINT ALBANS

Vermont

LAND DEVELOPMENT REGULATIONS

City of St. Albans, Vermont

Adopted and amended by the St. Albans City Council.
Effective on March 4, 2024.

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St. Albans City Land Development Regulations

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ADOPTION AND AMENDMENTS

Adopted March 23, 1998, effective April 14, 1998
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Amended September 10, 2001, effective October 2, 2001
Amended February 11, 2002, effective March 5, 2002
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Amended September 14, 2009, effective October 5, 2009
Amended December 14, 2009, effective January 4, 2010
Amended March 14, 2011, effective April 4, 2011
Amended July 11, 2011, effective August 1, 2011
Amended March 12, 2012, effective April 2, 2012
Amended September 10, 2012, effective October 1, 2012
Amended December 20, 2012, effective January 10, 2013
Amended March 11, 2013, effective April 1, 2013
Amended April 1, 2013, effective April 22, 2013
Amended November 11, 2013, effective December 2, 2013
Amended September 8, 2014, with revisions to Articles 3, 5, 6 & 10, effective September 29, 2014
Amended December 8, 2014, with revisions to Articles 2, 3, 4, 5 & 7, effective December 29, 2014
Amended May 18, 2015, with revisions to Articles 3, 4, 5 & 10, effective June 8, 2015
Amended November 9, 2015, with revisions to Articles 2, 3, 4, 5, 7 & 10, effective November 30, 2015
Amended August 8, 2016, with revisions to Articles 2, 5, & 6, effective August 29, 2016
Amended December 12, 2016, with revisions to Article 5, effective January 2, 2017
Amended January 8, 2018, with revisions to Articles 2, 3, 4, 5, 6, 7, & 8, effective January 29, 2018
Amended April 9, 2018, with revisions to Articles 2 & 8, effective April 30, 2018
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Amended June 10, 2019, with revisions to Article 10, effective July 1, 2019
Amended January 13, 2020, with revisions to Article 5, effective February 3, 2020
Amended September 13, 2021, with revisions to Articles 2, 4, 5, 6 & 7, effective October 4, 2021
Amended February 14, 2022, with revisions to Articles 6 & 7, effective March 7, 2022
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Amended September 12, 2022, with revisions to Articles 2, 3, 4, 5, 6, 8, 9 & 10, effective October 3, 2022
Amended January 9, 2023, with revisions to Articles 2, 3, 4, 5, 7 & 10, effective January 30, 2023
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Article 1

General Provisions

Section 101 Enactment

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", 24 V.S.A., Chapter 117, Subchapter 6, Section 4401 there are hereby established zoning and subdivision regulations for the City of St. Albans which are set forth in the text and map that constitutes these regulations.

Section 102 Title

These regulations shall be known and cited as the "City of St. Albans Land Development Regulations".

Section 103 Intent

It is the intent of these land development regulations to promote the health, safety and welfare, and to provide for orderly community growth, guided by the policies and objectives of the Comprehensive Municipal Plan.

Section 104 Severability

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Section 105 Effective Date

These regulations shall take effect and be in force 21 days after its adoption, the public welfare demanding it, and shall nevertheless be published and recorded as provided by the Act.

End of Article 1

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Article 2

Definitions

Section 201 Rules for the Construction of Language

For the purpose of these regulations, certain terms of words used herein shall be interpreted as follows:

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

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, unless the context clearly indicates the contrary.

The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged or designed to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes structure.

Definitions contained in The Vermont Planning and Development Act shall be applicable throughout these regulations unless otherwise specifically defined in this Article.

Unless otherwise specifically defined in this Article or the Vermont Planning and Development Act, the standard Webster's definition shall apply.

Any regulatory language found in these definitions shall apply.

Section 202 Defined Terms

ABANDONED BUILDING

A building which has experienced the cessation of the use by the owner without any intention of transferring rights to the building to another owner or of resuming use of the building.

ACCESSORY USE

A use incidental and subordinate to the principal use and located on the same lot as the principal use.

ACCESSORY STRUCTURE

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY APARTMENT

See Accessory Dwelling Unit.

ACCESSORY DWELLING UNIT

A Dwelling Unit for which all of the following are true:

- a. it is located within or appurtenant to a Single-Family Dwelling that is the only Principal Use on the lot;
- b. it is a distinct unit that is clearly subordinate to the Single-Family Dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation;
- c. its square footage does not exceed 30 percent of the combined total habitable floor area of the Single-Family Dwelling and the Accessory Dwelling Unit or 900 square feet, whichever is greater; and
- d. the owner of the lot, or at least one of the owners of record if there is more than one, lives in either the Single-Family Dwelling or the Accessory Dwelling Unit as their primary place of residence.

See also Section 409 for standards of review.

ACT

The Vermont Planning and Development Act, 24 V.S.A., Chapter 117.

ADULT ENTERTAINMENT ESTABLISHMENT

A social, fraternal or similar establishment or a business or commercial establishment (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement) in which any person appears in a state of nudity, in the presence of another person, other than in an enclosed single sex restroom, enclosed single sex functional shower, locker and/or dressing room facility, enclosed motel room or hotel room designed and intended for sleeping accommodations, or doctor's office, hospital room or similar place. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple, other than for the sole purpose of breastfeeding a child.

ALTERATION, EXTERIOR

Any structural exterior change, addition or modification of existing structure or moving of the building from one location to another. Excludes normal maintenance.

ALTERATION, INTERIOR

Any structural change or rearrangement of interior space including the change in the supporting members of a building, addition of walls, halls, stairs, rearrangement of interior structural parts of the building, its access and egress facilities or enlargement of habitable space. Excludes normal maintenance.

APARTMENT UNIT

See Dwelling Unit.

AREA OF SPECIAL FLOOD HAZARD

Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year, including all Zone A designation on National Flood Insurance Program maps.

ASSISTED LIVING FACILITY

A program or facility that combines housing, health and supportive services to support resident independence and aging in place. At a minimum, Assisted Living Facilities shall offer, within a homelike setting, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Licensed by the State of Vermont as an Assisted Living Residence. These facilities may provide some of the same services at Residential Care or Nursing Homes as resident needs arise, but that is not the primary purpose of an Assisted Living Facility, and they do not initially admit any residents with serious, acute illnesses or certain equipment, treatment or care needs as defined by the State's licensing regulations, as amended.

AUTOMATIC CAR WASH

A structure containing facilities for washing motor vehicles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

BANK

A business establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans, or exchanged. The offices or building in which such an establishment is located.

BAR

Premises used primarily for the sale or dispensing of alcoholic beverage by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. Includes nightclubs where entertainment and/or dancing may be conducted.

BASE FLOOD ELEVATION

Elevation above mean sea level of the base flood--the flood having a one percent chance of being equaled or exceeded in any given year (otherwise known as the 100 year flood).

BED AND BREAKFAST

A dwelling unit or portion thereof used in whole or in part for the rental of rooms, not to exceed six (6), to overnight guests and the provision of the breakfast meal to such guests.

BOARDING HOUSE

See Lodging House.

BOULEVARD

A broad city street, often tree-lined and landscaped.

BUILDABLE AREA

The area of the lot remaining after the minimum yard requirements of the zoning regulations have been met.

BUILDING

Any structure designed, built or occupied as a shelter or roofed enclosure for persons, equipment, process, animals or property, including travel trailers, mobile homes, trailers or any other roofed structure on wheels when sited in such a manner that they are not readily moveable.

BUILDING CONTRACTOR'S FACILITY

A lot where a building contractor maintains an office and/or stores equipment pertinent to that contractor's business. The use of this lot does not include wholesale or retail trade of materials.

BUILDING HEIGHT

The vertical dimension as measured from the average elevation of the finished lot grade of the street frontage of the building, to the highest point of the finished roof including mechanical devices on a flat roof and the average height of rise, including mechanical devices, in the case of a gable, hip, gambrel or similarly shaped roofs. (See Figure 1)

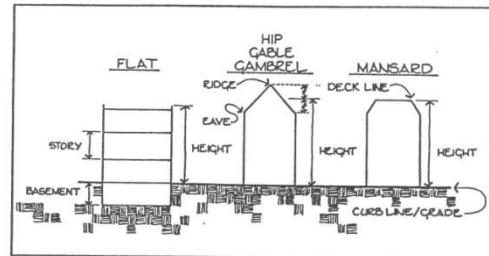


Figure 1
BUILDING HEIGHT

BUILDING, RESIDENTIAL

A building used as a home or abode for families or individuals.

BUSINESS DISTRICT

A type of land use district for the purposes of carrying these regulations, as listed Section 301 Districts Established. Such districts are intended to be primarily commercial in nature.

CEMETERY

Land used or to be used for the burial of the dead, and dedicated for cemetery purposes including mausoleums and mortuaries when operated in conjunction with and within the boundary of a cemetery. Cemetery shall also include land used for and dedicated to the burial of animals.

CHILD CARE, DAY CARE, ETC.

See Section 405 – Day Care or Day Care Facilities

CITY MANAGER

The St. Albans City Manager is appointed by the City Council. All references to the Manager or City Manager refer also to his or her designee.

CLUB, PRIVATE

A private organization, building or grounds operated for social, recreational or charitable purposes, open only to members and their guests, specifically including country clubs, fraternities and sororities and other organizations and entities to which membership is limited or controlled.

COMMUNITY CENTER

A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY HOUSE

A community house is a residential dwelling unit where, due to the particular needs of the resident individuals, a joint living arrangement is necessitated and where the individuals are under sponsorship or care of a public, nonprofit or for profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment, such as a halfway house, a personal care residence, a community transitional facility, or any other such facility that provides such services. The following are not community houses: Assisted Living Facilities, Nursing Homes, Residential Care Homes, group homes, fraternities, sororities, dormitories, convents, communes, Two- or Multi-Family Dwellings, boarding and rooming houses, tourist homes, bed and breakfasts, homeless shelters, and hotels.

COMPREHENSIVE MUNICIPAL PLAN OR MUNICIPAL PLAN

A comprehensive plan adopted by the City Council pursuant to Subchapter 5 of the Vermont Planning and Development Act which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONDOMINIUM

Property subject to the provisions of Chapter 15 of 27 V.S.A., as amended.

CONGREGATE HOUSING

A residential use that may or may not contain complete dwellings and provides communal dining facilities, housekeeping, organized social and recreational activities, transportation services, and/or other services appropriate for the residents. This definition does not include Assisted Living Facilities, Community Houses, Nursing Homes, or Residential Care Homes.

CONSTRUCTION DRAWINGS

The drawings for a subdivision showing the location, profile grades, size and type of drains, sewers, water mains, underground ducts, pavements, cross-section of streets, miscellaneous structures, etc.

CONTROLLED SUBSTANCE DISPENSARY / PHARMACY

A facility where licensed professionals dispense controlled substances, as regulated by the U.S. Government and the State of Vermont, on an outpatient basis for the treatment of conditions as prescribed by a qualified medical professional. These facilities will be categorized into two classes:

- Class A Controlled Substance Dispensary: For which 80% or more of total served prescriptions are for substances listed on U.S. Drug Enforcement Administration Controlled Substance Schedules 1, 2 and/or 3.

- Class B Controlled Substance Dispensary (Pharmacy): A facility under this definition that does not qualify for Class A above.

This definition does not include the retail sale of other goods and services, which would have to be sought as an additional use, if desired by the applicant.

CONVENIENCE STORE

Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods for off-site consumption. The definition of this use does not include other uses, such as motor vehicle fuel sales or motor vehicle service.

CORRECTIONAL FACILITY

A building in which persons are confined for safe custody while on trial for an offense or for punishment after trial and conviction.

CRAFT PRODUCTION AND RETAIL SHOP

A sole-proprietor, partnership or limited liability company establishment, of which no partner or member is a corporation, limited solely to the manufacture and/or sale of consumer goods that are produced or assembled, on or off the premises, by the proprietor and where no more than 50% of habitable and storage space on the premises is devoted to this use.

CREDIT UNION

See Bank.

CUL-DE-SAC

See Street, Cul-de-sac. (See Figure 2)

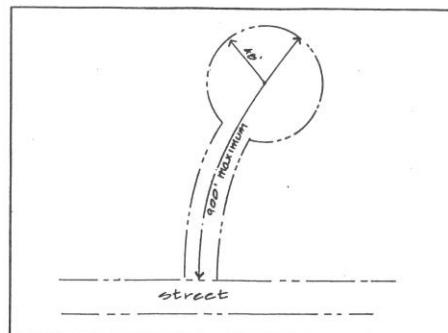


Figure 2
CUL-DE-SAC STREET

DAY CARE, CHILD CARE, ETC.

See Section 405 Day Care Homes or Day Care Facilities

DEAD END

See Street, Dead End.

DETACHED STRUCTURE

A separate structure which is not connected or joined and is distinct and independent of the principal structure.

DEVELOPMENT

The division of a parcel into two or more parcels of land, the construction, reconstruction, conversion, interior or exterior alteration, relocation or enlargement of any building or other structure or land or extension of use of land. Development also includes removal of vegetation in the Riparian Buffer Area and stream alteration and bank maintenance. [NOTE: alterations, stream alteration and bank maintenance, and the Riparian Buffer Area are defined in these bylaws.]

DEVELOPMENT REVIEW BOARD

An officially constituted body, pursuant to Section 4460 of the Act, whose principal duties are to hear appeals, and where appropriate to grant variances from the strict application of the zoning regulations, and to grant or deny conditional use permits, site plans, subdivisions, wastewater allocations, etc., as authorized by these bylaws.

DRIVEWAY

A private road providing access to a street or highway and including any off-street parking located on a residential lot used as a Single-Family Dwelling or as a Two-Family Dwelling. For Multi-Family Dwellings and other uses see the definition Parking Lot in Section 202. A garage or other parking structure is not considered part of a driveway.

DWELLING UNIT

A building or portion thereof, designed for occupancy by one family for residential purposes, containing complete housekeeping, sleeping, cooking, and sanitary facilities.

EMERGENCY SERVICES:

See Public Facility

ESSENTIAL SERVICES

Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

FAMILY

An individual, or two or more persons related by blood, marriage, legal adoption, guardianship, or other analogous relationship.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FINAL SUBDIVISION PLAT

The final drawings on which the subdivider's plan of subdivision is presented to the Development Review Board for approval.

FLAG LOT

A lot not meeting the minimum frontage requirements and where access to the public street is by a deeded right-of-way. (See Figure 3)

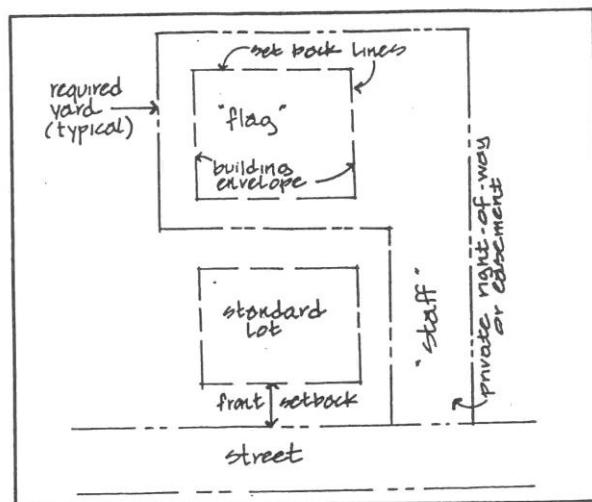


Figure 3
FLAG LOT

FLOODWAY

The channel of a river or other watercourse and 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.

FRONTAGE

Lot lines which abut a street or public right-of-way; the front lot line.

FUNERAL HOME

A structure used and occupied by a licensed mortician for burial preparation and funeral services.

GARAGE, PRIVATE

A building or accessory to a principal structure whether attached or independent of the principal structure, providing for storage of motor vehicles, in which there is no business for profit.

GARAGE, PUBLIC

Any building or area other than a private garage, as defined above, used or designed to be used for storage, repair, sale or lease, service or maintenance of motor vehicles or equipment and available to the general public.

GROSS LEASABLE AREA

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

HEDGE

A row of shrubs or low growing trees planted closely together such as to create a visual and/or physical barrier.

HOME INDUSTRY

A small industrial or service type of operation carried out in the residence or accessory buildings by residents of the dwelling, which is incidental and secondary to the residential use of the property, and which does not alter the exterior of the building or change the character of the district in which it is located.

HOME OCCUPATION

An occupation or profession, carried on by residents of the dwelling unit as an accessory use, which is incidental and secondary to the residential use of the dwelling unit, does not change the character of the district in which it is located and does not alter the exterior of the building.

HOMELESS

A person who lacks a fixed, regular, and adequate nighttime residence and/or has a primary nighttime residence that is:

- A. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- B. a homeless shelter.

HOMELESS SHELTER

A supervised publicly or privately operated shelter designed to provide temporary living accommodations to the homeless.

HOSPITAL

An institution providing primary health services for the medical or surgical care of sick or injured persons, or for the care of persons with contagious or infectious diseases. A hospital may provide care on both an out-patient basis and in-patient basis and may include related facilities such as

laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL

A building or group of buildings other than a boarding or lodging house where sleeping accommodations are provided for compensation, which may include additional services such as restaurants, meeting rooms, entertainment and recreation facilities, and at no time is a residence for any occupant except the property owner or manager. Included are motels, cabins, inns, tourist courts, motor lodges or similar uses.

IMPERVIOUS AREA

Includes structures and their overhang footprint, driveways, parking areas, vehicles and trailers parked over otherwise permeable surfaces, and other hardscapes, whether paved, stone, concrete, gravel, or packed earth.

INDOOR RECREATION

Recreation facilities and activities made available on a commercial basis, located inside a building or structure. They include bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor recreation.

INN - See Hotel.

INTERMITTENT STREAM

Intermittent Streams have flowing water for periods during the wet season (winter-spring) and during certain rain events but are normally dry during hot summer months. Intermittent streams do not have continuous flowing water year-round.

JUNKYARD

Land or buildings used for the collection, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collection, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles not in running condition.

KENNEL

A commercial establishment in which dogs or other domesticated animals are housed, bred, boarded, trained, or sold, all for a fee or compensation.

LAND ALTERATIONS

Refers to any of the following: (A) the division of a parcel of land into two or more parcels; (B) excavation or fill (including streambank protection works); (C) any substantial change in the extension or use of land.

LOADING SPACE, OFF STREET

An off-street space or berth, on the same lot with the building it is to serve, and of a size and location to provide for sufficient access for the loading and unloading of cargo, products or materials from vehicles, and which has access to the street, or alley so as to provide a means of ingress or egress.

LODGING HOUSE

A single building or portion thereof, operated on a commercial basis, where temporary sleeping accommodations are provided, for more than one and less than six persons. If meals are provided, cooking is done in a central kitchen.

LOT

A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.
(See Figure 4)

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Figure 4)

LOT COVERAGE

The portion of the area of a lot, expressed as a percentage of total lot area, which is impervious or otherwise covered by buildings or structures, including accessory buildings and structures, off-street parking and loading areas, and driveways and does not include landscaped or open green space.

LOT, DEVELOPED

A lot with buildings or structures.

LOT FRONTAGE

The distance measured along the property line which separates the lot from a public or private right-of-way.

LOT MEASUREMENT

- Lot Area - The total area within the lot lines of a lot, excluding any street right-of-way.
- Lot Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

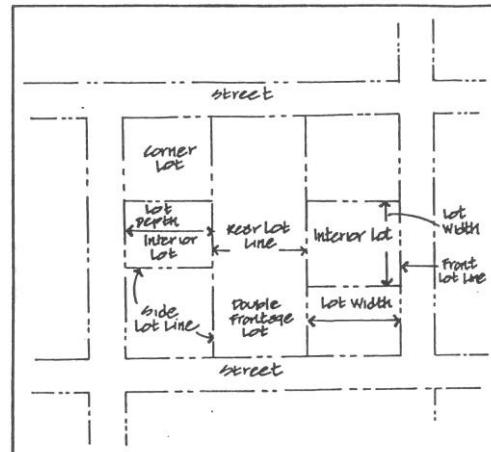


Figure 4
LOT TYPES

- Lot Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. (See Figure 4)

LOT OF RECORD

Any lot which individually or as part of a subdivision has been recorded in the land records of the St. Albans City Clerk.

MEDICAL OFFICE/CLINIC

A building or group of buildings used by a physician, dentist or other licensed health care practitioner, or a group thereof, for the treatment of human ailments on an outpatient basis. This definition does not include the dispensing of controlled substances, which would have to be sought as an additional use, if desired by the applicant.

MFD

Abbreviation used in the Regulations to stand for Multi-Family Dwelling.

MOBILE HOME

A residential structure, constructed at an off-site manufacturing facility, designed to be transported on its own permanent chassis, to be used with or without a permanent foundation, and which, when connected to appropriate water supply and sewage disposal systems, contains all the necessary elements for a dwelling unit.

MOBILE HOME PARK

A parcel of land with required improvements under single or common ownership or control, which is used or designed to be used to accommodate two or more mobile homes on a long-term basis.

MOTEL

See hotel.

MOTOR VEHICLE BODY AND REPAIR SHOP

Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing and repair, or painting of motor vehicles is conducted and rendered.

MOTOR VEHICLE FUEL DISPENSARY

Any structure, device, or land use intended to be used for the on-premises sale and dispensing of fuel products to motor vehicles, e.g. via a gasoline pump, or into a container owned by the customer and intended for use at a different site. This definition includes this use as an accessory to another use. The definition of this use does not include:

- electric vehicle charging stations provided at parking spaces that otherwise comply with these regulations or are legal nonconforming.
- other uses often associated with gas stations, such as motor vehicle service station or a convenience store.

MOTOR VEHICLE SALES AND REPAIR FACILITY

Establishments for the display, sale and repair of new and used motor vehicles, trailers, mobile homes, and boats without the retail sale of gasoline or oil except as incidental to the repair facility and used only for vehicles being repaired onsite.

MOTOR VEHICLE SERVICE STATION

Any lot or area of land, including the structures thereon, which is used or designed to be used for the sale, supply, or installation of any motor lubricant, tires, battery and similar vehicle accessories, and which has the facilities for lubricating, washing, servicing or repairing motor vehicles, not including major body repairs. The definition of this use does not include other uses, such as motor vehicle fuel sales or a convenience store.

MULTI-FAMILY DWELLING

When a total of three or more Dwelling Units is the sole Principal Use on a lot, often all within one Principal Building but could be in multiple Principal Buildings if that is allowed within the Zoning District.

MULTIPLE USE

Any combination of permitted or conditional uses allowed under the designated zoning district.

NEW CONSTRUCTION

Commencement, installation, assembly, placement or affixing of any structure or part thereof on its permanent site, including related land alterations, sanitary facilities and other utilities for new structures, on or after the date of this bylaw as adopted.

NONCONFORMING LOTS OR PARCELS

Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator. 24 V.S.A. § 4303(13).

NONCONFORMING STRUCTURE

A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator. 24 V.S.A. § 4303(14).

NONCONFORMING USE

Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator. 24 V.S.A. § 4303(15).

NURSING HOME

An institution or a distinct part of an institution which is primarily engaged in providing to its residents:

1. skilled nursing care and related services for residents who require medical or nursing

- care;
2. rehabilitation services for the rehabilitation of injured, disabled or sick persons; or
 3. on a 24-hour basis, health related care and services to individuals who because of their mental or physical condition require care and services which can be made available to them only through institutional care.

Licensed by the State of Vermont as a Nursing Home or Nursing Facility.

OFF-PREMISES COMMERCIAL SERVICE

A business or service which is principally conducted at the customer's site such as electrician, plumber, carpenter or door-to-door sales.

OFF-STREET PARKING

A temporary storage area for a motor vehicle that is directly accessible to an access aisle or driveway and that is not located on a dedicated street right-of-way.

OFFICIAL MAP

The map authorized by Section 4421 of the Vermont Planning and Development Act.

OPEN AIR MARKET

An occasional or periodic sales activity held within an open area where groups of individual sellers offer goods, new and/or used, for sale to the public, not to include private garage sales.

OPEN PORCH - DECK

An uncovered horizontal platform that extends from the principal structure.

OPEN SPACE, GREEN

An open space area not occupied by any structures or impervious surfaces.

PARKING

The act of stopping and disengaging a motorized vehicle. Also, the act of leaving and/or storing an item that is towed by a motorized vehicle, such as a trailer, whether or not currently hitched to a vehicle. Exempt from this definition is any small child's toy operated by a battery and not meant for travel on highways.

PARKING GARAGE OR STRUCTURE

A building or structure consisting of more than one level and used to park or store motor vehicles.

PARKING LOT

An off-street, ground level open area or lot used for the parking of motor vehicles. This includes off-street parking areas for Multi-Family Dwellings and all parking areas that fall under a site plan but excludes off-street parking areas for Single-Family Dwellings and Two-Family Dwellings that fall within the definition of a driveway.

PARKING, PUBLIC (PUBLIC PARKING)

Off-street parking available to the public, on a fee basis or otherwise, that is available year-

round, 24 hours a day, not including parking that is intended specifically for visitors, residents or employees of the subject property.

PARKING SPACE

An area provided for the parking of a motor vehicle within a public or private parking area meeting the standards set forth in these regulations.

PERENNIAL STREAM

The perennial streams in the City of St. Albans are Grice Brook, Rugg Brook, and Stevens Brook.

PERFORMANCE GUARANTEE

Any security that the City Council, or Development Review Board may require from the owner or developer as a guarantee that the public improvements required as part of an approval are satisfactorily completed.

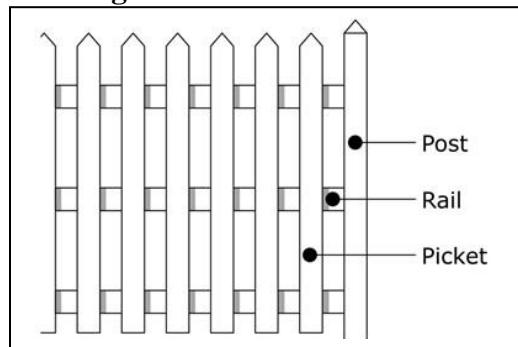
PERSONAL SERVICE

Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, photographic studio, seamstress, taxi and other personal transportation services, and businesses providing similar services of a personal nature.

PICKET FENCE

A fence consisting of pickets or pales affixed to horizontal stringers or rails between upright posts (see drawing).

Drawing of Picket Fence:



PLACE OF WORSHIP

A building or structure, together with any accessory structure, used for the regular assembly for religious worship, and which is maintained and controlled by a religious body organized to sustain such worship.

PLANNED UNIT DEVELOPMENT

One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of

dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards. Regulated via Section 413 Planned Unit Developments.

PRELIMINARY SUBDIVISION PLAT

The preliminary drawings indicating the proposed layout of the subdivision to be referred to the Development Review Board by the Zoning Administrator for its consideration.

PRINCIPAL BUILDING

A structure in or on which is conducted the principal use(s) of the lot.

PRINCIPAL USE

The primary or predominant use of any lot or parcel.

PUBLIC FACILITY

See Section 410.

PUBLIC WATER/PUBLIC SEWER

Water supply and sewage disposal systems approved by the City of St. Albans for municipal operation.

RECONSTRUCTION

Construction of a reproduction of the original structure.

RESIDENCE

The place where a person has their permanent or seasonal home, legal or effective, and to where, whenever absent, they intend to return, also defined as a home.

RESIDENTIAL BUILDING

See "Building, Residential."

RESIDENTIAL CARE HOME

A place, however named, excluding a licensed foster home, which provides room; board; assistance with meals, dressing, movement, bathing, grooming, medication management, or other personal needs; the general supervision of physical or mental well-being; and/or nursing overview. Licensed by the State of Vermont as a Residential Care Home. Also known as a "Group Home" in situations when 24 V.S.A. Sec. 4412 (G), as amended, is applicable.

RESIDENTIAL DISTRICT

A type of land use district for the purposes of carrying these regulations, as listed Section 301 Districts Established. Such districts are intended to be primarily residential in nature.

RESTAURANT

An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RESTAURANT, DRIVE THROUGH

A restaurant where a significant portion of the consumption takes place or is designed to take place outside the confines of the premises and where service is administered directly to the occupant of a motor vehicle.

RESTAURANT, TAKE OUT

An establishment where food and drink are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant.

RIPARIAN BUFFER AREA

A special area within the City along perennial streams and with specific development restrictions and criteria. See Section 523.

SCHOOL

Any establishment certified by the Vermont Department of Education, including parochial, public, private and nursery schools, colleges, universities and accessory uses, commercially operated schools of cosmetology, business, dancing, driving, music and other similar establishments.

SCHOOL, CERTIFIED/LICENSED

Public and private schools and other educational institutions certified by the State Department of Education; also see Section 410.

SCHOOL, COMMERCIAL

Commercially operated schools of cosmetology, business, dance, driving, music and other similar establishments.

SETBACK

The distance required to obtain the front, side or rear yard green space provisions of these regulations.

SFD

Abbreviation used in the Regulations to stand for Single-Family Dwelling.

SIGN

Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks by which anything is made known, such as are used to designate a firm, corporation, business, service, commodity or product, an association, or any type of publicity, whether placed on natural objects or on a building fence, or other man made structure, which are visible from any public road right-of-way.

SIGN AREA, TOTAL

The entire area of all signs displayed on a lot, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SINGLE-FAMILY DWELLING

When a single Dwelling Unit is the sole Principal Use on a lot. This includes when the Lot has an accessory use, such as an Accessory Dwelling Unit.

SITE PLAN

An accurately scaled plan for the development of a parcel that illustrates the existing and proposed conditions including lot lines, streets, building sites, setbacks, major landscape features, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, screening devices, parking, construction schedule as appropriate, and any other information that reasonably may be required in order that informed decisions can be made by the Zoning Administrator and the Development Review Board.

SITE PLAN, MAJOR

Any site plan that is not a minor site plan.

SITE PLAN, MINOR

A site plan that involves no new construction or enlargement of any structure but does modify the arrangement of parking, landscaping or signs, and is in conformance with these regulations and the Comprehensive Municipal Plan. A site plan that involves new construction or enlargement of existing structures and does not modify parking and/or landscaping will be treated as a minor site plan.

SKETCH PLAN

A sketch of the proposed subdivision showing information specified in Section 802 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board as to the form of the subdivision and objectives and requirements of these regulations.

SOUP KITCHEN

A public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy or homeless persons on a regular basis.

STORAGE

A space for, and/or the act of, keeping something in a place when not being used.

STORAGE, WAREHOUSE AND DISTRIBUTION FACILITIES

Facilities used primarily for storing, warehousing and/or distribution of goods, wares and merchandise, and which do not involve retail sale of such goods on the premises.

STREAM ALTERATION AND BANK MAINTENANCE

Pertains to perennial and intermittent streams and includes in-stream alterations, stream bank alterations, construction of bridges, and addition, replacement, or reconstruction of materials for stream bank armor or channelization. See Section 524.

STREAM CORRIDOR AREA

A special area within the City along perennial streams and with specific development restrictions and criteria. See Section 523.

STREET

Any road, highway, thoroughfare, avenue, land or right-of-way, whether public or private, used for vehicular circulation and/or to provide access to individual properties.

STREET, COLLECTOR

A street that collects traffic from local streets and connects with minor and major arterials.

STREET, CUL-DE-SAC

A street with a single means of ingress and egress and having a turnaround at the end.
(See Figure 2.)

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 twenty-five (25) feet from the center line of the street pavement.

STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET, MAJOR ARTERIAL

A street with access control channelized intersections, restricted parking and that collects and distributes traffic to and from minor arterials. (US Route 7, and State Highway 36)

STREET, MINOR ARTERIAL

A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

STRUCTURE

Any construction, erection, assemblage or other combination of materials upon the land, including swimming pools, necessitating pilings, footings or a foundation attachment to the land.

SUBDIVIDER

Any person, firm, corporation, partnership, or association, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein either for himself or others.

SUBDIVISION

Division of any parcel of land with or without streets into two (2) or more lots, plots, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term Subdivision includes re-Subdivision.

SWIMMING POOL

Any pool or structure used primarily for swimming, whether installed above or below ground, which contains two or more feet of water at its deepest point, and whether for public, private or commercial use.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for which 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 for Historic Places or a State Inventory of Historic Sites.

TEMPORARY STRUCTURE

A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE

A use established for a limited-duration time period of at least eight (8) days with the intent to discontinue such use upon the expiration of the time period.

TFD

Abbreviation used in the Regulations to stand for Two-Family Dwelling.

THEATER

A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

TRAILER

A vehicle that is not self-propelled and that is designed to be pulled by another motorized vehicle.

TRAILER, TRAVEL (TRAVEL TRAILER)

A Trailer approved for highway use and equipped for use as a dwelling while travelling.

TWO-FAMILY DWELLING

When a total of two Dwelling Units is the sole Principal Use on a lot, often both within one Principal Building but could be in two Principal Buildings if that is allowed within the Zoning District.

UTILITY FACILITY

A building or part thereof dealing with the generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

VETERINARY HOSPITAL

A place where animals are given licensed veterinary care and the boarding of animals is limited to short-term care incidental to such veterinary care.

WHOLESALE FACILITY

Facility primarily engaged in selling merchandise to retailers, or industrial, commercial, or professional business uses, or which acts as agents in buying and selling merchandise to such companies. Wholesale establishments are not structures used primarily for storage of goods, wares and merchandise although wholesale functions may include maintaining substantial inventories.

End of Article 2

Article 3

District Regulations

Section 301 Districts Established

For the purposes of these regulations, the City of St. Albans is hereby divided into the following zoning districts, which are referred to by name and/or abbreviation as listed below:

- A. Residential Districts – the following three districts are referred to singularly in these regulations or grouped as the “residential districts:”
 - 1. Residential 9500 – R95
 - 2. Residential 7500 District – R75
 - 3. Business-Neighborhood Transition - BNT
- B. Business Districts – the following three districts are referred to singularly in these regulations or grouped as the “business districts:”
 - 1. Central Business District – B1
 - 2. Transitional Business District – B2
 - 3. Residential-Professional District - RP
- C. Medical Institution District – MI
- D. Service-Industrial District – S-IND

These Regulations also include the following overlay Districts (see Section 305).

- A. Flood Hazard Overlay District – FHOD
- B. St. Albans Historic District
- C. Design Review Districts
- D. Multi-Dwelling Overlay District

Section 302 Zoning District Boundaries

A. Official Zoning Map

The boundaries of the zoning districts established in this Article are as shown upon the Official Zoning Map of the City of St. Albans which shall be located in the Zoning Office and in Section 1001 of these Regulations; except that, the FHOD - Flood Hazard Overlay District is not shown on the Official Zoning Map. This district includes all areas in the City of St. Albans identified as areas of special flood hazard on the National Flood Insurance Program maps published by the Federal Emergency Management Agency which are hereby adopted by reference and are on file in the Zoning Office. The St. Albans Historic District overlay is also not shown on the Official Zoning Map.

The City of St. Albans Official Zoning Map shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the City.

B. Interpretation of District Boundaries

1. District boundaries shown within the lines of roads, streams and transportation rights of way shall be deemed to follow the center of the right-of-way. The abandonment of roads shall not affect the location of district boundaries. When the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, the applicant shall be referred to the Development Review Board before taking any action. The Development Review Board shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.
2. In the Flood Hazard Overlay District, base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, where available (Zones A1-A30, AE and AH), shall be used to administer the provisions of this bylaw. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (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 this bylaw.

Section 303 Zoning District Standards

This section establishes the purpose, allowed uses, and general dimensional standards of each Zoning District. Any use defined in Section 202 Defined Terms that is not specifically listed as a Permitted or Conditional Use for a Zoning District is not allowed within that district.

A. Residential 9500 District – R95

1. The purpose of this district is to maintain within the City a pleasant and uncrowded residential area, and to encourage appropriate development and/or redevelopment that will complement the existing residential land use. This area shall be primarily for Single-Family Dwellings, along with accessory uses. A variety of other residential uses, along with selected non-residential uses may be allowed as conditional uses, provided they meet all applicable standards and can be shown to be compatible with the district's objectives.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements:
 - a. Day Care Home, Large Family in accordance with Section 405.
 - b. Day Care Home, Small Family in accordance with Section 405.
 - c. One Dwelling Unit included with one or more other properly permitted uses that are not Dwelling Units.
 - d. Home Occupation in accordance with Section 403.

- e. Residential Care Home for which 24 V.S.A. Sec. 4412 (G), as amended, is applicable.
 - f. Single-Family Dwelling.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements:
- a. Bed & Breakfast.
 - b. Community Center.
 - c. Congregate Housing.
 - d. Two-Family Dwelling.
 - e. Home Industry in accordance with Section 404.
 - f. Lodging House.
 - g. Planned Unit Development via Section 413, which could also allow Multi-Family Dwellings or Two or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.
 - h. School, Certified/Licensed.
4. Allowed Number of Principal Uses: Only one Principal Use is allowed on a property in this Zoning District, unless approval for more than one Principal Use is granted via Section 413 Planned Unit Developments. This provision does not prohibit the approval of a Home Occupation or Home Industry as an Accessory Use.

5. Minimum Lot Area Required Per Use:

Single-Family Dwelling:	9,500 square feet.
Two-Family Dwelling:	12,000 square feet.
Multi-Family Dwelling:	5,000 square feet per Dwelling Unit.
Dwelling Units included with other Principal Uses that are not Dwelling Units:	5,000 square feet per Dwelling Unit.
All other uses:	12,000 square feet.

6. Minimum Lot Width:

If Single-Family Dwelling is Principal Use:	75 feet.
All other uses:	100 feet.

7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
All other development:	20 feet or average of all buildings within 200 feet of side lot lines.

8. Minimum Side Setbacks:

Single-Family Dwelling:	10 feet.
Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.

All other Accessory Structures:	5 feet.
All other Uses:	15 feet.

9. Minimum Rear Setback:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	20 feet or the average setback of all existing buildings within 200 ft of the side property lines.

10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.

11. Maximum Building Height: 28 feet. See also Section 513.

12. Maximum Lot Coverage: 40%

B. Residential 7500 District – R75

1. The purpose of this district is to provide an area within the City for moderately dense residential development and growth, while maintaining a safe and healthy atmosphere for the district's residents. Single-family dwellings shall be permitted uses within this district, along with accessory uses. A variety of other residential uses, along with selected non-residential uses may be allowed as conditional uses, provided they meet all applicable standards and can be shown to be compatible with the district's objectives.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Day Care Home, Large Family in accordance with Section 405.
 - b. Day Care Home, Small Family in accordance with Section 405.
 - c. One Dwelling Unit included with one or more other properly permitted uses that are not Dwelling Units.
 - d. Home occupation in accordance with Section 403.
 - e. Residential Care Home for which 24 V.S.A. Sec. 4412 (G), as amended, is applicable.
 - f. Single-Family Dwelling
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Bed & Breakfast.
 - b. Cemetery.
 - c. Community Center.
 - d. Congregate Housing.
 - e. Day Care Facility in accordance with Section 405.
 - f. Two-Family Dwelling.
 - g. Multi-Family Dwelling.
 - h. Two or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.
 - i. Home Industry in accordance with Section 404.
 - j. Lodging House.
 - k. Medical Office/Clinic.
 - l. Mobile home park in accordance with Section 406.
 - m. Place of Worship.
 - n. Planned Unit Development (Section 413).
 - o. School, Certified/Licensed.
 - p. School, Commercial.
4. Allowed Number of Principal Uses: Only one Principal Use is allowed on a property in this Zoning District, unless approval for more than one Principal Use is granted via Section 413 Planned Unit Developments. This provision does not prohibit the approval of a Home Occupation or Home Industry as an Accessory Use.
5. Minimum Lot Area Required Per Use:

Single-Family Dwelling:	7,500 square feet.
Two-Family Dwelling:	10,000 square feet.
Multi-Family Dwelling:	5,000 square feet per Dwelling Unit.
Dwelling Units included with other Principal Uses that are not Dwelling Units:	5,000 square feet per Dwelling Unit.
All other uses:	10,000 square feet.

6. Minimum Lot Width: 75 feet.

7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
All other development:	10 feet or average of all buildings within 200 feet of side lot lines.

8. Minimum Side Setbacks:

Single-Family Dwelling:	10 feet.
Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	15 feet.

9. Minimum Rear Setback:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	20 feet or the average setback of all existing buildings within 200 ft of the side property lines.

10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.

11. Maximum Building Height: 28 feet. See also Section 513.

12. Maximum Lot Coverage: 50%

C. Business-Neighborhood Transition District - BNT

1. The purpose of this district is to provide an area of transition between commercial areas and other residential districts. This district maintains the densities, dimensional standards, and character of a pleasant and uncrowded residential area and allows the types of uses that would historically be found where business districts transition into residential areas. Single-Family and Two-Family Dwellings are allowed, along with selected non-residential uses as conditional uses, provided they meet all applicable standards and can be shown to be compatible with the district's objectives.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Day Care Home, Large Family in accordance with Section 405.
 - b. Day Care Home, Small Family in accordance with Section 405.
 - c. One Dwelling Unit included with one or more other properly permitted uses that are not Dwelling Units.
 - d. Home Occupation in accordance with Section 403.
 - e. Residential Care Home for which 24 V.S.A. Sec. 4412 (G), as amended, is applicable.
 - f. Single-Family Dwelling
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Assisted Living Facilities.
 - b. Bed & Breakfast.
 - c. Cemetery.
 - d. Community Center.
 - e. Congregate Housing.
 - f. Day Care Facility in accordance with Section 405.
 - g. Two-Family Dwelling.
 - h. Home Industry in accordance with Section 404.
 - i. Lodging House.
 - j. Medical Office/Clinic.
 - k. Mobile home park in accordance with Section 406.
 - l. Office.
 - m. Place of Worship.
 - n. Planned Unit Development via Section 413, which could also allow Multi-Family Dwellings or Two or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.
 - o. School, Certified/Licensed.
 - p. School, Commercial.
4. Allowed Number of Principal Uses: Only one Principal Use is allowed on a property in this Zoning District, unless approval for more than one Principal Use is granted via Section 413 Planned Unit Developments. This provision does not prohibit the approval of a Home Occupation or Home Industry as an Accessory Use.

5. Minimum Lot Area Required Per Use:

Single-Family Dwelling:	9,500 square feet.
Two-Family Dwelling:	12,000 square feet.
Multi-Family Dwelling:	5,000 square feet per Dwelling Unit.
Dwelling Units included with other Principal Uses that are not Dwelling Units:	5,000 square feet per Dwelling Unit.
All other uses:	12,000 square feet.

6. Minimum Lot Width:

If Single-Family Dwelling is Principal Use:	75 feet.
All other uses:	100 feet.

7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
All other development:	20 feet or average of all buildings within 200 feet of side lot lines.

8. Minimum Side Setbacks:

Single-Family Dwelling:	10 feet.
Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	15 feet.

9. Minimum Rear Setback:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	20 feet or the average setback of all existing buildings within 200 ft of the side property lines.

10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.

11. Maximum Building Height: 28 feet. See also Section 513.

12. Maximum Lot Coverage: 40%

D. Central Business District – B1

1. It is the purpose of the B1 - Central Business District to provide for a diverse range of business and service uses within the traditional business center of the City. The district is intended to protect and enhance the function of the downtown area as the primary commercial, financial, retail and governmental center of the region. It is designed to accommodate a wide variety of commercial activities, particularly those which benefit from pedestrian activity and access. Design criteria for the district are intended to protect the National Landmark Historic District and the special urban features of Taylor Park.

Overall, it is the purpose of the Business Districts to provide for a wide range of commercial and related activities to safeguard and enhance the City's role as the economic center of northwestern Vermont. It is also the intent of these districts to protect the historic and cultural characteristics which distinguish the City of St. Albans, and to enable a diverse range of uses, which contribute to the vitality and diversity of the Business Districts and to expand the tax base.

2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Banks.
 - b. Controlled Substance Dispensary, Class B (Pharmacy).
 - c. Convenience Store.
 - d. Day Care Home, Large Family in accordance with Section 405.
 - e. Day Care Home, Small Family in accordance with Section 405.
 - f. Dwelling Units, but not Permitted if proposed on the ground floor of a structure and only Permitted if the total of the existing dwelling unit(s) and any proposed dwelling unit(s) on the lot would result in a density of 1 dwelling unit or less per 2,000 sq. ft. in lot size.
 - g. Food Service/Café as Accessory use.
 - h. Laundry, Onsite.
 - i. Office.
 - j. Personal Services.
 - k. Restaurant/Café.
 - l. Retail within fully enclosed building, no outside storage.
 - m. School, Certified/Licensed.
 - n. School, Commercial.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Art Center/Gallery.
 - b. Assembly and Exhibition Hall.
 - c. Assisted Living Facility, except not allowed on the ground floor in the St. Albans Historic District.
 - d. Bar, Nightclub.
 - e. Bed & Breakfast.
 - f. Club, Private.

- g. Community Center.
- h. Community House, except not allowed on the ground floor in the St. Albans Historic District.
- i. Congregate Housing, except not allowed on the ground floor in the St. Albans Historic District.
- j. Controlled Substance Dispensary, Class A, but Prohibited within the St. Albans Historic District.
- k. Day Care Facility in accordance with Section 405.
- l. Dwelling Units, requiring Conditional Use review when the total of the existing dwelling unit(s) and any proposed dwelling unit(s) on the lot would result in a density greater than 1 dwelling unit per 2,000 sq. ft. in lot size, and/or there are residential uses proposed for the ground floor of the structure. However, properties that total solely one or two dwelling units, and do not include any other uses, are not allowed in the St. Albans Historic District.
- m. Funeral Home.
- n. Home Industry in accordance with Section 404.
- o. Home Occupation in accordance with Section 403.
- p. Homeless Shelter.
- q. Hotels.
- r. Library.
- s. Lodging House.
- t. Manufacturing.
- u. Medical Office/Clinic.
- v. Motor Vehicle Body and Repair Shop.
- w. Motor Vehicle Fuel Dispensary, principal or accessory, but Prohibited within the St. Albans Historic District.
- x. Motor Vehicle Parking Facility.
- y. Motor Vehicle Sales.
- z. Motor Vehicle Service Station.
- aa. Museum.
- bb. Nursing Home, except not allowed on the ground floor in the St. Albans Historic District.
- cc. Place of Worship.
- dd. Public Facility, as described in Section 410 of these regulations, but not including any use specifically defined in Article 2.
- ee. Recreation.
- ff. Residential Care Home, except not allowed on the ground floor in the St. Albans Historic District.
- gg. Retail with no building; such as, but not limited to, open-air markets.
- hh. Retail within fully enclosed building but utilizing outside storage.
- ii. Soup Kitchen.
- jj. Storage Facility.
- kk. Transportation Facility.
- ll. Veterinary Hospital.

4. Allowed Number of Principal Uses: More than one Principal Use is allowed on a property in this Zoning District.
5. Minimum Lot Area Required Per Use: There is no Minimum Lot Area required for any Use.
6. Minimum Lot Width: 20 feet.
7. Minimum Front Setback: No required minimum, however no project shall have a front setback that exceeds 10 feet.
8. Minimum Side Setbacks: No required minimum, however no project shall have a side setback that exceeds 10 feet.
9. Minimum Rear Setback: No required minimum.
10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.
11. Maximum Building Height: 60 feet. See also Section 513.
12. Maximum Lot Coverage: 100%, although may be restricted via the provisions of Sections 515, 516 and 603.

E. Transitional Business District – B2

1. It is the intent of the B2 - Transitional Business District to provide for the location of a wide range of business activities. These activities support the function of St. Albans as the primary business center in the region and provide a wide range of goods and services for local and regional needs outside the downtown area. These areas are convenient to customers, preserve the carrying capacity of streets and require the provision of off-street parking and loading. Design criteria for the district are intended to encourage the expanded use and preservation of existing buildings or new construction, alterations, and enlargements compatible with the architectural character of the district.

Overall, it is the purpose of the Business Districts to provide for a wide range of commercial and related activities to safeguard and enhance the City's role as the economic center of northwestern Vermont. It is also the intent of these districts to protect the historic and cultural characteristics which distinguish the City of St. Albans, and to enable a diverse range of uses, which contribute to the vitality and diversity of the Business Districts and to expand the tax base.

2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Art Center/Gallery.
 - b. Banks.
 - c. Clubs, Private.
 - d. Day Care Home, Large Family in accordance with Section 405.
 - e. Day Care Home, Small Family in accordance with Section 405.
 - f. Food Service/Café as Accessory use.
 - g. Home Industry in accordance with Section 404.
 - h. Home Occupation in accordance with Section 403.
 - i. Library.
 - j. Museum.
 - k. Personal Services.
 - l. School, Certified/Licensed.
 - m. School, Commercial.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Assembly and Exhibition Hall.
 - b. Assisted Living Facility.
 - c. Bar, Nightclub.
 - d. Bed & Breakfast.
 - e. Building Contractor Facility, except Prohibited with any outside storage of equipment.
 - f. Car Wash.
 - g. Cemetery.
 - h. Community Center.
 - i. Community House.

- j. Congregate Housing.
 - k. Controlled Substance Dispensary, Class A or B, except that Class A is prohibited within the St. Albans Historic District.
 - l. Convenience Store.
 - m. Day Care Facility in accordance with Section 405.
 - n. Single-Family Dwelling.
 - o. Two-Family Dwelling
 - p. Multi-Family Dwelling.
 - q. One or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.
 - r. Funeral Home.
 - s. Hotels.
 - t. Laundry, Onsite.
 - u. Lodging House.
 - v. Manufacturing.
 - w. Medical Office/Clinic.
 - x. Motor Vehicle Body and Repair Shop.
 - y. Motor Vehicle Fuel Dispensary, principal or accessory.
 - z. Motor Vehicle Parking Facility.
 - aa. Motor Vehicle Sales.
 - bb. Motor Vehicle Service Station.
 - cc. Nursing Homes.
 - dd. Office.
 - ee. Place of Worship.
 - ff. Planned unit development (Section 413).
 - gg. Public Facility, as described in Section 410 of these regulations, but not including any use specifically defined in Article 2.
 - hh. Recreation.
 - ii. Residential Care Homes.
 - jj. Restaurant/café.
 - kk. Retail within fully enclosed building, no outside storage.
 - ll. Retail within fully enclosed building, but utilizing outside storage.
 - mm. Storage Facility.
 - nn. Transportation Facility.
 - oo. Veterinary hospital.
4. Allowed Number of Principal Uses: More than one Principal Use is allowed on a property in this Zoning District.
5. Minimum Lot Area Required Per Use:

Single-Family Dwelling:	7,500 square feet.
Two-Family Dwelling:	7,500 square feet.
Multi-Family Dwelling:	5,000 square feet per Dwelling Unit.
Dwelling Units included with other Principal Uses that are not Dwelling Units:	5,000 square feet per Dwelling Unit.
Congregate Housing:	2,000 square feet per unit.

All other uses:	7,500 square feet.
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6. Minimum Lot Width: 75 feet.

7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
All other development:	Average of all buildings within 200 feet of side lot lines.

8. Minimum Side Setbacks:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	10 feet.

9. Minimum Rear Setback:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	10 feet.

10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.

11. Maximum Building Height: 28 feet, or higher in conformance with Section 513.

12. Maximum Lot Coverage: 70%

F. Medical Institution District - MI

1. It is the purpose of the MI Medical Institution District to provide a suitable location for health services of regional importance and associated uses. The district is currently dominated by the Northwestern Medical Center hospital. This district provides good transportation and infrastructure access. Due to this district's proximity to residential uses, special attention should be paid to the performance standards found in Section 519 of these regulations. Due to the location of the district at the eastern gateway to the City, ample setbacks are provided along frontage, and special attention should be paid to lot and building design.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Food Service/Café as an Accessory Use in service to the Principal Use.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Any use defined in Article 2 when proposed as an Accessory Use in service to the Principal Use, except that Adult Entertainment Establishments (Section 408) are Prohibited.
 - b. Assisted Living Facility.
 - c. Controlled Substance Dispensary, Class A.
 - d. Controlled Substance Dispensary, Class B (Pharmacy).
 - e. Hospital.
 - f. Medical Office/Clinic.
 - g. Nursing Home.
 - h. Planned Unit Development (Section 413).
 - i. Recreation.
 - j. Residential Care Home.
4. Allowed Number of Principal Uses: More than one Principal Use is allowed on a property in this Zoning District.
5. Minimum Lot Area Required Per Use:

Congregate Housing:	2,000 square feet per unit.
All other Uses:	12,000 square feet.
6. Minimum Lot Width: 100 feet.
7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
Parking and vehicular circulation within 150 feet of the St. Albans City and Town political boundary:	30 feet
Parking and vehicular circulation outside 150 feet of the St. Albans City and Town political boundary:	125 feet
All other Structures:	160 feet.

8. Minimum Side Setbacks: 10 feet, with buffering required.
9. Minimum Rear Setback: 10 feet, with buffering required.
10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.
11. Maximum Building Height:

Within 55 feet of a side or rear setback:	28 feet.
Otherwise:	60 feet.
12. Maximum Lot Coverage: Area remaining after required setbacks and buffer areas are met.

G. Service-Industrial District – S-IND

1. It is the purpose of the S-IND Service Industrial District to provide for the location of a wide variety of service, industrial, manufacturing, distribution and research facilities providing employment opportunities and broadening of the tax base of the City. These locations provide good transportation and infrastructure access. All uses shall be in conformance with the performance standards found in Section 519 of these regulations. Due to the location of the district adjacent to residential areas, buffering shall be required to minimize conflicts between non-residential uses and residential districts.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Building Contractor Facility.
 - b. Convenience Store.
 - c. Day Care Home, Large Family in accordance with Section 405.
 - d. Day Care Home, Small Family in accordance with Section 405.
 - e. Food Service/Café as an Accessory Use in service to the Principal Use.
 - f. Home Industry in accordance with Section 404.
 - g. Home occupation in accordance with Section 403.
 - h. Laundry, Industrial.
 - i. Manufacturing.
 - j. Motor Vehicle Body and Repair Shop.
 - k. Motor Vehicle Fuel Dispensary, principal or accessory.
 - l. Motor Vehicle Sales.
 - m. Motor Vehicle Service Station.
 - n. Office.
 - o. Retail within fully enclosed building, no outside storage.
 - p. Warehouse and Distribution Facilities.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Any use defined in Article 2 when proposed as an Accessory Use in service to the Principal Use, except that Adult Businesses and Adult Entertainment Establishments (Section 408) are Prohibited.
 - b. Adult Business or Adult Entertainment Establishment (Section 408).
 - c. Car Wash.
 - d. Day Care Facility in accordance with Section 405.
 - e. Junkyard, Salvage Yard, Scrap Yard.
 - f. Kennel.
 - g. Motor Vehicle Parking Facility.
 - h. Place of Worship.
 - i. Planned Unit Development (Section 413).
 - j. Public Facility, as described in Section 410 of these regulations, but not including any use specifically defined in Article 2.
 - k. Recreation.
 - l. Retail with no building; such as, but not limited to, open-air markets.

- m. Retail within fully enclosed building but utilizing outside storage.
 - n. School, Certified/Licensed.
 - o. School, Commercial.
 - p. Soup Kitchen.
 - q. Storage Facility.
 - r. Transportation Facility.
 - s. Utility facilities.
 - t. Veterinary hospital.
4. Allowed Number of Principal Uses: More than one Principal Use is allowed on a property in this Zoning District.
5. Minimum Lot Area Required Per Use: 10,000 square feet.
6. Minimum Lot Width: 100 feet.
7. Minimum Front Setback:
- | | |
|--|---|
| Public Interest Markers (Section 517.4): | 5 feet. |
| All other Development: | 20 feet, or average of all buildings within 200 feet of side lot lines. |
8. Minimum Side Setbacks: 10 feet, or as otherwise required or waived under Section 516 or Section 604.
9. Minimum Rear Setback: 10 feet, or as otherwise required or waived under Section 516 or Section 604.
10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.
11. Maximum Building Height: 40 feet, or higher in conformance with Section 513.
12. Maximum Lot Coverage: Area remaining after required setbacks and buffer areas are met.

H. Residential-Professional District – RP

1. The purpose of the Residential-Professional District is to provide an area that balances residential uses with commercial uses, with a preference toward activities that can be accommodated within houses or structures that mirror the form of houses. This district maintains the dimensional standards and character of a pleasant high-density residential neighborhood and allows the types of uses that would historically be found where business districts transition into residential areas. Most types of residential uses are allowed, along with selected non-residential uses as conditional uses, provided they meet all applicable standards and can be shown to be compatible with the district's objectives.
2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Art Center/Gallery.
 - b. Clubs, Private.
 - c. Day Care Home, Large Family in accordance with Section 405.
 - d. Day Care Home, Small Family in accordance with Section 405.
 - e. Food Service/Café as Accessory use.
 - f. Home Industry in accordance with Section 404.
 - g. Home Occupation in accordance with Section 403.
 - h. Library.
 - i. Museum.
 - j. Personal Services.
 - k. School, Certified/Licensed.
 - l. School, Commercial.
 - m. Single-Family Dwelling.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Assisted Living Facility.
 - b. Bed & Breakfast.
 - c. Community Center.
 - d. Community House.
 - e. Congregate Housing.
 - f. Craft Production and Retail Shop
 - g. Day Care Facility in accordance with Section 405.
 - h. Two-Family Dwelling
 - i. Multi-Family Dwelling.
 - j. One or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.
 - k. Funeral Home.
 - l. Lodging House.
 - m. Medical Office/Clinic.
 - n. Nursing Homes.
 - o. Office.
 - p. Place of Worship.

- q. Planned unit development (Section 413).
 - r. Residential Care Homes.
4. Allowed Number of Principal Uses: More than one Principal Use is allowed on a property in this Zoning District.

5. Minimum Lot Area Required Per Use:

Single-Family Dwelling:	7,500 square feet.
Two-Family Dwelling:	7,500 square feet.
Multi-Family Dwelling:	5,000 square feet per Dwelling Unit.
Dwelling Units included with other Principal Uses that are not Dwelling Units:	5,000 square feet per Dwelling Unit.
Congregate Housing:	2,000 square feet per unit.
All other uses:	7,500 square feet.

6. Minimum Lot Width: 75 feet.

7. Minimum Front Setback:

Public Interest Markers (Section 517.4):	5 feet.
All other development on the easterly side of North Main Street:	The greater of either 30 feet or 75% of the average of front setbacks within 200 feet of both sides of the subject property.
All other development on the westerly side of North Main Street:	The greater of either 15 feet or 100% of the average of front setbacks within 200 feet of both sides of the subject property.
All other development on all other streets:	Average of front setbacks within 200 feet of both sides of the subject property,

8. Minimum Side Setbacks:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.
All other Uses:	10 feet.

9. Minimum Rear Setback:

Dog house, child's play house, or tree house accessory to a residential use:	2 feet.
Temporary seasonal pool (Section 407):	2 feet.
Shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet:	2 feet.
All other Accessory Structures:	5 feet.

Principal Structures on lots with frontage:	Can extend no deeper into the rear than the average of all existing principal buildings within 200 ft of the side property lines on either side.
Principal Structures on lots without frontage (e.g. located behind other lots):	10 feet.

10. Note on Setbacks: Sections 516 and 523 may also apply and supersede the setback standards in this section.
11. Maximum Building Height: 28 feet, or higher in conformance with Section 513.
12. Maximum Lot Coverage: 70%

Section 304 Summary Table of Uses by Zoning District

The table below provides a summary of the information in Section 303 concerning the allowed uses in each Zoning District. The uses are in the rows, and the districts are in the columns, abbreviated as:

1. Residential 9500 – R95
2. Residential 7500 District – R75
3. Business-Neighborhood Transition – BNT
4. Central Business District – B1
5. Transitional Business District – B2
6. Medical Institution District – MI
7. Service-Industrial District – S-IND

The below table shall be interpreted as explained in the following text:

1. District cell is empty: the use is not allowed in that district.
2. District cell contains a letter P: the use is a Permitted Use in accordance with Section 601.
3. District cell contains a letter C: the use is a Conditional Use in accordance with Section 602.
4. District cell contains a section number: Please reference that section.

In the case of any discrepancy or contradiction between Sections 303 and 304, the information in Section 303 shall apply.

USES	R 9 5	R 7 5	B N T	B 1	B 2	M I	S- I N D	R P
Accessory Use in Medical Institution or Service Industrial District						C	C	
Adult Entertainment Establishment (Section 408)							C	

USES	R 9 5	R 7 5	B N T	B 1	B 2	M I	S- I N D	R P
Art Center/Gallery				C	P			P
Assembly and exhibition halls				C	C			
Assisted Living Facilities			C	See Sec. 303D	C	C		C
Banks and other financial institutions					P	P		
Bar, nightclub				C	C			
Bed & Breakfast	C	C	C	C	C			C
Building contractor's facility								P
Building Contractor's facility with inside storage of						C		
Car wash/ automatic car wash					C		C	
Cemetery			C		C			
Clubs, Private				C	P			P
Community Center	C	C	C	C	C			C
Community House					C			C
Congregate Housing	C	C	C	See Sec. 303D	C			C
Controlled Substance Dispensary, Class A				See Sec. 303D	See Sec. 303E	C		
Controlled Substance Dispensary, Class B (Pharmacy)					P	C	C	
Convenience Store					P	C		P
Craft Production and Retail Shop								C
Day Care Facility in accordance with Section 405		C		C	C		C	C
Day Care Home, Large Family in accordance with Section 405	P	P	P	P	P		P	P
Day Care Home, Small Family in accordance with	P	P	P	P	P		P	P
Dry cleaner, Laundromat				P	C			
Dwelling, Multi-Family	See Sec. 303A	C		See Sec. 303D	C			C
Dwelling, Single-family	P	P	P		C			P
Dwelling, Two-family	C	C	C		C			C
One Dwelling Unit included with one or more other properly permitted uses that are not Dwelling Units.	P	P	P	See Sec. 303D	C			C
Two or more Dwelling Units included with one or more other properly permitted uses that are not Dwelling Units.	See Sec. 303A	C	See Sec. 303C	See Sec. 303D	C			C
Food Service/Café as Accessory use.				P	P	P	P	P

USES	R 9 5	R 7 5	B N T	B 1	B 2	M I	S- I N D	R P
Funeral homes				C	C			C
Home Industry in accordance with Section 404	C	C	C	C	P		P	P
Home occupation in accordance with Section 403	P	P	P	C	P		P	P
Homeless shelter				C				
Hospital						C		
Hotels, dormitories				C	C			
Industrial/commercial dry cleaner/ laundry							P	
Kennel							C	
Library.				C	P			P
Lodging House	C	C	C	C	C			C
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment with all operations conducted entirely within fully enclosed building				C	C		P	
Medical Office/Clinic		C	C	C	C	C		C
Mobile home park in accordance with Section 406		C						
Motor Vehicle Body and Repair Shop				C	C		P	
Motor Vehicle Fuel Dispensary, principal or accessory				See Sec. 303D	C		P	
Motor Vehicle Service Station				C	C		P	
Motor Vehicle Sales				C	C		P	
Motor vehicles parking lot not associated with principal use				C			C	
Museum				C	P			P
Nursery schools		C		C	C			
Nursing Homes				C	C		C	
Office.			C	P	C		P	C
Other educational or cultural uses				C				
Personal services				P	P			P
Place of Worship		C	C	C	C		C	C
Planned Unit Development (Section 413)	C	C	C	C	C	C	C	C
Public Facility: as described in Section 410 of these regulations, unless specifically listed elsewhere in this table.		C		C	C		C	
Recreation (private)							C	
Recreation, amusement and entertainment (private)					C			

USES	R 9 5	R 7 5	B N T	B 1	B 2	M I	S- I N D	R P
Recreation, amusement and entertainment uses with activity conducted within and/or outside a building or				C				
Residential Care Homes for which 24 V.S.A. Sec. 4412 (G), as amended, is applicable.	P	P	P	See Sec. 303D	C	C		P
Residential Care Homes for which 24 V.S.A. Sec. 4412 (G) is NOT applicable.					C	C		C
Restaurant/café				P	C			
Sales and rental of goods, merchandise and equipment with no building, no outside storage, such as open air markets				C			C	
Sales and rental of goods, merchandise and equipment within fully enclosed building, outside storage				C	C		C	
Sales and rental of goods, merchandise and equipment within fully enclosed building, no outside storage				P	C		P	
School, Commercial		C		P	P		C	P
School, Certified/Licensed	C	C	C	P	P		C	P
Scrap material, salvage yard, junk yard, etc.							C	
Soup Kitchen				C			C	
Storage and parking				C	C		C	
Storage, Warehouse and Distribution Facilities							P	
Structures accessory to dwelling	P	P	P	C	P		C	
Transportation facility, including bus and train stations				C	C		C	
Utility facilities							C	
Veterinary hospital				C	C		C	

Section 304b [Deleted].

Section 305 Overlay Districts

A. Flood Hazard Overlay District

1. The purpose of this district is to minimize future public and private losses caused by development in flood hazard areas. Designation of this district is also required for the City's continued eligibility in the National Flood Insurance Program. Included in this district are all areas of special flood hazard as shown on the latest National Flood Insurance Program maps. The Flood Hazard Overlay District overlaps other Zoning Districts established in these Regulations; where the provisions of the underlying Zoning

District differ from those of the Flood Hazard Overlay District, the more restrictive shall govern.

2. Permitted Uses, to be reviewed in accordance with Section 601 and all other applicable standards and requirements.
 - a. Open space uses including open air markets
 - b. Recreation uses outside enclosed buildings or structures.
3. Conditional Uses, to be reviewed in accordance with Section 602 and all other applicable standards and requirements.
 - a. Substantial improvements to existing structures
 - b. Land alterations
 - c. Outdoor recreation, amusement, entertainment
 - d. Sales and rental of goods, merchandise and equipment with no building, no outside storage, such as open-air markets
 - e. Structures accessory to Dwelling Units
4. Dimensional Standards: The dimensional standards of the underlying Zoning District shall apply.
5. Specific District Requirements: The mandatory provisions of State and Federal law for continued City eligibility in the National Flood Insurance Program are hereby adopted by reference and shall be applied in the review of any land alterations or construction in this district. These mandatory provisions are contained in Section 4424 of Title 24, Chapter 117, V.S.A. and 44 CFR 60.3 and 60.6 as amended. Copies of these provisions are available at the Office of the City Clerk.
6. Warning and Disclaimer of Liability: The provisions of this Bylaw 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 City or any officials or employees thereof for any flood damages that result from reliance on these regulations or any administrative decision thereunder lawfully made.

B. St. Albans Historic District

1. The St. Albans Historic District was included in the National Register of Historic Places after a survey of contributing historic structures was performed in the center of the City. The Historic District is not used as a stand-alone district for the purpose of these regulations, but it is identified as an area where certain uses are restricted, special design standards/restrictions are used, and other provisions are made or allowed in order to preserve the area's nature as a historic urban center with unique architectural designs and an environment that encourages pedestrian activity. The boundaries of the Historic District are defined for these regulations based on parcels that contain the structures identified in the original survey.

C. Design Review Districts

See Article 7 Design Review for descriptions and standards of the Design Review Districts.

D. Multi-Dwelling Overlay District

1. The purpose of the Multi-Dwelling Overlay District is to allow high densities of various residential uses on areas of the City that are deemed appropriate, especially on commercial and industrial lots for which residential uses may be more marketable in the current real estate climate. This district is designed with standards and requirements to ensure quality of life for the residents and prevent isolation from other neighborhoods and amenities in the City.
2. Notwithstanding other rules in these Regulations concerning allowed uses, Multi-Family Dwellings in structures that include ten (10) or more Dwelling Units will be allowed on properties within the Multi-Dwelling Overlay District:
3. Notwithstanding other rules in these Regulations concerning densities, dimensional standards and parking, the following allowances and standards shall apply to Multi-Family Dwellings in structures that include ten (10) or more Dwelling Units within the Multi-Dwelling Overlay District. When these allowances and standards are in conflict with any other provisions of these Regulations, the more lenient rule shall apply, except that the standards and requirements of the Flood Hazard Overlay District (Sec. 305 A) shall prevail in the case of any conflict:
 - a. One-and-a-half (1.5) off-street parking spaces shall be required per Dwelling Unit, except that only one (1) parking space shall be required for any Dwelling Units restricted to occupancy by residents of 55 years of age or older. When the result of calculations for required spaces includes a half (0.5) the number shall be rounded up to the nearest whole number to constitute the final requirement.
 - b. A maximum density of one (1) Dwelling Unit per 1,500 square feet of lot area shall be allowed.
 - c. A structure containing ten (10) or more Dwelling Units shall be allowed a height of seventy-two (72) feet.
 - d. Parking and/or access facilities that are shared with adjacent lots are allowed in side and rear setbacks.
4. Notwithstanding other rules in these Regulations concerning parking, location and site amenities, the following requirements shall apply to Multi-Family Dwellings in structures that include ten (10) or more Dwelling Units within the Multi-Dwelling Overlay District. When these requirements are in conflict with any other provisions of these Regulations, the more restrictive rule shall apply, except that the standards and requirements of the

Flood Hazard Overlay District (Sec. 305 A) shall prevail in the case of any conflict:

- a. Regardless of Zoning District, off-street parking shall not be placed between the Principal Building and a City street.
 - b. The Principal Building must have frontage along a Class 1, 2 or 3 City street.
 - c. The Principal Building must be connected to a City sidewalk or a private sidewalk of similar standards that is connected to the City's sidewalk network and maintained year-round.
 - d. At least ten percent (10%) of the area of the development parcel that is not covered by Principal Buildings must consist of areas that residents of all generations can freely access to gather, dine outdoors, walk and/or recreate, including but not limited to lawns or patios.
 - e. Shade trees shall be planted in screening and buffer areas, and shade tree coverage of open spaces shall be maximized on the property as advised by a certified landscape architect or arborist.
5. Unless Multi-Family Dwellings in structures that include ten (10) or more Dwelling Units are allowed in the property's Zoning District as a Permitted Use in Section 303 of these Regulations, then Conditional Use Review shall be required under this section.

Section 306 [Deleted].

Section 306b [Deleted].

Section 307 Additional Provisions

A. Site Plan Review

Site Plan Review shall be conducted pursuant to Section 603 of these regulations, and shall be required for the following uses.

1. R95, R75, BNT districts: all uses other than Single- and Two-Family Dwellings except as required elsewhere in these regulations.
2. B1, B2, MI, S-IND, and RP districts: all new construction, enlargement or exterior alteration of structures and changes in parking or parking requirements except for Single- and Two-Family Dwellings, except as required elsewhere in these regulations.

B. Off-Street Parking and Loading

1. R95, R75, BNT, B2, RP, MI, S-IND Districts: required in accordance with the requirements of Section 515 of these regulations.
2. B1 District: required for lots more than one acre in this district. Site Plan approval by the Development Review Board is required and Section 515 of these

regulations will apply except for Section 515.7. Parking is not required in the B1 district on lots less than one acre. If parking is provided on lots less than one acre, site plan approval by the Development Review Board is required and all Sections of 515 of these regulations shall apply, except for Section 515.7.

C. Signs

All Districts - Signs shall be provided in accordance with the requirements of Section 517 of these regulations.

D. Design Review

1. B1 District – Design review is required as provided in Article 7 of these regulations for all new construction; enlargement or exterior alteration because of the special historic nature of this district to ensure new development is compatible with the fundamental design elements of the district. The Design Advisory Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
2. B2 and RP Districts – Design review is required for all new construction, enlargement or exterior alteration of structures as provided in Article 7.

E. Landscaping, Buffering, Setbacks and Grading

All Districts - Landscaping, buffering, setbacks and grading shall be provided in accordance with the requirements of Sections 516 and 523 of these regulations.

F. Performance Standards:

All Districts - Performance standards shall be in accordance with the requirements of Section 519 of these regulations.

End of Article 3

Article 4

Regulation of Special and City-Wide Uses

Section 401 Temporary Uses and Structures

Temporary permits for a period of at least eight (8) days BUT not exceeding one (1) year may be issued by the Zoning Administrator for uses and structures accessory to a principal use or structure on a residential parcel, or secondary to a principal use or structure on a non-residential parcel if the temporary use or structure meets dimensional requirements of the applicable zoning district. Structures of less than 96 square feet shall be exempt from permit requirements. The use or structure shall be removed at the end of the permit period. Such permits may be renewed upon application to the Zoning Administrator, but shall not have the effect of establishing a perpetual existence of the temporary use or structure.

Temporary permits may also be issued by the Zoning Administrator for non-conforming uses or structures incidental to construction projects, providing the non-conforming use or structure shall be discontinued and removed within six months from the date of the permit. Such permits may be renewed for three additional periods not to exceed six months, upon application to the Zoning Administrator.

Section 402 Temporary Special Sales

See Ordinances City of St. Albans, Title 5, Chapter 3, Subchapter 19 Lawn/Porch/Garage Sales, as amended.

Section 403 Home Occupations

Any home occupation, as defined elsewhere in these regulations, shall be permitted as an accessory use to any residential use if it complies with the requirements of this section.

- A.** Exterior displays or signs other than those normally permitted in a residential district, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- B.** The use shall not have noise levels above those that are characteristic with the neighborhood in which it is located.
- C.** All performance standards, as stated elsewhere in these regulations, shall be met.
- D.** No traffic shall be generated by such activity in greater volumes than would normally be expected in the neighborhood.
- E.** Parking shall be provided off-street and shall not be located within the required front,

side or rear setbacks.

- F. No employees other than residents of the dwelling unit.
- G. There will be only one home occupation or home industry per property unless approved by the Development Review Board.
- H. Prior to beginning any home occupation, a zoning permit shall be obtained from the Office of the Zoning Administrator. The Zoning Administrator may require the submittal of any information deemed necessary to ensure that the proposed use meets the above standards for home occupations. Failure to provide sufficient information to determine compliance may result in the denial of a zoning permit for the proposed home occupation.

Section 404 Home Industry

Any home industry, as defined elsewhere in these regulations, shall comply with the requirements of this section.

- A. Exterior displays or signs other than those normally permitted in the district and exterior storage of materials shall not be permitted.
- B. The use shall not have noise levels above those that are characteristic with the neighborhood in which it is located.
- C. No traffic shall be generated by such activity in greater volumes than would be normally expected in the neighborhood.
- D. All performance standards, as stated elsewhere in these regulations, shall be met.
- E. Parking shall be provided off-street and shall not be located in the required front, side or rear setbacks.
- F. No employees other than residents of the dwelling unit.
- G. There will be only one home occupation or home industry per property unless otherwise approved by the Development Review Board.
- H. Prior to beginning any home industry, a zoning permit shall be obtained from the Office of the Zoning Administrator. The Zoning Administrator may require the submittal of any information deemed necessary to ensure that the proposed use meets the above standards for home industries. Failure to provide sufficient information to determine compliance may result in the denial of a zoning permit for the proposed home industry.

Section 405 Day Care Homes or Day Care Facilities

- A. Small Family Day Care Home. A state registered family day care home, as defined in 33 V.S.A. § 3511, as amended, serving six or fewer children (not including children residing in the residence of the caregiver), shall constitute a permitted Single-Family Dwelling.
- B. Large Family Day Care Home. A state registered family day care home as defined in 33 V.S.A. § 3511, as amended, serving no more than six full-time and four part-time children (not including children residing in the residence of the caregiver), using a minor portion of a dwelling, shall constitute a home occupation (subject to Section 403 of these regulations) if the same is customary in residential areas and does not change the character thereof. A Large Family Day Care Home shall require site plan review.
- C. Day Care Facility. Except as set forth in subsections A and B above, a day care facility, as defined in 33 V.S.A. § 3511, as amended, shall be a permitted or conditional use in such zones as set forth in Article 3. The day care facilities to which this subsection C applies shall be referred to in Article 3 as “Day Care Facility.”
- D. Notwithstanding the above, a state registered or licensed day care home or day care facility provided on-site by employers for the purposes of caring for the dependents of employees shall be considered an accessory use.

Section 406 Mobile Homes, Travel Trailers, and Mobile Home Parks

Section 406.1 Mobile Homes

It shall be unlawful for any person to erect a mobile home on any public or private property, except in accordance with these regulations as follows:

- A. A single mobile home may be erected at any location where a single-family dwelling unit is allowed.
- B. In an approved mobile home park.
- C. In an approved mobile home sales lot.
- D. The Zoning Administrator may approve a mobile home or travel trailer at a construction site for security, office and/or laboratory use for a period not to exceed one year. The Zoning Administrator may extend this period to conform to the construction period.

Section 406.2 Travel Trailers

A Travel Trailer may be parked in the Rear or Side Setbacks, providing that the Travel Trailer is not hitched to a vehicle, is parked behind the front face of the Principal Building and no closer than six feet to any lot line, is registered and maintained for highway use, and is not allowed to deteriorate in outward appearance over time. A Travel Trailer so parked shall not be hooked up

to any water or sewer utilities. A Travel Trailer so parked shall not be used as living quarters, except temporarily for a period of two weeks or less per year when a visitor may utilize such for sleeping purposes only.

Section 406.3 Mobile Home Parks

- A.** Mobile home parks may be allowed in districts authorized, in accordance with the following additional standards:
 - 1.** [Repealed.]
 - 2.** No mobile home, office or service building shall be closer than 80' to a public right-of-way nor closer to a property line than 50'.
 - 3.** A strip of land at least 25' in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least 50' in width.
 - 4.** All park roads within a mobile home park shall have a right-of-way at least 50' in width. The roadway will be a minimum of 22' in width and be constructed in accordance with State of Vermont standards for Class 2 and 3 highways.
 - 5.** Mobile home parks shall provide at least ten percent (10%) of the total area for recreation and other open space purposes.
 - 6.** Each mobile home space within an existing park shall:
 - a.** Be at least 2,000 square feet in area, and at least 20 'wide by at least 100' in depth, and shall front on a park road.
 - b.** A suitable non-porous pad shall be provided for each mobile home site.
 - c.** A mobile home shall be located on the mobile home space so that it is at least 20' from the right-of-way of the park road and 12' from any other lot line of the mobile home space.
 - d.** Have an electrical source supplying at least 60 amps, 220 volts installed in accordance with the National Electrical Code and laws of the State of Vermont.
- B.** The standards in section A2-A6 above may be waived after conditional use review by the DRB provided the applicant demonstrates that adherence to these standards would have the effect of prohibiting a replacement of a mobile home on an existing lot. In approving this waiver, the DRB may impose conditions to ensure continued orderly development of the mobile home park, such as requiring vegetative screening for privacy.
- C.** In accordance with the requirements of 24 V.S.A. Section 4412 (7) (B), if a mobile home park is a nonconformity under these bylaws, the entire mobile home park shall be treated as a nonconformity, and individual lots shall not be treated as a nonconformity for the purposes of discontinuance or abandonment.

Section 407 Private Swimming Pools

The purpose of this regulation is to establish regulated performance standards for the installation and use of private swimming pools. No swimming pool shall be erected or used upon any parcel of property in the City of St. Albans until an application has been made to the Zoning Administrator for a Construction and Use Permit and said permit has been issued. The fee for the pool construction permit shall be the same as for other accessory structures. Obtaining a Construction and Use Permit for a swimming pool will follow the same procedure as Section 903 Building Permits.

- A.** Every swimming pool with two or more feet of water depth shall be secured in a manner that prevents entry without supervision. A successful pool barrier prevents a child from getting over, under, or through and keeps the child from gaining access to the pool except when supervising adults are present.
- B.** Every above-grade private swimming pool with two or more feet of water depth shall:
 - 1.** Have a railing around the pool edge or deck, a minimum of three (3) feet high, maintained in good condition and constructed of durable material so constructed as to be impenetrable to toddlers shall be equipped with a security gate at the bottom of the steps with a self-latching device designed to keep, and capable of keeping such gate closed at all times; or
 - 2.** Shall be completely enclosed by a fence maintained in good condition and constructed of durable material so constructed as to be impenetrable to toddlers, at least four (4) feet high and not more than six (6) feet in height and so constructed as to reasonably afford no external hand holds or foot holds, and equipped with a self-latching closure mechanism and provided with hardware for permanent locking; or
 - 3.** Freestanding above ground pools with an essentially smooth vertical exterior wall of at least four feet in height measured on the outside surface shall not require railings or fencing. However, all points of access for these pools shall be equipped with a security gate with a self-latching devise that latches from the inside so as to keep the gate closed at all times.
- A.** Every in-ground private swimming pool shall be enclosed with a fence maintained in good condition and constructed of durable material so constructed as to be impenetrable to toddlers, at least four (4) feet high and not more than six (6) feet in height and so constructed as to reasonably afford no external hand holds or foot holds, and equipped with a self-latching closure mechanism and provided with hardware for permanent locking.
- B.** All existing private swimming pools shall comply with A-C above.
- C.** Swimming pools, permanent or portable, shall be permitted as an accessory use in all parts of the city, subject to the following provisions.

1. The use of said permanent and portable swimming pools shall be limited for use to residents of the premises or their guests, without charge for admission, and must be located on the same lot, as an accessory use to the residence or dwelling thereon.
 2. No swimming pool shall be installed unless said pool (water edge) is at least eight (8) feet away from any side line; not less than twenty-five (25) feet away from any front line; not less than eight (8) feet away from any rear line. No pool shall project beyond the front face of the residence.
 3. Temporary, seasonal pools that are drained and stored during winter months may be located up to two feet from side and rear property lines.
 4. The water in every swimming pool shall be treated in a manner sufficient to maintain standards established by any and all applicable provisions of law relating to swimming pools existing in the State of Vermont.
 5. Backwash water and/or high-water overflow shall be discharged in such a manner so that it does not adversely affect any abutting or adjoining property.
- F. Electric wiring shall be installed so that it does not pass over the water edge of the pool. All electrical connections entering into the pool area shall be ground faulted as required by the National Electric Code of the National Fire Protection Agency.
- G. During the installation of private swimming pools, a protective barrier, a minimum of four (4) feet high, shall be provided so as to enclose and secure said area when construction is not being accomplished. Prior to removal of the protective barrier and upon completion of the construction, the protective barrier shall be replaced with a fence.

Section 408 Adult Business or Adult Entertainment Establishments

It is the intent of this section to regulate the location of adult businesses or adult entertainment establishments as herein defined within the boundaries of the City of St. Albans and to protect the public health, safety and welfare of our citizens. The location restrictions are imposed in order to guard against the serious and negative operational impacts of these businesses on adjacent sites and to prevent the downgrading of the neighborhoods surrounding such businesses.

- A. Adult businesses and adult entertainment establishments as defined elsewhere in these regulations are subject to all regulations, requirements, and restrictions for the zone in which the businesses are permitted and shall be subject to the following which supersede any less restrictive provisions herein to the contrary:
 1. No adult business or adult entertainment establishment, as defined elsewhere in these regulations, shall be operated or maintained contiguous to any lot used for residential purposes or within 1,000 feet of any residential district boundary line, school, park, place of worship, or recreational facility where minors may congregate such as, but not limited to, a community center, the YMCA, YWCA and the Boys and Girls Club, or other adult business or adult entertainment establishment.
 2. Measurement shall be made in a straight line, without regard to intervening

- structures or objects, from the nearest point on the property line of the adult businesses or adult entertainment establishment to the nearest point on the property line of the school, park, place of worship, recreational facility, or other adult business or adult entertainment establishment.
3. No adult business or adult entertainment establishment shall be permitted within a building, premise, structure or other facility that contains another adult business or adult entertainment establishment.
 4. Minimum front, side and rear setbacks shall be 200 feet.
 5. Screening shall be provided such that the nature of the use of the lot shall not be apparent to persons on the adjacent sidewalks or streets or to persons in vehicles, including school buses, in the adjacent streets.
 6. The provisions of Section 603, Site Plan Review apply.
- B. The provisions herein with respect to adult businesses and adult entertainment establishments do not supersede existing or future municipal ordinances with respect to nudity or public indecency.

Section 409 Accessory Dwelling Units

- A. A Single-Family Dwelling with an Accessory Dwelling Unit shall be subject to the same review, dimensional, or other controls as required for a Single-Family Dwelling without an Accessory Dwelling Unit.
- B. The establishment of an Accessory Dwelling Unit within either a Principal Building or Accessory Structure on an existing Single-Family Dwelling lot shall be considered a Permitted Use, even if a Single-Family Dwelling is not considered a Permitted Use in the subject Zoning District. Concerning any existing restrictions on the number of Principal Buildings on a lot, a Single-Family Dwelling Unit with an Accessory Dwelling Unit shall be considered as housed in one Principal Building, even if they are in two separate structures.
- C. Nothing in this section shall be construed to exempt the development from any other rules that would apply to the alteration or addition of a Principal Building or Accessory Structure, regardless of the proposed use. An Accessory Dwelling Unit cannot be added to a nonconforming Accessory Structure, if it would increase the degree of existing use of that structure. An Accessory Dwelling Unit proposed for a Conforming Accessory Structure that does not meet the setbacks or other dimensional rules for a Principal Building in the subject Zoning District will require approval by the Development Review Board as a Conditional Use.
- D. A lot shall provide for sufficient water and wastewater capacity to serve both the Single-Family Dwelling and the Accessory Dwelling Unit.
- E. The owner of a Two-Family Dwelling property that wishes instead to have the use of the lot treated as a Single-Family Dwelling with an Accessory Dwelling Unit must also include a discontinuance of the Two-Family Dwelling use in the proposed change of use. Any

future application to reestablish the former Two-Family Dwelling would therefore be subject to the Regulations as they exist at the time of the new application.

Section 410 Public Facilities

In accordance with 24 V.S.A. Section 4413 the following uses may be regulated through site plan and conditional use review only with respect to location, 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:

- A. State- or community-owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the State Department of Education.
- C. Churches and other places of worship, convents, and parish houses.
- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 V.S.A. Chpt. 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606(a).

Section 411 Agricultural and Silvicultural Practices

In accordance with 24 V.S.A. Section 4413, this bylaw will not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted silvicultural practices to the appropriate state authorities for enforcement.

Section 412 Non-Conforming Uses and Structures

Section 412.1 General Provisions

- A. Nothing contained in these regulations, except for the provisions of Sections 523 and 524, shall require any change in plans or construction of a non-conforming structure for

which a zoning permit has been issued, and which has been completed within one year from the effective date of these regulations.

- B. Nothing in these regulations shall permit the use of any portion of a structure declared unsafe by a proper authority nor the continuation of a condition declared to be a health hazard by an appropriate authority.
- C. No provision of this bylaw, except for the provisions of Sections 523 and 524, shall prevent the normal maintenance associated with non-conforming uses and non-conforming structures, provided that such action does not increase the degree of non-compliance. In the event this provision conflicts with design review regulations, design review regulations shall govern.
- D. If the non-conformance is related to signs, Section 517 shall apply.

Section 412.2 Non-Conforming Uses

Unless a change is required under the provisions of Sections 523 and 524, any non-conforming use of structures or land may be continued indefinitely, but:

- A. Shall not be moved, enlarged, altered, extended reconstructed, or restored, including the addition of accessory structures, except as specifically provided below in B through D, nor shall any external evidence of such use be increased.
- B. Shall not be re-established if such use has been discontinued for a period of one year, 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.
- C. Shall not be restored to other than a conforming use after 75% damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.
- D. Any residential use which under these regulations is non-conforming may be altered or extended, including the addition of accessory structures, if such alteration or extension does not result in additional dwelling units or the addition of other non-conforming uses.
- E. Any non-conforming parking, except for parking located in the Service Industrial District, may not be altered or extended, except to conform to these regulations.

Section 412.3 Non-Conforming Structures

The following provisions shall apply to Non-Conforming Structures:

- A. A non-conforming structure, 75% of whose market value has been destroyed from any

cause, shall not be rebuilt unless in compliance with these zoning regulations in regards to setbacks, area, height, etc.

- B. A non-conforming structure may be extended, providing that the extension is in conformance with all provisions of these regulations.

Section 412.4 Non-Conformities in Mobile Home Parks

Notwithstanding other provisions of Section 412, if a Mobile Home Park is a nonconformity pursuant to these Regulations, the entire mobile home park shall be treated as a nonconformity, and individual Mobile Home Lots within the Mobile Home Park shall in no event be considered nonconformities. Where a mobile home park is a nonconformity under these Regulations, its status regarding conformance or nonconformance shall apply to the Lot as a whole, and not to any individual Mobile Home Lot within the park. An individual Mobile Home Lot that is vacated shall not be considered a discontinuance or abandonment of a nonconformity.

Section 412.5 Non-Conformities in Planned Unit Developments

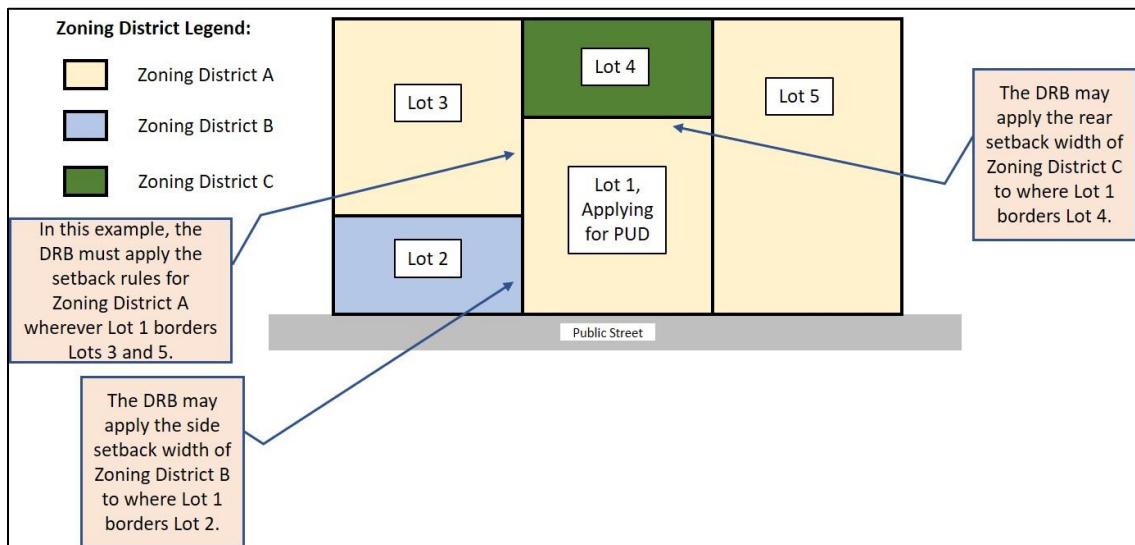
Notwithstanding other provisions of Section 412, the vacancy of any use that was approved as part of a still-existing Planned Unit Development shall not be considered a discontinuance or abandonment of a nonconforming use or nonconforming density of uses.

Section 413 Planned Unit Developments

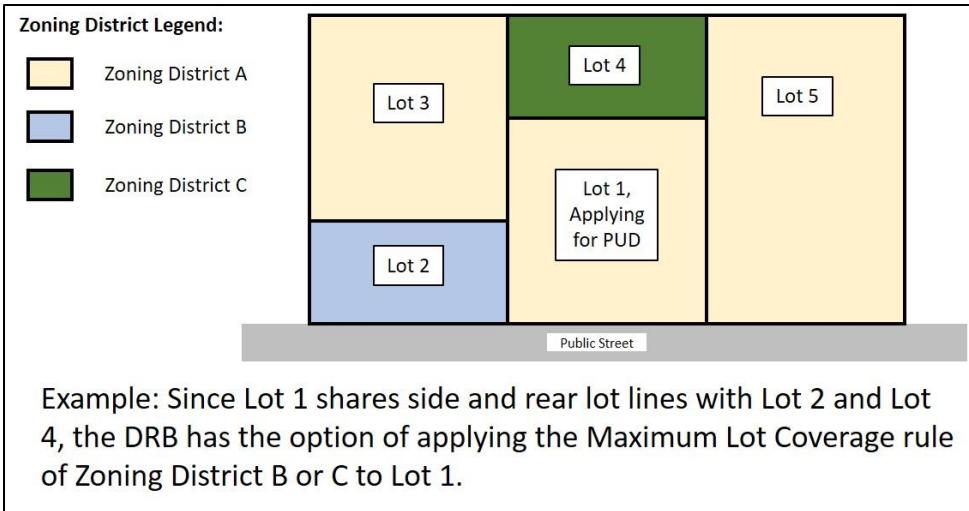
- A. Authority and Purpose. When reviewing a Planned Unit Development, the Development Review Board is hereby empowered to vary certain requirements and standards found within these Regulations for the purposes of:
1. Encouraging compact, pedestrian-oriented development and redevelopment and promoting a mix of residential uses and nonresidential uses.
 2. Implementing policies of the municipal plan, including provisions for affordable housing.
 3. Providing 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 these bylaws within the particular character of the site and its surroundings.
 4. Providing for the conservation of open space features recognized as worthy of conservation in the municipal plan and these bylaws, such as the preservation of forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

5. Providing for efficient use of public facilities and infrastructure.
 6. Encouraging and preserving opportunities for energy-efficient development and redevelopment.
- B. Eligibility. In order for an application to be eligible for a Planned Unit Development, at least one of the following must be true:
1. The application is NOT proposed on a Lot that is located, in its entirety, within a Residential District; or
 2. The application is proposed on a Lot that is located within a Residential District, but the majority of the length of at least one boundary of the Lot is immediately adjacent to a zoning district that is not a Residential District; or
 3. The application is proposing the redevelopment of a Building built before 1968 that most recently contained institutional, commercial, or mixed uses as of March 13, 2022; or
 4. The application is for a Mobile Home Park.
- C. Application Requirements. An application for a Planned Unit Development shall include a description of the request and all of the components required by these regulations for conditional Use Review, plus any other type of review that may be required. See D. Review Process below. When requesting waivers and allowances for a Planned Unit Development, the applicant must present a justification of how the request is appropriate for the development proposed and will implement the goals of the City Plan and the established purposes under Section 413 A.
- D. Review Process. Any application for a Planned Unit Development shall be reviewed by the Development Review Board as a conditional use in accordance with Section 602. This does not exempt the application from also requiring design review, site plan review, subdivision review, or any other form of review, depending on the relevant requirements of these regulations. When reviewing the application in accordance with the standards in Section 602, the DRB may decline to approve certain waivers or allowances requested, grant waivers or allowances that differ from what was requested, and may attach conditions to any waivers or allowances granted. When reviewing a Planned Unit Development under Section 602.2 B. (character of the area affected), the Development Review Board shall also take into account the context of zoning districts that are adjacent to the application's Lot.
- E. Waivers and Allowances that can be granted for Planned Unit Developments. Notwithstanding the requirements of these Regulations, the Development Review Board (DRB) may allow any of the following allowances as part of the approval of a Planned Unit Development, upon specific request of the applicant:

1. The DRB may approve more than one Principal Building or Use on a Lot, regardless of the zoning district.
2. The DRB may approve a Multi-Family Dwelling in any Residential District, regardless of limits in Section 303.
3. The DRB may increase Dwelling Unit density by 25% more Dwelling Units per required Minimum Lot Area for any Dwelling Units that contain only one bedroom.
4. When reviewing an application for a Mobile Home Park, the DRB must follow the setback standards of Section 406.3. For other applications, for any portion of a side or rear lot line that is immediately adjacent to a different zoning district from the application Lot's district, the DRB may apply the side or rear setback requirements of said different zoning district (see figure below).



5. When any portion of a side or rear lot line is adjacent to a different zoning district from the application Lot's district, the DRB may approve the maximum lot coverage of said different zoning district to the application Lot (see figure below).



6. The DRB may approve required minimum Off-Street Parking as low as 1.5 parking spaces per Dwelling Unit, rounded up to the nearest whole number at 0.5 or more and rounded down to the nearest whole number at less than 0.5.
7. The DRB may approve shared facilities between Lots, including the development of an access drive in the setback and of Accessory Structures on either Lot or both Lots to act as Accessory Structures for both Lots.

F. Standards and Restrictions. In approving a Planned Unit Development, the Development Review Board is bound by the following:

1. Except for any allowances specifically enabled by subsection E. above, the DRB may only approve Uses allowed in the application Lot's zoning district as specified in Section 303.
2. For applications for multiple Principal Uses, the Development Review Board must ensure that the Lot is large enough for the cumulative minimum lot area required for each instance of use in Section 303 and elsewhere in these regulations. For example, the Development Review Board cannot approve four instances of Principal Use that each require 10,000 square feet of minimum lot area if the Lot is only 30,000 square feet in size, because the cumulative minimum lot area requirement would be 40,000 square feet, which is more than what the Lot has.

Section 414 Determination of Similar Uses

In recognition that every potential use cannot be listed in the Land Development Regulations, the Development Review Board is authorized to determine if a use not listed within a particular zoning district is sufficiently similar to other uses to permit that use within the zoning district without requiring an amendment to the Land Development Regulations. The Development Review Board shall make a determination of such a similar use according to the following

standards:

- A. A finding that the proposed use is not listed as a permitted or conditional use in any other zoning district shall be made.
- B. The Development Review Board shall select the use listed in the Land Development Regulations which most closely resembles the proposed use, using criteria such as the potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of the health, safety and welfare of the City. The Development Review Board may request documentation or studies from the applicant or Zoning Administrator to evaluate potential impacts associated with the use, or they may decide there is no similar use.
- C. Once a similar use is determined, the proposed use shall be subject to conditional use review and decision by the Development Review Board

Section 415 Motor Vehicle Sales, Service, Repair and Fuels

- A. This section shall apply to following uses designated in Section 303:
 - 1. Motor Vehicle Service Station
 - 2. Motor Vehicle Body and Repair Shop
 - 3. Motor Vehicle Sales and Repair Facility
 - 4. Motor Vehicle Fuel Dispensary
- B. The following design standards shall apply City-wide:
 - 1. A primary entrance to the principal building shall be maintained along the frontage of the property.
 - 2. There shall be no more than 2 curb cuts per street per site.
 - 3. Total curb cut width shall be no more than 70 feet in total, and no one curb cut shall be wider than 40 feet, including any shared with an adjoining property.
 - a. Curb cut width shall be measured at the public sidewalk, if one exists.
 - b. If a sidewalk does not exist, then curb cut width shall be measured at the half-way point of the depth of City right-of-way strip.
 - 4. Curb cuts will be clearly defined at their entry into the public street and through the public right-of-way.
 - 5. There shall be a minimum of 10 feet between curb cuts from the same site.
 - 6. Except for curb cuts, a required landscaped strip at least four feet wide must be maintained along the property-side edge of any public sidewalk along the property.
 - a. This strip shall be installed at the fullest rectangular extent possible.
 - b. Landscaping shall include plantings and bushes in addition to grass.
 - c. Plantings and bushes, except for trees, must be maintained no higher than 3 feet.
 - d. Trees are allowed at separated intervals and so as not to block traffic sight lines.

- e. Trees, masonry, and any other structures shall be installed no closer than two feet from the edge of sidewalk and shall be maintained as to not encroach into the sidewalk space.
- C. The following design standards shall apply to Motor Vehicle Fuel Dispensaries in the B1 Central Business District:
 - 1. A primary building is required on the site, whether or not it is for a different principal or accessory use.
 - 2. No canopy shall be higher than what an engineer can certify (at applicant's expense) is required for fire suppression codes and standard highway vehicle clearance, plus the height required for architectural features, such as a peaked roof.
 - 3. The roof design of any vehicle shelter canopy shall be the same as the roof design of the principal building on the site and/or the building it is attached to. Any canopy shall share other notable architectural features of the principal building to the furthest extent possible, provided that they do not include features otherwise prohibited by these regulations.
 - 4. As part of the Design Review process, buildings and canopies on motor vehicle fuel dispensary lots must include unique and redeeming architectural features of structures pre-existing on the lot or the general neighborhood.
 - 5. The Design Advisory Board and/or Development Review Board may further regulate the location and appearance of vehicle canopies, including their prohibition on a particular site, based on an analysis of the character of the area.
 - 6. The Design Advisory Board and/or Development Review Board may limit the number of fuel pumps allowed at any location on a site, based on an analysis of the character of the area including but not limited to
 - a. maintaining a pedestrian-friendly corridor in the public space,
 - b. consistency with front setbacks and building mass of adjacent properties, and limiting new curb cuts.

Section 416 Telecommunications Facilities

- A. Purpose. The purpose of this section is to accommodate the telecommunication needs of the City's residents in accordance with protecting the general public health, safety, and welfare afforded by other provisions of these Regulations.
- B. Consistency with Federal and State Statute. This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.
- C. Telecommunications Definitions. The following definitions shall apply in the application of this section and have the meanings indicated:
 - a. Wireless Telecommunication Service. Any commercial mobile service, wireless

service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

- b. **Wireless Telecommunication Facility**. Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.
- c. **Wireless Telecommunication Service Provider**. Any person or entity providing Wireless Telecommunication Services.

- D. Permits Required and Exemptions**. Wireless Telecommunication Facilities may be permitted as a conditional use upon compliance with the provisions of this bylaw in the Service-Industrial district. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the Development Review Board.

No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

- E. Application Requirements** In addition to information otherwise required in these Regulations, applicants shall include the following supplemental information:

1. The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
2. The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
3. The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.
4. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
5. A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
6. The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards

- and encompassing the area within at least a two-mile radius of the proposed tower site.
7. Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch= 50 feet).
 8. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
 9. Construction sequence and time schedule for completion of each phase of the entire project.
 10. A report from a qualified engineer that:
 - a. Describes any tower's design and elevation.
 - b. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.
 - c. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
 - d. In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
 - e. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
 - f. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
 - g. Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards.
 - h. Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
 - i. Includes such other information as determined by the Development Review board to evaluate the application.
 11. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and provisions of this Bylaw and all other applicable laws.
 12. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the execute contract with the owner of the existing structure.
 13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or

final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility

- F. Independent Consultant(s). Upon submission of an application for a Wireless Telecommunication Facility permit, the Development Review Board may retain an independent consultant whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Development Review Board. The consultant(s) shall work at the Development Review Board's direction and shall provide the Development Review Board such reports and assistance, as the Development Review Board deems necessary to review an application.
- G. Balloon Test. The Development Review Board may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 7 days in advance of the test in a newspaper with a general circulation in the City. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least 15 days in advance of the test.
- H. Criteria for Approval and Conditions. An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Development Review Board finds all the following criteria have been met:
1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Development Review Board may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
 2. The Facility will not project more than 20 feet above the average elevation of the tree line measured within a 50 feet radius of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
 3. The minimum distance from the base of any tower to any property line is not less than 100% the total elevation of the tower, including antenna or equipment.
 4. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this bylaw.
 5. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Development Review Board to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.
 6. The applicant demonstrates that the facility will be in compliance with all FCC

- standards and requirements regarding radio frequency radiation.
- 7. The applicants will maintain adequate insurance on the Facility.
 - 8. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Development Review Board may condition a permit on the provision of appropriate fencing.
 - 9. The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the Development Review Board shall consider the following factors:
 - a. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - b. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
 - c. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
 - d. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
 - e. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.
 - 10. The Facility provides reasonable opportunity for collocation of other equipment.
 - 11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
 - 12. The Facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the Development Review Board shall consider the following factors:
 - a. The results of the balloon test, if conducted.
 - b. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
 - c. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
 - d. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
 - e. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
 - f. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
 - g. The distance of the Facility from the point of view and the proportion of the

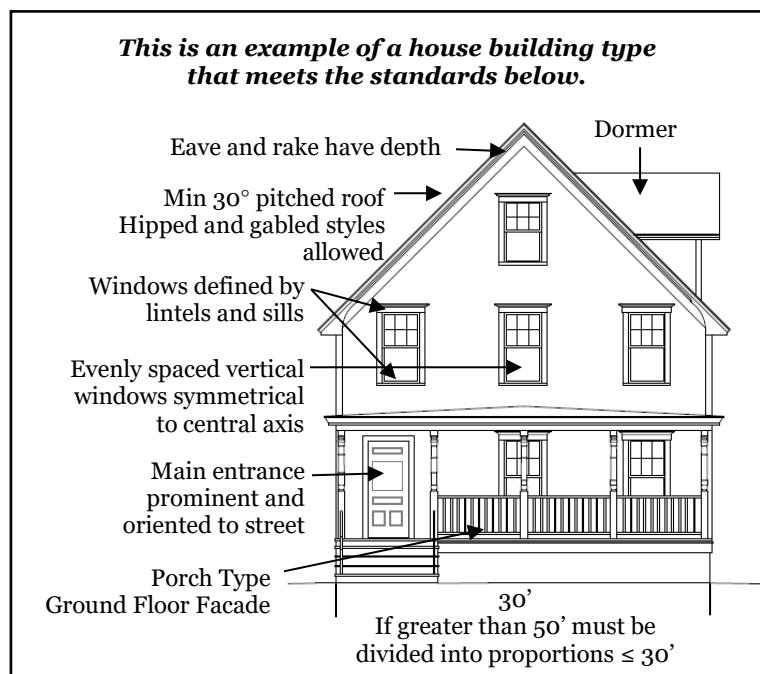
- facility that is above the skyline.
- h.** The sensitivity or unique value of a particular view affected by the Facility.
 - i.** Any significant disruption of a view shed that provides context to an important historic or scenic resource.
- 13.** The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.
- 14.** The Facility will not generate undue noise.

- I.** Continuing Obligations. The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Development Review Board, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the Development Review Board, shall mean that the Facility has been abandoned.
- J.** Removal. Unless otherwise approved by the Development Review Board, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use, the Development Review board may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a Wireless Telecommunication Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to subsection E.

Section 417 Structures in the Business-Neighborhood Transition (BNT) District

- A. Purpose and Scope:** The purpose of the below standards is to preserve the residential character of the BNT district. These standards shall apply to structures and structural alterations in the district, unless otherwise exempt by these regulations. These standards shall be enforced by the Zoning Administrator. These standards are meant to allow for creativity and uniqueness of a structure, as long as it meets the basic requirements. Images are provided for illustration and are not intended for direct



imitation. Any changes to pre-existing or legal non-conforming structures shall be designed so as not to decrease conformance with these standards.

- B. House Building Type: All principal structures in the BNT shall be a small- to medium-sized pitched roof detached structure intended for Single- or Two-Family Dwelling use, office use, or both.
- C. Façade Proportion:
 - 1. The facades of buildings wider than 50 feet shall be differentiated into proportions no greater than 30 feet in width.
 - 2. Cross gables and asymmetrical additions to the main body of a building are allowed.
- D. Roof Type: Pitched (hipped or gabled styles) roofs are required. The pitch shall be a minimum of 30 degrees.
- E. Façade Elements:
 - 1. Decorative details shall be incorporated into the façade, such as molding, cornicing, columns, pilasters, headers, expression lines, sills, shutters, etc. at building corners, at the building cap, between stories, and/or around entrances and windows.
 - 2. Dormers, turrets, bays and cupolas are allowed and encouraged.
 - 3. First or upper story balconies or porches may be added along the primary or secondary street frontage. See also Ground Floor Façade requirements.
 - 4. First or upper story balconies, porches or decks may be added on the interior side or rear of the structure.
- F. Window Design and Coverage:
 - 1. The first-floor façade on the primary street frontage shall have a total window coverage of at least 20%, as determined by comparing the area of glazing to the total façade area.
 - 2. The upper floor façade on the primary street frontage and any facades on secondary street frontages, interior sides and the rear of a building shall have a total window coverage of 20% minimum, 40% maximum, as determined by comparing the area of glazing to the total façade area.
 - 3. Window edges shall be defined by lintels, sills and/or trim on all sides.
 - 4. Windows shall be evenly spaced horizontally across the façade, grouped in equal parts, or symmetrical to a central axis.
 - 5. Windows shall be taller than wide (vertical or punched in). Transoms or other secondary custom windows may be aligned above or below vertical windows.
 - 6. Multiple windows in the same opening shall be separated by a mullion of a minimum width of 4 inches.
 - 7. Bay windows are allowed.
 - 8. Shutters are allowed.

G. Building Entrances and Porches:

1. More than 1 main entrance is allowed on a principal structure.
2. Each main entrance shall be prominent and oriented to the sidewalk/street.
3. At least one main entrance must be accessed via a covered porch which spans all or part of the building's ground floor façade.
4. Porches may be either projecting or engaged and may be small entry porches, span the full or only part of the facade, or wrap around to the side facade.
5. A porch may be considered an entry porch when it is not more than 2 feet wider than the entrance it accesses.
6. Porches shall have a minimum of 6 feet of depth.
7. Any main entrance within 30 feet of a public sidewalk along frontage must also provide a connection to that sidewalk via a paved, brick, stone or gravel walkway.
8. Porches shall be covered and have railings.
9. The space underneath porches shall be concealed by foundation, trellising, hedges, or other methods.
10. Porches that need to be ADA compliant may incorporate a ramp accessed from the side, which shall be concealed by the front base of the porch.

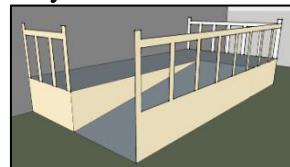
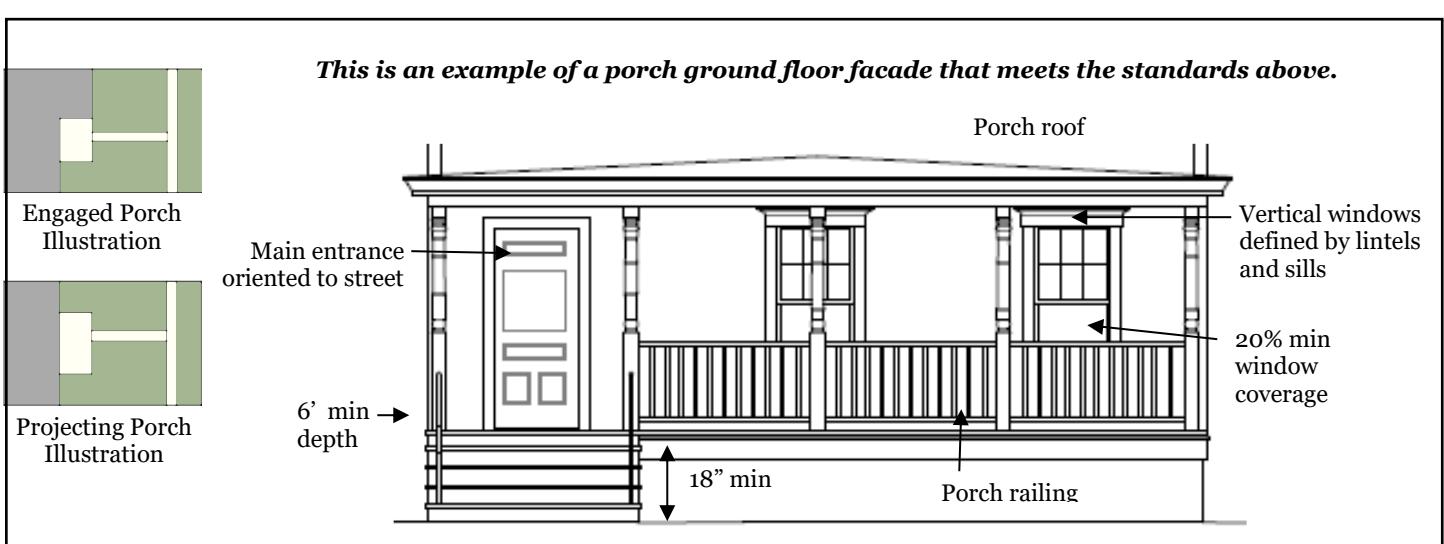


Image of general concept of concealing ramp with porch:



End of Article 4

Article 5

General Regulations

Section 501 Miscellaneous Requirements of the Act

The following provisions shall apply to all districts except where listed. In accordance with Section 4412 of the Act, the following shall apply:

A. Undeveloped, Nonconforming Lots

1. Any lot that has been in individual, separate and nonaffiliated ownership from surrounding lots since July 1, 2004, and that was either legally subdivided at the time it was created or was created before subdivision rules were in effect, may be developed for a use allowed in the Zoning District in which it is located, even if the lot does not conform to the Minimum Lot Area or Minimum Lot Width required in Sec. 303, subject to the following standards:
 - a. Only one Principal Use shall be allowed on the existing nonconforming lot.
 - b. Only the uses for which Section 303 requires the smallest total Minimum Lot Area in the subject Zoning District shall be allowed on the existing nonconforming lot.
 - c. The proposed use shall be subject to Permitted or Conditional Use Review, as applicable.
 - d. Notwithstanding Minimum Lot Area and Minimum Lot Width, all other standards shall apply to the development on the lot, including Setbacks.
 - e. Development shall be prohibited if the existing nonconforming lot is not served by and able to connect to municipal sewer and water service and either of the following applies:
 - i. the lot is less than one-eighth acre in area; or
 - ii. the lot has a Lot Width or depth dimension of less than 40 feet.
2. Any undeveloped existing, nonconforming lot which is in single or affiliated ownership with an abutting lot, all or part of which does not meet the requirements of these regulations, shall be considered, together with said abutting lot, an individual lot for the purpose of these regulations and no portion of said lot shall be used or sold which does not meet the requirements of these regulations.
3. However, an existing nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:
 - a. The lots are conveyed in their preexisting, nonconforming configuration;
 - b. As of July 1, 2004, each lot was developed with a water supply and wastewater disposal system;
 - c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
 - d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

B. Required Frontage On, Or Access To, Public Roads

No land development may be permitted on lots which do not have either frontage on a public road or, with the approval of the Development Review Board, access to such a road by a permanent easement or right-of-way of record at least twenty (20) feet in width. A right-of-way may not service more than four (4) dwelling units or service uses not permitted or conditional in the district in which the right-of-way originates. The width of the right-of-way may not be counted for setback requirements. For projects requiring subdivision approval, the review will take place as part of the subdivision application. For projects not requiring a subdivision application, conditional use approval will be required. The DRB may require a wider right-of-way if the DRB determines it is necessary for reasons of safety or future growth and development patterns.

C. Protection of Home Occupations

Any resident may use a minor portion of a dwelling unit for a home occupation in accordance with Section 403.

D. Group Homes or Residential Care Homes

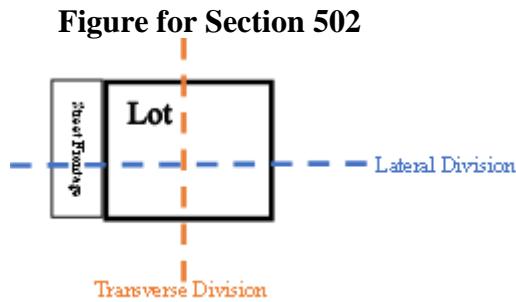
A group home or registered care home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. Section 4501, shall be considered by right to constitute a permitted Single-Family Dwelling, except that no such home shall be so considered if it is located within a 1,000 feet radius of another existing or permitted such home.

Section 502 Lots Divided by District Boundaries

1. When a Zoning District boundary line divides a lot transversely, for example that the rear portion of the lot is in a different district than the frontage portion of the lot (see the figure below in this section), then the following shall apply:
 - a. Each Zoning District's standards shall apply to their subject portions of that lot.
 - b. A structure is allowed to span the two Zoning Districts, but it must be designed to conform to changes in dimensional requirements, such as setback and height requirements, when it transitions from one district to the next.
 - c. When a Principal Building straddles the boundary between Zoning Districts, no use that is not allowed in a Zoning District may be contained within more than 50% (by square footage of livable space) of the portion of the building that is located within that Zoning District, and no use that is not allowed in a Zoning District shall have its main entrance located in the portion of the structure that is in that Zoning District.
 - d. When a proposed use is located in a portion of a Principal Building that straddles the Zoning District boundaries, and that use is Permitted in one district and Conditional in another, then Conditional Use Review will be required overall, and any calculations of Minimum Lot Area Required for the proposed use will be

prorated based on how much of the lot is located within each Zoning District.

2. When the Zoning District boundary line divides a property laterally, for example splitting the street frontage (see the figure below in this section), then the regulations for the Zoning District that contains the majority of frontage shall apply. If it is impossible to calculate which Zoning District contains the majority of frontage, or if the lot has no frontage or is a “flag lot” with frontage only wide enough for an access drive, then the regulations for the Zoning District that contains the majority square footage of the lot shall apply. If neither of those methods are possible, then the Development Review Board shall provide the final determination, in compliance with Section 302.



3. When two or more properties located in different Zoning Districts are reconfigured or combined, the Zoning District boundaries shall not change and shall apply to the lots as they were originally configured.

Section 503 Principal Buildings

In all residential districts there shall be only one principal building on a lot unless otherwise approved under the planned unit development.

Section 504 Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building lot coverage or the size of yards, porches (decks), open or covered, or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

Section 505 Reduction in Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken by eminent domain.

Section 506 Required Area or Yards

Space required under these regulations to satisfy lot area, yard, or other green space requirements in relation to one building shall not be counted as part of a required green space for any other building.

Section 507 Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of these regulations.

Section 508 Projection in Yards

Every part of a required yard shall be open from grade level to the sky, unobstructed, except for

the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two (2) feet into any required yard.

Section 509 Location of Driveways

All driveways are to be located at least seventy-five (75) feet from a street line intersection for all uses except Single- and Two-Family Dwellings.

Section 510 Abandonment of Excavation

When work on an excavation for a building has begun and is subsequently abandoned all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 511 Fences

1. The construction of any fence shall require a permit.
2. Applications requiring Design Review shall conform to the regulations in this section as well as to those in Article 7 of these regulations. If any separate requirements of these Regulations are in conflict, then the more restrictive requirement shall apply.
3. All fences shall be placed at least two (2) feet from any public right of way or existing public infrastructure.
4. Fences are allowed in all areas of a property, including within setbacks, except for the following prohibitions in the front setback:
 - a. Fences that consist of chain link or other form of wire pattern, including those with slats or fabric placed on the panels, shall be prohibited in the front setback.
 - b. Fences with a height over four feet six inches (4.5 feet) shall only be allowed in the front setback if they are a picket fence, or comparable design as determined by the Zoning Administrator, with a minimum spacing between pickets or comparable slats of 2 and 3/8 inches.
5. Any fence higher than four feet six inches (4.5 feet) in the Front Setback or eight (8) feet anywhere else on the property shall require approval of the Development Review Board via Conditional Use Review or Site Plan Review.
6. The finished side of a fence shall face outward from the applicant's property if the appearance of the fence is not the same on both sides.
7. Fences within the setback shall be maintained in order to prevent or remove rust, peeling paint, decaying materials or other similar conditions.

8. It is not the purpose of these Regulations to determine or establish property boundaries via the permitting of fences. The following procedures shall be used concerning property boundaries:
 - a. If two neighbors apply jointly for a fence, then the fence may be permitted directly on their property boundary. Otherwise, a fence shall be permitted in a location that is on the applicant's side of the property boundary.
 - b. In permitting fences, the burden shall not be on the City to seek a new property survey nor to perform a title search of the land records. The Zoning Administrator or Development Review Board may rely on readily-available, existing records.
 - c. Applicants are encouraged, but not required, to plan for adequate space to allow for maintenance of both sides of a fence without having to access an adjacent property.
9. Fences Required for Excavation: Excavation with slopes exceeding a one to two ratio shall be protected from encroachment by a suitable fence at least five feet in height with no opening in the mesh over six inches.

Section 512 Obstruction of Vision

In all districts except the B-1 Central Business District, on a corner lot regardless of the district, within the triangular area formed by the intersection of two street lines and a third line joining them at points twenty-five (25) feet away from their intersection, there shall be no obstruction to vision between the height of three (3) feet and ten (10) feet above the average grade of each street. Any waivers of this regulation must include provisions for traffic control at the affected intersection.

Section 513 Height Regulations

- A. The Development Review Board may, as part of a site plan review, approve an increase in the maximum height of a structure up to seventy-two (72) feet in the B1 District if it determines that by doing so the proposed structure will:
 1. More efficiently utilize the site; and
 2. Be compatible with existing and proposed structures in the area.
- B. The Development Review Board may, as part of a site plan review, approve an increase in the maximum height of a structure up to thirty-six (36) feet in the B2 District, RP District and all residential districts if it determines that by doing so the proposed structure will:
 1. Be compatible with existing and proposed structures in the area;
 2. Not aesthetically degrade the neighborhood; and
 3. Have minimal impact on abutting properties' exposure to solar radiation.

- C. An increase in the setback requirements may be a condition of the approval of height limit increase under Section 513. In such case the setback increase shall not be greater than two (2) feet for every one (1) foot increase above the basic maximum height limit listed in Section 303.
- D. In the B1 District, the following minimum height requirements shall apply:
 - 1. New structures shall be not less than two (2) stories in height; and
 - 2. Reconstructed structures shall be rebuilt to no less than the highest of the following:
 - a. The pre-existing structure;
 - b. The shortest neighboring structure; or
 - c. Two (2) stories.
- E. In the B2 District and RP District, reconstructed structures shall at minimum be rebuilt to the height of the pre-existing building. This may only be waived at the request of the applicant and if the DRB determines the proposed height is compatible with the intent of the district and described in the municipal plan and these bylaws.
- F. The Development Review Board may, as part of a site plan review, approve an increase in the height limit of up to eight-five (85) feet for a structure of any type in the S-IND District or approve an increase in the height limit of up to one hundred five (105) feet for a structure in the S-IND District used for the storage or processing of materials and not designed for human occupancy except for the purposes of operational maintenance. In granting approval for the height limit increase, the Development Review Board must determine that:
 - 1. The structure will more efficiently utilize the site;
 - 2. The structure will be compatible with existing and proposed structures in the area;
 - 3. The structure will be adequately accessible by public safety personnel in the case of an emergency;
 - 4. Any structure between 85 and 105 feet will be set back from the boundary of the Service-Industrial District by a distance equal (at a minimum) to the height of said structure.

Section 514 Burned, Destroyed, Demolished, Or Abandoned Buildings

No owner or occupant of land in any district shall permit burned, destroyed, demolished, or abandoned buildings to be left for a period exceeding six months, and such owner or occupant shall remove or refill the same to ground level or shall repair, rebuild or replace the structure.

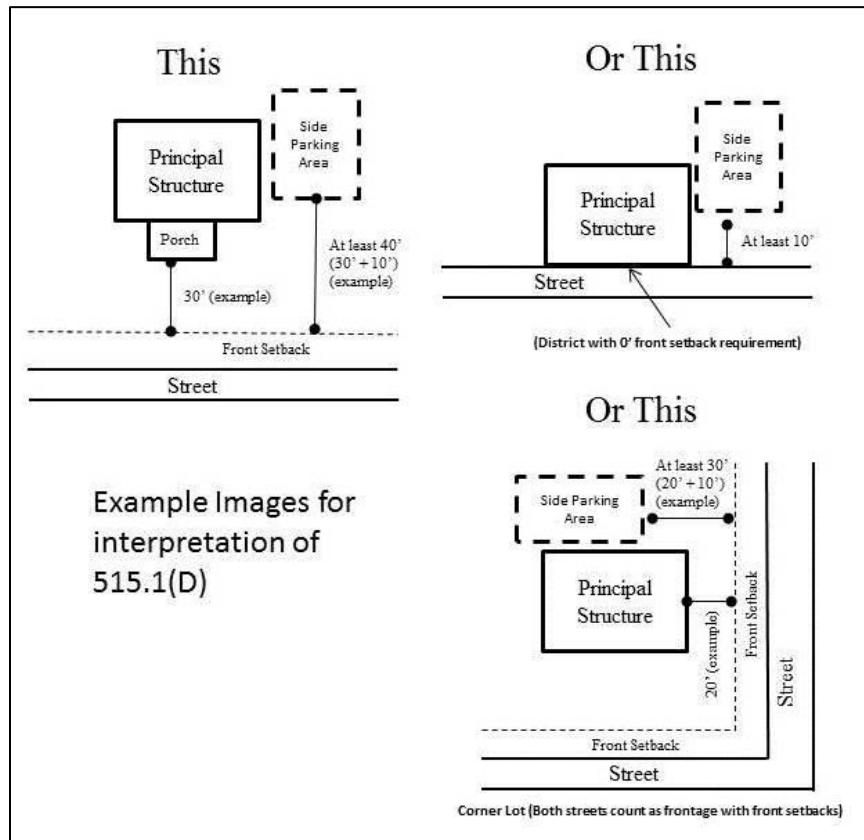
Section 515 Off-Street Parking and Loading

Section 515.1 General Requirements

- A. Parking of any nature, including riding lawn mowers and tractors, shall not be allowed in the

required front setback area in the R95, R75, BNT, B1 B2, RP or MI district, except on permitted or legally nonconforming Driveways, parking lots, or Storage areas, or otherwise exempt by these regulations.

- B. When a site plan is required in the R95, R75, or BNT District, existing non-conforming parking must, as determined by the Development Review Board, be brought into conformance.
- C. When site plan approval is required in B1, B2 or RP Districts, existing non-conforming parking must, as determined by the Development Review Board, be required to conform to these regulations. Parking is not required in the B1 District on lots less than one acre. If parking is provided on lots less than one acre, site plan approval is required and all Sections of 515 of these regulations shall apply, except for Section 515.7.



- D. The following standards shall apply to all parking, except for parking on conforming or legally nonconforming driveways, Parking lots or storage areas, Parking located within the Service-Industrial District, Parking located in the Medical Institution District MI and entirely within 150 feet of the St. Albans City and Town political boundary, or Parking allowed under the provisions of Section 516 G:

1. Parking shall not be allowed between the Principal Building and Frontage lot line.
2. Parking on Lots without Frontage shall not be allowed between the Principal Building

and the street that the Lot is connected to.

3. When Parking is provided on the side of the Principal Building, i.e. not between the Principal Building and Frontage, the distance between the Parking area and the front Setback must be ten feet further than the distance between the front-most portion of the Principal Building and the front Setback.
- E. All parking spaces for other than a Single- or Two-Family Dwelling shall be so designed and maintained that no parking or maneuvering incidental to parking shall be on any public street or walk, and so that any vehicle may be parked and removed without moving another.
- F. The number of parking spaces required shall be in accordance with Section 515.7, Table of Off-Street Parking Requirements. For any use not listed, the Development Review Board shall determine the parking spaces required.
- G. In R95, R75 and BNT districts, required off-street parking shall be provided on the same or adjacent lot as the building or other use which they serve. In all other districts off-site parking may be considered by the Development Review Board in site plan review.
- H. Parking spaces for persons with disabilities shall be provided for all commercial uses. The size, number and location of spaces shall comply with State regulations and the requirements of the Americans with Disabilities Act.

Section 515.2 Location and Access

Access to parking areas and maneuvering areas shall be designed to assure, so much as possible, the safety of vehicles and pedestrians, and so as to not obstruct the free flow of traffic on public streets.

Section 515.3 Parking Design Standard

- A. Parking spaces are dimensioned to reflect adequate parking area for standard sized cars and small trucks and shall be maintained as such. If parking spaces are required for large vehicles, these shall be designated separately and will be in addition to those required for cars.
- B. The minimum size of a parking space shall be a rectangle measuring 9 feet x 18 feet, except that for full-time employee parking such space may be reduced to 8.5 feet x 18 feet.
- C. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements specified below. Unless the parking angle is 90 degrees, only one way traffic shall be permitted in aisles serving a single row of parking.

Minimum aisle width shall be twelve feet. Aisle width for angled parking shall be provided according to the following table:

Parking Angle Aisle Width
(degrees) (feet)

30	12
45	13
60	18
90	20

- D. In all districts, where more than eight parking spaces are required under these regulations, the entire parking area, including parking spaces and maneuvering lanes shall be surfaced with asphalt or concrete paving and shall be striped to delineate parking spaces and lanes.
- E. If any driveway, parking area, or off-street loading area is located within 100 feet of a residential district, and it is not required under these regulations to be paved, it shall be stabilized or otherwise treated to prevent dust. Before site plan approval is granted, the applicant shall present a management plan to be followed in this regard.
- F. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a manner as to preclude drainage of water onto adjacent properties or toward buildings.
- G. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

Section 515.4 Landscaping and Screening

Landscaping for accessory off-street parking lots shall serve as an aid in controlling pedestrian circulation, enhancing environmental and aesthetic conditions, reducing storm water runoff in paved areas, and the glare of automobile lights.

For all accessory off-street parking lots of nine (9) spaces or more the following provisions apply.

- A. When a lot is located adjacent to a public right-of-way, provisions should be considered to reduce the visual impact of the lot, including, but not limited to, landscape setbacks, grade changes, landscape berms or the preservation of existing vegetation.
- B. Along the perimeter of the parking lot, provisions to reduce the visual impact and noise to neighboring properties shall be provided. These provisions may include a landscaped strip around the lot to be planted with shade trees and low shrubs.
- C. For the interior of the lot, a suitable area may be provided for the purpose of planting shade trees or other appropriate vegetation.
- D. Landscaping shall be provided so as to not interfere with site distances at adjacent street intersections or parking lot access points.

E. Interior area lighting is encouraged. Luminaries shall not cause glare to adjoining properties.

Section 515.5 Shared Parking for Multiple Uses

- A. Joint parking facilities for multiple different land uses may be shared, upon approval of the Development Review Board, where it can be demonstrated that the uses have different principal operating hours or that enough capacity exists for all uses at the same time, based on an analysis of the off-street parking requirements of the uses (Section 515.7). Where such facilities are proposed, the applicant should submit a parking demand analysis identifying the demand of each component use for various time periods. Changes to any of the component uses that would impact their off-street parking requirements must be made known to the City permitting office, in order to ensure that the permit approval of the shared parking facility is still valid. Shared parking areas in the Business Districts, MI District, and S-IND-Service-Industrial District may be located on lots adjacent to the principal use or within four hundred (400) feet thereof or if regular shuttle service is provided by the applicant and/or one of the other component users.
- B. Properties or projects that span the City political boundary may treat their parking area outside the City as a joint parking facility, as in Item A. above. The portion of use(s) on the property/project outside the City would be subject to the same analysis as a component use, as above, and changes to the degree of use outside the City portion of the property/project must be made known to the City permitting office, in order to ensure that the permit approval of the City portion is still valid.

Section 515.6 Off-Street Loading and Unloading

An off-street loading area, which is logically and conveniently located for bulk pickups and deliveries, and scaled to the delivery vehicles expected to be used, shall be required of all commercial and industrial uses. The placement of the loading area shall be such that it is accessible even when all required off-street parking spaces are filled. Any required off-street loading area is not to be included as part of required off-street parking space.

Section 515.7 Table of Off-Street Parking Requirements

USE	PARKING SPACE REQUIREMENT
RESIDENTIAL	
Dwelling, Two-Family	2.5 per dwelling unit
Dwelling, Multi-Family	2.5 per dwelling unit
Multi-unit dwellings located in B1, not in the Historic District	1.5 parking spaces per 1- and 2-bedroom units and 2 per 3-bedroom units, guest parking 1 per 3 units
Dwelling, Single-Family	2 per dwelling unit
Congregate Housing	1.2 per dwelling unit
COMMERCIAL	
Assembly Halls, Church, Other Public Assembly	1 per 4 seats
Banks, and Other Financial Institutions	1 per 250 gross square feet, queuing space of 6 per drive up lane
Bar/Nightclub, etc.	.5 per permitted maximum capacity

Car Wash	1 per 800 gross square feet
Clinic / Medical Facility	1 per 200 gross square feet
Clubs, Social, Private, Fraternal and Similar	1 for every 4 members
Community Center, Community House	As determined by Development Review Board
Convenience Store, Gas Station	1 per 100 square feet and 1 per pump
Correctional Facility	1 per 10 inmates of maximum capacity
Courthouse	As determined by Development Review Board
Daycare Facility	1 per 5 children and 1 per 500 gross square feet
Dry Cleaner	1 per 300 gross square feet
Educational Facilities	1 per 400 gross square feet
Exhibit Halls	1 per 300 gross square feet
Funeral homes	1 per 75 gross square feet
Hospital	2.75 per bed
Hotels, Dormitories, Lodging House, Bed and Breakfast	1 per 2 beds
Junkyard	As determined by Development Review Board
Kennel	1 per 400 gross square feet, no less than 5 spaces
Laundry	1 per 2 wash machines
Library, Museum, Art Gallery, etc.	1 per 700 gross square feet
Motor Vehicle Service	6 per service bay
Motor Vehicle Sales and Service	1 per 400 gross square feet and 6 per service bay
Nursery School	1 per 500 gross square feet
Nursing Care Home	1 per 3 beds
Office/Clerical	3.5 per 1,000 gross square feet
Other Public Assembly	1 per 4 seats
Personal Service	1 per 200 gross square feet
Police/ Fire Station	1 per 300 gross square feet
Post Office	1 per 500 gross square feet
Professional Occupation	1 per 250 gross square feet
Restaurant	1 per 2 seats
Retail Business, Sales and Rental of Goods (unless listed separately)	1 per 250 gross square feet
Theater	1 per 3 seats
Transportation Facility, Bus Station, \Train Station	5 and 1 per 100 square feet of waiting area
INDUSTRIAL	
Manufacturing	1 per 400 gross square feet
Other Uses	As determined by the Development Review Board
Warehouse	1 per 1200 gross square feet

Section 515.8 Driveways and Curb Cuts

- A.** The construction, extension, or alteration of a driveway requires a permit.
- B.** The design of any new driveway shall meet the following design standards, and the alteration of any existing Driveway shall not create or increase any nonconformity with these standards:
 1. Driveways connecting individual lots to the street network shall be clearly defined and of the minimum width necessary to provide safe access.
 2. All driveways shall:
 - a. be at least eighteen (18) feet long, as measured along the center-line of the driveway, and not including any portion in the City right-of-way; or
 - b. otherwise be able to accommodate a parking space at least eighteen feet in length outside the City right-of-way and outside any garage or other structure.
 3. The access and curb cut portions of driveways located in residential districts shall be no wider than twenty (20) feet. A shared curb cut for two driveways, side-by-side, shall be no wider than twenty (20) feet.
 4. Any portion of a Driveway located in an area where Parking is not allowed under the standards of Section 515 D shall only be wide enough to provide necessary access to a conforming or legally nonconforming Parking area or garage. The Driveway shall not be designed to provide or encourage Parking where it is otherwise not allowed. For instance, a Driveway subject to this limitation shall be no wider than the garage door(s) that it provides access to.
- C.** There shall be no more than one (1) curb cut on properties in a residential district, unless the Zoning Administrator or Development Review Board finds reason to allow one (1) additional curb cut with all of the following conditions applying:
 1. The use of the property at the time of application is either permitted or legal nonconforming
 2. The property does not currently have adequate space to accommodate two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 3. The application does not propose any more total resulting parking than two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 4. A current driveway cannot be otherwise expanded in compliance with the Regulations without the full or partial demolition of any structure that was in existence on or before August 29, 2016.
 5. The resulting amount of total parking spaces on the property cannot equal more than two (2) if the property was a Single-Family Dwelling on or after August 29, 2016.
- D.** If the Zoning Administrator or Development Review Board finds that the addition or expansion of an access driveway would endanger vehicular or pedestrian safety, the use of an existing on-site or off-site access may be required.

- E.** Properties zoned within a Design Review District shall conform to the regulations in this section as well as to those in Section 706 (E)(6)(f) of these regulations. If regulations are in conflict the more restrictive regulation shall apply.

Regulation of curb cuts is also pursuant to Title 15 of the City of St. Albans Revised Ordinances as amended.

Section 516 Landscaping, Buffering, Setbacks and Grading

A. Planting Requirements

The Development Review Board, in determining the amount of planting to be required, shall take into account the following:

1. Existing trees, shrubs, evergreens, and other vegetation to be preserved on the site.
2. Visibility of incompatible or unsightly areas from street and adjoining properties.
3. The need to screen effectively all trash/garbage areas from view of street and adjoining properties.
4. The need to screen effectively all parking areas from streets and adjoining properties.

B. Performance Bond

See Section 525 for any application that may include public improvements.

C. Buffers

Properties in non-residential land use districts will provide buffer areas along where they abut residential districts, regardless of the use of the abutting property. And non-residential uses will provide buffer areas along where they abut residential uses within the same land use district. Buffers will be installed and maintained according to the following rules:

1. Buffer areas shall consist of a strip of land with a width as specified in section 516D, below. Buffers shall include hedges and/or solid fencing and/or natural or man-made landforms. The hedges, fencing or landforms shall have a minimum height of five feet and shall provide adequate privacy to the surrounding residential land use. Plantings will consist of dense evergreens or other suitable plantings and shall be of a size and shape approved by the Development Review Board. The area of the buffer not used for plantings and/or fencing shall be planted with grass and/or landscaped and maintained in good appearance.
2. Within a buffer area, there shall be no storage areas, service areas, parking or loading facilities, with the exception of access drive(s) and sidewalks into the property.
3. It shall be the responsibility of the owner of the property upon which the buffer is required to maintain and replace, when necessary, such plantings, fences and/or land forms.

D. Buffer Widths:

The width of buffer areas shall be as specified below:

1. Where any land use in a business or MI district abuts land in any residential district, side and/or rear yard setbacks of at least 10 feet in width shall be maintained as a buffer in the yard which adjoins the residential district.
2. Where any non-residential land use in a residential district abuts any residential land use in a residential district, a strip of land at least fifteen (15) feet in width shall be maintained as a buffer in the yard which adjoins the residential uses.
3. Where a service industrial district abuts or adjoins a residential district, a strip of land at least twenty (20) feet in width shall be maintained as a buffer in the yard that adjoins the residential uses.
4. Where any new non-residential land use abuts any existing residential land use within a non-residential district, a buffer as defined in Section 516C, is required. The buffer and its included elements shall be of sufficient height, width and character to screen out all outdoor lighting from view of the ground floor of the adjacent residential buildings.

E. Off-street Parking Areas:

Off-street parking areas shall be screened from view of the public right-of-way by a strip equal to the front yard setback and shall be landscaped as described in Section 516C. Landscaping and/or screening shall be installed in a manner consistent with the safety of pedestrian and vehicular traffic. All new off-street parking areas shall be suitably buffered to screen out all outdoor lighting from the view of the ground floor of adjacent residential buildings.

F. Districts Separated by a Public Right-Of-Way:

Where a public right-of-way separates a residential district from any non-residential district, the above standards may be modified by the Development Review Board for a specific site plan, if the modifications achieve substantially the same goal of minimizing conflicts between different land uses.

G. Setback Areas, Parking

1. All required setback areas of R95, R75, BNT, MI, B1, B2 and RP Districts shall be maintained with grass, ground cover, garden, shrubs and/or trees, and there shall be no storage areas, service areas, or parking or loading facilities, with the exception of access drives and sidewalks into the property or parking areas approved under item # 2 or item #3 below.
2. Parking in the side setback is allowed on residential properties only if all of the following conditions apply:
 - a. The use of the property at the time of application is either permitted or legal nonconforming.
 - b. The property does not currently have adequate space to accommodate two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a

- Two-Family Dwelling.
- c. The application does not propose any more total resulting parking than two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 - d. There is not room on the lot to install a new driveway in compliance with the Regulations, not including within the front setback, that would avoid the side setback without the full or partial demolition of any structure that was in existence on or before August 29, 2016.
 - e. A current driveway cannot be otherwise expanded in compliance with the Regulations, not including within the front setback, without the full or partial demolition of any structure that was in existence on or before August 29, 2016.
 - f. The resulting amount of total parking spaces on the property cannot equal more than two (2) if the property was a Single-Family Dwelling on or after August 29, 2016.
3. Parking in the front setback is allowed on Single- and Two-Family Dwellings only if all of the following conditions apply:
- a. The use of the property at the time of application is either permitted or legal nonconforming
 - b. The property does not currently have adequate space to accommodate two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 - c. The application does not propose any more total resulting parking than two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 - d. There is not room on the lot to install a new driveway in the in compliance with the Regulations, including within the side setback, that would avoid the front setback without the full or partial demolition of any structure that was in existence on or before August 29, 2016.
 - e. A current driveway cannot be otherwise expanded in compliance with the Regulations, including within the side setback without the full or partial demolition of any structure that was in existence on or before August 29, 2016.
 - f. The resulting amount of total parking spaces on the property cannot equal more than two (2) if the property was a Single-Family Dwelling on or after August 29, 2016.
4. Where access drives and sidewalks encroach into the side or rear yard setback areas, fencing and/or additional landscaping may be required to protect adjoining properties under site plan review (see Section 603) for other than Single- or Two-Family Dwellings.
5. The location of accessory structures shall be governed by the Table of Dimensional Standards in Section 303.

H. Street Tree Planting

In the Business Districts, street tree planting may be required to create a new tree line or to maintain the existing tree line. If street trees at planting are required, minimum size for shade trees shall be 2.5" to 3" caliper.

I. Screening of Service Areas

In any district, all areas designated, used or intended to be used as service areas for any building or land use, other than Single- and Two-Family Dwellings, shall be screened from view with a wall, a solid fence or a hedge to the height of at least five (5) feet above grade level.

In Service Industrial Districts all outdoor storage of materials and equipment, including waste storage facilities, shall be stored located away from the view of abutting residential districts and screened from view from adjacent streets.

J. Grading

No grading cut or fill shall be carried out in any district which leaves the slope of the finished grade in excess of a one to two ratio.

Section 517 Signs

Section 517.1 General Regulations and Standards

A. Purposes

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the City of St. Albans; to maintain and enhance the aesthetic environment and the City of St. Albans's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property including other signs; to ensure that all signs are orderly, readable, and uncluttered; and to enable the fair and consistent enforcement of these sign restrictions.

B. Design Advisory Board Oversight

The Zoning Administrator shall provide the Design Advisory Board (DAB) a quarterly report on submitted signage applications to inform the board on the administration of these regulations. The DAB shall review sign applications pursuant to Section 517.2(A) when referred by the Zoning administrator and in conformance with these regulations except for instances where the DAB may alter or waive dimensional requirements due to space constraints.

C. Signs Allowed on Private Property with and without Permits

1. Signs shall be allowed on private property in the City of St. Albans in accordance with, and only in accordance with Table 1 of Section 517.1(K). If the letter "P" appears for a sign type in a column, such a sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S"

appears for a sign type in a column, such a sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances

2. Although permitted under the previous paragraph, a sign designated by an “S” or “P” in Table 1 of Section 517.1(K) shall be allowed only if:
 - a. The sum of the area of all building and freestanding signs per business conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 2 of Section 517.1(K);
 - b. The size, location, and number of signs on the lot conform with the requirements of Table 3 and Table 4 of Section 517.1(K), which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 1 of Section 517.1(K);
 - c. The characteristics of the sign conform with the limitations of Table 5 of Section 517.1(K), Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1 of Section 517.1(K).
 - d. The design, construction and maintenance of the sign are in conformance with the Section 517.1(E).

D. Signs Requiring Permits

1. If a sign requiring a permit under the provision of these regulations is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 517.2(A).
2. No sign shall be erected in the public right-of-way except in accordance with Section 517.1(I).
3. No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of Section 517 in every respect or has received approval from the DAB pursuant to Section 517.2(A)(5)(b).
4. Maintenance of existing signs that require a permit according to Table 1 of Section 517.1(K) do not require a permit if the maintenance includes normal cleaning, repair, or upkeep and does not alter the size, shape, color or wording of the existing sign.

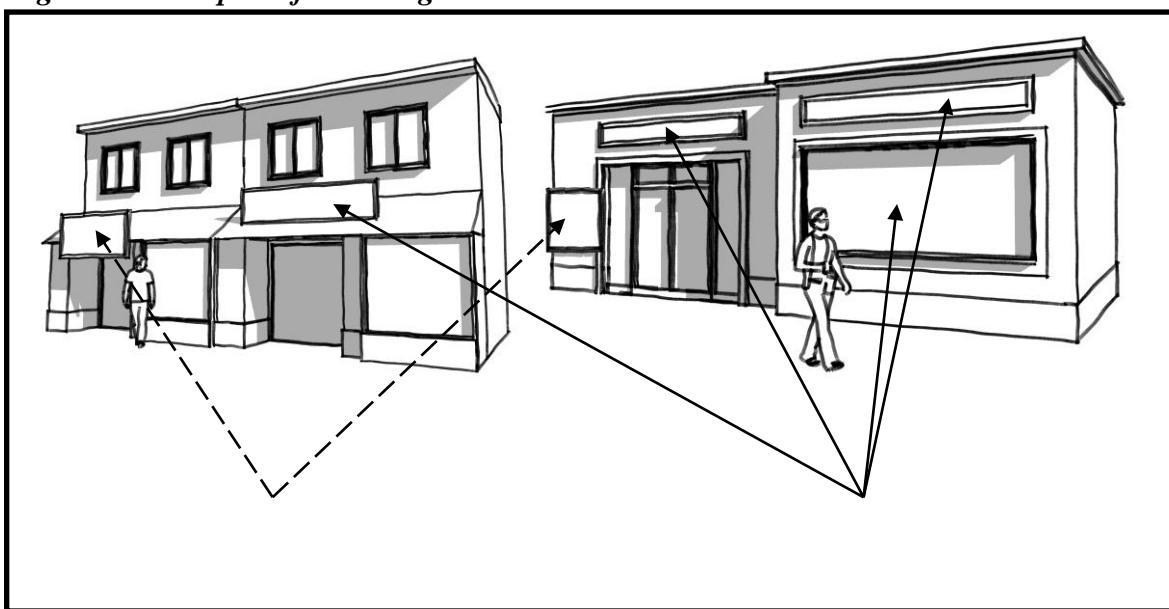
5. The relocation of a sign from one lot to another shall require a new permit pursuant to Section 517.2(A).

E. Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. All signs shall be appurtenant to or on the same lot as the business it pertains to.
2. All construction, fixtures, wiring and installations shall conform to all applicable State and National fire prevention, building and electrical codes and shall be maintained in conformance with said codes and with these regulations at all times.
3. All electrical boxes and transformers shall be integrated into the sign and/or support structure design or shall be otherwise screened to minimize the visual impact of such electrical components.
4. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure so as to be able to withstand all predictable environmental conditions and wind loads.
5. No sign, flag, banner or similar display shall physically or visually impede vehicular or pedestrian traffic by design, illumination, color or placement. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the public right-of-way and, if illuminated, the light shall not be directed toward any public roadway or adjacent use.
6. Sign placement and proportions shall respect and respond to the architectural features of the building to which it is affixed and shall not conflict with or obscure such features (See Figure 1 for examples).
7. The design features of the sign shall conform with the purposes stated in Section 517.1(A) including, but not limited to, orderly, readable and uncluttered signs.

Figure 1- Examples of Good Sign Placement



Bad Placement

(Dashed Arrows)

Good Placement

(Solid Arrows)

F. Pre-existing Signs and Non-Conforming Signs

Any non-conforming sign shall not be enlarged, redesigned or altered in any way, other than for ordinary maintenance, except to conform to the requirements of these regulations.

G. Signs Exempt from Regulation.

The following signs shall be exempt from regulation under these regulations:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
3. Works of art that do not include a commercial message;
4. Holiday lights and decorations with no commercial message between November 15 and the following January 15;
5. Bulletin boards for official and/or public use located on municipal property;
6. Sponsorship and informational signs for recreational fields/parks which are solely used for non-profit recreational activities made available for civic use.

7. A stand-alone LED sign that is less than 2 square feet will not require a permit if it denotes “vacancy”, “open” or a varying price. These signs may include LEDs with no more than 3 colors and shall not be animated or flashing. Other than the color allowance here, such signs must follow all other requirements for LEDs.

H. Signs Prohibited

All signs not expressly permitted under these regulations or exempt from regulation hereunder in accordance with Section 517.1(G) are prohibited in the City of St. Albans. Such signs include, but are not limited to:

1. Pennants;
2. Strings or ropes of light when not permanently mounted to a rigid background or shielded from view of the street and used for the purpose of advertising, displaying or otherwise attracting attention to the premises when not part of a sign or approved street or outdoor lighting, except those exempt under Section 517.1(G);
3. Inflatable signs and tethered balloons;
4. Signs that include the words “stop,” “caution,” or “danger,” or that incorporate red, amber, or green lights which resemble traffic lights, or that resemble “stop”, “yield” or other similar traffic control signs in shape and color, except that Federal, State and Municipal traffic, regulatory, and informational signs are exempt from this requirement;
5. Signs resembling a public street sign placed on public or private property in a manner to cause a driver to think the sign depicts a public street;
6. Signs affixed to a fence, utility pole or utility structure, or to a tree, shrub, rock or other natural object;
7. Signs erected on a gasoline station canopy, except for the following:
 - a. The principal business sign or the logo of a single product line may be erected, provided it does not occupy more than one-quarter the area of a single side border of the gasoline station canopy.
 - b. Allowed canopy signs shall be included in the total sign area of the business;
8. Mobile signs or motor vehicles on which is placed or painted a sign parked or positioned in a manner primarily intended to display the sign, excepting those which have been granted a peddler’s license or some similar form of approval from the City.

I. Signs in Public Right-of-Way

No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent Signs. Permanent signs, including:

- a.** Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- b.** Bus stop signs erected by a public transit company;
- c.** Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- d.** Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Section 517.1(K); and
- e.** Sandwich board signs in conformity with the conditions of Table 1 of Section 517.1(K). Such signs shall be located in the public right-of-way only if there is limited space between the building façade and the right-of-way. The sign shall not obstruct or interfere with pedestrian travel and sidewalk function and shall not create a pedestrian or vehicular safety hazard. If located appurtenant to the lot, permission from the affronting land owner must be provided in the permit application, and in such instances, the subject sign shall count towards the allowed quantity of signage of the appurtenant lot on which it will be located.

- 2. Emergency Signs.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- 3. Other Signs Forfeited.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City of St. Albans shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

J. Temporary Signs

All temporary signs shall be permitted pursuant to Section 517.2(A), and in conformance with the following:

1. Temporary Primary Sign

- a. Temporary Primary Business Sign** - All temporary signs serving as a primary business sign must be in compliance with the dimensional requirements of the sign type based on Section 517.1(K).

2. Temporary Accessory Signs

- a. All temporary signs serving as accessory business signs must be in compliance with the dimensional requirement of the sign type based on Section 517.1(K).
- b. The following provisions must be complied with for each respective temporary sign type:
 - i. **Construction Signs.** A construction sign is any on-premise sign temporarily identifying the name, address, and other pertinent information of the contractor, architect, landscape architect, and/or engineer', address and other pertinent information. Such signs shall employ temporary methods of installation and shall be removed following the completion of construction. Such signs shall not exceed a combined total of 32 square feet in area.
 - ii. **Residential For Sale or Rent.** One sign not exceeding six (6) square feet in area is permitted for the advertising of the sale or rental of the premises on which it is located and may be maintained on the property for the term of the sale or rental.
 - iii. **Garage Sale.** One sign not exceeding four (4) square feet in area is permitted for advertising a garage sale, tag sale, or other permitted temporary sale on the premises on which it is located and may be displayed for up to 48 hours in advance of the sale and 12 hours after the completion of the sale.
 - iv. **Short-Term Event.** Temporary window signs not exceeding 15% of the display window area or 40% of the display window area combined temporary and primary window sign area with a primary window sign are permitted. Temporary events may not be advertised on a free-standing sign.

K. Sign Standard Tables

Table 1 - Permitted Sign Types by Type and Zoning District

Sign Types	B1	B2 & RP	Residential	MI & S-IND	INS ^a
<i>Freestanding^j</i>					
Home Occupation	N	N	N	N	N/A
Non-Residential	S	S	S	S	S
Incidental ^c	P	P	P	P	P
Temporary ^g	P	P	P	P	P

<i>Building</i>					
Banner ^l	S	S	S	S	S
Building Marker ^d	P	P	P	P	P
Canopy ^e	S	S	S	S	S
Incidental ^c	P	P	P	P	P
Marquee	S	S	N	S	N
Projecting ^f	S	S	S	S	S
Home Occupation	S	S	S	S	N/A
Suspended	S	S	S	S	S
Temporary (Primary) ^g	S	S	S	S	S
Temporary (Accessory) ^g	P	P	P	P	P
Wall	S	S	S	S	S
Window	S	S	S	S	S
<i>Miscellaneous</i>					
Flag ^h	P	P	P	P	P
Sandwich Board ^k	S	S	N	S	N

P = Allowed w/o sign permit

S = Allowed w/ sign permit

N = Not allowed

- a. This column does not represent a zoning district. It applies to institutional uses permitted under these zoning regulations in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered and permitted on the premises.
- c. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located
- d. May include only the following: building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- e. Shall not be internally illuminated or contain neon bulbs.
- f. Such sign shall be hung at a right angle to the building and shall not project more than four (4) feet from the building. The top edge of the projecting sign panel shall not exceed the height of the bottom edge of second story windowsills.
- g. The conditions of Section 517.1 (J) of these regulations shall apply.

h. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

i. Projecting signs shall not project into, above or within ten (10) feet from the curb.

j. Freestanding signs over 6 feet in height may have no more than two (2) sides.

k. Sign shall maintain a setback of five (5) feet from the public right-of-way, and shall be permitted in the public right-of-way only in conformance with Section 517.1(I)(1)(e)

l. May be used only on a temporary basis and regulated pursuant to Section 517.1 (J).

Table 2 - Maximum Total Sign Area Per Business By Zoning District

	B1	B2 & RP	Residential	MI & S-IND	INS ^a
<i>The maximum total area of all signs for a business except incidental, building marker, and identification signs, and flags^b shall not exceed the lesser of the following:</i>					
Maximum Number of Total Square Feet ^c	120	120	60	120	60
Square Feet of Signage Per Linear Foot of Street Frontage	1.5	1.5	N/A	1.5	N/A

a. This column does not represent a zoning district. It applies to institutional uses permitted under these regulations in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

b. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

c. The maximum total square feet allowance does not exempt applicants from consideration of architectural features in which case it may reduce the maximum number of total square feet permitted.

Table 3 - Number, Dimensions, and Location of Individual Signs by Zoning District

Sign Types	B1	B2 & RP	Residential	MI & S-IND	INS ^a
<i>Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and Table 4</i>					
<i>Freestanding</i>					
Area (sq. ft.)	40	40	9	40	25
Height (feet)	12	12	4	12	5
Setback (sq. ft.) ^b	10	10	10	10	10
Number Permitted					
Per Lot	1	1	1	1	1
<i>Building</i>					
Area ^c (max. sq. ft.)	N/A	N/A	9	N/A	9
Wall Area (percent ^d)	10	10	N/A	10	N/A
Banner Area (max. sq. ft.)	15	20	20	20	20

a. This column does not represent a zoning district. It applies to institutional uses permitted under these regulations in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

b. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet and 10 feet in a triangle formed by the corner and points on the curb 20 feet from the intersection or entranceway (See Figure 2 at the end of Section 517.1).

c. Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

d. The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

e. For all building sign types not including banners.

Table 4 - Number and Dimensions of Certain individual Signs by Sign Type

Sign Type	Number Allowed	Maximum Sign Area	Vertical Clearance			
			From Sidewalk or Private Drive or Parking	From Public Street		
<i>No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.</i>						
Freestanding						
Home Occupation, Non-Residential, Incidental	See table 3	See table 3	N/A	N/A		
Temporary	2	6 square feet	N/A	N/A		
Building						
Banner	2 per business	See table 3	7 feet	12 feet		
Building Marker	1 per building		N/A	N/A		
Canopy	2 per business	20% surface area	7 feet	12 feet		
Incidental	N/A	2 square feet	N/A	N/A		
Marquee	1 per building		9 feet	12 feet		
Projecting	2 per business	10 square feet	9 feet	12 feet		
Home Occupation	1	4 square feet	N/A	N/A		
Suspended	4 per business		9 feet	N/A		
Temporary (Accessory)	Pursuant to Section 517.1(J)	Pursuant to Section 517.1(J)				
Wall	2 per business		N/A	N/A		
Window	2 per business	25% window area	N/A	N/A		
Miscellaneous						
Banner		See table 3	9 feet	12 feet		
Flag	N/A	N/A	9 feet	12 feet		
Sandwich Board	1 per business	9 square feet				

Table 5 - Permitted Sign Characteristics by Zoning District

	B1	B2 & RP	Residential	MI & S-IND	INS ^a
Animated	N	N	N	N	N
Changeable Copy	P	P	N	P	P
Illumination^b					
<i>Internal</i> ^{c,f}	P	P	N	P	N
<i>External</i> ^d	P	P	P	P	P
<i>Exposed bulbs or neon</i> ^{e,f}	P	P	N	P	N
Light-Emitting Diode (LED) ^{g,f}	P	P	N	P	N
Time and Temperature	P	P	N	P	N

P = Permitted

N = Not allowed

a. This column does not represent a zoning district. It applies to institutional uses permitted under these regulations in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

b. Only white or off-white light of a constant intensity shall be permitted as the primary light source for any sign. The average level of illumination of a sign face shall not exceed 10.0 foot-candles and the uniformity ratio shall not exceed a 2:1 average to minimum ratio. Shall be lit only during the hours of commercial or organizational operation for the associated use.

c. Shall be permitted only as white or off-white graphics on an opaque dark colored background or as white or off-white halo lighting. The lettering of such internally lit signs shall not exceed 40% of the surface area of the sign, and there shall be minimal, if any, translucence of the opaque background material (See figure 3 at the end of Section 517.1).

d. External lighting shall be designed and aimed to provide illumination of the sign face(s) only and external light sources shall be directed downward and shielded to limit light spill, glare or trespass beyond the sign face(s). The light source should not be visible. (See figure 4 at the end of Section 517.1)

e. Exposed neon shall be permitted only as a minor portion of a sign or sign lighting.

f. Shall not be permitted in the Traditional Downtown Design Review District (DR-1) with the exception of signs for movie theatres and performing arts centers meeting the following conditions: such signs are based on historical precedent, as demonstrated by applicant; the proposed lighting will not create unacceptable glare or light trespass; and the sign lighting and overall design is consistent with industry standards for such sign types.

g. Only lettering and logo elements and not the background may be illuminated on an LED display. The refresh rate for any changing message on an LED display shall not be less than 30 seconds.

Figure 2 – Illustration of Vision Clearance Area

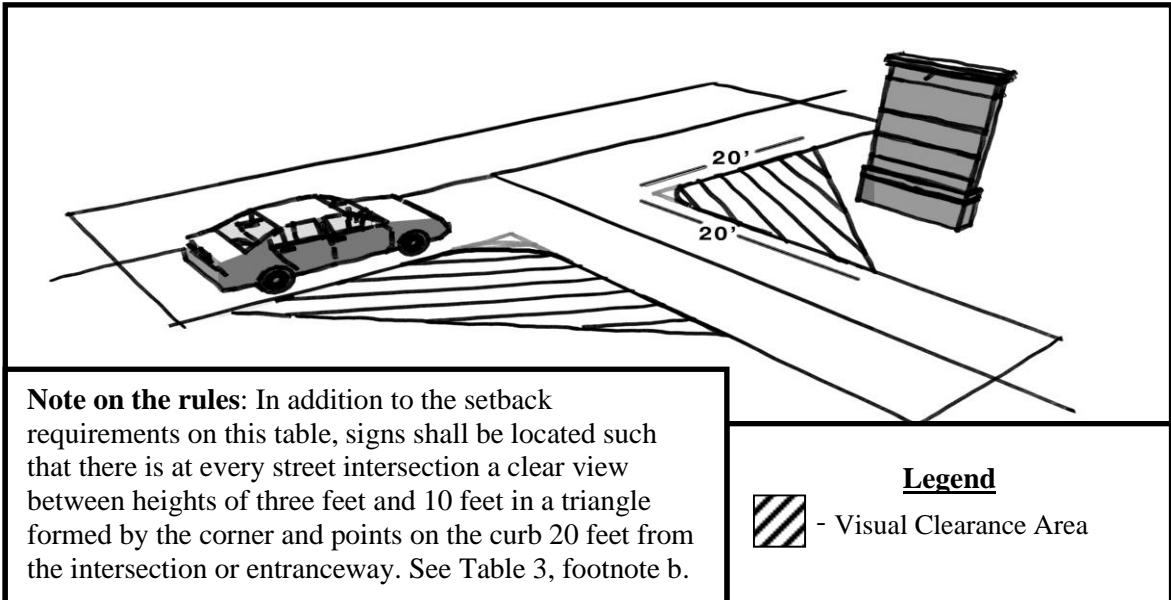


Figure 3 – Illustration of White or Off-White Graphics on Opaque Background versus Opaque Letter on White Background

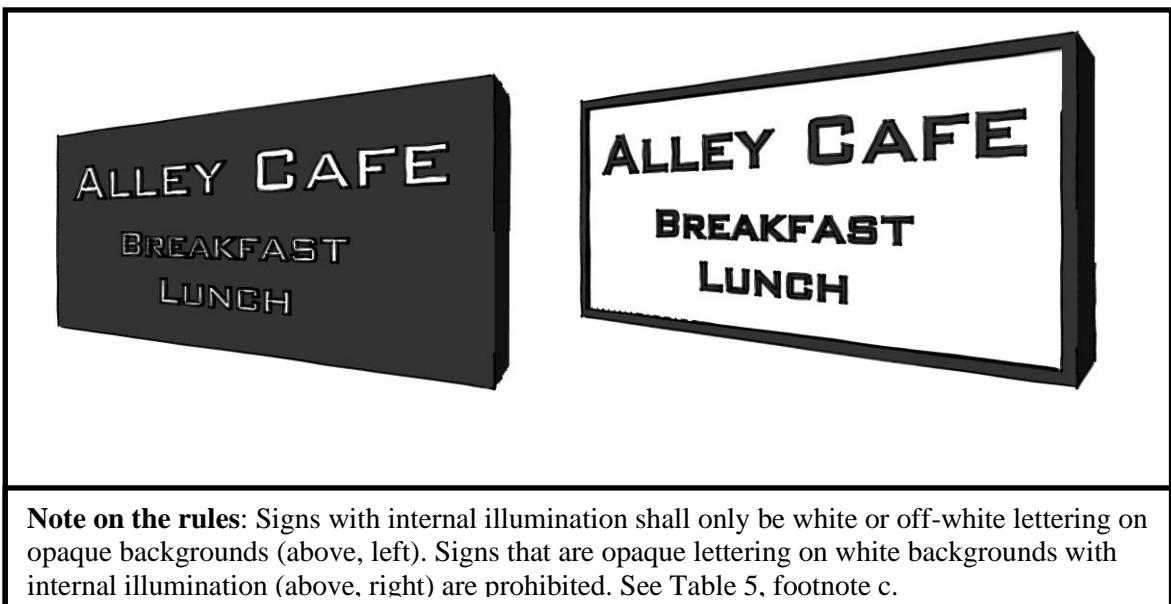
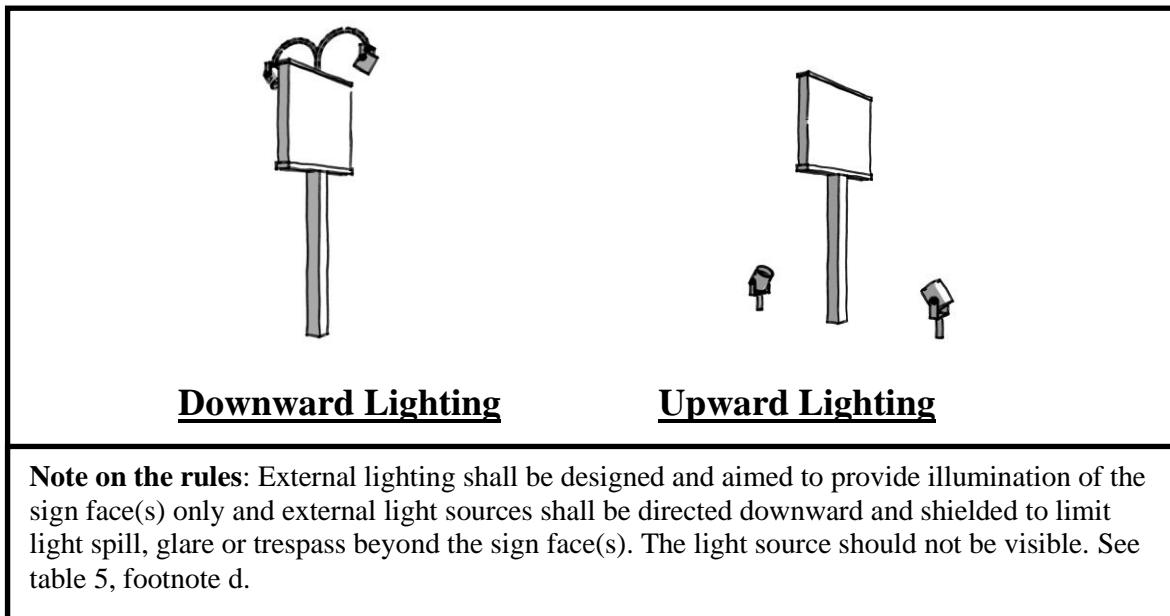


Figure 4 – Illustration of Downward Lighting versus Upward Lighting



Section 517.2 Sign Permit Procedures and Enforcement

A. General Permit Procedures

The following procedures shall govern the application for, and issuance of, all sign permits under these regulations.

- 1. Applications.** All applications for sign permits of any kind shall be submitted to the Zoning Administrator on an application form or in accordance with application specifications published by the Zoning Administrator.

- 2. Application Requirements.** An application for the construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings, drawn to scale, showing the dimensions, design, structure, means of illumination, colors and location of each particular sign. Applications involving freestanding signs shall include a top-down site plan sketch indicating the proposed sign location and all requisite setbacks. Applications involving signs attached to the façade of a building shall include a scaled elevation of the building with proposed location of the sign or a photograph of the façade that includes a superimposed, scaled image of the proposed sign. One application and permit may include multiple signs on the same lot.

- 3. Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.
- 4. Completeness.** Within five days of receiving an application for a sign permit, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of these regulations.
- 5. Action.** Within ten days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:
 - a.** Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of these regulations and does not meet the criteria for referral to the DAB pursuant to Section 517.2(A)(5)(b). In case of a rejection, the Zoning Administrator shall specify in the rejection the section(s) of these regulations which the application is inconsistent with.
 - b.** Refer the sign permit application to the DAB upon the request of the applicant if the application conforms with all regulations of this section with the exception of one or both of the following:
 - i.** Section 517.1(A) pursuant to Section 517.1(C)(2)(d);
 - ii.** Section 517.1(K) with regard to only one or more of the following dimensional requirements:
 - 1.** Maximum allowed area of individual signs.
 - 2.** Maximum allowed area of signage per business.
 - 3.** Setback requirements.
 - 4.** Visual clearance area.
 - c.** Issue the sign permit if the sign(s) that is the subject of the application conforms in every respect with the requirements of these regulations or has been granted either a favorable review or waiver by the Design Advisory Board pursuant to Section 517.2(A)(5)(b). Waivers shall be granted pursuant to Section 517.2(B).

6. **Expiration.** The period of validity of an approved sign permit shall be in accordance with Section 903. An alteration or removal of a sign that is included on a permit for multiple signs, whose alteration would require a new permit, shall not affect the permit status of the other signs under the original permit. Notwithstanding the provisions of Section 903, a temporary sign permit shall expire 30 days from the date of such approval with one 30-day extension allowed if granted by the Zoning Administrator.

B. Waivers

The Design Advisory Board may reduce dimensional restrictions by up to fifty (50) percent for items listed in Section 517.2(A)(5)(b)(ii) in cases where conditions exist that affect the ability to otherwise meet such requirements. No waiver shall be granted that would have an undue adverse effect on adjacent property, the character of the area or on public health and safety. The board shall provide only the minimum waiver that will represent the least deviation possible from the bylaw.

C. Revocation, Removal, and Enforcement

1. Any or all permits under this chapter may be revoked by the Zoning Administrator at any time and any sign may be ordered removed whenever, in the opinion of the Zoning Administrator, public necessity, safety, or convenience require such removal, and such removal shall be at the owner's expense.
2. Any sign, which has been ordered removed by the Zoning Administrator, or is abandoned or discontinued, shall be removed within 30 days of written notice to remove. Any structure, wall, surface or other area from which the sign is removed shall be disassembled and/or restored so that no remnant of the sign is visible.
3. All violations of Section 517 shall be enforced pursuant to Section 906 of these regulations.

Section 517.3 Computation Standards and Signage Definitions

A. Computations

The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or

decorative fence or wall when such fence or wall otherwise meets land development regulations and is clearly incidental to the display itself.

2. **Computation of Area of Multifaced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction (2) the newly established grade after construction, exclusive any filling, berthing, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
4. **Computation of Maximum Total Permitted Sign Area for a Business.** The permitted sum of the area of all individual signs per business shall be computed by applying the formula contained in Table 2 of Section 517.1(K), Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Businesses fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented towards a particular street may not exceed the portion of the businesses total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

B. Definitions and Interpretations

Words and phrases used in this section shall have the meanings set forth in this section and in Article 2 of these regulations.

1. **Animated Sign** – Any sign that uses movement or change of lighting to depict action or create a special effect or scene
2. **Banner** – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges.

National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

3. Building Marker – Any sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material. Does not include architectural elements such as cornices and architectural sculptures.
4. Building Sign – Any sign attached to any part of a building, as contrasted to a freestanding sign.
5. Canopy Sign – Any sign that is a part of or attached to, and does not extend beyond the limits of, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
6. Changeable Copy Sign – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than four times per minute shall be considered an animated sign and not a changeable copy sign for purposes of this section.
7. Commercial Message – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
8. Flag – Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
9. Freestanding Sign – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
10. Home Occupation Sign – Any sign located on a property permitted as a residential use that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of these regulations. This includes signs for permitted home industries.
11. Incidental Sign – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a

commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

12. Marquee – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
13. Marquee Sign – Any sign attached to, in any manner, or made a part of a marquee.
14. Nonconforming Sign – A non-conforming pre-existing sign is a sign lawfully existing at the time of adoption of these regulations but does not conform to the provisions of these regulations.
15. Pennant – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
16. Projecting Sign – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
17. Public Interest Marker – a message board, as enabled under Section 517.4, which is meant to provide information for the public about a site or structure of special note to the community.
18. Sandwich Board Sign – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.
19. Sign – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
20. Suspended Sign – A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

21. Temporary Sign – Any sign that is used only temporarily and is not permanently mounted.
22. Wall Sign – Any sign attached parallel to, but within fifteen inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
23. Window Sign – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Section 517.4 Public Interest Markers

Public interest markers are meant to provide information for the public about sites or structures that are of special note to the community.

A. Design Review

1. A public interest marker must be reviewed and given a favorable recommendation by the Design Advisory Board before being allowed by the Zoning Administrator, following the same process as an administrative Design Review application.
2. The Design Advisory Board may direct adherence to the usage of certain materials and designs that reflect the precedence established by previously installed markers.

B. Allowance and Effects on other Signage Allowances

1. Only one public interest markers is allowed per parcel.
2. A public interest marker does not count toward a property's total assessed or allowed quantity or square footage for other types of signs under Section 517.

C. Basis of Exemption from other Sign Standards

1. In order to not be considered a free-standing sign, the marker shall not be for purpose of commercial advertisement.
2. A public interest marker must provide information about a site or structure that can be proven as factual or based on archived historic accounts or scientific research.
3. Only the message board portion of a public interest marker shall contain text or images.
4. Space dedicated to corporate sponsorship information cannot exceed 5% of total message board space.

D. Dimensional Standards

1. Allowances for the location and setbacks of public interest markers shall be governed by

Section 303.

2. The tallest aspect of a public interest marker shall be no more than 4 feet 6 inches high from the elevation of the ground at the point at which its supports are set, and the message board shall be set at an angle no more than 45 degrees above horizontal.
3. The message board shall be no larger than 6 square feet in size.

E. Construction and Maintenance

1. The application for a public interest marker shall include certification from a party that will act as primary caretaker for the marker.
2. A public interest marker's supports and any framing shall be of stone, metal, or painted or stained wood.
3. The message board shall be made weather and sun resistant as evidenced by testimonial materials from the manufacturer. Simple vinyl labels are prohibited.
4. The approach to the marker from the public way shall be prepared in such a way to accommodate heavy foot traffic without causing erosion. Such preparation could include gravel, pavers, asphalt or cement.
5. The Zoning Administrator may order a public interest marker to be removed if it falls into disrepair, as evidenced by conditions such as failing paint, loss of firmness in the ground, graffiti that is not removed, illegibility of the marker's text, or damage to the supports, framing or message board. Removal shall be at the cost of the property owner.

Section 518 Lighting

All exterior lighting, whether for the purpose of security, safety, advertising or otherwise, shall be subject to this section. Exterior lighting shall be kept to a minimum consistent with the requirements for pedestrian and vehicular safety and the character of the neighborhood.

A. Prohibition

No person shall place or maintain any light device or indirect lighting so as to cause undue glare, unnecessary illumination, and annoyance to residents, pedestrians or drivers of vehicles. The following types of exterior lighting are prohibited:

1. Unshielded area lights (wall packs and yard lights)
2. Exposed fluorescent
3. Metal Halide, high-pressure sodium, or low pressure sodium
4. Neon (except low level/accent)
5. Any light fixture on a pole exceeding 20 feet
6. Upward-directed lighting, unless in compliance with section 518 (B) below.

B. Upward-Directed Lighting

The following types of upward-directed lighting are allowed in the DR-1 Traditional Downtown Design Review District:

1. Architectural and specialty uplighting of buildings and landscaping with a favorable recommendation or conditions issued by the Design Advisory Board, under the following standards:
 - a. Building facades:
 - i. Lighting shall be designed to minimize lighting of night sky and shall accentuate individual architectural or aesthetic elements, not the entire structure.
 - ii. The uplighting shall be designed to match the symmetry of the features of the building façade.
 - iii. The light shall only be directed onto particular features on the building façade and not spillover beyond the plane of the building.
 - iv. Uplighting shall not exceed 1,100 lumens for any one accent feature, shall be placed as close as possible to the base of the building or feature that is being illuminated, and shall be fully shielded from view off-site.
 - v. Lighting fixtures shall be connected to dimmer switches and be dimmable.
 - vi. Materials lit by uplighting shall not be glossy or any other type of surface that would produce unnecessary reflection or glare.
 - vii. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Illumination shall be confined to the property boundaries. Lighting fixtures shall not be directed toward adjacent streets or roads.
 - b. Landscaping:
 - i. When landscaping is to be illuminated, the Design Advisory Board shall be presented with a landscaping lighting plan, prepared by a qualified lighting professional, that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generally exceed light levels or cause glare or direct light beyond the landscaping into the night sky.
 - ii. No one landscaping lighting fixture shall exceed 1,100 lumens.
 - c. The lighting design shall be prepared by a qualified lighting professional with information specific to how the installed lighting will comply with these regulations. A qualified lighting professional must be a licensed engineer, a licensed architect, or other licensed or certified professional acceptable to the Board.

Section 519 Performance Standards

In accordance with Section 4414(5) of the Act, in all districts the following performance standards together with all applicable state standards must be met.

A. Noise

No noises shall be permitted in excess of the following levels specified in Table 1 as measured at or within the property lines of a receiving property.

Table 1.

Receiving Property	Time of Day	
	6:00 AM – 9:00 PM	9:00 PM – 6:00 AM
Located in Residential Districts	60 dBA	55 dBA
Located Elsewhere	65 dBA	65 dBA

B. Odor

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detected or as to interfere unreasonably with the comfort of the public. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if primary safeguard system should fail. Table III, Odor Thresholds, in Chapter 5, Air Pollution Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. or its equivalent shall serve as a guide in determining such quantities of offensive odors.

C. Smoke

There shall not be discharged into the atmosphere from any source at any time any air pollutant in excess of specified darkness standards (No. 1 on the Ringlemann Chart). This shall include emissions of air pollutants of such capacity as to obscure an observer's view to a degree equal to or greater than the above visible emission standard. Visible emission of any kind at ground level past the lot line of the property on which the source of the emissions is located is prohibited.

D. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot lines; nor shall any vibration produce exceed 0.002g peak at up to 60ops frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50ops frequency or random vibrations shall not induce accelerations exceeding .001g. Single impulse random vibrations occurring at an average interval greater than 5 minutes shall not induce accelerations exceeding .01g.

E. Glare

1. Direct Glare: Illumination beyond property lines caused by direct or spectrally reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or metal refinement. No such direct glare shall be permitted with the exceptions that the parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle at the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground, with the exception that such angle may be increased to 90 degrees if the luminary is less than four feet above the ground. Such luminaries shall be placed not more than sixteen feet above the ground level and the maximum illumination at ground level shall not be in excess of three foot candles.

-
2. Indirect Glare: Illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare from a reflecting surface shall not exceed: 0.3 foot candles - maximum; 0.1 foot candles - average.

Section 520 Extraction of Soil, Sand or Gravel

In accordance with Section 4464 (b)(2) of the Act, in any district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Development Review Board and after a public hearing. In any district, the following provisions shall apply:

- A. Before approval of any new or extension to a sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations, the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and the general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake, recreation area or other usable open space.
- B. The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provisions are made to refill such pit.
- C. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and satisfaction of the Zoning Administrator.
- D. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
- E. No excavation or blasting shall take place within 200 feet of any street or other property line.
- F. No power activated sorting machinery or equipment shall be located within 300 feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
- G. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Zoning Administrator.
- H. Extensions of an existing non-conforming operation shall not be permitted.

- I. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- J. The Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Section 521 Accessory Structures and Uses

Accessory structures and uses shall be permitted under permit review and approval from the Zoning Administrator subject to the following requirements:

- A. Relation to principal buildings – Accessory structures and uses are permitted only in connection with, incidental to, and on the same lot with, a principal structure or use which is permitted in the particular zoning district. No accessory structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. Maximum number – A maximum of two (2) accessory structures may be permitted on a Single- or Two-Family Dwelling lot, provided that all other requirements of this section are met. Only one (1) detached garage shall be permitted. A maximum of one (1) detached accessory structure shall be permitted on any other residential lot. The Development Review Board may approve an increase to the number of accessory structures after receipt of a site plan and conducting a public hearing in accordance with Section 908 of these Land Development Regulations, based upon consideration of the size of the lot.
- C. Location – Accessory Structures shall not be erected in any right-of-way, easement or required front yard. When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said structure shall not project beyond the front yard setback required to the rear of such corner lot.
- D. Setbacks and spacing for detached accessory structures – Setbacks for accessory structures shall conform to the applicable dimensional requirements in Sections 303 and 523.

Spacing requirements for accessory structures are as follows:

1. Where the accessory structure is structurally attached to a principal building or structure (e.g. a deck, garage or breezeway), or is less than ten (10) feet from the principal building, the accessory building shall be subject to all regulations applicable to principal structures and uses.
2. Spacing from another accessory building shall be a minimum five (5) feet.
3. The front building line of a detached garage shall be a minimum of ten (10) feet behind the front building line of the principal structure.
4. The front building line of all other accessory structures shall be a minimum of ten

- (10) feet behind the rear building line of the principal structure.
- E. Garage or carport location in developments of multiple Dwelling Units – In the case of attached residential dwelling complexes of multiple Dwelling Units on the same lot, detached parking garages or carports may be permitted in the non-required front yard if, during site plan review, the design and locations are found to be complementary with adjacent uses and will not detract from the view or visibility of motorists.
- F. Yard coverage and footprint – Accessory buildings in a residential district shall have a combined maximum rear yard coverage of twenty-five (25) percent and a maximum combined footprint of nine hundred (900) square feet. For substandard lots, coverage may be increased an additional ten (10) percent if the accessory building does not exceed five hundred seventy-six (576) square feet in size. The footprint of accessory buildings in all districts shall not be greater than the square footage of the principal building.
- G. Maximum height for detached accessory structures:
1. The maximum building height of any detached accessory structure on any Single- or Two-Family Dwelling shall be as follows, measured from the average height between the eaves and the ridge:
 - a. Seventeen (17) feet where the principal building or structure is of two (2) or more stories in height; and
 - b. Fourteen (14) feet where the principal building or structure is less than two (2) stories in height.
 2. For the above, in no case shall the height of the accessory structure exceed that of the principal building or structure.
 3. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts if the building exceeds twenty (20) feet in height.
- H. Drainage – The placement and design of any accessory structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- I. Restrictions on Use – Accessory structures shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation except as allowed by other sections of the Land Development Regulations.

Section 522 Front Entrances in Residential Districts

- A. All principal buildings in Residential Districts shall provide a prominent front entrance directly toward the public street, if one is adjacent to the property. Such an entrance shall be signified by at least one doorway into the building, and its prominence shall be

signified through architectural means including such items as a stoop, a porch, the amount and symmetry of glazing on the façade, one or more gables or dormers in the roof, the use of differentiated materials and colors, and/or other means as accepted by the Zoning Administrator or Development Review Board.

- B. On lots bordered by more than one street, the Zoning Administrator or Development Review Board shall determine which street frontage shall be provided with a prominent front entrance. This determination shall take into account the historical interaction of the property and neighboring lots, especially other nearby corner lots, with the adjacent streets. The selected building entrance does not necessarily need to face the same street that contains the property's curb cut. The building may also provide an entrance to more than one street.
- C. Accessory structures and those that accommodate vehicles shall not detract from the prominence of the entrance to the building.
- D. The inclusion of a paved, brick, stone or gravel walkway connecting a front entrance to a driveway, City sidewalk and/or street is encouraged.

Section 523 Development and Other Activities in Stream Corridor Areas

- A. Delineation of Stream Corridor Area – The Stream Corridor Area shall run along a perennial stream and shall consist of the area within 30 horizontal feet of the stream center-line.
- B. Delineation of Riparian Buffer Area – The Riparian Buffer Area is within a Stream Corridor Area and shall consist of the area within 15 horizontal feet of the stream center-line.
- C. Clearing of Trees and Vegetation – A permit is required to remove any healthy native trees of 2 inches in diameter as measured 4 feet from the ground in the Riparian Buffer Area. In considering such a permit, the Zoning Administrator shall take into account the ability of the property owner to access the stream and care for their property, other vegetation that will be left in place, and any vegetation that could be added to replace the tree(s).
- D. Limitations on Expansion of Impervious Areas and Structures - Unless authorized by the Development Review Board as a Waiver pursuant to Section 604 of the City of St. Albans Land Development Regulations, and save for the allowance of subsections E and H below, no new or expanded impervious surface, building footprint area, including overhangs, or service areas, such as dumpsters, shall be constructed within the Stream Corridor Area.
- E. Provisions for Single- and Two-Family Dwellings - For Single- and Two-Family Dwellings, in conjunction with issuance of a Zoning Permit, one (1) accessory structure with a floor area located at grade totaling less than twenty (20) square feet, may be

permitted within the Stream Corridor Area but not within the Riparian Buffer Area.

- F. Stabilization and Planting Required - Regardless of any legal nonconformity or existing practice, any existing used and permitted or legally nonconforming impervious areas within the Stream Corridor Area that consist of bare dirt and any impervious areas in states of disrepair that present erosion risks shall be either repaired with an acceptable hard surface, as permitted by the Zoning Administrator, or seeded and stabilized with a mix of vegetation suitable to the climate of Northwest Vermont by July 30, 2019.
- G. Drainage Outfalls - Existing drainage outfalls within the Stream Corridor Area and Riparian Buffer Area may remain, although this allowance does not preclude any rules requiring disconnection of these outfalls from potential sources of pollution. New outfalls for roof drains, perimeter drains, and stormwater are allowed, as permitted by the Zoning Administrator, and provided that they are free of any source of illicit discharge. Outfalls directly within the bank of a stream shall also require a Stream Alteration and Bank Maintenance permit (see Section 524).
- H. Bridges and Boardwalks – Bridges and pedestrian boardwalks that receive Stream Alteration and Bank Maintenance permits (see Section 524) shall be allowed within the Stream Corridor Area and Riparian Buffer Area.
- I. Landscaping in the Riparian Buffer Area - Regardless of any legal nonconformity or existing practice, the following shall apply to any vegetated area, otherwise non-impervious area, or impervious areas in states of disrepair that present erosion risks within the Riparian Buffer Area:
 - 1. As of July 30, 2019, the area shall be seeded and stabilized with a naturalized mix of grasses suitable to the climate of Northwest Vermont shall be utilized, rather than sod or standard turfgrass. Additional trees, shrubs, and other plantings are encouraged.
 - 2. Lawn areas within the Riparian Buffer Area shall be mowed no shorter than 3 inches.
 - 3. Additional conditions may be placed by the Design Advisory Board or Development Review Board on landscaping and mowing in areas subject to Design Review or for applications that require site plan review.
 - 4. The placing or storing of cut or cleared trees and other vegetation from other areas is prohibited within the Riparian Buffer Area.
- J. Re-establishment of Riparian Buffer Areas - In reviewing any development, the Zoning Administrator, Design Advisory Board or Development Review Board may require that existing impervious areas within the Riparian Buffer Area be discontinued and be subject to all other requirements of this Section, provided that other areas of the development can reasonably assume the functions of the discontinued impervious area.
- K. Demarcation of Buffer - In order to facilitate and monitor maintenance of the Riparian Buffer Area, the Zoning Administrator, Design Advisory Board or Development Review Board may require that any application for land disturbance or land development on a site

lying wholly or partially within the Stream Corridor Area, other than for modification of an existing Single- or Two-Family Dwelling, include provisions to demarcate, with sturdy plantings, fencing, or a combination thereof, a boundary line along the Riparian Buffer Area.

- L. Prevention of Stream Obstruction - Regardless of any legal nonconformity or existing practice, the Zoning Administrator may find in violation of these Regulations any storage area, snow-clearing practice or other activity that threatens to obstruct a perennial stream, wholly or partially, with snow, ice or other material.
- M. Exemptions - City infrastructure and City or State-permitted stormwater management facilities are exempt from the rules of Section 523.

Section 524 Stream Alteration and Bank Maintenance

- A. Stream alteration and bank maintenance shall be subject to the approval of the Development Review Board provided that the alteration or maintenance:
 1. Is needed to accomplish a clear public purpose or objective or is reasonably necessary for the protection or viability of private property;
 2. Will not reduce the ability of the watercourse to carry or store flood waters adequately;
 3. Will not have an unmitigated adverse impact on downstream or upstream water quality;
 4. Will not require adjacent or downstream property owners to undertake activities to protect their properties from new stream behaviors and erosion;
 5. Will not affect adversely the use and enjoyment of adjacent properties; and
 6. Will not affect adversely the habitat value of the watercourse or immediately adjacent areas or wetlands.
- B. In making findings relative to these criteria, the DRB shall be authorized to invoke technical review by a qualified professional in hydrology, geomorphology, or other related science whose services shall be paid for by the applicant. The DRB may also rely on the issuance of a Stream Alteration Permit issued by the Vermont Department of Environmental Conservation as evidence that the above criteria have been met.
- C. In order to ensure compliance with the criteria above, the DRB may also place additional conditions upon the applicant for approval of a stream alteration/bank maintenance application, including riparian plantings and improvements to other properties and rights-of-way.
- D. Stream alteration and bank maintenance applications to the DRB shall be subject to the same hearing notice requirements as conditional use applications with additional abutter's notices sent to the adjacent upstream and cross-stream properties, as well as all properties 200 feet downstream. These additional abutter's notice requirements shall also apply to site plan applications that propose stream alteration and bank maintenance.

- E. Emergency stream alterations and bank maintenance will not be considered in violation, as long as an application to the Development Review Board is submitted within 15 days after the work. When considering the application, the DRB may require additional work or conditions or that some or all of the emergency work be reversed.
- F. Exemptions - City infrastructure and City or State-permitted stormwater management facilities are exempt from the rules of Section 524.

Section 525 Public Improvements and Performance Bonds

- A. As a condition of approval of any development that includes new public infrastructure or infrastructure that may eventually be taken over by the City, the Development Review Board may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued or no plat may be recorded for an approved development unless the streets and other required public improvements, such as street lighting, curbs, gutters, street trees, water mains, sanitary sewers and storm drains, have been satisfactorily installed in accordance with the approval decision and pertinent bylaws.
- B. In lieu of requiring the completion of the required public improvements, as described in Item A. above, the Development Review Board may require that no permit be issued until the property developer and/or owner presents to the Zoning Administrator a performance bond issued either by a bonding or surety company approved by the City Manager or issued by the property developer/owner with security acceptable to the City Manager in an amount sufficient to cover the full cost of the public improvements and their maintenance for a period of up to two years after completion as is estimated by the Development Review Board or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of up to two years after completion.
- C. A performance bond issued as described in Item B. above shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three years. However, with the consent of the developer/owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the City and upon receipt of the proceeds of the bond, the City shall install or maintain such improvements as are covered by the performance bond, assuming sufficient funds.

End of Article 5

Article 6

Permit Review Procedures and Standards

Section 601 Permitted Uses

A use designated as a permitted use in any district, may be permitted upon decision of the Zoning Administrator subject to the requirements of these regulations.

Section 602 Conditional Uses

A use designated as a conditional use in any district may be permitted upon decision of the Development Review Board, subject to the requirements of 24 V.S.A., Section 4414(3).

Section 602.1 Procedure; Action by Development Review Board

The Development Review Board may grant a conditional use permit after public notice in accordance with Section 908 of these bylaws and a public hearing, according to the following procedures:

- A.** An application for a conditional use permit shall be filed in the office of the Zoning Administrator, who shall refer the application to the Development Review Board.
- B.** The Development Review Board may specify additional information for consideration of the application, including, but not limited to, data, traffic impact studies, site plans and elevations.
- C.** The Development Review Board shall review the proposed use for compliance with all applicable criteria as contained in these regulations. This review shall specifically include consideration of the stated purpose of the district in which the proposed use is to be located.
- D.** The Development Review Board shall act to approve or disapprove a requested conditional use within 45 days after the adjournment of the final public hearing held under this section, and failure to so act shall be deemed approval.

Section 602.2 Approval Criteria

The Development Review Board shall determine that the proposed use shall not have an undue adverse effect on:

- A.** The capacity of existing or planned municipal facilities;
- B.** The character of the area affected, as defined by the purposes of the zoning district within which the project is located, and specifically stated policies and standards of the

municipal plan, however, an application that would result in a total of four or fewer Dwelling Units and no other Principal Uses on a lot may not be denied solely due to an undue adverse effect on the character of the area affected;

- C. Traffic on roads and highways in the vicinity;
- D. Bylaws then in effect; or
- E. Utilization of renewable energy resources.

Section 602.3 Approval Conditions

In permitting a conditional use, the Development Review Board may impose specific conditions it deems necessary to achieve the goals of the Municipal Plan, and to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:

A. Minimum Lot Size

The Development Review Board may specify an increase in the minimum lot size requirement to allow for adequate screening or buffering, to accommodate an increase in density or intensity of use that may result from development.

B. Adjacent Uses

The Development Review Board may require the applicant to arrange uses on the site to place more compatible uses closer to nearby properties with less intensive uses.

C. Land Use Performance Standards

The Development Review Board may impose conditions relating to, dust, smoke, noise, odor, glare or vibration beyond those expected from permitted uses in the district in accordance with Section 519, other relevant sections of these bylaws and other applicable City ordinances.

D. Off-Street Parking and Loading

The Development Review Board may require an increase in the number of required off-street parking or loading spaces to assure vehicles can be accommodated on-site.

E. Landscaping, Buffering and Screening

The Development Review Board may require landscaping, screening or buffering on the periphery of the development to improve compatibility with abutting or nearby uses.

F. Design and Location of Structures

The Development Review Board may impose requirements to assure the proposed use is compatible with adjoining or nearby development. These requirements may include, but not be limited to, requirements to increase minimum setback distances, limiting building coverage or the height of buildings.

G. Size, Location and Design of Signs

The Development Review Board may limit the size, number and location of signs beyond that required in Section 516 in order to maintain the character of the district in which the proposed use is located.

H. Access and Circulation

The Development Review Board may require alterations to vehicular movement and parking areas, internal streets and drives, traffic signals and turning lanes on abutting streets. In the event that the development may be expected to cause a significant drop in the level of service, the Development Review Board may require a contribution proportionate to the share of excess traffic. Such contribution may include the installation of acceleration or deceleration lanes, turn lanes or other road or intersection improvements.

The following uses must be located on or have vehicular access to a collector or arterial street, as defined by the City's 1991 Comprehensive Highway Transportation Analysis:

- a. School**
- b. Emergency Service**
- c. Place of Worship**
- d. Funeral Home**
- e. Hospital**

I. Construction Time Limit

The Development Review Board may specify a time limit for construction, alteration or enlargement of the proposed use.

J. Performance and Operation

The Development Review Board may specify and restrict the hours of operation and other factors related to the performance of the proposed use.

K. Specific Limitations

The Development Review Board may not impose conditions that specifically prohibit Development allowed under Sections 409 or 501A of these Regulations.

Section 602.4 Changes to a Conditional Use

- A.** Any enlargement or alteration of a conditional use shall be reviewed as a conditional use by the Development Review Board.
- B.** A change in use, expansion or contraction of land, area, or alteration of structures which are designated as a conditional use, shall conform to all regulations contained herein pertaining to conditional uses. Such changes shall not be commenced until a conditional use permit is issued by the Development Review Board for such change, expansion, construction or alteration under this section.

Section 602.5 Period of Validity of Approval

The period of validity of a Conditional Use approval shall be in accordance with Section 903.

Section 603 Site Plan Review

Section 603.1 Purpose and Applicability

A. Purpose

The purpose and intent of site plan review is to protect the public health, safety and general welfare; to promote orderly growth and development; to ensure new development is harmonious with existing development and the environment; and to encourage the objectives of the City of St. Albans Comprehensive Municipal Plan.

B. General Requirements

- 1.** Site plan approval shall be required, pursuant to Section 4416 of the Act for the following:
 - a.** A site plan that involves no new construction or enlargement of any structure but does modify the arrangement of parking, landscaping or other requirements of Section 603 (Minor Site Plan), or
 - b.** A site plan that involves new construction or enlargement of existing structures and does not modify parking and/or landscaping or other requirements of Section 603 (Minor Site Plan) or
 - c.** A site plan that involves new construction or enlargement of any structure that changes off-street parking, landscaping or other requirements of Section 603 (Major Site Plan).
- 2.** Site plan approval is not required for a Single- or Two-Family Dwelling.
- 3.** No zoning permit, building permit or certificate of occupancy shall be issued for any new construction, enlargement, any significant change in off-street parking or landscaping or a change in a previously approved site plan until final site plan approval shall have been obtained from the Development Review Board of the City of St. Albans.
- 4.** The clearing of vegetation and/or construction of driveways and roads in preparation for a use requiring site plan approval shall not occur before final site plan approval by the Development Review Board.
- 5.** A recommendation from the Design Advisory Board is required for properties located in a Design Review District.

Section 603.2 Application Requirements

- A.** The Development Review Board shall adopt a general protocol in an open meeting to govern the number of copies, sizes of sheets, and manner of digital files to be submitted with the Zoning Administrator as an application for site plan review.
- B.** The site plan review application shall include the following information:
 - 1.** For Minor Site Plans:
 - a)** The name and address of the applicant, and other planners, engineers, architects, surveyors and/or other professionals engaged by the applicant in preparing the site plan application.
 - b)** Name and address of the owner of record; or if a corporation, name and address of representative and evidence of registration to do business in Vermont.
 - c)** The block and lot and zoning district of the site.
 - d)** The location and dimensions of all existing structures, existing and proposed driveways, parking areas, landscaping and signs.
 - e)** The location and dimensions of the lot and all setback lines as required by these regulations.
 - f)** Proposed stormwater drainage.
 - g)** Construction sequence and schedule for the completion of each phase for parking and landscaped areas.
 - h)** The location of perennial and intermittent streams and delineation of the Stream Corridor Area and Riparian Buffer Area, per Section 523.
 - 2.** For Major Site Plans:
 - a)** General Information
 - i.** The name and address of the applicant, and other planners, engineers, architects, surveyors and/or other professionals engaged by the applicant in preparing the site plan application.
 - ii.** Title of development, date, north arrow, scale, name and address of owner of record, or if a corporation, name and address of representative and evidence of registration to do business in Vermont.
 - iii.** A key map indicating the location of the proposed development and surrounding streets.
 - iv.** The districts of the proposed development. Dimensions of lot, building and setback lines as required by these regulations. Percentage of lot coverage.
 - v.** The tax lot and block of the proposed development and the tax lot and block of all properties within one hundred (100) feet of the proposed development.
 - vi.** Street and road names.
 - b)** Property Description
 - i.** The names of all owners of record of all properties within one hundred (100) feet of the site boundary.

- ii. Easements, rights-of-way and areas dedicated for public use.
- iii. Contours and relevant floor elevations.
- iv. In the event of a dispute regarding in the property description, the Development Review Board may require a boundary survey.

c) Development Plan

- i. The approximate location and dimensions of all existing and proposed structures and the location of all existing structures within the applicable setbacks on adjacent properties.
- ii. All existing and proposed paved areas, parking areas, traffic access and circulation and pedestrian walks, trails and sidewalks. Means of vehicular access and egress to and from the site into public streets.
- iii. Existing and proposed elevations, and, as appropriate, lawns, meadows, trees with a diameter of six (6) inches or more measured at 5 foot above grade, water courses, wetlands, rock outcrops, and other significant existing site features of scenic, ecological and historical value within one hundred (100) feet of the site boundary.
- iv. The location, layout and dimensions of off-street parking and loading areas.
- v. Location of outdoor storage and fencing.
- vi. The location of perennial and intermittent streams and delineation of the Stream Corridor Area and Riparian Buffer Area, per Section 523.

d) Grading and Drainage:

- i. A proposed grading plan, indicating areas to be left undisturbed, and the extent and amount of cut and fill for all disturbed areas.
- ii. Proposed stormwater drainage.

e) Landscaping and Signs:

- i. A landscape plan indicating the location of lawns, trees and shrubs and other landscape features.
- ii. Location of proposed signs.
- iii. The direction and timing of outdoor lighting.

f) Utilities Plan: Location of existing and proposed utilities.

g) Project Schedule: Construction sequence and schedule for the completion of each phase for buildings, parking, and landscaped areas.

C. Where due to special conditions peculiar to a site, or the size, nature, or complexity of the proposed use or development of land or buildings, the Development Review Board may request additional information in order to make an informed decision.

Section 603.3 Application and Review Procedure

A. Pre Application Conference, Site Plan

1. At the request of the applicant, the Zoning Administrator shall hold a pre-application conference for the purpose of determining application and review requirements.
2. The purpose of the pre-application conference is to provide input from the Zoning Administrator in the formative stages of site design. The applicant shall not be bound by the pre-application conference nor shall the Zoning Administrator be bound by any such review.

B. Site Plan Review

1. Actions by the Zoning Administrator:
 - a) An application and site plan shall be submitted to the Zoning Administrator by the applicant for review.
 - b) When all the information required by Section 603.2 and any additional requested information is assembled, the Zoning Administrator shall accept the application and refer the application to the Development Review Board for public review. In the event the Zoning Administrator deems the required information to be incomplete, the applicant shall be so notified and may request transmission of the application to the Development Review Board. The Zoning Administrator shall honor such request.
 - c) Not less than 15 days and not more than 20 days of receiving the application the Zoning Administrator shall place the complete application on the next available agenda for consideration by the Development Review Board.
 - d) Not less than 15 days of the next available meeting date the Zoning Administrator shall warn a public hearing on the application.
 - e) The Zoning Administrator shall refer all applications within the jurisdiction of Design Review pursuant to Article 7 of these regulations to the Design Advisory Board.
2. Action by the Development Review Board:
 - a) The Development Review Board shall inform the applicant of its decision in writing within forty-five (45) days of the adjournment of the public hearing for site plan review approving, disapproving, or approving with conditions the site plan application.
 - b) Failure of the Development Review Board to act within the time frames prescribed in this article shall be deemed to constitute approval, unless the time frames are extended by agreement with the applicant.

C. Filing of Approved Site Plan

If necessary, the approved site plan shall be revised by the applicant to include all conditions imposed by the Development Review Board. It shall then be signed and dated by the Zoning Administrator.

One (1) copy of the approved site plan shall be returned to the applicant together with any requirements, comments or actions by the Development Review Board. A second copy of the site plan and application indicating the same requirements, comments or actions, shall be retained by the City and filed with the Zoning Administrator's office.

D. Amendments to Approved Site Plan

Amendments to an approved site plan shall be processed in accordance with this Section.

E. Fees

A fee in the amount set by the City Council shall accompany each application.

F. Performance Guarantee

See Section 525 for any proposed site plan that may include public improvements.

Section 603.4 General Criteria and Standards

The following criteria and standards shall be used by the Development Review Board in reviewing applications for site plan approval. They are intended to provide a framework within which the applicant may exercise creativity, invention and innovation.

A. Harmonious relationship between proposed uses and existing adjacent uses.

B. Traffic Access, Circulation and Parking with regard to optimum safety of vehicular circulation between the site and street, and optimum safety within the site.

1. Proposed roadway access points and streets shall be adequate but not excessive in number, adequate in width, paving, grading, alignment and visibility; and located away from street corners or points of public assembly.
2. Necessary traffic signalization, signs, dividers, and other safety controls, devices and facilities shall be given proper consideration and provided wherever appropriate or warranted.
3. Off-street parking shall be provided in accordance with the specifications in Article 5.

C. Pedestrian and Bicycle Safety and Access

Safe, adequate and convenient pedestrian and bicycle access and circulation shall be provided both within the site and to adjacent streets, with particular attention to all intersections with vehicular traffic. Removal of snow from vehicle, pedestrian and bicycle storage areas is required.

D. Screening, landscaping, signs, performance standards and lighting shall be in accordance with Article 5.

E. Natural Features and Environmental Quality

Reasonable efforts shall be undertaken to preserve and protect significant natural features and other areas of scenic, ecological or historic value.

F. Structures in Design Review Districts

Structures in a Design Review District requiring site plan approval must receive a recommendation from the Design Advisory Board, favorable or unfavorable, before receiving a final site plan determination by the Development Review Board.

G. Drainage

All projects shall be designed to include good stormwater management practices. Stormwater runoff shall be directed to existing storm drainage facilities where they exist. New swales, catch basins, and storm drains shall be incorporated into the site design, where necessary, to prevent any significant runoff from reaching adjacent properties or causing unsafe conditions on the project site.

For new projects with impervious areas greater than 1 acre of pavement, onsite stormwater detention may be required by the Development Review Board. If required, the detention pond shall be designed to discharge runoff at a rate equal to or less than the pre-development rate for a 10 year storm frequency.

H. Wastewater Disposal and Water Supply

The required permits must be obtained from the City of St. Albans.

I. Utilities

The installation of electric, telephone and similar utilities shall be consistent with those servicing abutting properties.

Section 603.5 Period of Validity of Approval

The period of validity of a Site Plan approval shall be in accordance with Section 903.

Section 604 Waivers

- A. The Development Review Board may waive setback requirements in any district for single story attached garages, decks, porches, and/or accessory structures up to fifty percent (50%) in cases where conditions exist which affect the ability to otherwise meet setback requirements. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area or on public health and safety.
- B. The Development Review Board may increase the maximum lot coverage allowance of a Single- or Two-Family Dwelling by up to 15% (e.g. a 40% maximum lot coverage allowance would become 55%) for the installation or expansion of a driveway, under all of the following conditions:
 - a. The use of the property at the time of application is either permitted or legal nonconforming
 - b. The property does not currently have adequate space to accommodate two (2) parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
 - c. The application does not propose any more total resulting parking than two (2)

- parking spaces for a Single-Family Dwelling or four (4) spaces for a Two-Family Dwelling.
- d. The amount of lot covered on the property has not increased since August 29, 2016. If the lot covered on the property has increased since August 29, 2016, then the total lot coverage allowed is limited to the percentage of lot that was covered on August 29, 2016 plus the 15% waiver but no more than 55% total.
 - e. The resulting amount of total parking spaces on the property cannot equal more than two (2) if the property was a Single-Family Dwelling on or after August 29, 2016.
- C. For properties in the Service Industrial District, the Development Review Board may waive side and rear setback requirements where immediately adjacent to a rail line property and where the property on the other side of the rail line property is in a Service Industrial or business district.
- D. In the issuance of waivers the Development Review Board:
- 1. shall consider and may require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver. The design feature should have a minimum height of five (5) feet above grade level and shall provide adequate privacy to the surrounding use(s). Options include a wall, a solid fence, a densely planted hedge or natural and/or man-made landforms.
 - 2. may require that all outdoor storage of materials and equipment, including waste storage facilities, shall not be stored or located within the reduced setback area.
 - 3. shall provide only the minimum waiver that will represent the least deviation possible from the bylaw.
 - 4. may require that a sketch to scale be presented as part of the application for the waiver, if the waiver is not sought under site plan review.
- D. Applications for waivers shall be considered by the Development Review Board after a public hearing held in accordance with Section 908.

Section 605 Minor Amendments

The Zoning Administrator may review and approve minor amendments to previously approved development or permits that would otherwise require review by an appropriate municipal panel in accordance with the provisions of the Act (24 V.S.A. Section 4464 (C)), where no material changes or impacts are expected, and where bylaw conformance is found.

Any decision by the Zoning Administrator under this subsection may be appealed as provided in Section 901. The authority to approve an application administratively does not mean that the administrative officer is required to do so. The Zoning Administrator shall reserve the right to refer any application to the Planning Commission and/or Development Review Board where it is deemed that board level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.

End of Article 6

Article 7

Design Review

Section 701 Purposes

The intent and purpose of this article is to:

1. Preserve the historic architectural resources of the city.
2. Ensure that new infill development, redevelopment and reconstruction are sensitive to context and the historic architecture and patterns.
3. Promote architectural, landscape, sign, and site design treatments that enhance the visual appearance of development within the Design Review (DR) Overlay Districts and downtown St. Albans.
4. Support pedestrian activity and scale along the street and between buildings as well as multi-modal travel.
5. Create and maintain a strong community image and identity by providing for architectural and landscape treatments that enhance the visual quality of all development in St. Albans and thus enhancing the visitor experience, the attractiveness of the streetscape and the existing architecture of the community.

Section 702 Scope and Authority

These regulations shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, and changes to outward appearance including color or siding, or demolition within the Design Review (DR) Overlay Districts.

For any structure in a Design Review District, the Zoning Administrator shall solicit a recommendation from the Design Advisory Board before issuing a building permit. Each project shall be evaluated with regard to how it achieves an overall design that meets the intent and directions of the Design Review Standards. If the Design Advisory Board does not grant a favorable recommendation, then the application shall be referred to the Development Review Board for a final determination under these regulations.

These Design Review Standards are intended to assist property owners, developers, and the City review boards with the preliminary planning, design, and evaluation of proposals and approval of projects. The “shall” and other similar definitive statements indicate mandatory requirements and offer relatively little flexibility unless choices are provided within the statements themselves. All projects must include these elements as described. However, statements that use the word “should” or “encourage” are meant to be applied, but with some flexibility. They indicate that the City is open to design features that are equal to, or better than, those stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the City. This section is intended to act in conjunction with the City of St. Albans’ Land Development Regulations. In the event

of a conflict or discrepancy between the two documents, the more restrictive standard shall apply.

Section 703 Applicability and District Descriptions

B. DR - Design Review Overlay Districts

Within the limits established for Design Review, there shall be indicated four Design Review Overlay Districts for the purpose of applying the review criteria in Section 706. These districts are as indicated on the Applicable Districts Map in section 703.A with the following designations:

- DR1 - Traditional Downtown
- DR2 - Downtown Expansion
- DR3 - Residential
- DR4 - Gateway

Each of the Design Review Overlay Districts in the City of St. Albans has distinct site development patterns and architectural characteristics. The identification of historic and/or desirable patterns within each of these districts is a critical element in determining the “fit” and ensuring the appropriate relationship of a proposed project or activity within the specific district. The physical characteristics of a proposed project or activity, including the project’s architecture, landscape architecture, site plan and/or signage shall be designed and/or developed in a manner that respects, references or reflects the desired patterns of the district, either existing or as proposed and as specifically articulated in this section.

1. DR1 – Traditional Downtown

a) Definition/Purpose

The Traditional Downtown (DR1) Overlay District is established to maintain and preserve the unique historic character and function of the City’s downtown and central business district. Architecture shall reflect historic forms and materials and adaptive re-use of historic architecture is strongly encouraged. Infill, renovation and revitalization of the City’s core shall respect and preserve the “main street” character, walk ability, public spaces and the sharing of parking and other public infrastructure, which reflects the historic urban form of the City. The district places emphasis on and the preservation of historic resources and the character of the historic downtown as a part of a vibrant central business district. Buildings in the Traditional Downtown (DR1) are mixed-use with premium local and regional boutique retail uses and entertainment establishments, fostering a multicultural environment. Residential or office use above the ground floor is encouraged.

(See corresponding photos that follow)

- i. Facades are continuous and/or connected and often directly front the sidewalk and right of way.
- ii. Windows and cornices are critical elements of architecture and reinforce the historic qualities and character of the downtown.

- iii. Architectural details are important contributors to the visual richness of this district and readily incorporate signs.
- iv. This district includes sites with distinctive, stand-alone architectural landmarks unique to the City.
- v. Relationships to the street and sidewalk are important and reinforce pedestrian scale.



2. DR2 – Downtown Expansion

a) Definition/Purpose

The intent of the Downtown Expansion (DR2) Overlay District is to recognize an area suitable for the expansion of downtown commercial and mixed-use developments, which expands the synergy of the Traditional Downtown (DR1) district. Buildings in the Downtown Expansion (DR2) district are mixed-use developments, housing street front retail and restaurant services with residential and office use above the ground floor, where feasible. Architecture of a historic nature shall be used in conjunction with contemporary designs. Beautification and building upkeep are encouraged, utilizing signage, awnings and greenery for an aesthetically pleasing environment. Architecture should reflect historic forms and materials and adaptive re-use of historic architecture is encouraged. New structures and additions or alterations to existing structures shall be designed in a manner that is harmonious with, or complements the scale, massing, height, proportions, roof pitch, window style and placement, materials, color and design of surrounding historic structures and significant buildings of architectural merit. Strong pedestrian access to neighboring uses and districts shall be developed and maintained. The establishment of unique outdoor spaces of any size with fountains and public art is recommended. Parking lots and structures are to be located away or discreetly screened from street view.

(See corresponding photos that follow)

- i. This district includes a variety of lot sizes, building types and development patterns. There are some clusters of consistent building scales and setbacks.
- ii. Infill spaces and vacant lots are also present in this district as a pattern of land use that provides areas for the expansion of the district.
- iii. Some converted historic buildings have been adapted for commercial uses and include some strong landscape elements.
- iv. Buildings of different, scale, size, design and vintage are present in this district.





3. DR3 – Residential

a) Definition/Purpose

The Residential (DR3) Overlay District provides residential housing adjacent to the traditional downtown and is intended for the preservation and enhancement of its historic pattern, architectural scale and green space. It is characterized by dense, compact development with a mix of housing types. Similar setbacks, footprints, scale, mass and height are expected to continue. Existing vegetation and the pedestrian-oriented environment shall be maintained. Emphasis shall be placed on the preservation of the tree lined boulevard quality of Main Street and the surrounding streetscape. Low-intensity business activity is permitted at residential scale, which includes home occupations or professional offices that are unobtrusive and fit within the character of the neighborhood. New development and redevelopment in these neighborhoods shall reflect the existing and desirable patterns of size, scale, footprint and massing as well as historic architectural patterns and materials.

(See corresponding photos that follow)

- i. Consistent setbacks, building scales and architecture are present in this district.
- ii. Appropriate design of the greenbelt and sidewalk system shall continue.
- iii. Conversion of older residential structures into commercial uses has retained the residential character of the building and site.

iv. Tree belts in this district include areas with mature specimen trees and landscaping.



i.



i.



ii.



iii.



iv.



iv.

4. DR4 – Gateway

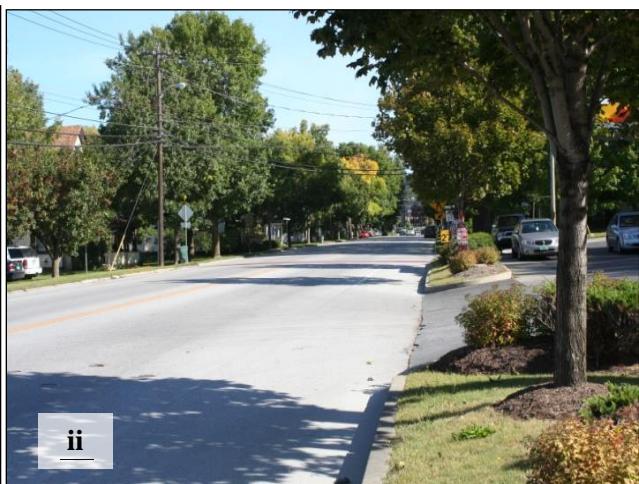
a) Definition/Purpose

The Gateway (DR4) Overlay District provides a higher standard of appearance for corridors that serve as the main entrances into the downtown area and shall complement and anticipate the historic core of the City. Buildings, architectural styles, and design features shall create a memorable and positive first impression

upon entering the City, to establish an image and character that is uniquely St. Albans, as well as to fulfill the service demands of nearby neighborhoods, residents, and visitors. Signing and lighting associated with the commercial density and transitioning land use that currently exists in this district is inconsistent with the historic, residential quality of these areas. These areas are distinct with regard to the presence of specific transportation infrastructure, with the north gateway just south of an important intersection and the terminus of the MVRT; and the south gateway having the Interstate connector and intersection. New construction, conversions or rehabilitation of existing structures should continue existing historic scale and setbacks. Site plans shall reference and relate to the historic greenbelt and provide creatively screened and located parking areas.

(See corresponding photos that follow)

- i. Relationship with the street includes meeting access management criteria with limited curb cuts and shared driveways or entries.
- ii. Sufficient greenbelts and sidewalks shall continue to be provided.
- iii. In the Gateway District residential structures are often converted to commercial uses.
- iv. Site elements including signs and lights shall not contribute to existing visual clutter and result in an increase in the visual discord within the existing environment.





Section 704 Design Advisory Board

- A. The Design Advisory Board shall be appointed to terms decided by the City Council. The number of members shall be set from time to time by the City Council but shall not be less than five. Members need not be residents of the City of St. Albans. Members of the Design Advisory Board shall have a demonstrated background interest in architecture, landscape architecture, design, planning, or historic development. Vacancies on the Design Advisory Board shall be filled by the City Council.
- B. The Design Advisory Board shall elect a chairperson at its organizational meeting. The Board shall adopt such rules, as it deems necessary for the performance of its functions. The Board shall keep a written record of its discussions and recommendations, which shall be maintained as a public record by the City of St. Albans.

Section 705 Procedures

- A. At the time of application for Site Plan Review, the Zoning Administrator shall transmit the site plan application to the Design Advisory Board.
- B. Design Review Application Requirements:
 - 1. The Design Advisory Board shall adopt a general protocol in an open meeting to govern the number of copies, sizes of sheets, and manner of digital files to be submitted as an application for design review.
 - 2. The Design Review application shall include the following information:
 - a) New Signs, Altered or Replacement Signs:
 - i. For any new, altered or replacement sign applicants shall submit a scaled drawing or dimensioned drawing that shows the sign layout dimensions, letter sizes, wording, and colors used in the proposed sign. The drawing shall include the color scheme or a separate drawing shall be provided to present the colors, or color swatches shall be provided. The method and materials for sign construction shall be provided.

- ii. The method of sign installation shall also be provided to include the design of the sign structure and the attachment methods if the proposed sign is to be building mounted. The method of lighting to illuminate the sign shall be provided along with the type of light and the proposed illumination level of the sign in foot-candles.
 - iii. The method of lighting to illuminate the sign shall be provided along with the type of light and the proposed illumination level of the sign in foot-candles.
 - b) Alterations to Existing Structures:
 - i. Photographs indicating existing conditions including photographs of adjacent buildings.
 - ii. Exterior building elevations to scale of existing structure indicating proposed changes.
 - iii. Description of existing and proposed materials, with dimensions and colors.
 - iv. Time schedule of proposed construction.
 - c) New Construction or Addition(s) to Existing Structure:
 - i. Site Plan as required under Section 603.2, B.
 - ii. Exterior photographs indicating existing conditions including photographs of adjacent buildings.
 - iii. Exterior building elevations to scale of existing structure indicating proposed changes.
 - iv. Description of existing and proposed materials and colors.
 - v. Time schedule of proposed construction.
3. The Design Advisory Board may require such other information as it deems relevant and necessary for proper consideration of the application. If deemed appropriate or necessary, the DAB or the DRB may retain professional assistance to review project and design proposals. The cost of retaining such professional consultation shall be borne by the applicant.
- C. The Design Advisory Board shall schedule a meeting with the applicant for the purpose of discussing the proposed development within 30 days of receiving the application. The Design Advisory Board shall make a written recommendation with respect to the application within five days of concluding its review and shall transmit those recommendations to the applicant and Development Review Board or Zoning Administrator as applicable. If applicable, the recommendation shall be incorporated as part of the Site Plan application for consideration by the Development Review Board.
- D. Failure of the Design Advisory Board to act within the establish time frame shall constitute a recommendation to approve the application.

Section 706 Design Review Standards & Criteria for Approval

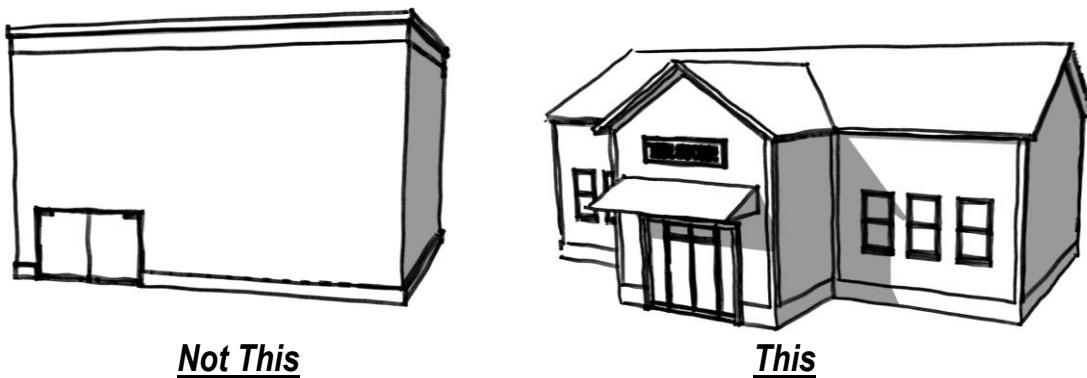
A. Architecture & Historic Preservation

Development and rehabilitation shall reference, respect and preserve historic architecture as appropriate. New building design needs to reflect use, context, and contribute to the community fabric. Elements to consider include:

1. Prominent Entrance

- a) All buildings shall have at least one principal front entry with a canopy or articulated architecture that is welcoming and easily identifiable from streets and sidewalks.
- b) Building entries and facades should be designed to enhance pedestrian comfort and provide visual interest through the use of arches, arcades, awnings, large entry doors, overhangs, display windows, landscaping, special paving, lighting, and other architectural elements.
- c) Some form of weather protection should be provided at entries. This can be combined with any method used to achieve visual prominence, such as canopies, porticos, porches, awnings or overhangs.

Figure 1. Prominent Entrance - A building should have a clearly delineated entrance that provides safe and logical entry to the interior spaces.



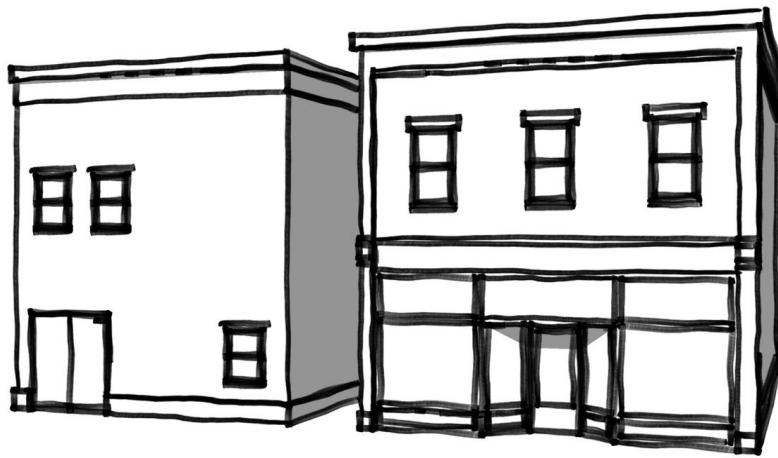
2. Massing & Scale

- a) The majority of the building mass shall be located close to the road to help define the street edge and to help orient users, in accordance with existing or applicable setbacks (pattern).
- b) The size, scale, motif and use of materials for the front façade design shall be kept consistent across the façade and with adjacent buildings in order to tie the entire composition together. The use of a variety of design styles across the façade and

with adjacent buildings is not recommended. Original historic architectural detail or elements should be preserved and replicated to the optimum extent practicable.

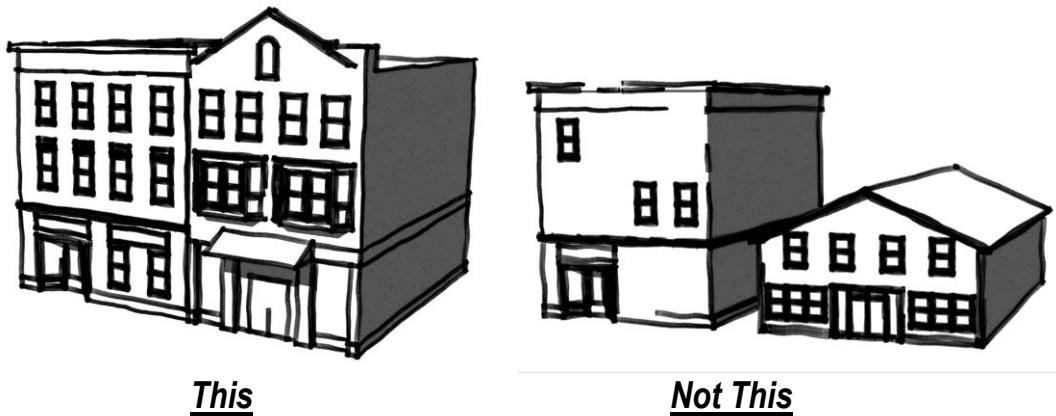
- c) Building volume shall be divided into a variety of shapes or materials to help reduce the perceived scale of the architecture. Building elements that provide scale and establish street side rhythms include: columns, windows, doorways, roof segments, wall patterns, lighting fixtures, signs, paving patterns, landscape elements.

Figure 2. Building Detail and Patterns - Building elements shall be designed or retained to reflect historic architectural motifs, proper rhythm and symmetry.



- d) Large-scale features or significant areas of blank wall are not permitted near the front of the site or along the road right-of-way.
- e) The rhythm of building massing is important in creating a visually consistent environment. This involves the organization of building elements or spaces between them in a logical and sequential manner. Windows, columns or bay spacing should be kept as consistent as possible on the façade.

Figure 3. Building Massing, Scale and Rhythm - New structures and infill buildings should reflect the scale of the street and the architectural patterns present.



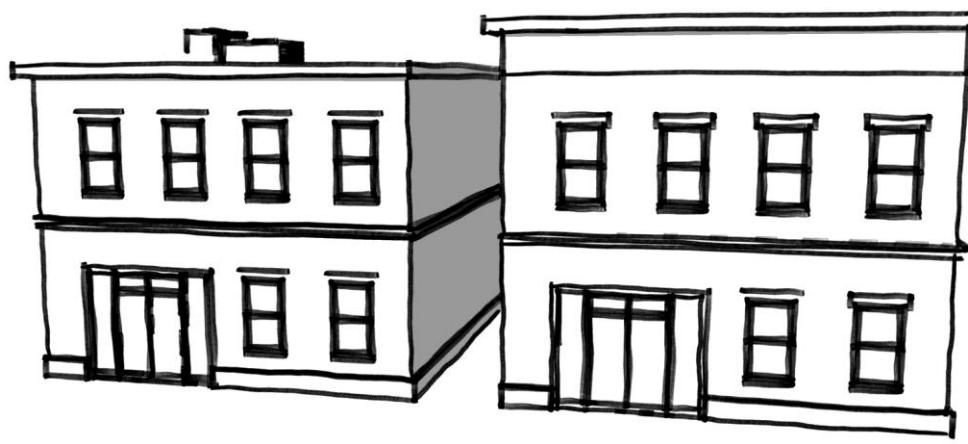
3. Context

- a) Building design shall be sensitive to the overall character and context of the design review district in which it is located and to adjacent buildings. In particular, new development and redevelopment in the Traditional Downtown (DR1) shall incorporate historic architectural elements that reinforce the established character of that district. The following elements constitute potential existing features that could be reflected in new buildings:
 - i. materials
 - ii. window proportions and openings
 - iii. cornice or canopy lines
 - iv. roof treatment
 - v. colors
- b) Separate structures (carwash, canopies over gas pumps, etc.) on a site shall have the same or compatible architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.
- c) All structures in the Residential-Professional District shall be designed to resemble the form of a residential house or estate. The standards in Section 417 of these Regulations shall be used for guidance in assessing compliance with this rule.

4. Roof Design & Mechanical Equipment Screening

- a)** Rooflines shall present a distinct profile and appearance for the building. Subtle breaks and fluctuations in the roofline are encouraged to highlight important areas of the building (such as the entry) and break up longer stretches of roof area. The roof of the building should be in keeping with the scale and historic context of the structure itself.
- b)** Only a small portion of roof area should be flat provided it is not visible from the public street, existing or planned, or does not detract from the overall design and harmony of the building. Where portions of a roof are flat, architectural elements such as extended parapets and projecting cornices shall be used to create a prominent edge when viewed against the sky.
- c)** Rooftop equipment and fixtures shall be concealed from eye-level view from any public right-of-way and from the ground level of any adjacent properties. In addition, they shall be visually minimized with painted colors and finish complementary to the overall building design.

Figure 4 - Rooftop Equipment – Rooftop equipment shall be screened or located away from public view.



- d)** Mechanical units on the ground (condensers, generators, etc.) shall be screened from view with wing walls, landscaping, or a combination of both.

5. Drive-thru Businesses

- a)** Drive-thru windows shall be located along the sides or rear of the building. Drive-thru windows shall not be allowed between the building and the street.

- b)** Canopies, where applicable, shall have the same or compatible architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.

Figure 5. Drive-thru Businesses - Drive through businesses must have drive through facilities located to the side or rear of the building and the canopies shall relate in architectural style and design to the buildings to which they are attached.



6. Fencing

- a)** Walls and fences should harmonize with the site and the buildings on it in scale as well as in materials. Barbed wire, chain-link and security fencing (razor-wire, concertina wire) are prohibited. Appropriate fence materials include wood, stone, masonry and/or decorative metals.
- b)** Fencing shall not dominate the buildings or landscape.

7. Materials and Colors

- a)** Selecting materials and colors that fit within the context of the site and surroundings is required in the Traditional Downtown (DR1) and recommended in all other design review districts. An example of this would be to use a brick or brick color and/or a pleasing contrasting color when this material and color is present in adjacent buildings or sites.
- b)** The choice of colors can help to express a building's architecture, but care should be given to avoid discordant or unusually bright color schemes and those, which may be offensive or glaring to the public when viewed from the site or road. The main color theme should be of a natural or muted shade. Brighter, more vibrant colors such as red or yellow should be reserved for minor accents and highlights only, and should be used sparingly.
- c)** Colors should be coordinated throughout a building's exterior in concert with other site elements such as fencing, outbuildings and signing.

- d) When a variety of colors are used on a building, one color should be used as the predominant or primary color, with the other (secondary) colors used for the trim, corner boards and other details. The secondary colors can add interesting accents to a building and its architectural details and enrich a façade design, when chosen in a complementary fashion.
- e) When a variety of materials are used on a building, one material should be used as the predominant or primary finish, with the other materials used for different architectural or building elements.
- f) Materials selected should either fit the context of the proposed building and/or reflect the nature and use of the structure. Materials need to be selected for long-term performance and durability (see Table 1. Recommended Materials on following page).
- g) Colors that are used should reflect the color patterns and recommendations provided for in the reference document “The Colors of St. Albans”, St. Albans downtown, as prepared by St. Albans for the Future (SAFF) and available for review in the city zoning office.

Table 1. Recommended Materials

The following table provides a sampling of appropriate or recommended materials for the design review districts and is intended as a general guide. Actual exterior materials and colors shall be approved by the City. Materials listed in the “Not Recommended” column, or materials not specifically listed in this chart, are not permitted unless otherwise approved by the City:

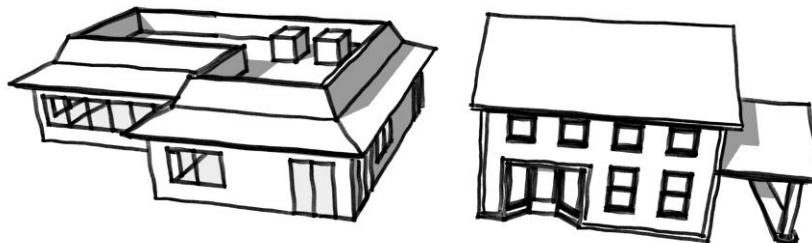
ARCHITECTURAL ELEMENT	RECOMMENDED	NOT RECOMMENDED
Façade	<ul style="list-style-type: none"> - Common Red Brick - Natural or Indigenous Stone (granite, limestone, and marble) - Architectural Concrete (textured, colored, split-faced) - Wood Clapboard/Shingle (vinyl siding may be used in place of wood provided it is of high quality and closely resembles wood clapboard/shingles) 	<ul style="list-style-type: none"> - Multi-colored brick - Imitation Brick Siding - Plain (bare) Concrete Masonry Units - Metal Siding - Asphalt Siding
Trim	<ul style="list-style-type: none"> - Wood, Finished Grade (painted or stained) - Aluminum 	<ul style="list-style-type: none"> - Bare Wood, Lumber Grade

ARCHITECTURAL ELEMENT	RECOMMENDED	NOT RECOMMENDED
<i>Windows</i>	<ul style="list-style-type: none"> - Anodized Aluminum Frame - Wood Frame (painted or stained) - Vinyl Clad - Clear, Etched or Frosted Glass - Stained Glass 	<ul style="list-style-type: none"> - Steel Plate or Angle - Mirrored Glass
<i>Roof</i>	<ul style="list-style-type: none"> - Natural Slate - Ashpalt Shingles - Standing Seam Metal - Stone, Pre-Cast Concrete or Limestone - Parapet Caps/Chimney Caps 	
<i>Other</i>	<ul style="list-style-type: none"> - Canvas Awnings - Walkway pavers/sidewalk - Stamped or poured concrete - Brick or Colored Paving Stone 	<ul style="list-style-type: none"> - Plastic Awnings - Asphalt Walkways

8. Franchises

- a) “Off the shelf” standardized franchise architecture is not permitted in St. Albans. Franchise operations that are proposed for existing buildings, infill locations, or as standalone structures must employ an architectural design that either reflects the local setting or can be demonstrated to fit in a contextual, harmonious manner with the character of its surroundings.
- b) Chain stores and franchises shall use materials and detailing that are compatible with nearby buildings and blend with the existing landscape. Existing historic or older homes and buildings can be restored to accommodate chain stores and franchises.

Figure 6. Generic or Franchise Architecture



9. Motor Vehicle Fuel Dispensaries.

The Design Advisory Board is enabled to apply the standards of Section 415 of these regulations as part of the Design Review process.

10. Historic Preservation

- a)** In addition to the following standards, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings shall also be used as a guide for any changes, modifications and repair to existing buildings of historic and architectural significance. (Note: Tax credits may be available to applicants who follow these guidelines.)
- b)** Rehabilitation of Historic Structures:
 - i. Respect the original design character of the building.
 - ii. New uses that require the least change to existing structures are encouraged.
 - iii. Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site.
 - iv. Avoid removing or altering any historic material or significant architectural features.
 - v. Original materials and details that contribute to the historic significance of the structure are qualities that should be preserved whenever feasible.
 - vi. Use material similar to those employed historically where feasible. If alternate materials must be used, they should match the original in appearance, design, color, texture and other visual qualities as closely as is possible.
 - vii. Where reconstruction of an element is impossible because of a lack of historical evidence, then a new design that relates to the building in general size, scale and material may be considered.
- c)** Additions to Historic Structures:
 - i. Construct new additions so that there is the least possible loss of historic fabric and so that the character-defining features of the historic building are not destroyed, damaged, or obscured.
 - ii. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities.
 - iii. Locate a new addition on an inconspicuous elevation of the historic building, usually the rear one.
 - iv. Limit the size and the scale of an addition in relationship to the historic building so that it does not diminish or visually overpower the building.
 - v. Avoid impacts to special moldings, decorative windows or dormers.
 - vi. Design an addition to be compatible with the historic building in mass, materials, color, and relationship of solids to voids in the exterior walls, yet make the addition discernible from the original.

d) Historic Commercial Structures:

- i. Maintain the large display windows that are characteristic of commercial buildings.
- ii. The traditional "storefront" image shall be preserved at the street level.
- iii. When replacing glass or restoring windows, maintain the original size and shape of the storefront opening.
- iv. Preserve the original size and shape of upper story windows.
- v. Maintain original recessed entries where they exist.
- vi. Preserve original roof forms where they contribute to the historic character of the building.
- vii. Maintain original roof materials where they are visible to the street.

e) Demolition of Historic Structures:

- i. The demolition of historic structures is discouraged and shall be considered only as a last resort. If acceptable alternatives are not possible, the following must be met:
 1. The significance of the structure, gardens, landscaping and outbuildings, if any, shall be assessed and recorded. A photographic record that includes scale shall be made as part of the site inventory work. Significant architectural features or items of historical importance shall be identified.
 2. Public interest for structural preservation shall be sought and considered. Salvage options, whether through the City or other appropriate groups with interest in local history, shall be proposed as part of the demolition proposal.
 3. Circumstances and condition of the structure shall be evaluated. A qualified engineer's opinion on the structural integrity of the building shall be obtained, together with an estimate of needed stabilization and necessary code compliance work to be performed.
 4. The physical and economic feasibility is part of the decision to approve a demolition. Using comparable rehabilitated structure values, and income if applicable, rehabilitation cost vs. new redevelopment cost shall be provided for consideration. Efforts shall be made to develop and offer alternative plans, including financing help through low-cost loans and other incentives to attract interested users and project developers.
 5. The City has 90 days to find acceptable alternatives to the demolition, if it feels that it is physically and economically feasible.
 6. See also Section 706 of this Ordinance as it refers to demolition.

B. Landscape & Streetscape

The landscape and streetscape patterns of St. Albans have been established and can be enhanced with new development. Providing safe and walkable public spaces coupled with the further development of street trees and the “urban forest”, as well as sensitivity to overall community beautification provide the basis for landscape and streetscape design

and development. Applicants are also encouraged to seek the assistance of the City Arborist or Tree Steward in the planning and design of landscaped areas. Considerations for landscaping and tree planting are as follows in this section. Areas to address include:

1. Street Tree/Streetscape Pattern

- a)** Street trees shall be maintained and used to provide sufficient shading and an aesthetically pleasing environment for pedestrians, to reduce impervious cover and to partially mitigate the effects of automobile exhaust and other adverse urban conditions.
- b)** New development with internal streets or fronting on public streets shall provide street tree plantings 40 feet (desired) to 60 feet (maximum) distance on center with 2.5 - 3 inch caliper minimum diameter.
- c)** Tree selection should match the site and existing conditions; it should support and enhance the relationship of architecture to the streetscape. Selections should reflect municipal and state standards for appropriate species.
- d)** The streetscape should create meaningful spaces for pedestrians that draw them in and provide amenities such as benches.
- e)** Adequate area (5' width minimum) at edges of roads, parking lots and within treebelts, if necessary, should be provided for snow piling.
- f)** If trees are to be planted under powerlines, specific varieties should be selected which do not exceed the height of the lowest line when full grown. Larger trees can be planted if they are offset from the utility lines. Columnar trees may also be considered.
- g)** The applicant is encouraged to employ the appropriate tree species for the use or location for which it is intended. Appropriate documents that are readily available provide guidance on the use of plant materials and street trees in Vermont and the applicant is encouraged to reference these publications which include: (*Selecting Trees for Urban Landscape Ecosystems*: State of New Hampshire Department of Resources and Economic Development Division of Forests and Lands. 1994; *Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees*. The Vermont Urban & Community Forestry Program. 2001; *Landscape Plants for Vermont*. University of Vermont Extension. 2002).

Figure 7 – Trees under power lines – Select the appropriate tree with respect to mature height for under power or utility lines so it will not have to be pruned.



- h)** Island and treebelt surrounds should include cobble, groundcover, and low decorative fencing with bark mulch, gravel or groundcover.
- i)** The recommended minimum island width for tree planting is 6'. When using cobble surround, a minimum of 12" width should be maintained around the trunk.
- j)** Tree roots can expand under the pavement. A composite native/structural soil is recommended with structural soil under the paver.
- k)** Bio-retention is one of several stormwater filtering systems that should be employed in parking lot and site designs. Other methods aside from bio-retention include: 1) sand filters (i.e. underground, organic or perimeter), and 2) vegetated channels (i.e. grass channels, dry/wet swales, filter strips).
- l)** Native plants selected need to be hardy and resistant to salt and other pollutants.
- m)** Plantings in islands or streetside treebelts should avoid placement atop underground utilities wherever possible, or provide provisions to protect both trees and utilities such as root barriers in urban conditions.
- n)** Along streets plant materials shall be selected and placed to avoid blocking sight lines at intersections and curb cuts.

2. Native Landscaping/Restoration

- a)** The use of Vermont native or naturalized species with proven performance and hardiness is encouraged.
- b)** Existing vegetation shall be retained as much as possible. The preservation of mature plant species is recommended and included as a design element.
- c)** Vegetative stabilization techniques and/or retention methodologies using natural materials rather than structural means for slope retention are encouraged.

- d)** Bio-retention areas in parking lots and development sites are encouraged to treat stormwater runoff in a natural manner by detaining it and filtering it as it percolates through plantings and sand filter beds.
 - e)** Underplanting of shrubs and groundcovers is encouraged as an alternative to mulch and lawns and to serve as a part of the stormwater management plan for a site by providing detention and filtration functions.

3. Overall Landscape Plan

- a)** The overall landscape plan should be designed for energy conservation and environmental comfort and be aesthetically pleasing throughout the seasons.
- b)** Functional landscaping should be considered; design techniques that stabilize slopes, provide low maintenance alternatives to lawn areas, reduce erosion and reinforce pedestrian circulation routes should be employed.
- c)** Landscape buffers between dissimilar or conflicting land uses are encouraged.
- d)** Landscape planting of suitable numbers and sizes is encouraged around building foundations to create pedestrian scale spaces, maintain a landscape continuity, and enhance visual appearance. Plantings should be in massings to provide impact and presence and to avoid a chaotic planting effect.
- e)** Transformers, dumpsters and other site utilities and infrastructure should incorporate landscape elements to screen them from view. Two options include: 1) incorporating the screening element into the architectural design of the building or utility buildings on the site (employing wing walls, for example), or 2) setting the transformer or other such utility within a proposed planting bed rather than creating a rectilinear planting around the transformer designed specifically to screen it.

4. Innovative Landscape Design

- a)** Applicants are encouraged to employ innovative landscape design methodologies such as: 1) green roof technologies for energy conservation and storm water management; 2) Structural Soils under sidewalks and plazas to provide suitable areas for root systems to support tree plantings within sidewalk and plaza areas that would otherwise be unsuitable for such plantings; and, 3) Rain Garden landscaping that absorbs, filters and/or delays runoff from impermeable surface areas.
- b)** Where tree size landscaping is not possible, new developments should incorporate planters or containers to provide areas for shrubs, perennial and annual plantings.

5. Landscaping in Stream Corridor Areas and Riparian Buffer Areas

- a)** The provisions of Section 523 shall apply to properties in the Stream Corridor Area.

C. Signs

NOTE: Signs will need to comply with all applicable provisions of Section 517 of these Land Use Regulations. In the event of a conflict or discrepancy between the two regulations, the more restrictive standard shall apply.

Signs play an important role in the visual landscape through their design and messaging, by promoting economic vitality, and by providing guidance and information. Criteria to be addressed include:

1. Integration with Site and Building Design

- a)** Sign needs should be determined primarily by criteria established by the building's architecture, the relative size of the sign, and the message.
- b)** Signs shall be designed as a part of the overall design approach to a project and not an afterthought. It is expected that signs shall fit with the architectural character, proportions, materials, colors, lighting and other details of the development.
- c)** All integrated commercial developments (e.g. multiple tenants or buildings) shall have a uniform sign program or master plan to ensure compatibility throughout the project. The program or master plan shall also identify locations and maximum sizes for future signs.
- d)** Sign placement should take into account whether pedestrians, motorists or both will view the sign.
- e)** Signs shall not project above the roof, parapet or exterior wall. No sign shall cover architectural details such as, but not limited to, arches, sills, moldings, cornices and transom windows.
- f)** Signs along roadways, especially monument signs, should be integrated with site landscaping.

2. Creativity and Artistry

- a)** Creatively illustrated signs are encouraged and should be graphic in form, expressive, and distinctive, with a strong visual relationship to the business image.
- b)** Signs supported by ornamental brackets and oriented to pedestrians are strongly encouraged.

3. Legibility and Visibility

- a)** Signs should be legible and appropriate to the business and its project image. Generally, size of sign should be determined by the function of the sign, with an emphasis on smaller, people-sized signs. For example, shops and restaurants should be smaller, personalized signs; while major destinations and shopping centers should be larger signs so that they can be viewed by a moving car.
- b)** Appropriate contrast between lettering and background are to be employed.
- c)** Avoid glare and too much reflective surface.
- d)** Proper letter height and visibility is necessary in response to the nature of the street and the speed limit. Appropriate typeface is critical to image and messaging.
- e)** Limits to the amount of information on any one sign may be required for legibility and safety purposes.

D. Lighting

***NOTE:** Lighting will need to comply with all applicable provisions of Section 517 and 518 of these Land Use Regulations. In the event of a conflict or discrepancy between the two regulations, the more restrictive standard shall apply.*

Lighting not only addresses nighttime activity on sites and in districts, but also must be developed in concert with state of the art technology in illumination. Safety and sufficient lighting quality are integral to the development of new lighting plans for buildings and their sites. Criteria to be addressed include:

1. Illumination & Uniformity

- a)** All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through exterior shields or through optics within the fixture, to include “cut-off” technology that controls light spread.
- b)** High pressure sodium luminaires shall not be employed, unless demonstrated to have appropriate color correction technology.

- c) Parking area light fixtures should be designed with a concealed/recessed light source that shields light downward and confines light spread and shall not exceed a maximum of 20 feet in height.
- d) Lighting levels and design should comply with the Illuminating Engineering Society of North America's *Recommended Practices and Design Guidelines*, latest edition. Energy efficient lighting sources are recommended, and may be required at the discretion of the City. The City may have the right to impose time limitations on lighting.
- e) Where practical, exterior lighting installations shall include dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce impacts on the night sky, overall energy consumption, and unneeded lighting.
- f) The minimum illumination level for an outdoor parking lot shall be maintained at 0.2 horizontal foot-candles at grade level, except for periods of non-use, and the uniformity ratio shall not exceed (average/minimum) 4:1.
- g) Applicants may need to demonstrate that the foot-candle level at the property line does not exceed pre-existing levels. If there is no lighting present or in the vicinity of the property line, then the applicant installing new lighting may be required to demonstrate a 0.0-0.2 maximum foot-candle level at adjacent property lines.
- h) Projects proposing parking lots with 20 or more spaces shall be required to provide a photometric plans showing isolumens or footcandle patterns on the ground and demonstrating no light trespass to other properties.
- i) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential districts. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles. Where feasible, additional landscaping may be required by the City to provide light screening between commercial districts and residential districts to help prevent light trespass.

2. Fixtures

- a) All outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during non-operating hours.
- b) The same type poles and fixtures should be used throughout a multi-building project site and be compatible in size with adjoining properties.
- c) Poles should be located in medians and buffer areas. Concrete bases for poles should be kept at grade or no higher than 6 inches above grade, except if located in an open parking area outside of islands.

- d) Low intensity wall mounted decorative lights may be incorporated into the site's design, as well as accent lighting to highlight special focal points, building/site entrances, public art and special landscape features.

3. Night Sky Friendly Lighting (for both signs and lighting)

Night sky friendly lighting shall be:

- a) Shielded and employ cut off technology
- b) Properly aimed so as to not create undue glare or light trespass
- c) Operated by motion sensors or turned off by 11:00 PM
- e) Energy efficient fixtures with appropriate wattage.
- f) Lighting of public buildings, monuments, flagpoles and special architectural features for non-commercial purposes is permitted if appropriate and minimal lighting levels are employed and only with the review and approval by the appropriate Board. Such lighting should reflect, to the greatest extent possible, the provisions of the Outdoor Lighting Code Handbook, Version 1.14, available for review in the Zoning Offices or on line at www.darksky.org, the website of the International Dark Sky Association.

4. Pedestrian Scale

- a) Pedestrian walkways, courtyards and other connections should be reinforced with pedestrian scale lighting, bollard lighting, accent lighting or a combination of to aid in pedestrian wayfinding and safety.
- b) Pedestrian scale lighting shall be a maximum of 16 feet in height.
- c) Where warranted or necessary the City may approve limited security lighting, with a preference for motion-activated systems. A complete security lighting plan will need to be submitted for approval.

E. Site Design & Development

Site plans should reflect positive historical and cultural site development patterns found in the applicable districts and create meaningful spaces for people that promote both function and circulation. Because different patterns exist in various sections of St. Albans' Design Review Districts, it is important to assess the patterns of adjacent properties. Factors that must be addressed include:

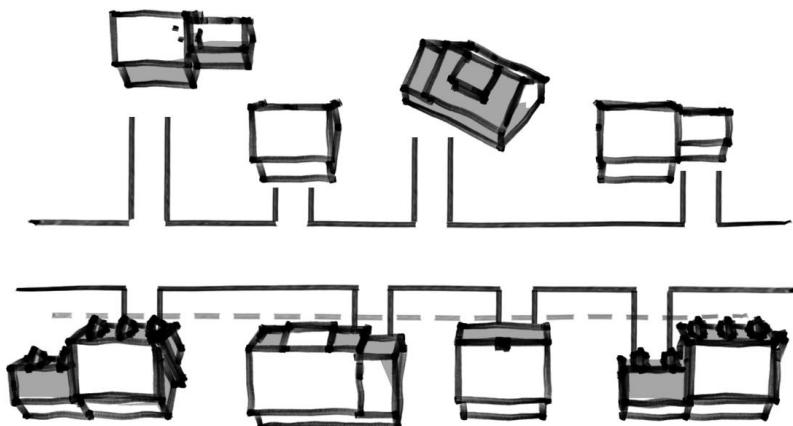
1. Compatibility & Character

- a) Site design and layout of new buildings and additions and their associated elements should be compatible with desirable patterns or designs, which are part of the identified and existing context and surroundings for the project.
- b) Reconstruction and redevelopment projects as well as new site and building construction should reflect the desired character of the district and best design practices to ensure aesthetic and functional compatibility.

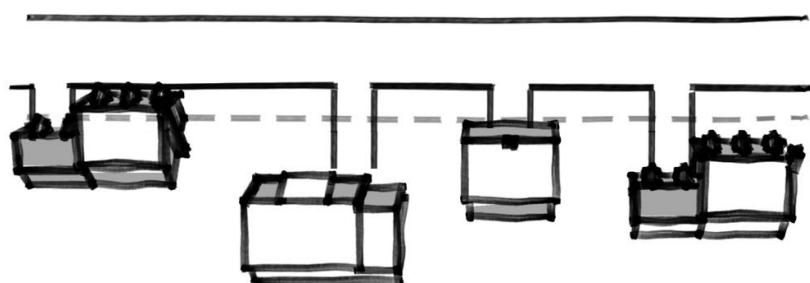
2. Setback Pattern

- a) Rhythm should be maintained by establishing uniform building setbacks along the public right-of-way. It is particularly important that a traditional spacing pattern be maintained as seen from the street. Align buildings with neighboring buildings, which are also close to the front setback line. Landscaping can also be used to reinforce this line.¹

Figure 8. Uniform Building Setbacks - The use of a uniform setback line that matches the setback pattern in place (the bottom row of buildings pictured below) or a setback pattern that averages setbacks is preferable to inconsistent and unrelated setbacks for individual new buildings (the top row of buildings pictures below).



Setback averages are determined by averaging the setbacks of adjacent properties within 500 feet:



3. Orientation to the Street

- a)** Place the building width at the front of the lot or along the public right-of-way to maximize front facade exposure to the public. However, this is not required in the Service-Industrial District. In all Zoning Districts, the front facade should be well articulated with an identifiable entrance.
- b)** Buildings, along with trees and landscaping shall be predominant along streets, rather than parking lots. This is encouraged but not required in the Service-Industrial District.
- c)** People traveling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.

4. Front Entrances

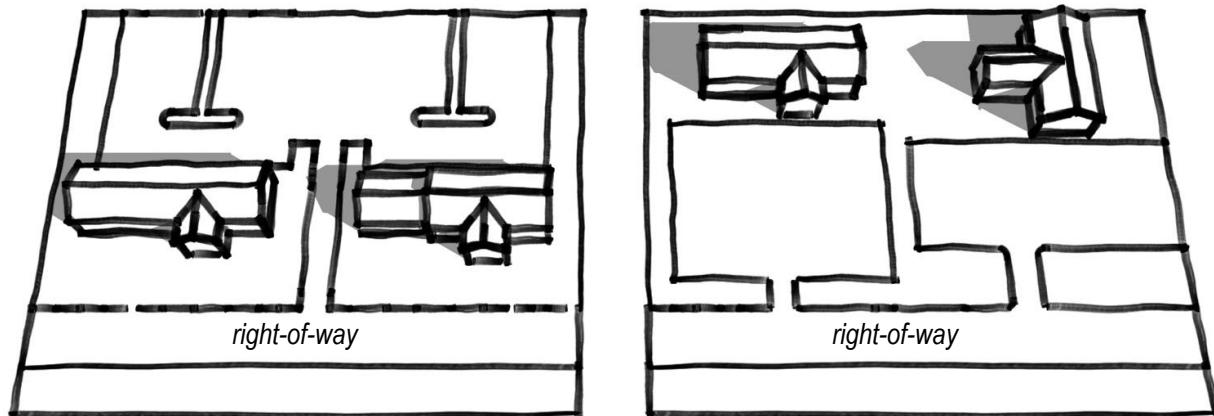
- a)** Primary building entries should always be placed at the front of the building and should face the street or public right-of-way so that they are clearly identifiable. If the doorway can not face the street, a clearly marked walkway should connect the entry to the sidewalk (see Section 3.1 Prominent Entrance for more guidance on front entrances).

5. Parking

- a)** In all Zoning Districts except for the Service-Industrial District, commercial parking lots shall be located behind or beside buildings, but not in front. A 10-foot wide planting area shall be provided between the parking lot and street right-of-way.

Figure 9. Parking Behind Buildings

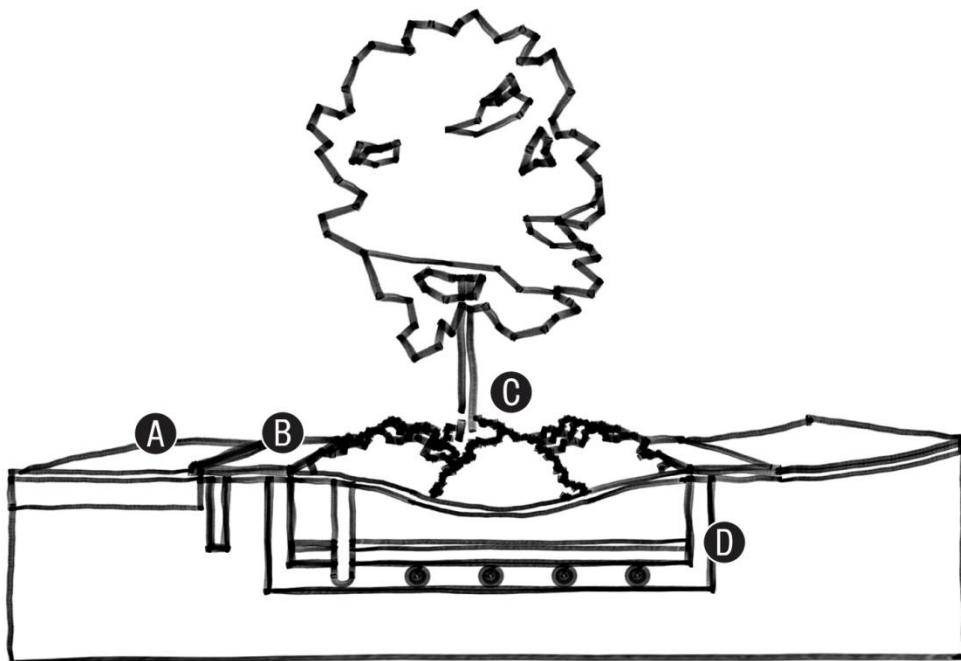
Commercial parking lots shall be located behind buildings and linked with adjacent parking lots to provide shared access and parking areas.



- b) Large expanses of ashphalt shall be broken up through the use of landscaped islands, walkways and buildings. Parking rows should be limited to 10 or fewer continuous spaces, where possible, that are separated by landscaped islands at either end. The islands should include at least one (1) shade tree of an acceptable native species or, where appropriate, other suitable plantings to include but not be limited to shrubs and groundcovers. The shade tree should be a minimum of ten (10) feet in height with 2-2 $\frac{1}{2}$ inch caliper. Where the rows are head-to-head, at least two (2) trees are encouraged.
 - c) Make sure the dimensions of landscaped islands allow a 12' width with a pedestrian walkway to serve their function. A minimum island width of 6-feet is recommended. For islands with pedestrian walks, a minimum width of 16-feet is recommended, if treeplanting is to be employed.
 - d) Parking lots that abut the public right-of-way shall be screened by a minimum 10-foot wide planting area or fenced screening.
 - e) Whenever possible, attempt to link parking lots with adjacent parking lots or provide shared parking areas, which can serve neighboring buildings simultaneously.
 - f) Walls, fencing, and architectural details in parking lots should compliment the materials used in adjacent architectural styles.
 - g) Wherever a surface parking area faces a street frontage or is adjacent to residential areas, the parking area shall be screened from the street with a wall, fence, hedge, arbor and/or trellis structure with climbing vines to a minimum of four (4) feet nor more than eight (8) feet in height, nor be less than eighty percent (80%) opaque.
 - h) Parking lot design shall accommodate adequate provisions for snow removal and storage.
 - i) Ensure good visibility for safe ingress (entry) and egress (exit) to sites and lots.
 - j) Bioretention areas or suitably landscaped storm water detention areas shall be incorporated to the fullest extent possible within parking lot designs so as to manage storm water in a safe and well designed manner. See Figure 10 below.

Figure 10. Bioretention for Parking Lots

- A. Sidewalk or parking area should use permanent curb stops or curbing with many gaps to allow for free run-off.
- B. Grass filter strips.
- C. Native trees, plants and groundcover that are hardy and resistant to salt and other pollutants. Provides area for snow storage as well as ponding.
- D. Sand filter bed and drainage pipes for highly compacted/poorly drained subsoil.



6. Internal Circulation/Curb Cuts

- a) Safe, convenient pedestrian walkways shall be provided through parking lots, with a distinct link between a main entrance and a concentration of vehicle parking spaces. Walkways should be a minimum 5-foot width of clear, unobstructed passage and should be delineated with specific paving or desirable marking.
- b) Shared walkways are encouraged between adjacent commercial projects.
- c) Pedestrian connections should be reinforced with pedestrian scale lighting, bollard lighting, accent lighting or a combination of to aid in pedestrians way finding and safety. Night lighting should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur (subsequent lettering will need to change).
- d) Where necessary or required, accessible walkways and ramps shall be provided in accordance with the Americans with Disability Act (ADA) to ensure accessibility of parking lots and adjacent buildings for all users.

- e) For parking lots that contain greater than 20 parking spaces, pedestrian connections should be clearly defined in one or more of the following ways:
 - i. A 6-inch curb in combination with a raised walkway, unless integrated with an overall non-structural, vegetated storm water management system.
 - ii. A trellis, special railing, bollards, and/or other architectural features to accent the walkway between parking bays.
 - iii. Special paving, such as concrete or stamped pavement, in an asphalt area.
 - iv. Continuous landscape area minimum 3-feet wide on at least one side of the walkway (where walkways abut a public right-of-way and/or driving aisles, the landscape area should be provided between the walkway and the public right-of-way or driving aisle).
- f) Curb cuts shall be limited to one per parcel or none if alternative access exists through a secondary road or a shared driveway unless a single access is impractical. Closely spaced adjacent driveways in the same development shall be combined for shared access, unless consolidation is impractical or will cause a hazard.
- g) Secondary access points from side roads are encouraged on larger projects when warranted. Curb cuts shall only be as wide as necessary to accommodate needed lanes. Curb radii should be kept to a minimum.

7. Site Furnishings

- a) Permanent site furnishings at main pedestrian walkways, building entrances and other pedestrian areas should be used to create a more pedestrian friendly environment.
- b) Permanent site furnishings, such as benches, tables, bicycle racks and other pedestrian amenities should be made of durable, weather-resistant and vandal-resistant materials.
- c) Permanent site furnishings should be consistent with the overall character and appearance of the development.
- d) Site furnishings shall not block pedestrian access to main walkways, open space areas and/or building entrances.

8. Plazas, Courtyards and Seating Areas

- a) Visible and accessible open spaces such as courtyards, plazas and seating areas should be provided to reinforce the pedestrian scale. Pedestrian plazas and courtyards should be of such a scale, design and/or location to be a focal point of activity and interest. Such areas should not just be aesthetically pleasing, but they should be designed to serve as truly functional and desirable places of public interaction and enjoyment.

- b)** Plazas, courtyards and other pedestrian spaces should include some of the following design details:
- i. A wide range of plant materials including perennials and flowering shrubs
 - ii. Pedestrian scale, bollard, or other accent lighting
 - iii. Special paving, such as colored/stained concrete, brick or other paver
 - iv. Public art
 - v. Seating such as benches, tables, or low seating walls
 - vi. Water feature
 - vii. Information or interpretation kiosks/elements

9. Trash Facilities and Service Areas

- a)** Loading docks, service areas and trash facilities shall be located at the rear of the building and not visible from the street unless circumstances prevent such a location. Any combination of masonry, wood, fences, walls or landscaping can be used to shield them from view. Integration with buildings or building architecture is recommended.
- b)** Where possible, shared service areas and trash facilities should be used for neighboring properties.

Section 707 Exemptions

Nothing in these regulations shall be construed to prevent the following:

- A.** Ordinary maintenance or repair of any exterior architectural feature, which does not involve a change in design, material or the outward appearance of the feature.
- B.** The construction, reconstruction, or alteration of any feature, which is required by the building inspector for reasons of public safety because of an unsafe or dangerous condition.
- C.** Routine landscaping shall also be exempt from the design review process. Routine landscaping shall be taken to mean planting flowers and trees, or the removal of excess or scrub bushes and trees that does not significantly alter the general view of the District.

Section 708 Definitions

Arbor – a light, open structure either formed from trees, shrubs, or vines closely planted and twined together to be self-supporting or formed from a latticework frame covered with plants.

Arcade – architectural element composed of arches resting on a series of pillars, piers or columns; an arcade may form a portico.

Arterial street – major road designed to be a through street and handle a large volume of traffic.

Articulation – the manner in which portions of a building form are expressed (materials, color,

texture, pattern, modulation, etc.) and come together to define the structure.

Bioretention – a water quality practice that utilizes landscaping and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through a fabricated planting soil media.

Bollard – 1) a thick concrete or metal post, positioned to prevent vehicles from entering an area preserved for pedestrians; or, 2) a column-shaped cylindrical exterior light fixture with some sort of optical system (i.e. Lens or radial louver) mounted on the top and typically used for path lighting of sidewalks and driveways.

Canopy – a covering (usually of cloth) that serves as a roof to shelter an area, usually an entrance or porch, from the weather.

Cornice – exterior trim of a structure at the meeting of the roof and wall; usually consists of panels, boards, and moldings.

Courtyard – an open space enclosed partly or wholly by a building.

Dormer – a projecting structure built out from a sloping roof; usually includes one or more windows.

Eave – the underside of a sloping roof projecting beyond the wall of a building.

Façade – exterior wall of a building, which is adjacent to or faces a public street, park, plaza, or other open space.

Fenestration – the arrangement and design of windows in a building.

Groundcover – plants that cover the ground like a carpet and are grown for their ornamental value and their ability to protect soils from eroding.

Impervious – the characteristic of a material which prevents the infiltration or passage of liquid through it; this may apply to roads, streets, parking lots, rooftops, and sidewalks.

Native species – species that occur naturally in an area, and therefore one that has not been introduced by humans either accidentally or intentionally.

Naturalized species – non-native species of vegetation that are adaptable to the climatic conditions of the region.

Marquee – a theater sign

Massing – the combined effect of the arrangement, volume and shape of a building or group of buildings; the overall bulk, size, physical volume, or magnitude of a structure or project.

Modular fenestration – windows of a standard size that can be fitted together or arranged in a

number of ways.

Orientation – refers to the manner in which the position of a building, usually the entrance, faces or relates to the street.

Parapet – a low wall or railing projecting along the edge of a roof, especially a flat roof, which may be embellished or decorated. The parapet often hides rooftop equipment and the roof surface, which slopes gently to a drainage point.

Pea gravel filter strip – a trench filled with small, river-run gravel used as pretreatment and inflow regulation in stormwater filtering systems.

Pedestrian scale – the proportional relationship of the physical environment to human dimensions acceptable to public perception and comprehension in terms of the size, height, bulk, and/or massing of buildings or other features of the built environment; a component that the human can associate with directly.

Plaza – an open area usually located near urban buildings and often feature walkways, trees and shrubs, places to site, and sometimes shops.

Portico - a porch, walkway or entrance to a building consisting of a covered and often columned area.

Reconstruction – the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or part thereof, as it appeared at a specific period of time.

Redevelopment – any proposed expansion, addition, or major façade change to an existing building, structure or parking facility; or, demolition of an existing building, structure or parking facility and construction of a new building or other structure in its place.

Restoration – returning existing habitats to a known past state or to an approximation of the natural condition by repairing degradation, by removing introduced species or by reinstatement.

Rhythm - the organization of building elements, or spaces between them, in a logical sequential manner; can be used to emphasize major circulation points or changes of use.

Sitting or seating area – an open area filled with low walls, benches, and/or tables and chairs.

Streetscape – refers to the character of the street, or how elements of the street form a cohesive environment, including the combination of buildings, parking, signs, and other hardscape and street furniture.

Trellis – an open-framed garden or landscape structure on which plants and vines can grow; usually made of thin strips of wood or plastic.

End of Article 7

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Article 8

Subdivisions

Section 801 Purpose

The approval of Subdivisions, lot mergers and boundary adjustments shall be based on the following broad considerations:

- A.** Conformance with the Comprehensive Municipal Plan and these Land Development Regulations.
- B.** Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table.
- C.** Recognition of desirable standards of Subdivision design including provision for pedestrian and vehicular traffic, access management, surface water runoff, and for suitable building sites for land use contemplated.
- D.** Provision for such facilities that are desirable adjuncts to the contemplated use such as parks, recreation areas, school sites, places of worship, public safety facilities, and off-street parking.
- E.** Preservation of natural assets such as streams, ponds, trees, and attractive scenic areas.
- F.** Provision of adequate utilities and services such as water and sewer.
- G.** Enablement of variety and flexibility in residential development including clustering of lots under provisions of Section 4417 of the Vermont Planning and Development Act.
- H.** Protection of the City's capital investment in community facilities such as sewer, and water systems, roads, public recreation areas, etc.

Section 802 Applicability

- A.** In accordance with the Act [§4401(2)] [4418], whenever any Subdivision of land is proposed the subdivider or authorized agent shall apply for and secure approval of the proposed Subdivision by the Development Review Board prior to undertaking:
 1. Any construction, building development, grading, or land clearing (excluding forestry, agricultural, or surveying activities) associated with the Subdivision of land; or
 2. Any sale, conveyance, or lease of any subdivided portion of a property; or
 3. The issuance of any permit for any land development involving land to be subdivided; or
 4. The filing of a Subdivision plat with the City Clerk.

- B.** For the purposes of these regulations, the procedures under this article shall be classified as Administrative Lot Revisions, Minor Subdivisions or Major Subdivisions in accordance with the following:
1. Administrative Lot Revisions shall be limited to situations where no additional lot is created and shall include lot line or boundary adjustments and mergers of lots.
 2. Minor Subdivisions shall apply to any Subdivision containing not more than four (4) lots which has frontage on an existing public or private street, and which does not require any new municipal street, street extension, or extension of municipal facilities; amendments to an approved minor Subdivision; or amendments to an approved major Subdivision plan that will not substantially change the nature of any previous Subdivision or conditions of approval.
 3. Major Subdivisions shall apply to any Subdivision containing five (5) or more lots; or requiring any new public or private street; or amendments to an approved major Subdivision which changes the prior conditions of approval.
- C. Coordination with Planned Unit Development Review.** Review of a Planned Unit Development may occur concurrently with final Administrative Lot Revision or subdivision review if all application and procedural requirements pertaining to each respective review process are met.
- D. Waiver of Application Requirements.** The Development Review Board may waive or vary one or more application requirements if the Board determines that the requirement:
1. Is not necessary to ensure the interest of public health, safety, and general welfare;
 2. Will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the Comprehensive Municipal Plan and/or other municipal bylaws and ordinances in effect.
 3. The request for a waiver shall be submitted in writing by the subdivider with the sketch plan. It shall be the responsibility of the subdivider to provide sufficient information to allow the Board to justify the waiver. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

Section 803 Administrative Lot Revisions

- A. Application Process.** Applicants for Administrative Lot Revisions are encouraged to consult with the Zoning Administrator prior to submitting an application to ensure the application meets the requirements of an Administrative Lot Revision. Applications for Administrative Lot Revisions shall include the following:
1. An up-to-date field survey of the existing and proposed boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments approved by the City Manager and shall be referenced as shown on the plat.

2. The location of structures, impervious surfaces and any other features falling within the definition of lot coverage.
3. Proposed name of the lot revision or identifying title.
4. The date, north point, map scale, name and address of record owner and applicant and names of adjoining property owners.

Upon the submission of a complete application for an Administrative Lot Revision, proper payment of fees, and any required supporting documentation, the Zoning Administrator shall approve, deny or reclassify the plat. Following any approval of an Administrative Lot Revision, the applicant must submit a plat for recording in the land records as specified in Section 807.

B. Standards for Approval. Prior to approving a plat for a Lot Revision, the Zoning Administrator at minimum shall determine that the proposed revision shall not:

1. create additional lots;
2. make conforming lots nonconforming; or
3. increase the nonconformance of any existing lot or use

C. Reclassification of Administrative Lot Revision. If the Zoning Administrator determines that the proposed lot revision does not meet the requirements of an Administrative Lot Revision, the Zoning Administrator may reclassify the proposed lot revision as a Minor or Major Subdivision and require the applicant to adhere to all related application requirements and development standards. This reclassification shall be submitted to the applicant in writing as an administrative decision and shall be appealable to the Development Review Board.

Section 804 Sketch Plan Review [applies to all Minor and Major Subdivision applications]

- A. Subdivision Application Requirements.** The applicant shall submit to the Zoning Administrator, at least 15 days prior to a regularly scheduled Development Review Board meeting, a Subdivision application and associated fee. The application shall include two (2) full size and ten (10) 11x17 copies of the Sketch Plan of the proposed Subdivision for the purposes of classification and preliminary discussion. The Sketch Plan application must include information as required in Table 8.1.
- B. Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Board, to discuss the Subdivision application and proposed sketch plan.

Requirements of these regulations related to street improvements, drainage, sewerage, water supply, fire protection, availability of service and other related aspects will be reviewed. At this meeting the Development Review Board may request any additional information as needed to act on the sketch plan.

C. Action on Sketch Plan Within 30 days of finding that a sketch plan application is

complete, the Development Review Board, based on the information provided, shall issue in writing:

1. A determination of whether the Subdivision is a Minor Subdivision to be reviewed under Section 806, or Major Subdivision to be reviewed under Sections 805 and 806;
2. The granting or denial of requested waiver provisions;
3. The granting or denial of any request to combine Preliminary and Final Review for a Major Subdivision;
4. A preliminary determination of whether or not the proposed Subdivision plan generally conforms to applicable Subdivision review standards or would be in conflict with the Comprehensive Municipal Plan and other municipal regulations currently in effect;
5. Recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation.

- D. Effect of Sketch Plan Determinations.** Development Review Board determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise approved or extended in writing by the Development Review Board. Within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan review for a major Subdivision or final plan and plat approval for a minor Subdivision.

Table 8.1 Application Requirements

Subdivision Application Requirements			
Application Information	Sketch	Prelim Plat	Final Plat
Application form [number of copies]	2- full size, 10 11x17 copies	2 full size, 10 11x17 copies	2 full size, 10 11x17 copies
Application fee	✓	✓	✓
Name of project, if any and name of City	✓	✓	✓
Name, address of applicant [landowner and/or subdivider]	✓	✓	✓
Written description of proposed development plans, including number and size of lots; general timing of development	✓	✓	✓
Waiver request, in writing [optional]	✓	✓	
Names, addresses of all adjoining property owners*	✓		
Plan/Plat Mapping Requirements			
Materials	Paper	Paper	Mylar
Preparer information, certifications	✓	✓	✓
Scale (minimum 1 inch = 200')	✓	✓	✓
Date, north arrow, legend	✓	✓	✓
Project boundaries and property lines	Drawn	Drawn	Surveyed
Existing and proposed lot lines and dimensions; lots numbered in numerical order within blocks, blocks lettered in alphabetical order	Drawn	Drawn	Surveyed
Location of markers adequate to appraise the layout of the Subdivision and any proposed streets, easements, etc. in the field	✓ temporary	✓ temporary	✓ permanent
Adjoining land uses, roads, and drainage	✓	✓	✓
Zoning district designations and boundaries	✓	✓	✓
The location of natural and physical features located on the site, including buildings; roads, driveways, and parking areas; forested areas; fences and walls; watercourses (both perennial and intermittent); wetlands; areas of slope in excess of 20%; historic or archeological resources	✓	✓	✓
Existing and proposed elevations, contour lines*	10' interval	5' interval	5' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Surveyed	Surveyed
Proposed building envelopes	✓	✓	✓
Existing and proposed utilities, water and wastewater mains, culverts and stormdrains and associated rights-of-way/ easements and proposed connections	✓	✓	✓
Location, name and widths of existing and proposed streets; typical cross section of the proposed grading of roadways and sidewalks; street, intersection, and parking area profile and geometry; building lines; and alleys; as well as similar facts on adjacent properties		✓	✓
Design of any required bridges or culverts		✓ preliminary	✓ final

Proposed landscaping and screening		✓	✓
Existing and proposed buffers and/or open spaces including any proposed to be dedicated to public use*		✓	✓
Delineation of Stream Corridor Areas and Riparian Buffer Areas, per Section 523		✓	✓
Supporting Information and Documentation	Sketch	Prelim Plat	Final Plat
Site location map of area within 2,000 feet of any property line showing proposed Subdivision in relation to adjacent streets, buildings, drainage ways, adjoining properties, alleys, and parks or other public spaces	✓	✓	✓
Statement of compliance with municipal plan and applicable local regulations	✓	✓	✓
Engineering reports (water and wastewater systems)		✓	✓
Existing and proposed traffic generation rates, volumes*		Estimated	Documented
Off-site easements (e.g. for water, wastewater, access)	Description	Draft	Final
Proposed covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Written offers of dedication, if any, of all streets, sidewalks, or other easements		Draft	Final
Proposed performance bond or surety*		Description	Final
As may be Required by the Development Review Board	Sketch	Prelim Plat	Final Plat
Stormwater and erosion control plan		As required under sketch plan approval	As required under sketch plan approval
Grading plan (showing proposed areas of cut and fill)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Historic and archeological assessment			
Probable street layout of the remaining portion of the tract if the application only covers a part of the subdivider's holding			
Other			
*Upon written request may be waived by the DRB			

Section 805 Preliminary Plan Review [applying only to major Subdivisions]

- A. **Application Requirements.** Within six (6) months of the date of action on a sketch plan by the Development Review Board, the applicant shall submit an application and associated fees for preliminary plan and plat approval to include the information as required in Table 8.1, unless otherwise specified or waived by the Development Review Board under Section 802. The application shall include two (2) full size and ten (10) 11x17 copies of the Preliminary Plan.

- B.** **Public Hearing.** Within 30 days of deeming that the preliminary plan application is complete, the Development Review Board shall hold a public hearing on the preliminary plan, warned in accordance with Section 908. The applicant, project engineer(s) and others working on the project should plan to attend the public hearing.
- C. Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable Subdivision review standards under Article 8, or would be in conflict with the St. Albans City Comprehensive Plan and other municipal regulations in effect. When granting preliminary approval to a Preliminary Plat, the Development Review Board shall state the conditions of such approval, if any, with respect to:
1. the specific changes which it will require to the Preliminary Plat,
 2. the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare,
 3. the requirement for bonds or other surety it may require as a prerequisite to the approval of the Subdivision Plat.

The action of the Development Review Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Development Review Board and one filed with the Zoning Administrator.

The approval of a preliminary plan shall be effective for a period of six (6) months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written notice of decision.

- D. Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the Comprehensive Plan and any Capital Budget and Program currently in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.
- E. Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final Subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of municipal officials and/or agencies having jurisdiction over the project (e.g., Select Board, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan approval under Section 806.

Section 806 Final Plan Approval [applying to all applications for Subdivision]

- A. Application Requirements.** Within six (6) months of the date of sketch plan approval for minor Subdivisions, or preliminary plan approval for major Subdivisions, unless otherwise waived by the Development Review Board, the subdivider shall submit an application for final Subdivision plan approval, including plat approval. If the subdivider fails to do so, s/he will be required to resubmit for minor Subdivisions a new sketch plan, or for major Subdivisions a new preliminary plan, for approval subject to any new zoning and Subdivision regulations. The application for final Subdivision plan and plat approval shall include associated fees and the information as required in Table 8.1, unless otherwise specified or waived by the Development Review Board under Section 802. The application shall include two (2) full size and ten (10) 11x17 copies.
- B. Public Hearing.** Within 30 days of the date that the Development Review Board deems that a final plan application is complete, the Board shall hold a public hearing on the final plan and associated plat, warned and held in accordance with Section 908. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. The applicant, project engineer(s) and others working on the project should plan to attend the public hearing.
- C. Final Plan Approval.** In accordance with the Act, within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final Subdivision plan, based on a determination of whether or not the plan and associated plat conform to Subdivision review standards under Article 8, or would be in conflict with the St. Albans City Comprehensive Plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, effective the 46th day, as certified by the City Clerk. Approval, conditions of approval, or grounds for disapproval, and provisions for appeal shall be set forth in a written notice of decision. The notice of decision shall be sent by certified mail to the applicant and any other interested parties participating in the public hearing within the 45 day period. Copies of the decision shall also be sent to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the City Clerk as part of the public records of the municipality.
- D. Effect of Final Plan Approval.** The approval by the Development Review Board of a final Subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the City of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the City Council, in accordance with state statute. Each approval for a final plan shall contain a time limit within which all improvements necessary for the subsequent development of the subdivided lots (e.g., roads, utilities) shall be completed, not to exceed 3 years unless otherwise required or extended by the Development Review Board.

Section 807 Plat Recording Requirements

- A.** In accordance with the Act within 180 days of the date of receipt of final plan approval, the applicant shall file three (3) copies of the final Subdivision plat, including one (1) mylar copy and two (2) paper copies, for recording with the City Clerk as required by 27 V.S.A. Chapter 15. The size of the sheet shall be eighteen (18) inches by twenty-four (24) inches as specified by 27 V.S.A. Chapter 17, Section 1403(a). Approval of Subdivision plats not filed for recording within this 180-day period shall expire. The Zoning Administrator may, however, grant one 90-day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.
- B.** Prior to plat recording:
 1. Any plat from a final approval issued by the Development Review Board must be signed by the Chair of the Development Review Board.
 2. Any plat from an administrative approval issued by the Zoning Administrator must be signed by the Zoning Administrator.
 3. See Section 525 for any subdivision that may include public improvements.

Section 808 Required Standards

The following are required standards for Subdivisions in the City of St. Albans. The Development Review Board may impose conditions to ensure these standards are met.

- A.** Streets, sidewalks, street signs, street lighting, water mains, sanitary sewers, storm drains, fire hydrants, and other capital improvements must be constructed or installed as required by the Development Review Board and/or City Manager.
- B.** Permanent reference monuments must be shown on the final plat thus: "X". They shall be constructed in accordance with specifications of the City Manager. They shall be placed as required by the City Manager and their location noted and referenced upon the Plat. All lot corner markers must be shown on the final plat thus: "O". They shall be of metal at least three-quarters (3/4) inch in diameter, and at least thirty-six (36) inches in length, and located in the ground to existing grade. Monuments of a type approved by the City Manager, which shall be set at all corners and angle points of the boundaries of the Subdivision, and monuments required by Municipal specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be installed as required by the engineer.
- C.** See Section 525 for any subdivision that may include public improvements.
- D.** If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the City Manager that unforeseen conditions make it

necessary or preferable to modify the location or design of such required improvements, the City Manager may authorize modifications provided these modifications are within the spirit and intent of the Development Review Board's approval and do not constitute a waiver or substantial alteration of the function of any improvements required by the Development Review Board. The City Manager shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Development Review Board at their next regular meeting.

- E. If the City Manager shall find, upon inspection of the improvements performed before the expiration date of the financial guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the Manager shall report to the Zoning Administrator and Development Review Board. The City shall notify the subdivider and take all necessary steps to preserve the City's rights under the financial guarantee. No Plat shall be approved by the Development Review Board as long as the subdivider is in default on a previously approved Plat for the same property.
- F. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks to be dedicated until acceptance of said improvements by the City Council. The applicant shall be required to file a maintenance bond with the City, prior to dedication, in an amount considered adequate by the City Manager and in a form satisfactory to the City in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance.
- G. The approval by the Development Review Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the City of any street, sidewalk or other easement shown on such Subdivision Plat.

Section 809 Development Requirements

- A. Streets
 - 1. Cul-de-sac: Where through streets are not possible, cul-de-sac streets will be provided according to the following: a turn-around shall be provided with a minimum right-of-way radius of 48 feet at the end of all cul-de-sacs.
 - 2. Standards: All streets shall be completely constructed by the subdivider in accordance with the minimum standards of the State Highway Department for Class 2 or 3 highways as applicable.
 - 3. Layout
 - a) Arrangement: The arrangement of streets in the Subdivision shall provide for the continuation of major and secondary streets of adjoining Subdivisions and for proper projection of major and secondary streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Development Review Board,

- topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- b)** Topography: Streets shall be related logically to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made to control the drainage of each lot by an adequate storm water system, subject to the approval of the Development Review Board.
 - c)** Horizontal and Vertical Curves: No horizontal curve shall have a center line radius of less than one hundred fifty (150) feet. For changes in grade exceeding one (1) percent, a vertical curve shall be provided ensuring a minimum sight distance of one hundred fifty (150) feet.
 - d)** Grades: Street crown grades shall be at least one (1) percent to provide satisfactory drainage. The maximum allowable grade shall be ten (10) percent. In no case shall a grade greater than seven (7) percent be allowed at or within fifty (50) feet of an intersection. However, the Development Review Board may authorize on a cul-de-sac street as a variance, a maximum grade not to exceed ten (10) percent for a total distance not to exceed nine hundred (900) feet provided that a grade of not greater than eight (8) percent is established at or within one hundred fifty (150) feet of an intersection. For grades in excess of eight (8) percent, the Development Review Board may require safety features as deemed necessary, such as guard rails and extended shoulders.
 - e)** Intersections: Street intersections shall be as nearly at right angles as possible, and no intersection shall be an angle of less than sixty (60) degrees.
 - f)** Tangents: A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all proposed streets.
 - g)** Street Jogs: Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.
 - 4.** Access Road: The Development Review Board may require the subdivider to improve any access road to the Subdivision to the appropriate street standards provided in these regulations if such access would otherwise be inadequate, provided that the City owns or provides the right-of-way.
 - 5.** Curbs and Sidewalks: Curbs shall be required on both sides of all streets. Sidewalks on at least one side of all streets shall be required where the density is greater than one residential unit for each two (2) acres unless waived by the Development Review Board.

B. Utilities

- 1.** Water and Wastewater: The subdivider shall be required to connect to the public water and wastewater systems. The subdivider is required to provide such pumping and other facilities as may be necessary. The subdivider may be required by the City to provide or to have installed at his expense larger wastewater transmission lines, pumping stations and/or other facilities.
- 2.** Electric, Telephone, Cable TV: Electric, telephone and cable TV distribution systems shall be underground including services to residences and to street lights unless waived by the Development Review Board.

3. Fire Protection Facilities: Fire protection facilities may be required of the subdivider to the extent such facilities are deemed advisable by the City.

C. Street Lighting may be required as deemed necessary by the City.

D. Street Signs

All street signs and posts shall be provided and installed by the City at the expense of the subdivider.

A. Storm Drainage

1. Removal of Spring and Surface Water: The subdivider shall be required by the Development Review Board to carry away by pipe or open ditch, any spring or surface water that may exist either prior to or as a result of the Subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
2. Drainage Structure to Accommodate Development Upstream: Culverts or other drainage facilities, in each case, shall be large enough to accommodate 100 year flood conditions. The Development Review Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide such information as the Development Review Board deems necessary to determine the adequacy of the facilities.
3. Responsibility for Drainage Downstream: The subdivider shall provide such information as the City deems necessary to determine the effect of the Subdivision on the existing drainage facilities.
4. Uninhabitable Land: All land to be used for building purposes on the plat submitted for approval shall be of such character that it can be used for building purposes without danger to health.

F. Site Preservation

1. Existing Features: Existing features, such as trees, water courses and falls, brooks, wetlands, historic spots and similar irreplaceable assets, shall be preserved, insofar as reasonably possible.
2. Natural Cover: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and, insofar as possible, retain the natural contours, limit storm water run-off, and conserve the natural cover and soil. After application for approval has been submitted, no topsoil, sand or gravel shall be removed from the Subdivision for any other purposes than to meet construction needs for that particular Subdivision or to meet any requirements of these regulations.
3. Erosion and Sediment Control: The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months. Where necessary,

temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development. Where possible, natural drainage-ways should be utilized and left open to remove excess surface water. The permanent final vegetation and structures should be installed as soon as practical in the Subdivision.

G. Excavation and Grading

1. General: All excavating and filling required for construction of improvements shall be as specified herein. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of topsoil shall be provided to cover over all finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section.
2. Suitable Material Required: No stumps, wood, roots, sod, or other fibrous materials shall be placed in any embankment. In those locations where the alignment crosses swamp or marsh land, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be removed entirely and replaced in the embankment, but may be used in flattening embankment slopes or for filling low spots outside the road section. The Development Review Board may require the subdivider to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.
3. Embankments: Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area.
4. Side slopes: Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6), where rock cuts have a face higher than ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the Subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

H. Soil Survey

When a development is proposed which, because of its size or location, requires detailed soil analysis, the Development Review Board shall require the subdivider to request this analysis from the Soil Conservation Service. The results of investigation by a Soil Conservation Service soils scientist will be provided by the subdivider to the

Development Review Board along with the other submission requirements of this regulation.

End of Article 8

Article 9

Administration and Enforcement

Section 901 Zoning Administrator

The Zoning Administrator shall be appointed to administer the Land Development Regulations pursuant to Section 4448 of the Act. Said officer shall literally enforce the provisions of these regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these regulations.

Appeals from any decision or act taken by the Zoning Administrator shall be made as provided for in Sub-Chapter 9 of the Act. An acting and/or assistant Zoning Administrator may be appointed pursuant to the Act.

Section 902 Development Review Board

The Development Review Board shall be appointed by the City Council. The number of members and length of terms shall be set by the City Council. Members shall serve without remuneration and act on all matters within the Board's jurisdiction under these regulations in the manner prescribed in the Act.

Rules of procedure applicable to the Development Review Board, the nature of appeals to the Board from actions of the Zoning Administrator, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in the Act.

Section 903 Permits and Approvals

A. Zoning Administrator Permits

No land development may be commenced without a permit issued by the Zoning Administrator. No permit may be issued by the Zoning Administrator except in conformance with these regulations or after approval by the Development Review Board, as applicable.

1. All persons desiring a permit from the Zoning Administrator shall apply on a City furnished form stating the proposed work, use and occupancy. The application for a permit shall be accompanied by a copy of a plan, drawn to scale, showing the actual dimensions of the principal and accessory structures to be created on the plot and the location of any proposed repairs, alterations, relocations, demolition or other structural change, and any other pertinent information as may be necessary to determine and provide for the enforcement of this ordinance.

2. If approval of plans by the Development Review Board or any other agency is required for any of the proposed work, the applicant shall obtain such approval in writing and

submit it with the application for a permit.

3. Prior to the issuance of any permit, the Zoning Administrator shall first determine that the subject of the application is in conformance with these regulations, and may request any information required for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Development Review Board required by these regulations have been properly obtained and are submitted in connection with the application. The Zoning Administrator shall, within thirty (30) days of submission of the application, data and approvals, either issue or deny the permit or refer the application to the Development Review Board. If denied, the Zoning Administrator shall so notify the applicant in writing, stating the reasons therefore.
4. Approved permits shall be conspicuously posted within view of the nearest public right-of-way on a form provided by the City during the appeal period and while the work is being done. The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.
5. A Zoning Administrator permit shall be considered invalid if any Development Review Board approvals directly applicable to said permit have expired.
6. The following activities are exempt from permit fees:
 - a. The normal maintenance and repair of an existing structure(s), utilities and infrastructure that does not result in any change to the area or height of a building, nor results in a change of use of the existing structure(s), utilities and infrastructure.
 - b. Ramps or walkways constructed or modified to meet requirements of the American with Disabilities Act.
 - c. Fences or walls less than six (6) feet in height in which do not obstruct public rights-of-way, nor interfere with corner visibility or sight distances for vehicular traffic.

B. Validity and Expirations of Permits and Approvals

1. Unless otherwise noted in these Regulations, the period of validity of Development Review Board decisions and Administrative Decisions (by the Zoning Administrator or Design Advisory Board) shall be as follows:
 - a. Any approval by the Development Review Board shall expire after two years from the date upon which the appeal period for said approval was complete or the date upon which any appeal of said approval was finally adjudicated, unless the Development Review Board's decision specifically granted a longer period of validity, such as for a construction timeline submitted as part of a site plan

application. There shall be no extension of a Development Review Board's initial approval, but the Board may consider a new application for the same project, subject to the Regulations at the time of the new application.

- b. Any permit approved by the Zoning Administrator for a development that required a Development Review Board approval shall expire two years from the date upon which the appeal period for said permit was complete or the date upon which any appeal of said permit was finally adjudicated. The Zoning Administrator may extend the expiration of said permit for one year or until the expiration of any applicable approval by the Development Review Board, whichever would occur sooner.
 - c. Any other permit approved by the Zoning Administrator or Design Advisory Board shall expire one year from the date upon which the appeal period for said permit was complete or the date upon which any appeal of said permit was finally adjudicated. The Zoning Administrator or Design Advisory Board, as applicable, may grant one extension of said permit for up to one year beyond the permit's initial expiration.
 - d. Any permit extension granted by the Zoning Administrator or Design Advisory Board shall require the same public notice as a permit and be subject to appeal just as a permit is.
2. In the event that a notice to appeal a decision of the Development Review Board is properly filed, that decision shall not take effect until the Environmental Division grants a final adjudication of the appeal.
 3. In the event that a notice to appeal a permit issued by the Zoning Administrator or Design Advisory Board is properly filed, that permit shall not take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the Environmental Division has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

Section 904 Coordinated Review

- A. In accordance with 24 V.S.A. § 4462, in cases where a proposed project will require more than one type of development review, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the proposal. The Zoning Administrator shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- B. As applicable, the combined review process shall be conducted in the following order:
 1. Access by right-of-way; then
 2. Requests for Waivers or Variances; then

3. Subdivision Approval (preliminary and final) or PUD approval; then
 4. Conditional Use Review; then
 5. Site Plan
- C. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. § 4464(a)(1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing.
- D. All hearing and decision requirements, and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.

Section 905 Appeals, Variances

Section 905.1 Appeals

- A. Appeals from any decision or act of the Zoning Administrator in connection with these regulations shall be made to the Development Review Board as provided for in Section 4465 of the Act.
- B. Whenever the Development Review Board disapproves a conditional use permit or a variance request or disapproves a site plan application, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board at a later time unless the applicant clearly demonstrates that:
 1. Circumstances affecting the property that is the subject of the application have substantially changed, or
 2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Zoning Administrator within the time period for an appeal. However, such a request does not extend the period within which an appeal must be taken.
- C. Appeals from any decision or act of the Development Review Board in connection with these regulations shall be made to the Environmental Court as provided for in Section 4471 of the Act.

Section 905.2 Variances

- A. The Development Review Board may grant a variance from the provisions of these regulations following application and public hearing if all the following findings of fact are specified in its decision:
 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. 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 regulations and the Comprehensive Municipal Plan.
- B. Establishment or expansion of a use not permitted with or without conditions by these regulations shall not be allowed by variance. Pursuant to Section 4473 of the Act, the Development Review Board may not amend, alter, invalidate or affect any of these bylaws or the implementation or enforcement thereof, or allow any use other than those permitted with or without conditions in the applicable district.

Section 906 Penalties

Any violation of these regulations after the effective date thereof may be punished as provided in the Act.

Section 907 Referral to State Agency

In accordance with Section 4424 2(D) of the Act, no building permit for new construction or substantial improvement in the flood hazard overlay district shall be issued by the Zoning Administrator without first submitting a report to the appropriate state agency, and compliance with the terms of Section 4424 2(D).

Section 908 Public Notice

Any requirement of public notice required by these regulations, whether or not required by any provision of the Act, and whether applicable to the Development Review Board, shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;

2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding, is a prerequisite to the right to take any subsequent appeal. Participation shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Board of Adjustment/Development Review Board or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

Section 909 Amendments

These regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act. In considering any petition for amendment, the appropriate Municipal panel shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council within sixty (60) days of the filing date of the petition. The facts to be considered shall include, but not be limited to, the following:

1. Whether the requested amendment(s) is justified by a change in conditions since the original regulations were adopted or by an error in the original regulations.
2. The precedents and the possible effects of such precedents which might likely result from approval or denial of the petition.
3. The ability of the City or other government agencies to provide any services, facilities, and/or programs that might be required if the amendment petition were approved.
4. Effect of approval of the amendment petition on the adopted developmental policies of the City and other governmental units.

Section 910 Interpretations

Except for Section 4413 (c) of the Act and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to repeal, annul or in any way to impair any permits previously adopted or issued.

Where these regulations impose a greater restriction upon use of a structure or land that are required by any other statute, ordinance, rule, regulation, easement, or agreement, the provisions

of these regulations shall control.

Section 911 Fee Schedule for Permits

A fee schedule for permits shall be established, and may be adjusted from time to time by the City Council, and such fee schedule shall be made available upon request.

End of Article 9

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Article 10

District Maps

Section 1001 City of St. Albans Official Zoning Map

See map on next page.

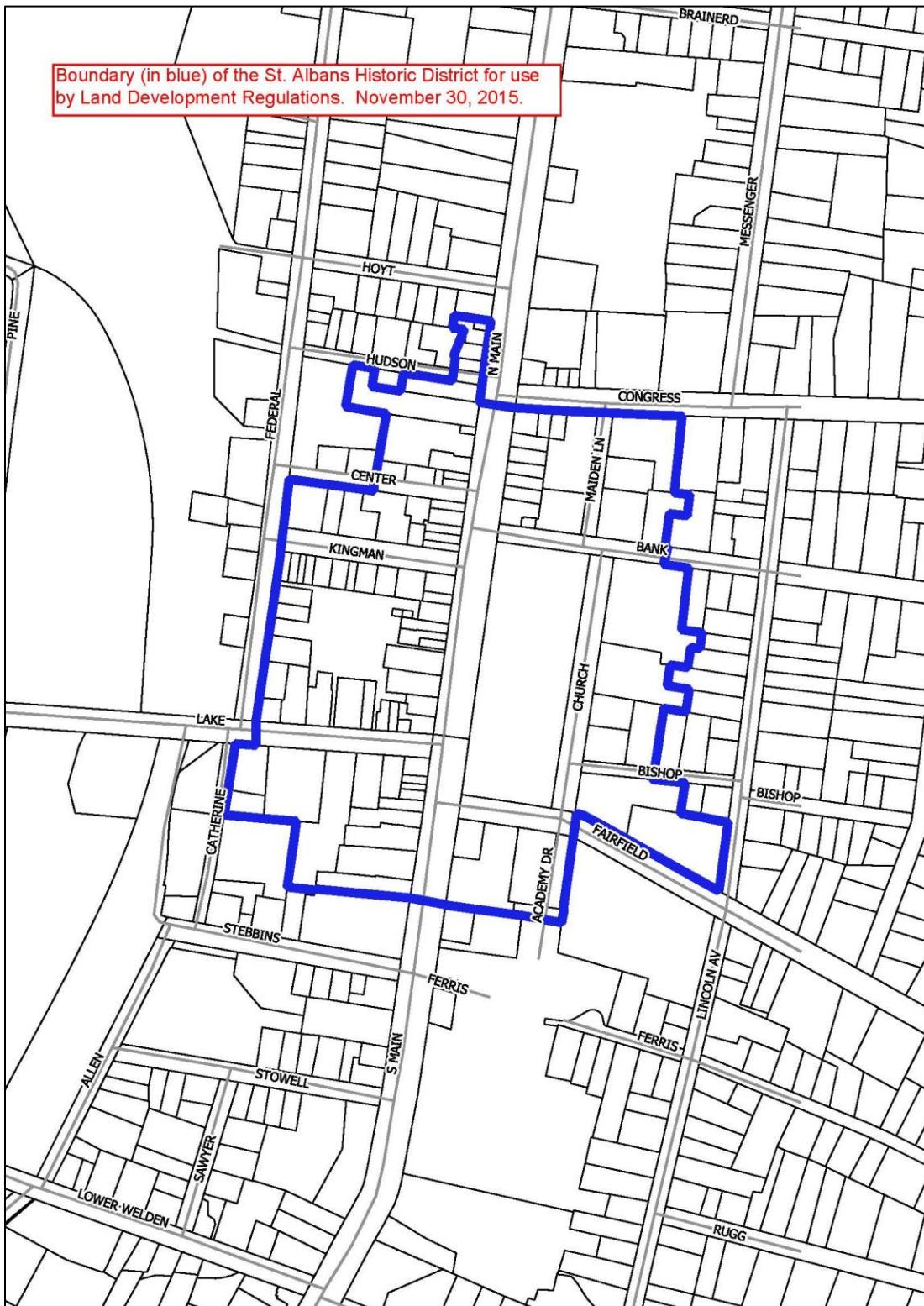
[Insert Official Zoning Map here.]

Section 1002 Design Review Districts

See map on next page.

[Insert Design Review District Map here.]

Section 1003 St. Albans Historic District



End of Article 10.