

St. Albans City Land Development Regulations

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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.

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 customarily incidental and subordinate to the principal use and located on the same lot as the principal use. Also see definition for Service-Industrial Accessory 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 Section 409 of these regulations.

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.

AUTOMATIC CAR WASH

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

AUTOMOTIVE 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 vehicles is conducted and rendered.

AUTOMOBILE 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 vehicle fuel or 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.

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 Figure1)

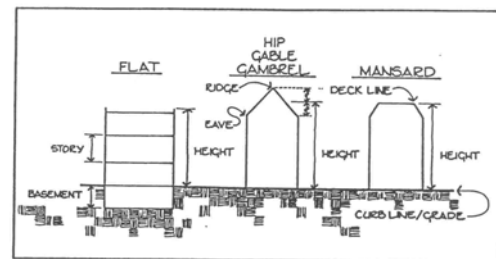


Figure 1
BUILDING HEIGHT

BUILDING, RESIDENTIAL

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

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

CLINIC/MEDICAL FACILITY

A building used by a group of physicians, dentists or other licensed health care practitioners using shared facilities and having the ability to treat multiple patients for the diagnosis and out-patient treatment of human ailments on an outpatient basis.

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: group homes, fraternities, sororities, dormitories, convents, communes, apartments, 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.

CONGREGATE HOUSING

Apartments and dwellings provided for elderly, disabled, or other generally recognized special need groups, which are licensed by the appropriate governmental department as necessary, and contain communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

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.

CONDOMINIUM

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

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, including the sale of gasoline, oil and related products.

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.

CREDIT UNION

See Bank.

CUL-DE-SAC

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

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.

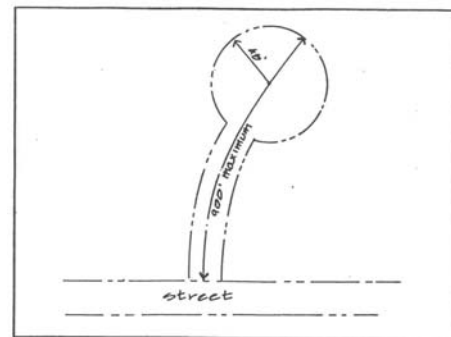


Figure 2
CUL-DE-SAC STREET

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. [NOTE: alterations 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.

DWELLING UNIT

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

DWELLING, SINGLE FAMILY

A residential building containing one dwelling unit.

DWELLING, TWO FAMILY

A residential building containing two dwelling units.

DWELLING, MULTIPLE FAMILY

A residential building containing three or more dwelling units.

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 dedeered right-of-way. (See Figure 3)

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.

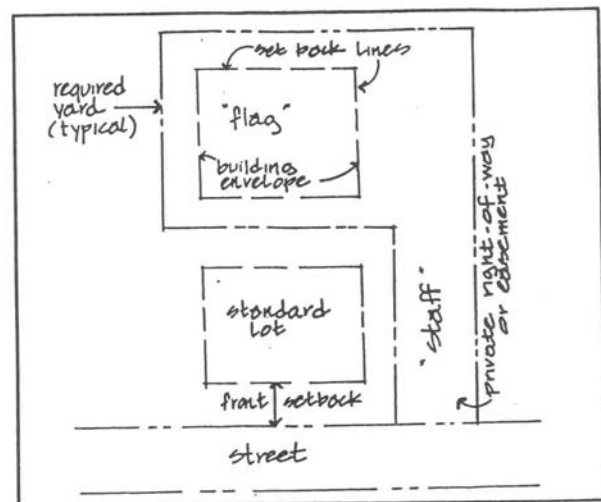


Figure 3
FLAG LOT

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.

GROUP HOME OR RESIDENTIAL CARE HOME

A dwelling to which 24 V.S.A. Sec. 4412 1(G), as amended, is applicable.

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 transient sleeping accommodations are provided for compensation, including additional services such as restaurants, meeting rooms, entertainment and recreation facilities. Included are motels, cabins, tourist courts, motor lodges or similar uses.

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.

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)

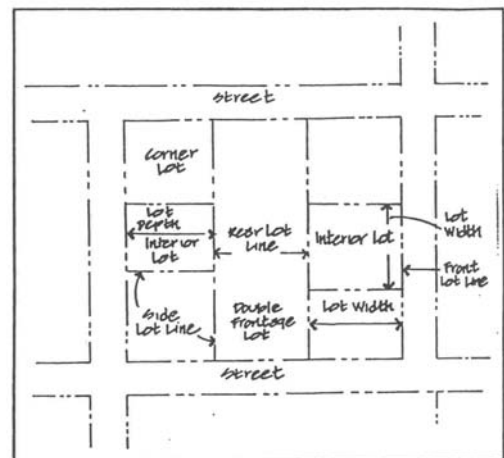


Figure 4
LOT TYPES

LOT COVERAGE

The portion of the area of a lot, expressed as a percentage of total lot area, which is 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.
- 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.

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 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.

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).

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 principle structure.

OPEN SPACE, GREEN

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

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 temporary parking of motor vehicles.

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.

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 business providing similar services of a personal nature.

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.

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 or a group of structures in or on which is conducted the principal use 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.

RESIDENTIAL BUILDING

See "Building, Residential."

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.

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.

SERVICE-INDUSTRIAL ACCESSORY USES

Service-Industrial Accessory Uses shall include, in addition to those uses defined under Accessory Use, the following uses:

- A. On-site employee cafeterias, fitness centers, day-care facilities and similar uses designated for on-site staff only.
- B. Office facilities secondary to any permitted or conditional use.
- C. Retail uses, in conjunction with, and subordinate and incidental to, a permitted or conditional use, which does not exceed 25% of the total operating space.

SETBACK

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

SIGN

Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trade marks 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.

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.

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.

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. Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel. A structure housing a primary use which is or could be independent of other uses on the parcel.

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.

THEATER

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

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.

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:

- LDR - Low Density Residential
- HDR - High Density Residential District
- Business Districts:
 - B-1 - Central Business Subdistrict
 - B-2 - Transitional Business Subdistrict
- S-IND - Service-Industrial District
- FHOD - Flood Hazard 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; 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 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 Intent of Districts

A. LDR-Low Density Residential

The intent 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.

B. HDR- High Density Residential

The intent 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.

C. Business Districts

It is the intent of the Business District 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 this district 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 District and to expand the tax base. Toward these ends, the Business District is composed of two subdistricts: B1 - Central Business Subdistrict and B2 - Transitional Business Subdistrict.

1. B1- Central Business Subdistrict

It is the intent of the B1 - Central Business Subdistrict to provide for a diverse range of business and service uses within the traditional business center of the City. The subdistrict 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 subdistrict are intended to protect the National Landmark Historic District and the special urban features of Taylor Park.

2. B2 – Transitional Business Subdistrict

It is the intent of the B2 - Transitional Business Subdistrict 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 subdistrict 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 subdistrict.

D. S-IND – Service Industrial District

It is the intent 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.

E. FHO- Flood Hazard Overlay District

The intent 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 districts established in this Bylaw; where the provisions of the underlying district differ from those of the Flood Hazard Overlay District, the more restrictive shall govern.

Section 304 Permitted and Conditional Uses

USES	LDR	HDR	B1	B2	S-IND
Adult Business or Adult Entertainment Establishment (Section 408)					C
Assembly and exhibition halls			C	C	
Banks and other financial institutions			P	P	
Bar, nightclub			C	C	
Bed & Breakfast/Lodging House	C	C	C	C	
Building contractor's facility					P
Building Contractor's facility with inside storage of equipment				C	
Car wash/ automatic car wash				C	C
Cemetery		C		C	
Clinic	C	C			
Clinic/ medical facility	C	C	C	C	
Clubs, Social, private and fraternal and similar uses			C	P	
Community Center	C	C	C	C	
Community House				C	
Congregate Housing	C	C		C	
Day Care Facility in accordance with Section 405		C	C	C	C
Day Care Home, Large Family in accordance with Section 405	P	P	P	P	P
Day Care Home, Small Family in accordance with Section 405	P	P	P	P	P
Drive-in or drive-through facilities used in connection with office, clerical, research and services not primarily related to goods or merchandise			C	C	
Dry cleaner, Laundromat			P	C	
Dwelling units located second floor and above, when 1 st floor is commercial			P	P	
Dwelling units on first floor when located outside the Historic District and when entire property is used for residential purposes			P	P	
Dwelling, Multiple Family		C		C	
Dwelling, Single family	P	P		C	

USES	LDR	HDR	B1	B2	S-IND
Dwelling, Two family	C	C		C	
Funeral homes			C	C	
Group homes in accordance with Section 501	P	P	P	P	P
Home Industry in accordance with Section 404	C	C	C	P	P
Home occupation in accordance with Section 403	P	P	C	P	P
Homeless shelter			C		
Hotels, dormitories			C	C	
Industrial/commercial dry cleaner/ laundry					P
Kennel					C
Library, museum, art gallery or center, etc.			C	P	
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
Mobile home park in accordance with Section 406		C			
Convenience Store, Gas Station			C	C	P
Motor vehicle sales, rental and service			C	C	P
Motor vehicles parking lot not associated with principal use			C		C
Nursery schools		C	C	C	
Nursing care or intermediate care institution for children or adults				C	
Office, clerical, research and services not primarily related to goods or merchandise			P	C	P
Other educational or cultural uses			C		
Personal services			P	P	
Planned unit development (Section 413)				C	C
Planned unit development, residential uses only (Section 413)	C	C			
Public Facility: as described in Section 410 of these regulations	C	C	C	C	C
Recreation (private)					C
Recreation, amusement and entertainment (private)				C	
Recreation, amusement and entertainment uses with activity conducted within and/or outside a building or structure			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	C
School, Commercial		C	P	P	C
Scrap material, salvage yard, junk yard, etc.					C
Service Industrial Accessory Use					C
Storage and parking			C	C	C
Storage, Warehouse and Distribution Facilities					P
Structures accessory to dwelling	P	P	C	P	C
Transportation facility, including bus and train stations			C	C	C
Utility facilities					C
Veterinary hospital				C	C

P – Permitted Use (allowed by approval of Zoning Administrator), in accordance with Section 601

C – Conditional (allowed by approval of Development Review Board), in accordance with Section 602

Section 305 Flood Hazard Overlay District

A. Dimensional Standards: The same as underlying district area and dimension requirements.

B. Permitted uses - allowed by approval of Zoning Administrator

-Open space uses including open air markets, recreation uses outside enclosed building or structure.

C. Conditional uses - allowed by approval of Development Review Board

- New Construction
- Substantial improvements to existing structures
- Land alterations
- Outdoor recreation, amusement, entertainment
- Sales and rental of goods, merchandise and equipment with no building, no outside storage, such as open air markets
- Structures accessory to dwelling

D. 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.

E. 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.

Section 306 Dimensional Requirements

	LDR	HDR	B1	B2	S-IND
Minimum Lot Area:	single family 9,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 12,000 sq. ft.	single family 7,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 10,000 sq. ft.	2,000 sq. ft./dwelling unit for new construction	single family 7,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 7,500 sq. ft. Congregate housing 2,000 sq. ft. per unit	10,000 sq. ft.
Minimum Lot Width:	single family 75 ft. all other uses 100 ft.	75 ft.	20 ft.	75 ft.	100 ft.
Minimum Setbacks:					
Front -	20 ft., or average of all buildings within 200 ft. of side lot lines	10 ft., or average of all buildings within 200 ft. of side lot lines	0 ft., where a front setback is provided is shall not exceed 10 ft.	Average of all buildings within 200 ft. of side lot lines	20 ft., or average of all buildings within 200 ft. of side lot lines
Side -	single family dwelling 10 ft. all other uses 15 ft. accessory structure 5 ft. ²	single family dwelling 10 ft. all other uses 15 ft. accessory structure 5 ft. ²	0 ft. Where a side setback is provided the maximum dimension shall not exceed 10 ft. ¹	all other uses 10 ft. ¹ accessory structure 5 ft. ^{1,2}	10 ft. ¹
Rear -	accessory structure 5 ft. All other uses 20 ft. or the average setback of all existing buildings within 200 ft of the side property lines	accessory structure 5 ft. All other uses 20 ft. or the average setback of all existing buildings within 200 ft. of the side property lines	All other uses 0 ft. ¹	accessory structure 5 ft. All other uses 10 ft. ¹	All other uses 10 ft. ¹
Maximum Building Height: In accordance with section 513	28 ft.	28 ft.	60 ft.	28 ft., or height of pre-existing structure in conformance with Sect. 513	40 ft.
Maximum Lot Coverage:	40%	50%	100% as allowed by Sections 515 and 516, and Section 603	70%	Area remaining after required setbacks and buffer areas are met.

Footnotes:

1. In accordance with Section 516

2. As accessory to a residence, a dog house, or child's play house or tree house, or temporary seasonal pools (section 407), or a shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet may be located within any required yard, except the front yard, but not closer than 2 feet from any property line.

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.

LDR, HDR districts: all uses other than single-family and two-family dwellings except as required elsewhere in these regulations.

B1, B2, S-IND districts: all new construction, enlargement or exterior alteration of structures and changes in parking or parking requirements except for one and two family dwellings, except as required elsewhere in these regulations.

B. Off-Street Parking and Loading

LDR, HDR, B2, S-IND Districts - required in accordance with the requirements of Section 515 of these regulations.

B1 district - required for lots more than one acre in this subdistrict. 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 subdistrict 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

Shall be provided in accordance with the requirements of Section 517 of these regulations.

D. Design Review

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 subdistrict. The Design Advisory Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

B2 District – 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 Section 516 of these regulations.

F. Performance Standards:

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

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.** All performance standards, as stated elsewhere in these regulations, shall be met.
- C.** No traffic shall be generated by such activity in greater volumes than would normally be expected in the neighborhood.
- D.** Parking shall be provided off-street and shall not be located within the required front, side or rear setbacks.
- E.** No employees other than residents of the dwelling unit.

- F. There will be only one home occupation or home industry per property unless approved by the Development Review Board.
- G. 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. No traffic shall be generated by such activity in greater volumes than would be normally expected in the neighborhood.
- C. All performance standards, as stated elsewhere in these regulations, shall be met.
- D. Parking shall be provided off-street and shall not be located in the required front, side or rear setbacks.
- E. No employees other than residents of the dwelling unit.
- F. There will be only one home occupation or home industry per property unless otherwise approved by the Development Review Board.
- G. 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. § 4902(3), as amended, serving six or fewer children (not including children residing in the residence of the caregiver), shall constitute a permitted single-family residential use of property.
- B. Large Family Day Care Home. A state registered family day care home as defined in 33 V.S.A. § 4902(3), 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. § 4902(2), 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, 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

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, and/or motor home on any public or private property, except in accordance with these regulations as follows:

- A. In an approved travel trailer sales lot.
- B. A travel trailer may be parked on private property, in the rear or side yards, providing that the trailer is parked behind the front face of the principal building and no closer than six feet to any lot line. A trailer so parked shall not be hooked up to any utilities or used as temporary living quarters and shall not except for a period of two weeks or less 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. Any new mobile home park shall be reviewed under Section 803, Planned Unit Development.
 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 406.4 Other Provisions

- A.** The provisions of Section 603 Site Plan Review apply.
- B.** All existing mobile homes, trailers, and mobile home parks which do not conform to these regulations, but which conformed to the regulations in place when the use first began, shall be considered non-conforming uses and/or structures, and shall be bound by those regulations

governing non-conforming uses and/or structures as set forth elsewhere in these regulations.

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.
- C.** 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.
- D.** All existing private swimming pools shall comply with A-C above.
- E.** 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.** An accessory dwelling unit that is located within or appurtenant to a single family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
4. The accessory unit or the main dwelling must be owner occupied.
5. Water or wastewater utilities for the main and accessory dwelling units shall be separately metered and the current owner and occupant(s) of both units be identified in the utility records.

- B.** Notwithstanding the provisions in Section 409A above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

1. A new accessory structure, constructed after the enactment of these bylaws,
2. An increase in the height or floor area of the existing dwelling,
3. An increase in the dimensions of the parking areas.

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:

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the State Department of Education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. Chpt. 159.
6. 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 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 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

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 in LDR, HDR, B1, or B2 may not be altered or extended, except to conform to these regulations.
- F.** All non-conforming, non-residential uses in LDR and HDR shall be required to meet the criteria found in Section 705(C).

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 413 Planned Unit Development

A. Authority and Review Process

With the approval of a Planned Unit Development, the Development Review Board is hereby empowered to vary certain zoning regulations, as indicated herein, under the criteria and procedures established in Section 4417 of the Act. Any application for a Planned Unit Development that involves a subdivision of land will be required to receive subdivision approval under Article 8 in addition to any others approvals required by these regulations.

B. Purpose

The purpose of a planned unit development is to encourage a development which will result in:

1. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
2. An efficient use of land resulting in smaller networks of utilities and streets.
3. An environment in harmony with surrounding development.
4. A more desirable environment than that which would be possible through the strict application of other sections of these regulations.
5. For residential planned unit developments, a choice in the types of environment and living units available to the public and quality in residential land uses.
6. For residential planned unit developments, green space and recreation areas.

C. Application

Proposals for planned unit development shall be referred to the Development Review Board by the Zoning Administrator. In addition to any other application requirements for Conditional Use or Subdivision, the material accompanying the proposal shall contain the following:

1. A site plan showing all buildings, parking areas, sidewalks, roadways and landscaping at a scale sufficient to permit the study of all elements of the plan.
2. The location and description of all utilities and rights of way.
3. Elevations of all buildings.
4. The adjacent building outlines and other outstanding features within two hundred (200) feet.
5. Changes in grading.

D. Development Standards

A planned unit development shall comply with the following standards:

1. Shall be an allowed use within the district which the project is located.
2. Shall have contiguous acres equal to three times the minimum lot size for the district for the uses(s) proposed.
3. Lot size, width, front yard depth, and side yard requirements of the district in which the planned unit development is located may be waived; however, these shall be evaluated by

the Development Review Board on their individual merit, based on the purposes set forth in Section 804B and the intent of the Municipal Plan.

4. The permitted number of dwelling units may include a density increase of as much as twenty-five (25) percent beyond the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations for the district in which the land is located. In granting a density increase, the Development Review Board shall consider the capacity of community facilities and services and the character of the area affected.
5. A residential only planned unit development shall set aside open green space for common usage as follows: for projects up to 1.5 acres at least thirty (30) percent shall be set aside, and for projects over 1.5 acres, at least fifty (50) percent of the development shall be set aside. The regulations for control and maintenance of this open green space shall be approved by the Development Review Board.

E. Rules and Regulations

The Development Review Board may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these zoning regulations for planned unit development, provided the rules and regulations are not inconsistent with the zoning regulations.

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 comply with any special conditions or standards that apply to the similar use.

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

Any undeveloped lot in individual and separate and non-affiliated ownership from surrounding lots, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet.

Any undeveloped 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.

However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply: (i) The lots are conveyed in their preexisting, nonconforming configuration;(ii) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system;(iii) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner;(iv) 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. 24 V.S.A. § 4412(2).

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 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 residential use of property, 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

Where a district boundary line divides a lot of record, the regulations for the district that contains the portion of the lot that has frontage on a public road shall apply. When the district boundary line divides the property line that fronts the public road, the regulations for the district in which the major part of the property line lies shall apply.

However, when two or more properties located in different zoning districts are reconfigured or combined, zoning 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 one and two family residential uses. Driveways connecting individual lots to the street network shall be clearly defined and of the minimum width necessary to provide safe access. However, driveways located in residential districts will be no wider than 20 feet. If the 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.

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 to 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 Subdistrict, 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 sixty (60) feet in the S-IND District and up to seventy-two (72) in the B1 District if it determines that by doing so the proposed structure will:
1. More efficiently utilize the site;
 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 B-2 Business 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;
 3. Have minimal impact on abutting properties exposure to solar radiation.

An increase in the setback requirements may be a condition of the approval of height limit increase. 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.

- C.** In the B1 – Central Business Subdistrict, the following minimum height requirements shall apply:
1. new structures shall be not less than two (2) stories in height;
 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.
- D.** In the B2 – Central Business Subdistrict, 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.

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 shall not be allowed in the required front yard setback area in any LDR, HDR, B1 or B2 district, except for parking existing prior to the adoption of these regulations.
- B.** When a site plan is required in LDR or HDR, 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 or B2, 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 subdistrict 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.** Parking shall be to the side and rear of the principal building or in the driveway with uses other than those in existence prior to adoption of these regulations.
- E.** In the event that parking is provided at the side of the building, no parking space shall be within 10 feet of the front of the principal building.
- F.** All parking spaces for other than a single or two-family dwelling or accessory apartment 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.
- G.** 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.
- H.** In LDR and HDR 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.
- I.** 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 (degrees)	Aisle Width (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

Joint parking facilities for two different land uses may be shared, upon approval of the Development Review Board, where it can be demonstrated that the two uses have different principal operating hours. Where such facilities are proposed, the applicant should submit a parking demand analysis identifying the demand of each component use for various time periods. Shared parking areas in the Business Districts and S-IND-Service-Industrial District may be located on lots adjacent to the principal use or within four hundred (400) feet thereof.

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 per dwelling unit
Dwelling, Multi-Family	2 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 plus 1 per any accessory apartment
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	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
Medical Facility	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 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

The applicant shall provide a suitable performance bond or other form of security to guarantee the performance and completion of all required landscaping, site restoration, screening, fencing, paving, striping and public improvements. In the case of landscaping, bonding shall be sufficient to guarantee all plantings for a period of two years.

C. Buffers

Where properties used for non-residential purposes abut residential properties, buffers areas will be provided and maintained on the non-residential property for the purpose of reducing the visual impact of the non-residential use. 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 non-residential property for 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 non-residential land use in a business district abuts land in any residential district, the side and/or rear yard setbacks, 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 business district or service industrial 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. Setbacks Areas, Parking

All required setback areas of LDR, HDR, B1 and B2 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. 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 one or two family properties. The location of accessory structures shall be governed by the Table of Dimensional Standards in Section 306.

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 one family and two family dwelling units, 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 Administration

A. Purpose

It is the intent of this Section to permit only those signs and displays graphics, which are:

- Designed to be highly legible in the circumstances in which they are seen;
- Designed to be compatible with their surroundings;
- Fabricated, installed and maintained in good condition;
- Appropriate to the type of activity to which they pertain; and,
- Expressive of the identity of individual proprietors and of St. Albans as a whole.

B. Sign Permit and Application

1. No sign shall be erected, or changed, unless a permit for the same shall have been issued by the Zoning Administrator after favorable review from the Design Advisory Board as hereinafter provided. The fee for such permit shall be established by the City Council from time to time and be payable at the time of application. 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. The Zoning Administrator will issue a sign permit as hereinafter provided for any and all signs in the City not contrary to these zoning regulations.

3. Prior to the erection of any sign, the applicant shall file with the Zoning Administrator an application in writing for a permit to erect such sign, on an application form supplied by the Zoning Administrator. The approval of said application by the Zoning Administrator shall expire within three (3) months from the date of such approval unless a permit to erect such sign is secured and such sign is erected. When such application has been approved by the Zoning Administrator, a permit shall be issued to the applicant.

4. Maintenance of existing signs doesn't require a permit if the maintenance includes the following:

- A. Normal cleaning, repair, or upkeep
- B. Work that does not alter the size, shape, color or wording of the existing sign

C. Design Review

1. All business signs shall be subject to review by the Design Advisory Board and subject to the provisions provided herein.

D. Removal of Signs

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.

517.2 General Requirements

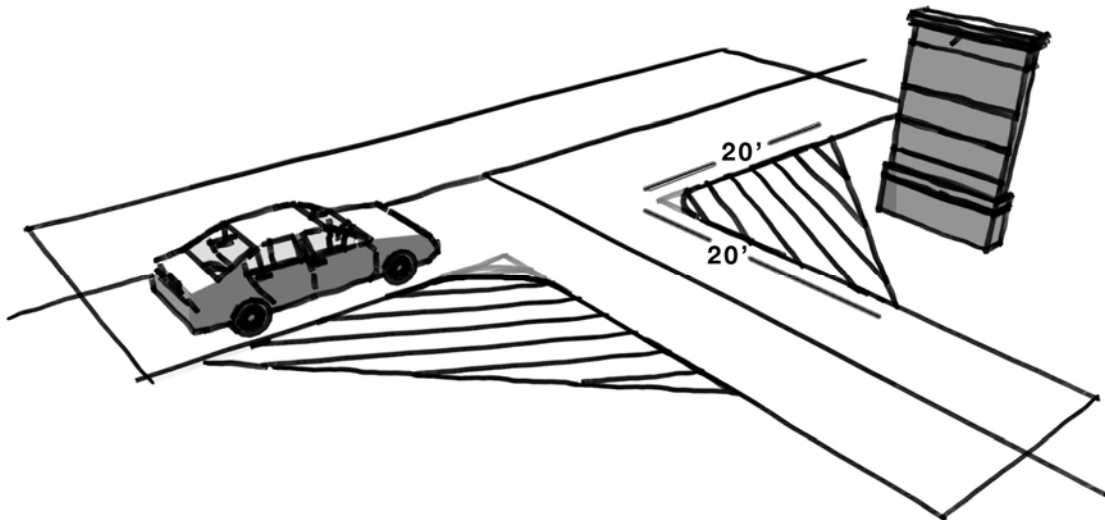
A. Location and Visibility

1. 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.

2. No sign shall be located on public property or in the public right-of-way and all signs shall be setback no less than ten (10) feet of the edge of the public right-of-way, except as provided for herein. This requirement may be subject to Review if pre-existing space constraints do not allow such setbacks. Federal, state and municipal warning, regulatory and guide signs shall be exempt from this requirement.

3. No sign shall be located within the vision clearance area, which is the triangular area at a roadway intersection defined by measuring (20) feet along the intersecting road edges except in the Business 1 (B-1) District, no projecting sign shall project into, above or within ten (10) feet from the curb. This requirement may be subject to Review and individual signs may be permitted

within the vision clearance area if sufficient need is demonstrated and if the design and location of such signs are compliant with §517.2.A.1



Hatched triangles indicate vision clearance areas

Figure 1. Vision clearance area for roadside signage.

4. The Review Board may alter or waive the clearance area and or setback requirements.
5. No sign shall be erected which obstructs free entrance and exit from a required door, window or fire escape, or which obstructs light, air or interferes with the proper functioning of the building.
6. All signs shall be on the same lot as the business it pertains to.

B. Measurement of Sign Area and Height

1. All awning signs, banners, flags, pennants, free-standing or ground signs, projecting signs, wall signs or other similar lettering or graphic displays shall be included in the total sign area permitted.
2. Sign area shall be quantified as square ft (sq. ft.) and be calculated upon the entire area of the sign panel, with a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of the supporting framework shall not be included in the area if such framework is incidental to the display and does not bear any copy or graphics
3. One sign face will be considered as the sign area for double-sided signs and signs designed to be viewed from two directions in which the two single faces are at not more than a thirty degree angle from each other.
4. For a sign painted on or applied to a building, structure, or window, the area shall be

considered to be that of the smallest rectangle or simple geometric shape enclosing all the copy and/or graphics of the sign.



Figure 2. Lettering area for structure applied signage.

5. The height of any sign shall be measured from the median ground level of the lot frontage to the highest point of the sign or supporting framework

6. The area of three-dimensional or representational signs shall be calculated as one-half of the sum total of the projected area of the largest front and side views.

C. Construction and Maintenance

1. All construction, fixtures, wiring and installations shall conform to all applicable State and National fire prevention, building and electrical codes. All construction and installation shall be of high quality, durable materials and methods able to withstand all predictable environmental conditions and wind loads.

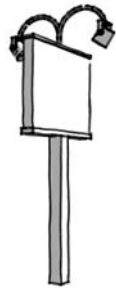
2. All signs shall be maintained in good condition and shall not be allowed to become dilapidated or in a state of disrepair.

3. All nonconforming signs when replaced or remodeled shall be brought into conformance with current standards.

D. Sign Lighting

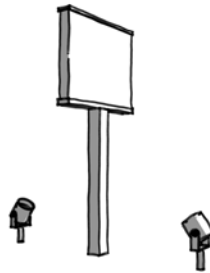
1. All external sign lights and external illuminated signs shall only be lit during hours of commercial or organizational operation for the associated use. Sign lights or illuminated signs deemed necessary by the Review Board for purposes of public safety shall be exempt from this requirement.

2. 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.



THIS

Figure 3. Downward Lighting

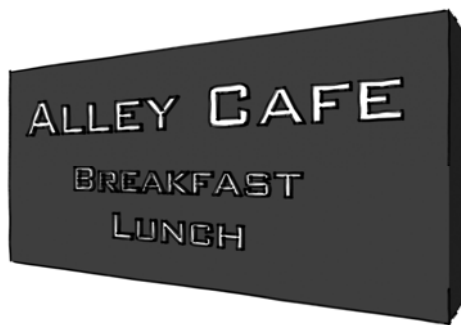


NOT THIS

Figure 4. Upward Lighting

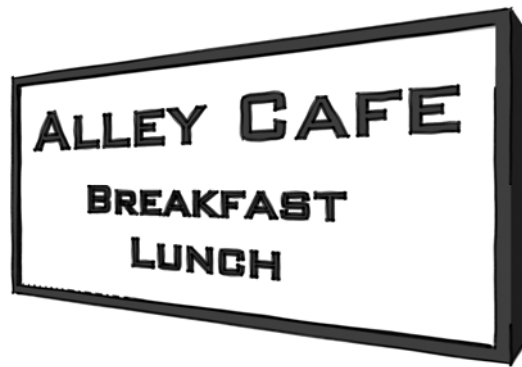
3. Only white or off-white light of a constant intensity shall be permitted as the primary light source for any sign.

4. Internal illumination 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 examples in 517.9.



THIS

Figure 5. White graphics on a dark background.



NOT THIS

Figure 6. Dark graphics on a light /white background.

5. Internally illuminated signs shall not be permitted in residential or historic districts. However, internally lit marquee type signs for movie theatres and performing arts centers are permitted in historic districts with these conditions: 1) Such signs are based on historical precedent, as demonstrated by the applicant; 2) the proposed lighting will not create unacceptable glare or light trespass; and, 3) the sign lighting and overall design is consistent with industry standards for such sign types.

6. The average level of illumination of a sign face shall not exceed 10.0 foot-candles and the uniformity ratio shall not exceed 2:1 (average: minimum), which means that the average foot candle illumination, or brightness, of the sign face will not exceed two times that of the minimum foot candle illumination on the sign face. The Design Advisory Board may require the applicant to submit a photometric analysis, which delineates light levels and uniformity ratios. The Design Advisory Board may require a test of foot-candle illumination, if necessary, on a constructed sign using a light meter, to ensure a sign light does not exceed allowable illumination levels and does not result in light trespass.
7. Exposed neon shall be permitted only as a minor portion of a sign or sign lighting and will be subject to Design Review.
8. 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.
9. No string/rope of lights shall be used as sign lights unless such lights are shielded so that the lights are not visible from typical viewing angles. No lights or string/rope of lights shall be 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. This shall not be interpreted to include seasonal or holiday decorations temporarily displayed.
10. Basic information signs, such as “vacancy/no vacancy” or “open” or store hours will not count as part of the sign area if such signs do not exceed 25% of the overall sign square footage.

Section 517.3 Prohibited Signs

- A.** Flashing signs, roof signs, signs containing moving parts, or signs containing reflective elements which sparkle or otherwise reflect sunlight. Signs, which indicate the current time and/or temperature, are permitted provided they meet all other provisions of these regulations;
- B.** 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;
- C.** 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;
- D.** Signs affixed to a fence, utility pole or utility structure, or to a tree, shrub, rock or other natural object;
- E.** Signs erected on a gasoline station canopy, except that the logo of a single product line may be erected which does not occupy more than one-quarter the area of a single side border of the gasoline station canopy. Such canopy signs shall be included in the total sign area of the lot;

F. Internally illuminated in residential or historical districts except as otherwise provided for herein.

G. 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;

H. Off-premise signs.

I. Sandwich board signs intended to be visible from a public right-of-way, except that such signs shall be permitted in the Business 1 (B-1) District as well as the Traditional Downtown (DR-1) and Downtown Expansion (DR-2) Design Review Districts. Sandwich board signs are permitted in these locations as long as they 1) do not obstruct or interfere with pedestrian travel and sidewalk functions; or 2) do not create a pedestrian or vehicular safety hazard.

Section 517.4 Pre-existing Signs and Non-Conforming Signs

A. 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.

B. 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.

Section 517.5 Standards and Regulations for Specific Sign Types

A. Awning Signs

1. An awning sign is any sign painted on, attached or otherwise applied to the cover of a moveable or permanent frame of the hinged, roll folding or fixed type of awning.

2. Such sign shall be applied directly to the surface of the awning, and shall not extend beyond the limits of the awning cover or be attached to the underside.

3. The total area of any awning sign shall comply with all requirements as Section 517.

4. A minimum of 7 feet above sidewalk level shall be allowed for pedestrian clearance below awnings.

5. Awning signs shall be considered part of the total permitted sign area and shall not exceed 20% of the awning surface area.

6. Internally illuminated awnings or neon on awnings shall not be permitted.

B. Construction Signs

1. A construction sign is any on-premise sign temporarily identifying the contractor, architect, landscape architect, and/or engineer's name, address and other pertinent information.
2. Such signs shall employ temporary methods of installation and may be maintained on the property for the term of construction, and not more than 30 days following the completion of construction.
3. Such signs shall not exceed 32 square feet in area.

C. Banner, Flag or Pennant Signs for Daily or Long Term Use

1. A banner, flag or pennant is any sign of lightweight fabric or similar material that is mounted to a pole or to a building.
2. Such signs shall not exceed 15 square feet in area per flag/banner in the Business 1 (B-1) District and the Traditional Downtown (DR-1) Design Review District. In all other Districts, banners, flags and pennant signs shall not exceed 20 sq. ft.
3. A minimum of 7 feet above sidewalk level shall be maintained below any flag, banner or pennant suspended from a pole, without wind present
4. Banners may be used as Projecting or Wall signs. Such banners shall comply with all applicable standards and requirements for Projecting or Wall signs, shall require applicable permits and shall be included when calculating permitted sign area.
5. Government flags or government insignias displayed on flagpoles and not used as wall or window signs.

D. Directory Signs

1. A directory sign is any sign that is used for a multi-tenant parcel or property, which includes two or more individual business establishments.
2. Directory signs shall feature the name and/or address of the parcel or property and shall not include lengthy listings of individual business establishments. No more than three "anchor" business establishments may be included on such directory signs when used for street or roadside advertising.



Figure 7. Free standing directory signage for roadside or street side signs.

3. Directory signs may be freestanding or wall signs.

E. Freestanding Signs

1. A freestanding sign is 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.

2. The height of a freestanding sign shall not exceed:

- ☐ 12 feet in the Business 1 District
- ☐ 18 feet in the Business 2 District
- ☐ 4 feet in the High- and Low-Density Residential Districts
- ☐ 18 feet in Service-Industrial District

3. Free standing signs over 6 feet in height may have no more than 2 sides. When a sign has two or more faces, the area of all the faces shall be included in determining the sign area.

4. Freestanding signs shall not be permitted for uses above ground level, except if such sign is a portion of a freestanding sign permitted for a multi-tenant building or group of buildings.

F. Home Occupation Signs

1. Home occupation signs may be projecting, wall or window signs, or they may be combined all in one panel.

2. Home occupation signs may not exceed a total size of 4 square feet.

G. Projecting Signs

1. A projecting sign is any sign that is mounted to a building and that is perpendicular to the side of a building on which it is mounted
2. Sign area of projecting signs shall not exceed 10 square feet.
3. Such sign shall be hung at a right angle to the building and shall not project more than 4 feet out from the building.
4. Projecting signs shall have a minimum clearance of 9 feet above grade when located adjacent to or projecting over a sidewalk. If projecting over an alley or driveway, the clearance shall be at least 13 feet.
5. The top edge of projecting sign panels or any extensions of the sign panel shall not exceed the height of the bottom edge of second story windowsills. Minimal support structures, chains or cables may be permitted to exceed such height and shall be subject to Review.
6. Projecting signs shall not be permitted uses above ground level, except if such sign is a portion of a projecting sign permitted for a multi-tenant building or group of buildings.

H. Temporary Signs

1. Temporary signs are any signs, which are used temporarily, are not permanently mounted and announce a short-term activity or event.
2. Temporary signs shall not exceed 6 square feet in area.
3. Such sign shall be removed when the activity or event being announced is ended.
4. Temporary signs may not be displayed more than 30 days in a 12-month period.

I. Wall Signs

1. A wall sign is any sign, which is, attached parallel to the exterior surface of a building or structure.
2. Such sign shall not project more than 15 inches from the building surface measured from the eave.
3. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately according to Section 517.6.
4. Where two or more wall signs are affixed to a wall, the sum total of sign area shall not exceed the total sign area permitted.
5. Wall signs shall not extend higher than the top of the parapet wall of the principal building.

6. Wall 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.

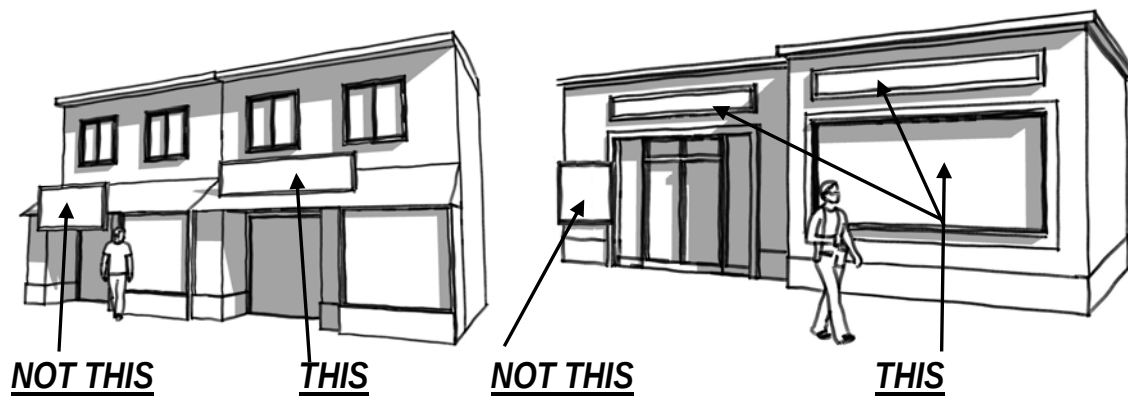


Figure 8. Correct and incorrect sign placement.

Figure 9. Correct and incorrect sign placement.

J. Window Signs

1. A window sign is any sign which is painted or otherwise applied or mounted onto a windowpane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or the street.

2. Window signs shall not exceed more than 25 percent of the window area in which they are displayed.

3. Temporary window signs, banners, posters and graphics may be displayed without permit or fee providing they do not exceed fifteen (40) percent of the total display window area

4. Product displays which directly display the business name or similar advertising elements shall be considered window signs and shall be included in the total sign area permitted.

Section 517.6 Permitted Sign Types, Quantities and Sizes

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
Ground Level Business	Principal Sign	(1) OR (1) per public	Awning	20% of awning surface area	Min. 7 feet above sidewalk level
		OR			

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
		right-of-way on corner lot	Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface
				9 sq. ft. in HDR & LDR districts	
			OR		
			Window	25% of window area; temporary window displays may not exceed 40% of window area	
			OR		
			Projecting	10 sq. ft.	Min. 9 feet above sidewalk; Min. 13 ft. over an alley or driveway
	Accessory Sign	(1) OR (1) per entrance on each public right-of-way of corner lot	Flag	15 sq. ft. in B-1 and DR-1 districts; 20 sq. ft. in all other districts	Min. 7 feet above sidewalk
			1. OR		
			Banner		
			2. OR		
			Pennant		

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
Above Ground Level Business	(1)		Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; <i>OR</i> 10% of wall area 9 sq. ft. in HDR & LDR districts	Shall not project more than 15 inches from building surface
			3. OR		
			Window	25% of window area; temporary window signs may not exceed 40% of window area	
Multi-Tenant Business Development	Parcel/ Development	(1)	Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; <i>OR</i> 10% of wall area 9 sq. ft. in HDR & LDR districts	Shall not project more than 15 inches from building surface
			OR		
			Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & LDR; 18 ft. in S-IND

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE	
	Individual Business	(1) per business	Awning	20% of awning surface area	Min. 7 feet above sidewalk level	
			OR			
			Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface	
				9 sq. ft. in HDR & LDR districts		
			OR			
			Window	25% of window area; temporary window signs may not exceed 40% of window area		
			OR			
			Projecting	10 sq. ft.	Min. 9 feet above sidewalk; Min. 13 ft. over an alley or driveway	
Home Occupation	(1)			4 sq. ft.		

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
			4. OR		
			Wall		
			5. OR		
			Window		
Single Family Residence	(1)		Wall	2 sq. ft.	Shall not project more than 15 inches from building surface
Two- or Multi-Family Residence	Parcel/ Development	(1)	Wall	6 sq. ft.	Shall not project more than 15 inches from building surface
	Individual Unit	(1) per unit	Wall	1 sq. ft.	
Boarding/ Rooming House	(1)		Awning	6 sq. ft.	
			6. OR		
			Freestanding		
			7. OR		
			Projecting		
			8. OR		
			Window		
Subdivision or Development Sale or Lease	(1) per public right-of-way frontage		Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & L 18 ft. in S-IND
Public, Municipal, Institutional or Service Organization	(1) per public right-of-way frontage		Awning	20% of awning surface area	Min. 7 feet above sidewalk level
			OR		

USE	MAX. QUANTITY	SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
		Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & LDR 18 ft. in S-IND
		OR		
		Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface
			9 sq. ft. in HDR & LDR districts	
		OR		
		Window	25% of window area; temporary window signs may not exceed 40% of window area	

Section 517.7 Exempt Signs

The following signs shall be exempt from the requirements of these regulations:

A. Signs less than two (2) square feet in area, without advertising, displayed for direction, instruction or convenience of the public, including signs which identify rest rooms, entrances and exits, hours and days of business, posted areas or the like, provided such signs are on the premises of the activity served by such sign;

B. One sign not exceeding six (6) sq. ft. in area is permitted for advertising the sale, rental or improvement of the premises on which it is located;

- C.** Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- D.** Legal notices, identification, informational, warning or directional signs displayed in accordance with governmental regulations or requirements;
- E.** Government flags or government insignias, displayed on flagpoles and not used as wall or window signs;
- F.** Integral decorative or architectural features of buildings, memorial signs or tablets denoting the names of buildings and dates of erection when cut into masonry or constructed in durable, non-flammable materials and attached flush to the wall;
- G.** One on-premises sign not exceeding four (4) square feet in area advertising “garage sale,” “tag sale”, or other temporary sale: such signs may be displayed for a period up to 48 hours in advance of the sale and 12 hours after the completion of the sale;
- H.** Bulletin boards for official and/or public use located on municipal property; and,
- I.** Decorative murals that do not contain any business, advertising or product references.

Section 517.8 Examples of Good Sign Design



LED down lighting



Incandescent down lighting



Internal illumination w/ opaque background



Halo lighting (shown day and night)



Awning sign



Cut-out lettering and sign band



Window graphics



Building directory



Projecting sign (w/ down lighting)



Symbols as signs



Regional context



Regional context



Landscape feature sign



Building mounted



Monument sign and architectural context



Monument sign and architectural context

Section 517.9 Examples from St. Albans



Historic sign



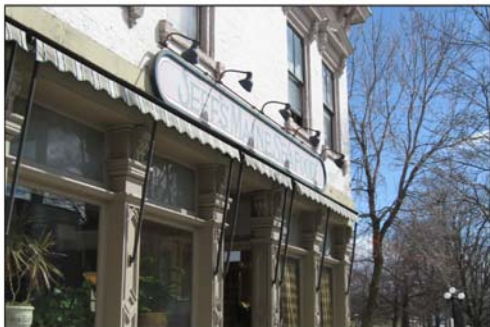
Facade sign



Downlit sign



Perpendicularly lit sign



Downlit sign on building facade



Sign that fits with historic architecture



Simple sign design with 3-D element

Section 517.10 Definitions

Foot-Candle: A quantitative unit of measure for luminance equal to one lumen per square foot measured at ground level.

Glare: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Lumen: A quantitative unit measuring the amount of light emitted by a light source.

Luminance: The quotient of the luminous flux at an element of the surface surrounding the point and propagated in directions defined by an elementary cone containing the given direction. It is a measure of light emission.

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. Low pressure sodium
4. Neon (except low level/accent)
5. Internal illumination of signs or awnings

B. Approved Lighting

1. Height of any light fixture shall not exceed 20 feet Metal Halide or color rendition-corrected high-pressure sodium
2. Down directed shielded lighting
3. Low Poles, up to 16 feet high, with very low intensity or down shielded fixtures
4. The maximum height of any light fixture shall not exceed 20 feet.

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 seventy (70) decibels at the property line.

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 produces 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 residential 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 section 306. 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 multiple-family developments – In the case of attached residential dwelling complexes, 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 residential parcel 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.

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;
- 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. Substantial construction for the proposed use shall be initiated within one year of granting the conditional use permit.

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.

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 Expiration

Any approvals granted by the Development Review Board under this section shall be considered void one year from the date of the written decision by the Board, or in the case of any appeal being filed, one year after the final decision is granted on appeal, unless the applicant has obtained a building permit in regard to the approved use. The applicant may petition for no more than one (1) one-year administrative extension of the approval period may be considered by the Development Review Board upon petition by the applicant.

Section 602.6 Extension of Conditional Use Permit

A one-year extension to any conditional use approval may be granted by the Development Review Board, if application for such extension is made before the original approval has become void. The Board may consider any conditional use criteria in deciding whether to grant the extension, and specifically should consider any interim changes in the zoning regulations which relate to the proposed use.

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).
1. Site plan approval is not required for a one (1) family dwelling or a two (2) family dwelling.
 2. 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.
 3. 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.
 4. A written recommendation from the Design Advisory Board is required by applicants whose projects are either in the Design Review District or on the National Register of Historic Places prior to the public hearing for site plan approval.

Section 603.2 Application Requirements

- A. A minimum of three (3) full size sets of plans as well as nine (9) copies in 11" x17" size of the application for Site Plan Review shall be filed with the Zoning Administrator.
- 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.

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.
- 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

If any aspect of the site plan requires public roads, public parking, water or sewer, landscaping, screening, fencing, or paving, the applicant shall be required by the Development Review Board to furnish the City a suitable financial guarantee covering these improvements. The financial guarantee shall be released by the City within fifteen days of acceptable completion of the required work.

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 regards 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 Expiration

Site plan approval shall be void if substantial construction is not initiated within one (1) year, and completed within two (2) years of commencement, unless a different construction sequence and schedule is made as part of the site plan approval of the Development Review Board. The owner of an approved site plan may petition for no more than one (1) one-year administrative extension of the initiation period from the Zoning Administrator.

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. 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.
- C. 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.

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. These regulations shall also apply to any structure listed on or eligible for the National or Vermont State Register of Historic Places.

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.





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. Alban's, 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 two-year terms 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 two copies of the Site Plan application to the Design Advisory Board.
- B.** Design Review Application Requirements:
 - 1.** A minimum of one (1) full size set of the information required below as well as five (5) copies in 11" x 17" size of the 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

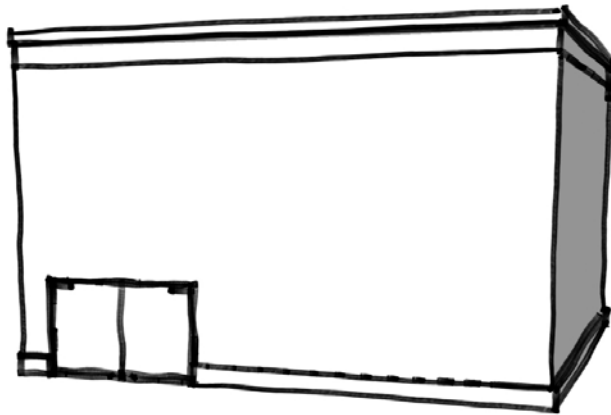
A. Architecture & Historic Preservation

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.



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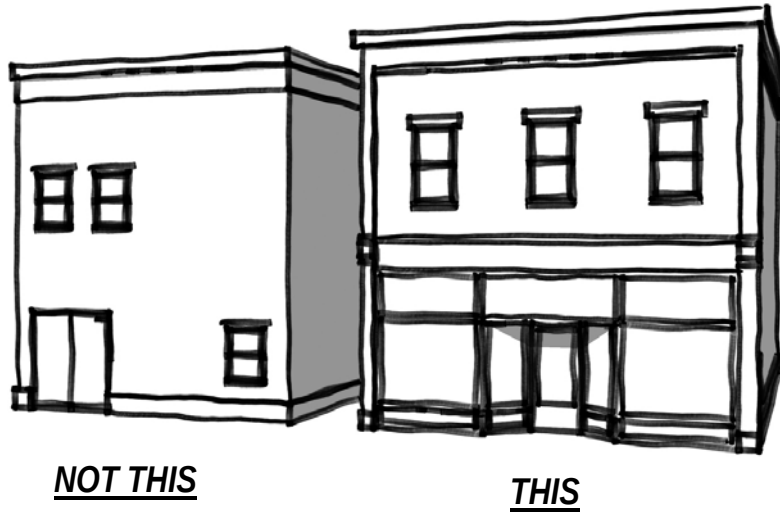


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2. Massing & Scale

- 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.



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NOT THIS

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.

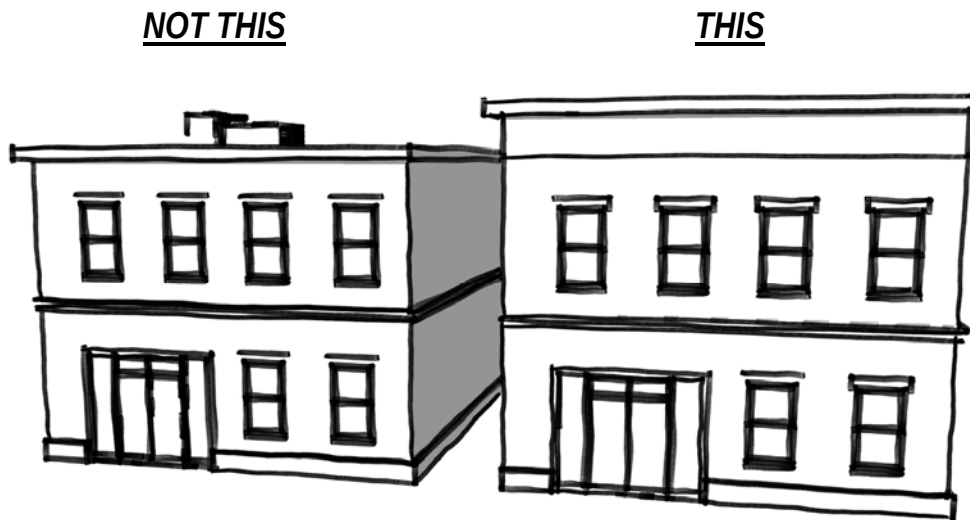
4. Roof Design & Mechanical Equipment Screening

- 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	- 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)	- Multi-colored brick - Imitation Brick Siding - Plain (bare) Concrete Masonry Units - Metal Siding - Asphalt Siding
Trim	- Wood, Finished Grade (painted or stained) - Aluminum	- Bare Wood, Lumber Grade
Windows	- Anodized Aluminum Frame - Wood Frame (painted or stained) - Vinyl Clad - Clear, Etched or Frosted Glass - Stained Glass	- Steel Plate or Angle - Mirrored Glass
Roof	- Natural Slate - Asphalt Shingles - Standing Seam Metal - Stone, Pre-Cast Concrete or Limestone - Parapet Caps/Chimney Caps	
Other	- Canvas Awnings - Walkway pavers/sidewalk - Stamped or poured concrete - Brick or Colored Paving Stone	- Plastic Awnings - Asphalt Walkways

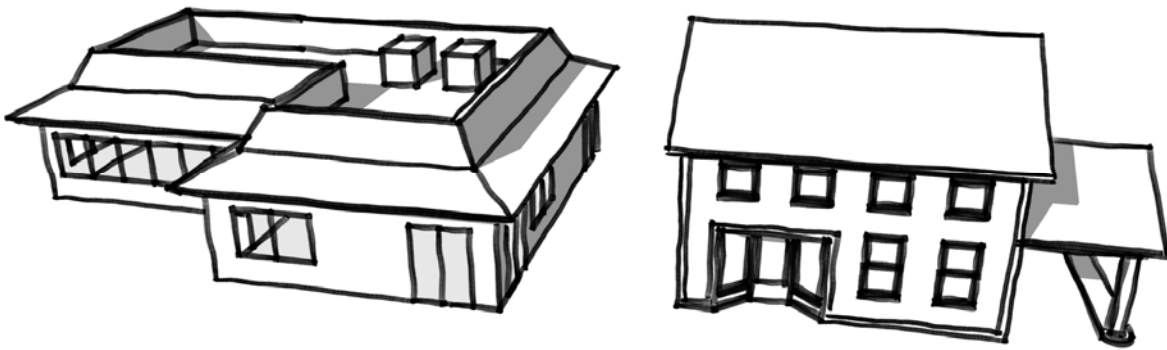
8. Franchises

- 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 stand alone 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. 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 walk able 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.

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 Development Review Board. Such lighting should be down lighting and 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. Sight 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:

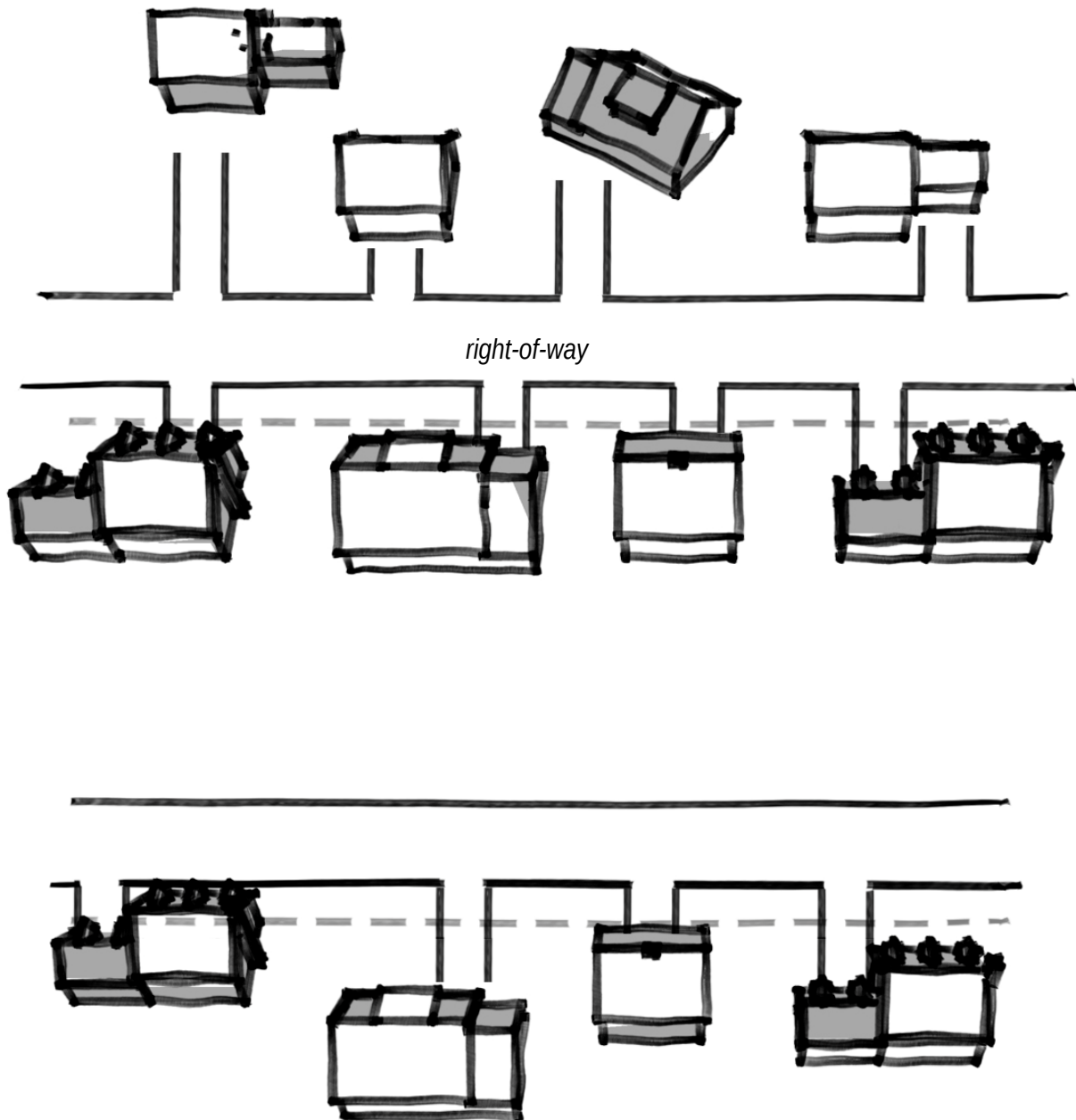
1. Compatibility & Character

- 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.

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



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. 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.
- c) People traveling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.

4. Front Entrances

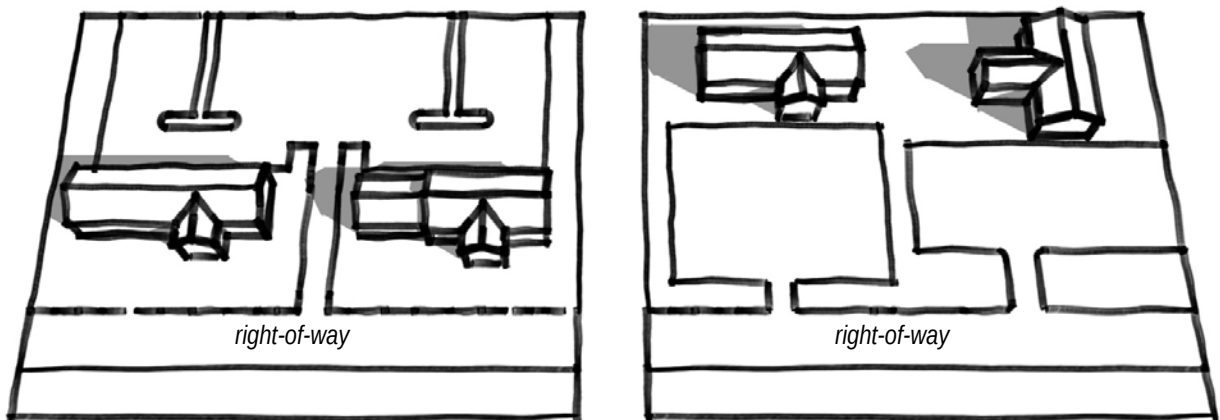
- a) Primary building entries should always be placed at the front of the building and should face the street or public right-of-way so that they are clearly identifiable. If the doorway can not face the street, a clearly marked walkway should connect the entry to the sidewalk (see Section 3.1 Prominent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

5. Parking

- a) 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 asphalt 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 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.

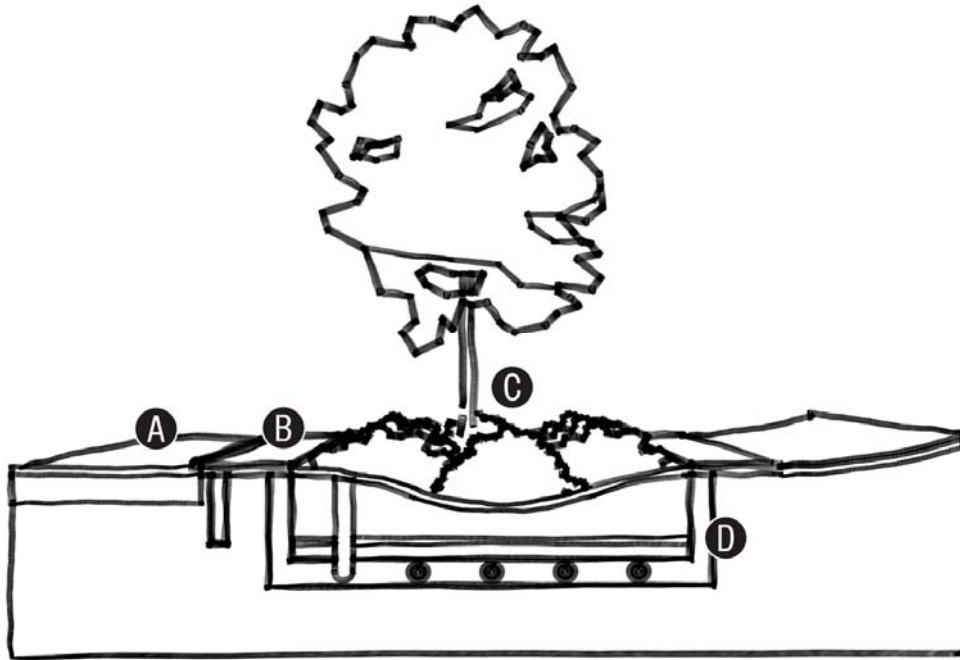
Figure 10. Bioretention for Parking Lots

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 radiuses 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 sit, 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.

Article 8

Subdivisions

Section 801 Purpose

The approval of subdivisions 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, 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, fire stations, 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, subdivisions shall be classified as *administrative subdivision*, *minor subdivision* or *major subdivisions* in accordance with the following:
1. Administrative Subdivisions shall include lot line or boundary adjustments; or any subdivision creating a single new lot.
 2. Minor Subdivisions shall include 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 include any subdivision containing five (5) or more lots; or requiring any new public or private street; or amendments to an approved major subdivision which substantially changes the nature of any previous subdivision or conditions of approval; or any planned unit development that meets the definition of a subdivision.
- C. Coordination with Planned Unit Development Review.** Subdivision applications for Planned Unit Developments (PUDs) that meet the definition of subdivision shall be reviewed as major subdivisions under this Article. Conditional use review under Article 5 may occur concurrently with final 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 Subdivisions

- A. Application Process.** Applicants for Administrative Subdivisions are encouraged to consult with the Zoning Administrator prior to submitting an application to ensure the application meets the requirements of an Administrative Subdivision. Applications for Administrative Subdivisions shall include the following:

1. An actual 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. Proposed name of the subdivision or identifying title.
3. The date, north point, map scale, name and address of record owner and subdivider and names of adjoining property owners.

Upon the submission of a complete application for an Administrative Subdivision, 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 Subdivision, the applicant must submit a plat for recording in the land records as specified in Section 807.

B. Single Lot Subdivisions. Prior to approving a plat for a single lot subdivision, the Zoning Administrator at minimum shall determine that the following conditions are met:

1. Both lots meet the minimum dimensional requirements of the district(s) in which the lots are located;
2. Any existing structures located on such lots meet the setback requirements of the district(s) in which the lots are located;
3. All lots, roads, utilities, and other such provisions are in conformance with Sections 808 and 809 and other applicable requirements.

C. Boundary Adjustments. Prior to approving a plat for a boundary adjustment, the Zoning Administrator at minimum shall determine that the proposed boundary line adjustment shall not:

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

D. Reclassification of Administrative Subdivision. If the Zoning Administrator determines that the proposed subdivision does not meet the requirements of an Administrative Subdivision, the Zoning Administrator may reclassify the proposed subdivision as a Minor or Major Subdivision, and require the applicant to adhere to all related application requirements and development standards.

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

A. 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	Sketch	Prelim Plat	Final Plat
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; 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*		✓	✓
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	✓	✓	✓
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)			
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 and recorded 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. the plat must be signed by the Chair of the Development Review Board.
2. for any subdivision which requires the construction of roads or other public improvements by the applicant, the subdivider shall file with the City Treasurer a financial guarantee to cover the full cost of the required improvements in an amount set by the Zoning Administrator. Any such financial guarantee shall be satisfactory to the Zoning Administrator as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Development Review Board may determine appropriate, not to exceed three (3) years) shall be set forth in the time within which required improvements must be completed.

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.** All streets or other public places shown on such Plat shall be suitably graded and paved, and all sidewalks, street lighting standards, curbs, gutters, and street trees, water mains, sanitary sewers and storm drains, where required by the Development Review Board on the advice of the City Manager, shall be installed in accordance with the standards, specifications and procedure set forth in these regulations and other applicable City

regulations and ordinances, and a performance bond to ensure completion of such improvements shall be provided by the subdivider.

- 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.

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

A Development Review Board of nine (9) members, who shall serve without remuneration and act on all matters within its jurisdiction under these regulations in the manner prescribed in the Act, shall be appointed by the City Council.

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 Building Permits

A. Building Permit

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

1. All persons desiring a building permit 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 buildings 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 building permit.

3. Prior to the issuance of any building 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 a building 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. If the building permit is approved, all activities authorized by its issuance shall be completed within two (2) years of the date of issue or the building permit shall become null and void and reapplication to complete any activities shall be required.
4. Building 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. No building permit shall take effect until the time for appeal in Section 4465 of the Act has passed. In the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
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.

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 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 Building Permits

A fee schedule for building 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.

Article 10

Zoning and Design Review District Boundaries

Section 1001 Map of the Zoning Districts

See Attachment 1

Section 1002 Zoning Districts Described

A. LDR – Low Density Residential District

1. LDR - East Side, South

Beginning at a point which is located on the City boundary line on the south side of the I-89 spur which is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Street;

thence northerly parallel to the centerline of South Main Street across Gilman Avenue to a point 85 feet north of the centerline of Gilman Avenue;

thence easterly parallel to the centerline of Gilman Avenue 40 feet to a point 188 feet east of the centerline of South Main Street;

thence northerly to a point in the centerline of Diamond Street which point is 157.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Diamond Street 24 feet to a point 134 east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 116 feet to a point 140.5 feet north of the centerline of Diamond Street;

thence easterly parallel to the centerline of Diamond Street 117 feet to a point 249.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street to a point in the centerline of

Upper Welden Street which is 249.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Upper Welden Street 90 feet to a point 159.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 74.5 to the center of Stevens Brook;

thence north and east along the center of Stevens Brook to a point which is 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to the centerline of Lincoln Avenue to a point 221 feet west of the center of the Lincoln Avenue and Rugg Street intersection;

thence easterly across Lincoln Avenue and along the centerline of Rugg Street to a point 123.5 feet east of the center of the Lincoln Avenue and Rugg Street intersection;

thence northerly parallel to the centerline of Lincoln Avenue a distance of 109.5 feet;

thence easterly parallel to the centerline of Rugg Street a distance of 124 feet to a point 247.5 feet east of the centerline of Lincoln Avenue;

thence northerly parallel to the centerline of Lincoln Avenue through Ferris Street to a point which is 246 feet south of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Ferris Street 129 feet;

thence northerly parallel to Barlow Street 26 feet;

thence easterly parallel to Ferris Street 232 feet;

thence northerly parallel to Barlow Street 40 feet;

thence easterly parallel to Ferris Street 128 feet;

thence southerly parallel to Barlow Street 14 feet;

thence easterly parallel to Ferris Street 141 feet;

thence southerly parallel to Barlow Street 54 feet;

thence easterly parallel to Ferris Street 62 feet;

thence southerly parallel to Barlow Street 60 feet;

thence easterly parallel to Ferris Street 116 feet;

thence northerly parallel to Barlow Street 125 feet;
thence easterly parallel to Ferris Street to the centerline of Barlow Street;
thence northerly following the centerline of Barlow Street 21 feet;
thence easterly parallel to Fairfield Street 104 feet;
thence northerly parallel to Barlow Street 4 feet;
thence easterly parallel to Fairfield Street 110;
thence southerly parallel to Barlow Street 64 feet;
thence easterly 100 feet to a point 212 feet south of the centerline of Fairfield Street;
thence northerly 19 feet to a point 193 feet south of the centerline of Fairfield Street;
thence easterly 68 feet to a point 193 feet south of the centerline of Fairfield Street;
thence southerly 5 feet parallel to Barlow Street;
thence easterly parallel to Fairfield Street 213 feet;
thence southerly parallel to Barlow Street 20 feet;
thence easterly parallel to Fairfield Street 45 feet;
thence easterly 86 feet to a point 183 feet south of the centerline of Fairfield Street;
thence southerly parallel to Barlow Street 17 feet;
thence easterly parallel to Fairfield Street 105 feet;
thence northerly parallel to Barlow Street 10 feet;
thence easterly parallel to Fairfield Street 81 feet;
thence northerly parallel to Barlow Street 7 feet;
thence easterly parallel to Fairfield Street to the City Boundary;
thence following the City boundary line easterly, southerly and westerly directions to the point of beginning.

2. LDR - East Side, North

Beginning at a point 919 feet north of the centerline of Fairfield Street on the City Boundary;

thence westerly parallel to the centerline of Fairfield Street 240 feet;

thence southerly parallel to the City Boundary 187 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Berkley Terrace;

thence southerly following the centerline of Berkley Terrace to a point 152 feet north of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 100 feet;

thence northerly parallel to the centerline of Berkley Terrace 6 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Smith Street;

thence westerly parallel to the centerline of Fairfield Street 102 feet;

thence northerly parallel to the centerline of Smith Street 95 feet;

thence westerly parallel to the centerline of Fairfield Street 99 feet;

thence northerly parallel to the centerline of Smith Street 235 feet;

thence westerly parallel to the centerline of Fairfield Street 93 feet;

thence southerly parallel to the centerline of Smith Street 237 feet;

thence westerly parallel to the centerline of Fairfield Street 72 feet;

thence southerly parallel to the centerline of Smith Street 100 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Brown Avenue;

thence northerly following the centerline of Brown Avenue to a point 165 feet north of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 226 feet;

thence northerly parallel to the centerline Brown Avenue 108 feet ;

thence westerly parallel to the centerline of Fairfield Street to a point 225 feet east of the centerline of High Street;

thence northerly parallel to the centerline of High Street to a point in the centerline of Bishop Street which point is 233 feet east of the center of the Bishop Street and High Street intersection;

thence continuing northerly parallel to the centerline of High Street across Bank Street to the centerline of Congress Street 233 feet east of the center of the Congress Street and High Street intersection;

thence westerly along the centerline of Congress Street to a point 218.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 243 feet;

thence easterly parallel to the centerline of Congress Street 188 feet to a point 233 feet west of the centerline of Messenger Street;

thence northerly parallel to the centerline of Messenger Street to a point located 120.5 feet south of the centerline of Brainerd Street and 233 feet west of the centerline of Messenger Street;

thence westerly parallel to the centerline of Brainerd Street 221 feet to a point 174.5 feet east of North Main Street;

thence northerly parallel to the centerline of North Main Street to the centerline of Brainerd Street which point is 174.5 feet east of the centerline of North Main Street;

thence westerly along the centerline of Brainerd Street 10 feet to a point 164.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet to a point;

thence easterly parallel to the centerline of Brainerd Street a distance of 87 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet to a point 282.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace 104 feet to a point 147.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace 52 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence following the City boundary line in easterly, southerly, and westerly directions to the point of beginning.

3. LDR - West Side, North

Beginning at a point in the center of the Aldis and North Elm Street intersection;

thence northerly along the centerline of North Elm Street 200 feet;

thence easterly parallel to the centerline of Aldis Street 183 feet;

thence northerly parallel to the centerline of North Elm Street 480 feet;

thence turning at a right angle and proceeding easterly to the center of Stevens Brook;

thence northerly along the center of Stevens Brook across Lower Newton Street to the City boundary line;

thence west and south along the City boundary line to the north side of the CVRY right-of-way;

thence easterly along the north boundary of the CVRY right-of-way across North Elm Street to a point in the center of Stevens Brook;

thence northerly along the center of Stevens Brook to the centerline of Aldis Street;

thence westerly along the centerline of Aldis Street to the point of beginning.

4. LDR - West Side, South

Beginning at a point in the centerline of Pine Street 168 feet north of the centerline of Lake Street;

thence westerly parallel with Lake Street 190 feet;

thence southerly parallel to the centerline of Pine 53 feet;

thence westerly parallel to the centerline Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 146 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 146 feet to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street a distance 367 feet across Spruce Street to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street through the North Elm, South Elm and Lake Street intersection and continuing along the centerline of South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly parallel to South Elm Street a distance of 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to the centerline of Lower Welden Street;

thence continuing southerly a distance of 679 feet to a point which is 778 feet east of the centerline of Edward Street;

thence southwesterly 559 feet to a point on the City boundary line;

thence following the City boundary line west and north to a point 224.5 feet north of the centerline of Pearl Street;

thence easterly parallel to the centerline of Pearl Street to a point 563 feet west of the centerline of North Elm Street;

thence northerly to a point on the south side of the CVRY right-of-way which is 417 feet west of the centerline of North Elm Street;

thence easterly along the CVRY right-of-way to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street 215 feet;

thence easterly along the south boundary line of the Leo Gadouas property 303 feet to the CVRY boundary line;

thence following the CVRY boundary line east and south to the center of the Pearl and Pine Street intersection;

thence southerly along the centerline of Pine Street to the point of beginning.

B. HDR – High Density Residential District

1. HDR – East Side

Beginning at a point in the center of the Maiden Lane and Congress Street intersection;

thence easterly along the centerline of Congress Street to a point 233 feet east of the center of the Congress Street and High Street intersection;

thence southerly parallel to the centerline of High Street across Bank Street to the centerline of Bishop Street which point is 233 feet east of the center of the Bishop Street and High Street intersection;

thence continuing southerly parallel to the centerline of High Street to a point 273 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 84 feet;

thence continuing southerly parallel to the centerline of High Street to a point 165 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Brown Avenue;

thence southerly down the centerline of Brown Avenue to a point 131 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 143 feet;

thence northerly parallel to the centerline of Brown Avenue 100 feet;

thence easterly parallel to the centerline of Fairfield Street 72 feet;

thence northerly parallel to the centerline of Brown Avenue 237 feet;

thence easterly parallel to the centerline of Fairfield Street 93 feet;

thence southerly parallel to the centerline of Smith Street to a point 253 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 99 feet;

thence southerly parallel to the centerline of Smith Street to a point 158 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Smith Street;

thence easterly parallel to the centerline of Fairfield Street 207 feet;

thence southerly parallel to Berkley Terrace to a point 152 feet north of the centerline Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Berkley Terrace;

thence northerly following the centerline of Berkley Terrace 767 feet;

thence easterly parallel to the centerline of Fairfield Street 315 feet;

thence northerly parallel to the City Boundary 187 feet;

thence easterly parallel to the centerline of Fairfield Street to the City Boundary;

thence southerly following the City Boundary to a point 183 feet south of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 270 feet;

thence westerly 62 feet to a point 190 feet south of the centerline of Fairfield Street;
thence westerly 81 feet to a point 200 feet south of the centerline of Fairfield Street;
thence westerly 105 feet to a point 183 feet south of the centerline of Fairfield Street;
thence westerly 131 feet to a point 218 feet south of the centerline of Fairfield Street;
thence northerly 20 feet to a point 198 feet south of the centerline of Fairfield Street;
thence westerly parallel to Fairfield Street 213 feet;
thence westerly 68 feet to a point 193 feet south of the centerline of Fairfield Street;
thence westerly 100 feet to a point 217 feet south of the centerline of Fairfield Street;
thence northerly parallel to the centerline of Barlow Street 64 feet;
thence westerly parallel to the centerline of Fairfield Street 110 feet;
thence westerly parallel to the centerline of Fairfield Street to the centerline of Barlow Street;
thence westerly parallel to the centerline of Fairfield Street 105 feet;
thence southerly parallel to the centerline of Barlow Street 5 feet;
thence westerly parallel to the centerline of Fairfield Street 60 feet;
thence southerly parallel to the centerline of Barlow Street 125 feet;
thence westerly parallel to the centerline of Ferris Street 116 feet;
thence northerly parallel to the centerline of Barlow Street 80 feet;
thence westerly parallel to the centerline of Ferris Street 74 feet;
thence northerly parallel to the centerline of Barlow Street 54 feet;
thence westerly parallel to the centerline of Ferris Street 141 feet;
thence northerly parallel to the centerline of Barlow Street 14 feet;
thence westerly parallel to the centerline of Ferris Street 128 feet;
thence southerly parallel to the centerline of Barlow Street 40 feet;

thence westerly parallel to the centerline of Ferris Street 232 feet;

thence southerly parallel to the centerline of Barlow Street 26 feet;

thence westerly parallel to the centerline of Ferris Street 129 feet;

thence westerly parallel to the centerline of Ferris Street 270 feet to a point 247.5 feet east of the centerline of Lincoln Avenue;

thence southerly parallel to the centerline of Lincoln Avenue through Ferris Street to a point 109.5 feet north of the centerline of Rugg Street and 247.5 feet east of the centerline of Lincoln Avenue;

thence westerly parallel to the centerline of Rugg Street 124 feet to a point 123.5 feet east of the centerline of Lincoln Avenue;

thence southerly parallel to the centerline of Lincoln Avenue 109.5 feet to the centerline of Rugg Street 123.5 feet east of the center of the Lincoln Avenue and Rugg Street intersection;

thence westerly along the centerline of Rugg Street across Lincoln Avenue to a point 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue to a point which is 164.5 feet south of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street 154 feet to a point 378.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue 164.5 feet to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive across Fairfield Street and along the centerline of Church Street to the center of the Church and Bank Street intersection;

thence westerly along the centerline of Bank Street a distance of 75 feet to the center of the Bank Street and Maiden Lane intersection;

thence northerly along the centerline of Maiden Lane to the center of the Maiden Lane and Congress Street intersection and the point of beginning.

2. HDR – West Side – Stowell

Beginning at a point in the centerline of Lower Welden Street 190 feet west of the center of the Lower Welden and South Main Street intersection;

thence westerly along the centerline of Lower Welden Street to the center of the Lower Welden and Allen Street intersection;

thence northerly along the centerline of Allen Street to the center of the Allen and Stowell Street intersection;

thence easterly along the centerline of Stowell Street 394 feet;

thence northerly along the westerly boundary of the Fabio Choiniere property (ID #26,084,015) 125 feet;

thence easterly parallel to the centerline of the Stowell Street to a point 122.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to the centerline of Stowell Street;

thence westerly along the centerline of Stowell Street to a point 240.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to the point of beginning in the centerline of Lower Welden Street.

3. HDR – West Side – New/Gilman

Beginning at a point in the centerline of New Street 224.5 feet west of the centerline of South Main Street;

thence westerly along the centerline of New Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point where it intersects with Grice Brook;

thence southerly to a point 157 feet south of the centerline of Gilman Street;

thence easterly parallel to Gilman Street to a point 224.5 feet west of the centerline of South Main Street and 157 feet south of the centerline of Gilman Street;

thence northerly parallel to the centerline of South Main Street across Gilman Street to the centerline of New Street and the point of beginning.

4. HDR – West Side – Locke/Nason

Beginning at a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 213.5 feet west of the centerline of South Main Street;

thence south parallel to the centerline of South Main Street to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 81 feet;

thence southerly parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence northerly along the easterly boundary line of the CVRY right-of-way to the centerline of Nason Street;

thence easterly along the centerline of Nason Street 37 feet which is 397 feet west of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 150 feet;

thence easterly parallel to the centerline of Nason Street 280 feet;

thence northerly parallel to the centerline of South Main Street to the point of beginning.

5. HDR – West Side – Lower Nason

Beginning at a point in the centerline of Nason Street at the west side of the CVRY right-of-way;

thence southerly along the CVRY right-of-way to the City's boundary line;

thence following the City boundary line west and north across Nason Street to where the City boundary line intersects the south side of the City of St. Albans Diversion Canal;

thence northeasterly following the south line of the Diversion Canal to the centerline of Stevens Brook;

thence easterly along the centerline of Stevens Brook to the CVRY right-of-way;

thence southerly along the CVRY right-of-way to the centerline of Nason Street and the point of beginning.

C. B1 – Central Business District

Beginning at a point located in the center of the Stowell and South Main Street intersection;

thence northerly along the centerline of South Main Street to the intersection of South Main and Ferris St;

thence easterly parallel to the centerline of Ferris Street 262.5 feet;

thence northerly parallel to the centerline of South Main Street 145 feet;

thence easterly parallel to the centerline of Ferris Street 83.5 feet to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive across Fairfield Street and along the centerline of Church Street to the center of the Church and Bank Street intersection;

thence westerly along the centerline of Bank Street a distance of 75 feet to the center of the Bank Street and Maiden Lane intersection;

thence in a northerly direction along the centerline of Maiden Lane to the center of the Maiden Lane and Congress Street intersection;

thence westerly along the centerline of Congress Street a distance of 68 feet to a point 218.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 243 feet;

thence easterly 188 feet to a point 233 feet west of the centerline of Messenger Street;

thence northerly parallel to the centerline of Messenger Street to a point located 120.5 feet south of the centerline of Brainerd Street and 233 feet west of the centerline of Messenger Street;

thence westerly parallel to the centerline of Brainerd Street 221 feet to a point 174.5 feet east of North Main Street;

thence northerly parallel to the centerline of North Main Street to the centerline of Brainerd Street;

thence westerly along the centerline of Brainerd Street across North Main Street 762 feet to the centerline of Federal Street;

thence southerly along the centerline of Federal Street to a point 100 feet south of Hoyt Street and 150 feet north of Hudson Street;

thence westerly a distance of 300 feet to the CVRY main track right-of-way which point is located 1200 feet north of Lake Street;

thence southerly along the CVRY right-of-way 227 feet;

thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and LaSalle Street intersection;

thence southerly along the centerline of Pine Street 679 feet to a point 168 feet north of the centerline of Lake Street;

thence westerly parallel to the centerline of Lake Street 190 feet;

thence southerly parallel to the centerline of Pine Street 53 feet;

thence westerly parallel to the centerline of Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 146 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 146 feet to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 367 feet to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street through the North Elm, South Elm and Lake Street intersection and continuing along the centerline of South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook 50 feet to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 265 feet to the centerline of the Coote Field Business Park Access Road;

thence southerly along the centerline of the Coote Field Business Park Access Road 48 feet;

thence easterly parallel to the centerline of Lake Street through Houghton Street to the centerline of Stebbins Street;

thence easterly along the centerline of Stebbins Street to the center of the Stebbins and Allen Street intersection;

thence southerly along the centerline of Allen Street to the center of the Allen and Stowell Street intersection;

thence easterly along the centerline of Stowell Street to the point of beginning.

D. B2 – Transitional Business District

1. B2 – North

Beginning at a point located in the centerline of Brainerd Street 174.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet;

thence easterly parallel to the centerline of Brainerd Street 87 feet to a point 251.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet to a point 282.5 feet east of the

centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace 104 feet to a point 147.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace 60 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence westerly to the City's northwest boundary marker;

thence southerly along the City boundary line, to a point where the railroad tracks meet the City Boundary;

thence southerly along the line of the CVRY right-of-way to a point of the centerline of Lower Newton Street;

thence easterly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to a point in the center of the Aldis and Federal Street intersection;

thence easterly across North Main Street and along the centerline of Brainerd Street to the point of beginning.

2. B2 – South

Beginning at a point on South Main Street at the City's marker located south of Parsons Avenue;

thence easterly along the south side of Parsons Avenue to a point 200 feet east of the centerline of South Main Street at the City boundary line;

thence northerly along the City boundary line to a point in the south line of the I-89 spur, which point is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point which is 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Avenue;

thence northerly parallel to the centerline of South Main Street across Gilman Avenue to a point 85 feet north of the centerline of Gilman Avenue;

thence easterly parallel to the centerline of Gilman Avenue 40 feet to a point 188 feet east of the centerline of South Main Street;

thence northerly to a point in the centerline of Diamond Street 157.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Diamond Street 24 feet to a point 134 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 116 feet to a point 140.5 feet north of the centerline of Diamond Street;

thence easterly parallel to the centerline of Diamond Street 117 feet to a point 249.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street to a point in the centerline of Upper Welden Street which is 249.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Upper Welden Street 90 feet to a point 159.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 74.5 to the center of Stevens Brook;

thence north and east along the center of Stevens Brook to a point 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue to a point 164.5 feet south of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street 154 feet to a point 378.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue 164.5 feet to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive 130 feet;

thence westerly parallel to the centerline of Ferris Street 83 feet to a point 262.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street 145 feet;

thence westerly parallel to centerline of Ferris Street 262.5 feet to the centerline of South Main Street;

thence southerly along the centerline of South Main Street to the center of the Stowell and South Main Street intersection;

thence westerly along the centerline of Stowell Street 240.5 feet;

thence southerly to the centerline of Lower Welden Street 185 west of the center of the Lower Welden and South Main Street intersection;

thence westerly along the centerline of Lower Welden Street to a point 280 feet east of the center of the Lemnah Drive and Lower Welden Street intersection;

thence southerly 296 feet to a point in the centerline of Stevens Brook;

thence easterly along the centerline of New Street to a point 224.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to a point 161 feet south of the centerline of Gilman Street and 224.5 feet west of the centerline of South Main Street;

thence westerly parallel to the centerline of South Main Street 246 feet to a point 157 feet south

of the centerline of Gilman Street;

thence southerly to a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 239.5 feet west of the centerline of South Main Street;

thence south parallel to South Main Street 382 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 65 feet;

thence south parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence southerly along the easterly boundary of the CVRY right-of-way 270 feet to a point;
thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the place of beginning.

C. S-IND – Service Industrial District

1. S-IND – North

Beginning at a point in the centerline of Federal Street which point is 100 feet south of Hoyt Street and 150 feet north of Hudson Street;

thence westerly 300 feet to the CVRY main track right-of-way which point is located 1200 feet north of Lake Street;

thence southerly along the CVRY right-of-way 227 feet;

thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and LaSalle Street intersection;

thence northerly along the centerline of Pine Street to the center of the Pine and Pearl Street intersection;

thence following the CVRY boundary line north and west to the southeast corner of the Leo Gadouas property (ID# 22,062,075);

thence westerly along the south line of the Leo Gadouas property to a point in the centerline of North Elm Street;

thence northerly along the centerline of North Elm Street 215 feet to the CVRY right-of-way;

thence westerly along the CVRY right-of-way to a point 417 feet west of the centerline of North Elm Street;

thence southerly parallel to the centerline of North Elm Street to a point 224.5 feet north of the centerline of Pearl Street;

thence easterly parallel to the centerline of Pearl Street to the City boundary line;

thence following the City boundary line in northerly and easterly directions to a point on the north line of the CVRY right-of-way which is 155 feet south of the centerline of Aldis Street;

thence easterly and southerly along the CVRY boundary line across the end of Savage Street and across North Elm Street to the center of Stevens Brook;

thence northerly along the center of Stevens Brook to the centerline of Aldis Street;

thence westerly along the centerline of Aldis Street to the center of the Aldis and North Elm Street intersection;

thence northerly along the centerline of North Elm Street 233 feet;

thence easterly parallel to the centerline of Aldis Street 183 feet;

thence northerly parallel to the centerline of North Elm Street 480 feet;

thence turning at a right angle and proceeding easterly to the center of Stevens Brook;

thence northerly along the center of Stevens Brook across Lower Newton Street to the City boundary line;

thence following the City boundary line east to where the City boundary line intersects the centerline of the CVRY right-of-way;

thence southerly along the CVRY right-of-way to point in the centerline of Lower Newton Street;

thence easterly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to the point of beginning.

2. S-IND – South

Beginning at a point in the centerline of Stebbins Street 229 feet south of the Lake and Stebbins Street intersection;

thence southerly along the centerline of Stebbins Street to the center of the Stebbins and Allen Street intersection;

thence southerly along the centerline of Allen Street to the center of the Allen and Lower Welden Street intersection;

thence easterly along the centerline of Lower Welden Street 280 feet;

thence southerly 296 feet to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to where it intersects with Grice Brook;

thence southerly to a point 446.5 feet west of the centerline of South Main Street and 150 feet north of the centerline of Nason Street;

thence westerly parallel to the centerline of Nason Street 280 feet;

thence southerly parallel to the centerline of South Main Street 150 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 37 feet to the CVRY right-of-way;

thence southerly along the CVRY right-of-way 503 feet;

thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence northerly along the west boundary of the CVRY right-of-way across Nason Street to the centerline of Stevens Brook;

thence westerly along the centerline of Stevens Brook to the south line of the City of St. Albans Diversion Canal to the City boundary line;

thence northerly along the City boundary line 340 feet;

thence northeasterly 559 to a point which is 778 feet east of the centerline of Edward Street;

thence northerly 679 feet to the centerline of Lower Welden Street at the center of Stevens Brook;

thence continuing northerly along the center of Stevens Brook to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 265 feet to the centerline of the Coote Field Business Park Access Road;

thence southerly along the centerline of the Cote Field Business Park Access Road 48 feet;

thence easterly parallel to the centerline of Lake Street across Houghton Street to the centerline of Market Street and the point of beginning.

Section 1003 Map of the Design Review Districts

See Attachment 2

Section 1004 Design Review Districts Described

A. DR1 – Traditional Downtown

Beginning at a point in the center of the Messenger and Congress Street intersection;

thence westerly along the centerline of Congress to the center of the Congress and North Main Street intersection;

thence northerly along the centerline of North Main Street to the center of the Hoyt and North Main Street intersection;

thence westerly along the centerline of Hoyt Street 149.5 feet;

thence southerly parallel to the centerline of North Main Street 138.5 feet;

thence westerly parallel to the centerline of Hoyt Street 84 feet;

thence southerly parallel to the centerline of North Main Street 70 feet;

thence easterly parallel to the centerline of Hoyt Street 52 feet;

thence southerly parallel to the centerline of North Main Street to the centerline of Hudson Street;

thence westerly along the centerline of Hudson Street 78 feet;

thence southerly parallel to the centerline of North Main Street 138.5 feet;

thence easterly parallel to the centerline of Hudson Street 56 feet;

thence southerly parallel to the centerline of North Main Street to the centerline of Center Street;

thence westerly along the centerline of Center Street to the Federal and Center Street intersection;

thence southerly along the centerline of Federal Street to the Federal and Lake Street intersection;

thence southerly across Lake Street and along the centerline of Catherine Street 164 feet;

thence easterly parallel to the centerline of Lake Street 130 feet;

thence southerly parallel to the centerline of Catherine Street to a point 123 feet north of the centerline of Stebbins Street;

thence easterly parallel to the centerline of Stebbins Street to the centerline of South Main Street 246 feet south of the South Main and Fairfield Street intersection;

thence continuing easterly parallel to the centerline of Fairfield Street 265.5 feet;

thence northerly parallel to the centerline of North Main Street 34 feet;

thence easterly parallel to the centerline of Fairfield Street 83.5 feet to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive to the center of the Hospital Drive and Fairfield Street intersection;

thence easterly along the centerline of Fairfield Street to the center of the Fairfield and Lincoln Avenue intersection;

thence northerly along the centerline of Lincoln Avenue 228 feet;

thence westerly 119.5 feet to a point 109.5 feet south of the centerline of Bishop Street;

thence northerly parallel to the centerline of Lincoln Avenue to the centerline of Bishop Street;

thence westerly along the centerline of Bishop Street to a point 230 feet east of the center of the Bishop and Church Street intersection;

thence northerly parallel to the centerline of Church Street 175.5 feet;

thence easterly parallel to the centerline of Bishop Street to the centerline of Lincoln Avenue;

thence northerly along the centerline of Lincoln Avenue 93 feet;

thence westerly parallel to the centerline of Bishop Street 200 feet;

thence northerly parallel to the centerline of Lincoln Avenue 100 feet;

thence easterly parallel to the centerline of Bishop Street 24 feet;

thence northerly parallel to the centerline of Lincoln Avenue 50 feet;

thence easterly parallel to the centerline of Bishop Street 24 feet;
thence northerly parallel to the centerline of Lincoln Avenue 47 feet;
thence westerly parallel to the centerline of Bishop Street 65 feet;
thence northerly parallel to Lincoln Avenue to the centerline of Bank Street;
thence easterly along the centerline of Bank Street to a point 179.5 feet west of the center of the Lincoln Avenue and Bank Street intersection;
thence northerly parallel to Lincoln Avenue to the center of the Congress and Messenger Street intersection and the point of beginning.

B. DR2 – Downtown Expansion

Beginning at a point in the center of the Congress and Messenger Street intersection;
thence northerly along the centerline of Messenger Street to a point 124.5 south of the center of the Messenger and Brainerd Street intersection;
thence westerly parallel to the centerline of Brainerd Street 142 feet;
thence northerly parallel to the centerline of Messenger Street 12 feet;
thence westerly parallel to the centerline of Brainerd Street 314 feet;
thence southerly parallel to the centerline of North Main Street 38 feet;
thence westerly to the centerline of North Main Street;
thence northerly along the centerline of North Main Street to the center of the North Main and Brainerd Street intersection;
thence westerly 587.5 feet to the centerline of Federal Street;
thence southerly along the centerline of Federal Street to the center of the Hoyt and Federal Street intersection;
thence westerly 228.5 along the centerline of Lower Hoyt Street to the east boundary of the CTRY property;
thence southerly parallel to Federal Street 327 feet;
thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and

LaSalle Street intersection;

thence southerly along the centerline of Pine Street 679 feet to a point 168 feet north of the centerline of Lake Street;

thence westerly parallel to the centerline of Lake Street 190 feet;

thence southerly parallel to the centerline of Pine Street 53 feet;

thence westerly parallel to the centerline of Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 130 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 130 to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly a distance of 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 367 feet to the centerline of North Elm Street;

thence northerly along the centerline of North Elm Street 170 feet;

thence westerly parallel to Lake Street 365 feet;

thence southerly to the centerline of Lake Street;

thence easterly along the centerline of Lake Street to the intersection of Lake Street and South Elm Street;

thence southerly along the centerline South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook 50 feet to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 264 feet;

thence southerly parallel to Houghton Street 54;

thence easterly 158 feet;

thence easterly to a point 400 feet from the intersection of Houghton Street and Lake Street;

thence southerly along the centerline of Houghton Street to the intersection of Houghton Street and Lower Welden Street;

thence easterly along the centerline of Lower Welden Street to the intersection of Lower Welden Street and the CVRY right-of-way;

thence northerly along the centerline of the CVRY right-of-way to a point 275 feet from the centerline of Lake Street;

thence easterly to the centerline of Stebbins Street;

thence southerly along the centerline of Stebbins Street to a point located in the center of Stebbins Street and Allen Street intersection;

thence southerly along the centerline of Allen Street to a point located in the center of Allen Street and Stowell Street intersection;

thence easterly along the centerline of Stowell Street to a point 133.5 feet west to South Main Street;

thence northerly parallel to the centerline of South Main Street 125 feet;

thence easterly parallel to the centerline of Stowell Street to the centerline of South Main Street;

thence southerly along the centerline of South Main Street to a point 209.5 feet north of the South Main and Upper Welden Street intersection;

thence easterly parallel to the centerline of Upper Welden Street 162 feet;

thence southerly to the centerline of Stevens Brook;

thence following the centerline of Stevens Brook to a point 164 feet from the centerline of

Lincoln Avenue;

thence northerly to a point 240 feet from the centerline of Lincoln Avenue;

thence westerly parallel to the centerline of Ferris Street 135 feet;

thence northerly parallel to Lincoln Avenue to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive 130 feet;

thence westerly parallel to the centerline of Ferris Street 83 feet to a point 262.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street 34 feet;

thence westerly across South Main Street to a point 123 north of the centerline of Stebbins Street and 116.5 east of the centerline of Catherine Street;

thence northerly to a point 167 feet south of the centerline of Lake Street and 130 feet east of the centerline of Catherine Street;

thence westerly parallel to the centerline of Lake Street to the centerline of Catherine Street;

thence northerly along the centerline of Catherine Street across Lake Street and along the centerline of Federal Street to the center of the Federal and Center Street intersection;

thence easterly along the centerline of Center Street to a point 208.5 feet west of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 183 feet;

thence westerly parallel to the centerline of Center Street 56 feet;

thence northerly parallel to centerline of North Main Street 138.5 feet to the centerline of Hudson Street;

thence easterly along the centerline Hudson Street 78 feet;

thence northerly parallel to the centerline of North Main Street 46.5 feet;

thence westerly parallel to the centerline of Hudson Street 52 feet;

thence northerly parallel to the centerline of North Main Street 70 feet;

thence easterly parallel to the centerline of Hudson Street 84 feet;

thence northerly parallel to the centerline of North Main Street 138.5 feet to the centerline of Hoyt Street;

thence easterly along the centerline of Hoyt Street to the center of the Hoyt and North Main Street intersection;

thence southerly along the centerline of North Main Street to the center of the North Main and Congress Street intersection;

thence easterly along the centerline of Congress Street to the point of beginning.

C. DR3 – Residential

1. DR 3 – North

Beginning at a point located in the centerline of Brainerd Street 174.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet;

thence easterly parallel to the centerline of Brainerd Street 87 feet to a point 251.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet which point is 282.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace to the centerline of North Main Street;

thence southerly along the centerline of North Main Street 605 feet;

thence turning at a right angle and going westerly 204.5 feet;

thence southerly to the centerline of Lower Newton Street which point is 332 feet west of the center of the Lower Newton and North Main Street intersection;

thence westerly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to the center of the Aldis and Federal Street intersection;

thence easterly across North Main Street and along the centerline of Brainerd Street to the point of beginning.

2. DR3 – South – Stowell

Beginning at a point in the centerline of South Main Street 125 feet north of the center of the South Main and Stowell Street intersection;

thence southerly along the centerline of South Main Street to a point 209.5 feet north of the South Main and Upper Welden Street intersection;

thence easterly parallel to the centerline of Upper Welden Street to a point 159.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to a point in the centerline of Upper Welden Street;

thence easterly along the centerline of Upper Welden Street 90 feet;

thence southerly parallel to the centerline of South Main Street to a point 249.5 feet east of the centerline of South Main Street and 140.5 feet north of the centerline of Diamond Street;

thence westerly parallel to the centerline of Diamond Street 117 feet;

thence southerly feet parallel to the centerline of South Main Street to the centerline of Diamond Street;

thence easterly along the centerline of Diamond Street 24 feet;

thence southerly parallel to the centerline of South Main Street to the centerline of Gilman Avenue 157.5 feet from the centerline of South Main Street;

thence westerly along the centerline of Gilman Avenue across South Main Street to a point 224.5 feet west of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street across Gilman Street and New Street to the centerline of Lower Welden Street 190 feet west of the center of the Lower Welden and South Main Street intersection;

thence continuing northerly to a point in the centerline of Stowell Street 240.5 feet west of the center of the Stowell and South Main Street intersection;

thence easterly along the centerline of Stowell Street to a point 133.5 feet west of the center of the Stowell and South Main Street intersection;

thence northerly parallel to the centerline of South Main Street 125 feet;

thence easterly parallel to the centerline of Stowell Street to the point of beginning.

3. DR3 – South - Freeborn

Beginning at a point on South Main Street at the City's boundary marker located south of Parsons Avenue;

thence easterly along the south side of Parsons Avenue to a point 200 feet east of the centerline of South Main Street at the City boundary line;

thence northerly along the City boundary line to a point 293.5 feet north of the centerline of Freeborn Street;

thence westerly 37 feet;

thence northerly parallel to the centerline of South Main Street 65 feet;

thence westerly parallel to the centerline of Freeborn Street to the centerline of South Main Street;

thence northerly along the centerline of South Main Street 117 feet;

thence westerly along the north boundary of the so-called Botting property (ID #26,079,214) to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the place of beginning.

D. DR4 –Gateway – North

1. DR4 – North

Beginning at a point in the centerline of North Main Street 218 feet south of the center of the North Main Street and Lakeview Terrace intersection;

thence easterly parallel to the centerline of Lakeview Terrace 147.5 feet;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace a distance of 60 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street a distance of 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace a distance of 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence westerly to the City's northwest boundary marker;

thence southerly along City boundary line which is the west side of North Main Street to a point 250 feet south of Lakeview Terrace and 1029 feet north of Farrar Street;

thence westerly along the City boundary line 250 feet to the CVRY right-of-way;

thence southerly along the City boundary line 393 feet;

thence easterly to the centerline of North Main Street;

thence northerly along the centerline of North Main Street to the point of beginning.

2. DR4 – South

Beginning at a point in the center of the South Main Street and Gilman Avenue intersection;

thence westerly parallel to the centerline of Gilman Street 470.5 feet to a point 157 feet south of the centerline of Gilman Street;

thence southerly to a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 239.5 feet west of the centerline of South Main Street;

thence southerly parallel to South Main Street 382 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 65 feet;

thence southerly parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence southerly along the east boundary of the CVRY right-of-way 270 feet;

thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the north boundary of the so-called Botting property (ID #26,079,214);

thence easterly along the north boundary line of the so-called Botting property to the centerline of South Main Street;

thence southerly along the centerline of South Main Street 117 feet;

thence easterly parallel to Freeborn Street 212.5 feet;

thence southerly parallel to the centerline of South Main Street 65 feet;

thence easterly 37 feet to the City Boundary line;

thence easterly and northerly along the City boundary line to a point in the south line of the I-89 spur, which point is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point which is 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Avenue;

thence northerly parallel to the centerline of South Main Street to the centerline of Gilman Avenue;

thence westerly along the centerline of Gilman Avenue to the point of beginning. **END**

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.

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 customarily incidental and subordinate to the principal use and located on the same lot as the principal use. Also see definition for Service-Industrial Accessory 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 Section 409 of these regulations.

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.

AUTOMATIC CAR WASH

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

AUTOMOTIVE 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 vehicles is conducted and rendered.

AUTOMOBILE 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 vehicle fuel or 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.

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 Figure1)

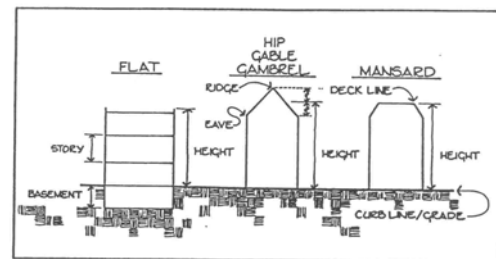


Figure 1
BUILDING HEIGHT

BUILDING, RESIDENTIAL

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

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

CLINIC/MEDICAL FACILITY

A building used by a group of physicians, dentists or other licensed health care practitioners using shared facilities and having the ability to treat multiple patients for the diagnosis and out-patient treatment of human ailments on an outpatient basis.

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: group homes, fraternities, sororities, dormitories, convents, communes, apartments, 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.

CONGREGATE HOUSING

Apartments and dwellings provided for elderly, disabled, or other generally recognized special need groups, which are licensed by the appropriate governmental department as necessary, and contain communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

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.

CONDOMINIUM

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

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, including the sale of gasoline, oil and related products.

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.

CREDIT UNION

See Bank.

CUL-DE-SAC

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

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.

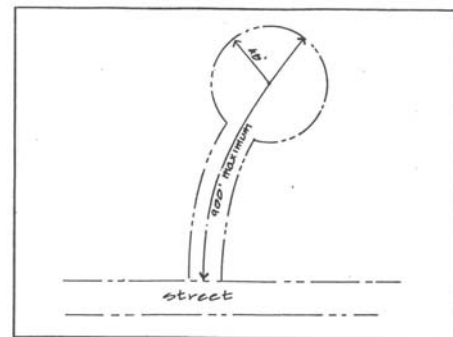


Figure 2
CUL-DE-SAC STREET

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. [NOTE: alterations 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.

DWELLING UNIT

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

DWELLING, SINGLE FAMILY

A residential building containing one dwelling unit.

DWELLING, TWO FAMILY

A residential building containing two dwelling units.

DWELLING, MULTIPLE FAMILY

A residential building containing three or more dwelling units.

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 dedeered right-of-way. (See Figure 3)

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.

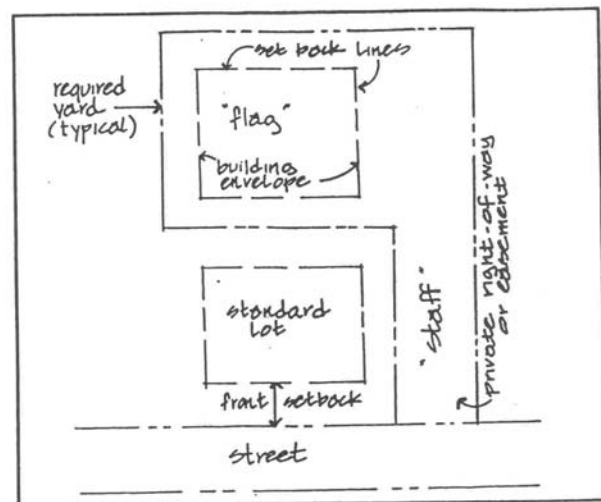


Figure 3
FLAG LOT

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.

GROUP HOME OR RESIDENTIAL CARE HOME

A dwelling to which 24 V.S.A. Sec. 4412 1(G), as amended, is applicable.

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 transient sleeping accommodations are provided for compensation, including additional services such as restaurants, meeting rooms, entertainment and recreation facilities. Included are motels, cabins, tourist courts, motor lodges or similar uses.

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.

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)

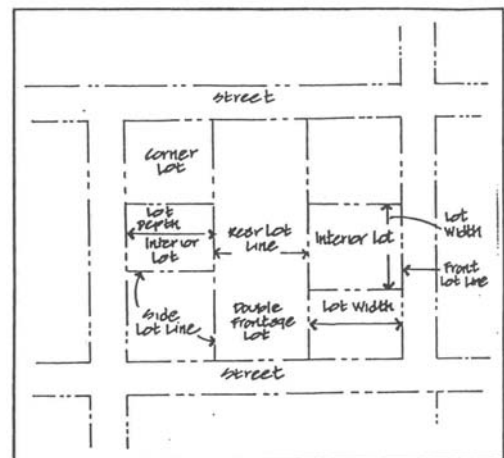


Figure 4
LOT TYPES

LOT COVERAGE

The portion of the area of a lot, expressed as a percentage of total lot area, which is 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.
- 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.

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 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.

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).

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 principle structure.

OPEN SPACE, GREEN

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

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 temporary parking of motor vehicles.

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.

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 business providing similar services of a personal nature.

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.

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 or a group of structures in or on which is conducted the principal use 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.

RESIDENTIAL BUILDING

See "Building, Residential."

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.

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.

SERVICE-INDUSTRIAL ACCESSORY USES

Service-Industrial Accessory Uses shall include, in addition to those uses defined under Accessory Use, the following uses:

- A. On-site employee cafeterias, fitness centers, day-care facilities and similar uses designated for on-site staff only.
- B. Office facilities secondary to any permitted or conditional use.
- C. Retail uses, in conjunction with, and subordinate and incidental to, a permitted or conditional use, which does not exceed 25% of the total operating space.

SETBACK

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

SIGN

Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trade marks 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.

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.

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.

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. Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel. A structure housing a primary use which is or could be independent of other uses on the parcel.

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.

THEATER

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

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.

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:

- LDR - Low Density Residential
- HDR - High Density Residential District
- Business Districts:
 - B-1 - Central Business Subdistrict
 - B-2 - Transitional Business Subdistrict
- S-IND - Service-Industrial District
- FHOD - Flood Hazard 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; 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 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 Intent of Districts

A. LDR-Low Density Residential

The intent 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.

B. HDR- High Density Residential

The intent 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.

C. Business Districts

It is the intent of the Business District 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 this district 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 District and to expand the tax base. Toward these ends, the Business District is composed of two subdistricts: B1 - Central Business Subdistrict and B2 - Transitional Business Subdistrict.

1. B1- Central Business Subdistrict

It is the intent of the B1 - Central Business Subdistrict to provide for a diverse range of business and service uses within the traditional business center of the City. The subdistrict 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 subdistrict are intended to protect the National Landmark Historic District and the special urban features of Taylor Park.

2. B2 – Transitional Business Subdistrict

It is the intent of the B2 - Transitional Business Subdistrict 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 subdistrict 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 subdistrict.

D. S-IND – Service Industrial District

It is the intent 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.

E. FHO- Flood Hazard Overlay District

The intent 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 districts established in this Bylaw; where the provisions of the underlying district differ from those of the Flood Hazard Overlay District, the more restrictive shall govern.

Section 304 Permitted and Conditional Uses

USES	LDR	HDR	B1	B2	S-IND
Adult Business or Adult Entertainment Establishment (Section 408)					C
Assembly and exhibition halls			C	C	
Banks and other financial institutions			P	P	
Bar, nightclub			C	C	
Bed & Breakfast/Lodging House	C	C	C	C	
Building contractor's facility					P
Building Contractor's facility with inside storage of equipment				C	
Car wash/ automatic car wash				C	C
Cemetery		C		C	
Clinic	C	C			
Clinic/ medical facility	C	C	C	C	
Clubs, Social, private and fraternal and similar uses			C	P	
Community Center	C	C	C	C	
Community House				C	
Congregate Housing	C	C		C	
Day Care Facility in accordance with Section 405		C	C	C	C
Day Care Home, Large Family in accordance with Section 405	P	P	P	P	P
Day Care Home, Small Family in accordance with Section 405	P	P	P	P	P
Drive-in or drive-through facilities used in connection with office, clerical, research and services not primarily related to goods or merchandise			C	C	
Dry cleaner, Laundromat			P	C	
Dwelling units located second floor and above, when 1 st floor is commercial			P	P	
Dwelling units on first floor when located outside the Historic District and when entire property is used for residential purposes			P	P	
Dwelling, Multiple Family		C		C	
Dwelling, Single family	P	P		C	

USES	LDR	HDR	B1	B2	S-IND
Dwelling, Two family	C	C		C	
Funeral homes			C	C	
Group homes in accordance with Section 501	P	P	P	P	P
Home Industry in accordance with Section 404	C	C	C	P	P
Home occupation in accordance with Section 403	P	P	C	P	P
Homeless shelter			C		
Hotels, dormitories			C	C	
Industrial/commercial dry cleaner/ laundry					P
Kennel					C
Library, museum, art gallery or center, etc.			C	P	
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
Mobile home park in accordance with Section 406		C			
Convenience Store, Gas Station			C	C	P
Motor vehicle sales, rental and service			C	C	P
Motor vehicles parking lot not associated with principal use			C		C
Nursery schools		C	C	C	
Nursing care or intermediate care institution for children or adults				C	
Office, clerical, research and services not primarily related to goods or merchandise			P	C	P
Other educational or cultural uses			C		
Personal services			P	P	
Planned unit development (Section 413)				C	C
Planned unit development, residential uses only (Section 413)	C	C			
Public Facility: as described in Section 410 of these regulations	C	C	C	C	C
Recreation (private)					C
Recreation, amusement and entertainment (private)				C	
Recreation, amusement and entertainment uses with activity conducted within and/or outside a building or structure			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	C
School, Commercial		C	P	P	C
Scrap material, salvage yard, junk yard, etc.					C
Service Industrial Accessory Use					C
Storage and parking			C	C	C
Storage, Warehouse and Distribution Facilities					P
Structures accessory to dwelling	P	P	C	P	C
Transportation facility, including bus and train stations			C	C	C
Utility facilities					C
Veterinary hospital				C	C

P – Permitted Use (allowed by approval of Zoning Administrator), in accordance with Section 601

C – Conditional (allowed by approval of Development Review Board), in accordance with Section 602

Section 305 Flood Hazard Overlay District

A. Dimensional Standards: The same as underlying district area and dimension requirements.

B. Permitted uses - allowed by approval of Zoning Administrator

-Open space uses including open air markets, recreation uses outside enclosed building or structure.

C. Conditional uses - allowed by approval of Development Review Board

- New Construction
- Substantial improvements to existing structures
- Land alterations
- Outdoor recreation, amusement, entertainment
- Sales and rental of goods, merchandise and equipment with no building, no outside storage, such as open air markets
- Structures accessory to dwelling

D. 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.

E. 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.

Section 306 Dimensional Requirements

	LDR	HDR	B1	B2	S-IND
Minimum Lot Area:	single family 9,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 12,000 sq. ft.	single family 7,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 10,000 sq. ft.	2,000 sq. ft./dwelling unit for new construction	single family 7,500 sq. ft. multi family 5,000 sq. ft./unit two family and all other uses 7,500 sq. ft. Congregate housing 2,000 sq. ft. per unit	10,000 sq. ft.
Minimum Lot Width:	single family 75 ft. all other uses 100 ft.	75 ft.	20 ft.	75 ft.	100 ft.
Minimum Setbacks:					
Front -	20 ft., or average of all buildings within 200 ft. of side lot lines	10 ft., or average of all buildings within 200 ft. of side lot lines	0 ft., where a front setback is provided is shall not exceed 10 ft.	Average of all buildings within 200 ft. of side lot lines	20 ft., or average of all buildings within 200 ft. of side lot lines
Side -	single family dwelling 10 ft. all other uses 15 ft. accessory structure 5 ft. ²	single family dwelling 10 ft. all other uses 15 ft. accessory structure 5 ft. ²	0 ft. Where a side setback is provided the maximum dimension shall not exceed 10 ft. ¹	all other uses 10 ft. ¹ accessory structure 5 ft. ^{1,2}	10 ft. ¹
Rear -	accessory structure 5 ft. All other uses 20 ft. or the average setback of all existing buildings within 200 ft of the side property lines	accessory structure 5 ft. All other uses 20 ft. or the average setback of all existing buildings within 200 ft. of the side property lines	All other uses 0 ft. ¹	accessory structure 5 ft. All other uses 10 ft. ¹	All other uses 10 ft. ¹
Maximum Building Height: In accordance with section 513	28 ft.	28 ft.	60 ft.	28 ft., or height of pre-existing structure in conformance with Sect. 513	40 ft.
Maximum Lot Coverage:	40%	50%	100% as allowed by Sections 515 and 516, and Section 603	70%	Area remaining after required setbacks and buffer areas are met.

Footnotes:

1. In accordance with Section 516

2. As accessory to a residence, a dog house, or child's play house or tree house, or temporary seasonal pools (section 407), or a shed or similar structure with a floor area of not more than 96 square feet and a height of not more than 10 feet may be located within any required yard, except the front yard, but not closer than 2 feet from any property line.

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.

LDR, HDR districts: all uses other than single-family and two-family dwellings except as required elsewhere in these regulations.

B1, B2, S-IND districts: all new construction, enlargement or exterior alteration of structures and changes in parking or parking requirements except for one and two family dwellings, except as required elsewhere in these regulations.

B. Off-Street Parking and Loading

LDR, HDR, B2, S-IND Districts - required in accordance with the requirements of Section 515 of these regulations.

B1 district - required for lots more than one acre in this subdistrict. 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 subdistrict 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

Shall be provided in accordance with the requirements of Section 517 of these regulations.

D. Design Review

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 subdistrict. The Design Advisory Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

B2 District – 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 Section 516 of these regulations.

F. Performance Standards:

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

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.** All performance standards, as stated elsewhere in these regulations, shall be met.
- C.** No traffic shall be generated by such activity in greater volumes than would normally be expected in the neighborhood.
- D.** Parking shall be provided off-street and shall not be located within the required front, side or rear setbacks.
- E.** No employees other than residents of the dwelling unit.

- F. There will be only one home occupation or home industry per property unless approved by the Development Review Board.
- G. 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. No traffic shall be generated by such activity in greater volumes than would be normally expected in the neighborhood.
- C. All performance standards, as stated elsewhere in these regulations, shall be met.
- D. Parking shall be provided off-street and shall not be located in the required front, side or rear setbacks.
- E. No employees other than residents of the dwelling unit.
- F. There will be only one home occupation or home industry per property unless otherwise approved by the Development Review Board.
- G. 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. § 4902(3), as amended, serving six or fewer children (not including children residing in the residence of the caregiver), shall constitute a permitted single-family residential use of property.
- B. Large Family Day Care Home. A state registered family day care home as defined in 33 V.S.A. § 4902(3), 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. § 4902(2), 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, 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

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, and/or motor home on any public or private property, except in accordance with these regulations as follows:

- A. In an approved travel trailer sales lot.
- B. A travel trailer may be parked on private property, in the rear or side yards, providing that the trailer is parked behind the front face of the principal building and no closer than six feet to any lot line. A trailer so parked shall not be hooked up to any utilities or used as temporary living quarters and shall not except for a period of two weeks or less 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. Any new mobile home park shall be reviewed under Section 803, Planned Unit Development.
 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 406.4 Other Provisions

- A.** The provisions of Section 603 Site Plan Review apply.
- B.** All existing mobile homes, trailers, and mobile home parks which do not conform to these regulations, but which conformed to the regulations in place when the use first began, shall be considered non-conforming uses and/or structures, and shall be bound by those regulations

governing non-conforming uses and/or structures as set forth elsewhere in these regulations.

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.
- C.** 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.
- D.** All existing private swimming pools shall comply with A-C above.
- E.** 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.** An accessory dwelling unit that is located within or appurtenant to a single family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
4. The accessory unit or the main dwelling must be owner occupied.
5. Water or wastewater utilities for the main and accessory dwelling units shall be separately metered and the current owner and occupant(s) of both units be identified in the utility records.

- B.** Notwithstanding the provisions in Section 409A above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

1. A new accessory structure, constructed after the enactment of these bylaws,
2. An increase in the height or floor area of the existing dwelling,
3. An increase in the dimensions of the parking areas.

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:

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the State Department of Education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. Chpt. 159.
6. 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 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 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

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 in LDR, HDR, B1, or B2 may not be altered or extended, except to conform to these regulations.
- F.** All non-conforming, non-residential uses in LDR and HDR shall be required to meet the criteria found in Section 705(C).

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 413 Planned Unit Development

A. Authority and Review Process

With the approval of a Planned Unit Development, the Development Review Board is hereby empowered to vary certain zoning regulations, as indicated herein, under the criteria and procedures established in Section 4417 of the Act. Any application for a Planned Unit Development that involves a subdivision of land will be required to receive subdivision approval under Article 8 in addition to any others approvals required by these regulations.

B. Purpose

The purpose of a planned unit development is to encourage a development which will result in:

1. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
2. An efficient use of land resulting in smaller networks of utilities and streets.
3. An environment in harmony with surrounding development.
4. A more desirable environment than that which would be possible through the strict application of other sections of these regulations.
5. For residential planned unit developments, a choice in the types of environment and living units available to the public and quality in residential land uses.
6. For residential planned unit developments, green space and recreation areas.

C. Application

Proposals for planned unit development shall be referred to the Development Review Board by the Zoning Administrator. In addition to any other application requirements for Conditional Use or Subdivision, the material accompanying the proposal shall contain the following:

1. A site plan showing all buildings, parking areas, sidewalks, roadways and landscaping at a scale sufficient to permit the study of all elements of the plan.
2. The location and description of all utilities and rights of way.
3. Elevations of all buildings.
4. The adjacent building outlines and other outstanding features within two hundred (200) feet.
5. Changes in grading.

D. Development Standards

A planned unit development shall comply with the following standards:

1. Shall be an allowed use within the district which the project is located.
2. Shall have contiguous acres equal to three times the minimum lot size for the district for the uses(s) proposed.
3. Lot size, width, front yard depth, and side yard requirements of the district in which the planned unit development is located may be waived; however, these shall be evaluated by

the Development Review Board on their individual merit, based on the purposes set forth in Section 804B and the intent of the Municipal Plan.

4. The permitted number of dwelling units may include a density increase of as much as twenty-five (25) percent beyond the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations for the district in which the land is located. In granting a density increase, the Development Review Board shall consider the capacity of community facilities and services and the character of the area affected.
5. A residential only planned unit development shall set aside open green space for common usage as follows: for projects up to 1.5 acres at least thirty (30) percent shall be set aside, and for projects over 1.5 acres, at least fifty (50) percent of the development shall be set aside. The regulations for control and maintenance of this open green space shall be approved by the Development Review Board.

E. Rules and Regulations

The Development Review Board may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these zoning regulations for planned unit development, provided the rules and regulations are not inconsistent with the zoning regulations.

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 comply with any special conditions or standards that apply to the similar use.

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

Any undeveloped lot in individual and separate and non-affiliated ownership from surrounding lots, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet.

Any undeveloped 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.

However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply: (i) The lots are conveyed in their preexisting, nonconforming configuration;(ii) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system;(iii) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner;(iv) 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. 24 V.S.A. § 4412(2).

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 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 residential use of property, 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

Where a district boundary line divides a lot of record, the regulations for the district that contains the portion of the lot that has frontage on a public road shall apply. When the district boundary line divides the property line that fronts the public road, the regulations for the district in which the major part of the property line lies shall apply.

However, when two or more properties located in different zoning districts are reconfigured or combined, zoning 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 one and two family residential uses. Driveways connecting individual lots to the street network shall be clearly defined and of the minimum width necessary to provide safe access. However, driveways located in residential districts will be no wider than 20 feet. If the 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.

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 to 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 Subdistrict, 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 sixty (60) feet in the S-IND District and up to seventy-two (72) in the B1 District if it determines that by doing so the proposed structure will:
1. More efficiently utilize the site;
 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 B-2 Business 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;
 3. Have minimal impact on abutting properties exposure to solar radiation.

An increase in the setback requirements may be a condition of the approval of height limit increase. 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.

- C.** In the B1 – Central Business Subdistrict, the following minimum height requirements shall apply:
1. new structures shall be not less than two (2) stories in height;
 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.
- D.** In the B2 – Central Business Subdistrict, 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.

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 shall not be allowed in the required front yard setback area in any LDR, HDR, B1 or B2 district, except for parking existing prior to the adoption of these regulations.
- B.** When a site plan is required in LDR or HDR, 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 or B2, 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 subdistrict 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.** Parking shall be to the side and rear of the principal building or in the driveway with uses other than those in existence prior to adoption of these regulations.
- E.** In the event that parking is provided at the side of the building, no parking space shall be within 10 feet of the front of the principal building.
- F.** All parking spaces for other than a single or two-family dwelling or accessory apartment 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.
- G.** 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.
- H.** In LDR and HDR 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.
- I.** 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 (degrees)	Aisle Width (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

Joint parking facilities for two different land uses may be shared, upon approval of the Development Review Board, where it can be demonstrated that the two uses have different principal operating hours. Where such facilities are proposed, the applicant should submit a parking demand analysis identifying the demand of each component use for various time periods. Shared parking areas in the Business Districts and S-IND-Service-Industrial District may be located on lots adjacent to the principal use or within four hundred (400) feet thereof.

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 per dwelling unit
Dwelling, Multi-Family	2 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 plus 1 per any accessory apartment
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	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
Medical Facility	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 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

The applicant shall provide a suitable performance bond or other form of security to guarantee the performance and completion of all required landscaping, site restoration, screening, fencing, paving, striping and public improvements. In the case of landscaping, bonding shall be sufficient to guarantee all plantings for a period of two years.

C. Buffers

Where properties used for non-residential purposes abut residential properties, buffers areas will be provided and maintained on the non-residential property for the purpose of reducing the visual impact of the non-residential use. 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 non-residential property for 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 non-residential land use in a business district abuts land in any residential district, the side and/or rear yard setbacks, 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 business district or service industrial 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. Setbacks Areas, Parking

All required setback areas of LDR, HDR, B1 and B2 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. 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 one or two family properties. The location of accessory structures shall be governed by the Table of Dimensional Standards in Section 306.

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 one family and two family dwelling units, 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 Administration

A. Purpose

It is the intent of this Section to permit only those signs and displays graphics, which are:

- Designed to be highly legible in the circumstances in which they are seen;
- Designed to be compatible with their surroundings;
- Fabricated, installed and maintained in good condition;
- Appropriate to the type of activity to which they pertain; and,
- Expressive of the identity of individual proprietors and of St. Albans as a whole.

B. Sign Permit and Application

1. No sign shall be erected, or changed, unless a permit for the same shall have been issued by the Zoning Administrator after favorable review from the Design Advisory Board as hereinafter provided. The fee for such permit shall be established by the City Council from time to time and be payable at the time of application. 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. The Zoning Administrator will issue a sign permit as hereinafter provided for any and all signs in the City not contrary to these zoning regulations.

3. Prior to the erection of any sign, the applicant shall file with the Zoning Administrator an application in writing for a permit to erect such sign, on an application form supplied by the Zoning Administrator. The approval of said application by the Zoning Administrator shall expire within three (3) months from the date of such approval unless a permit to erect such sign is secured and such sign is erected. When such application has been approved by the Zoning Administrator, a permit shall be issued to the applicant.

4. Maintenance of existing signs doesn't require a permit if the maintenance includes the following:

- A. Normal cleaning, repair, or upkeep
- B. Work that does not alter the size, shape, color or wording of the existing sign

C. Design Review

1. All business signs shall be subject to review by the Design Advisory Board and subject to the provisions provided herein.

D. Removal of Signs

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.

517.2 General Requirements

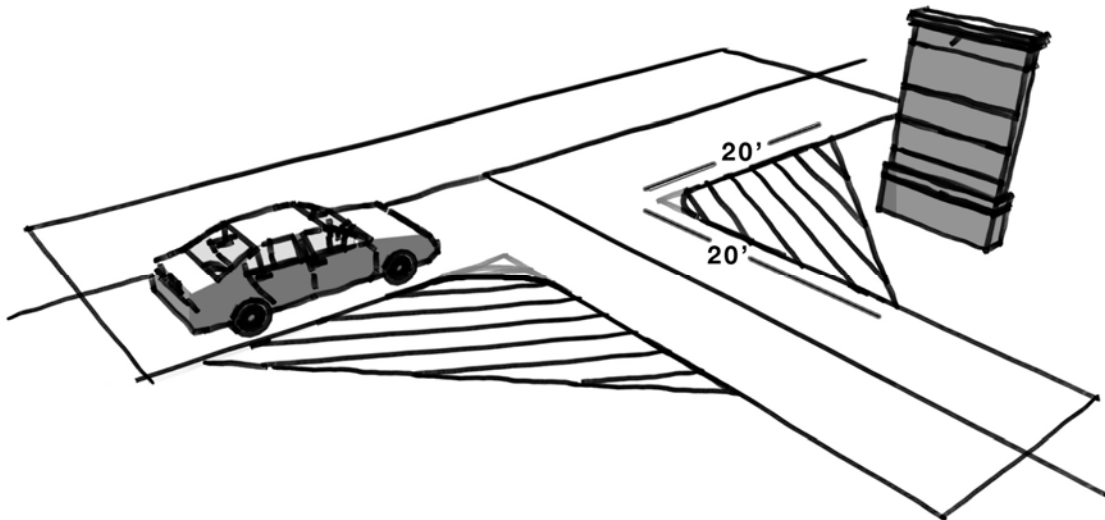
A. Location and Visibility

1. 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.

2. No sign shall be located on public property or in the public right-of-way and all signs shall be setback no less than ten (10) feet of the edge of the public right-of-way, except as provided for herein. This requirement may be subject to Review if pre-existing space constraints do not allow such setbacks. Federal, state and municipal warning, regulatory and guide signs shall be exempt from this requirement.

3. No sign shall be located within the vision clearance area, which is the triangular area at a roadway intersection defined by measuring (20) feet along the intersecting road edges except in the Business 1 (B-1) District, no projecting sign shall project into, above or within ten (10) feet from the curb. This requirement may be subject to Review and individual signs may be permitted

within the vision clearance area if sufficient need is demonstrated and if the design and location of such signs are compliant with §517.2.A.1



Hatched triangles indicate vision clearance areas

Figure 1. Vision clearance area for roadside signage.

4. The Review Board may alter or waive the clearance area and or setback requirements.
5. No sign shall be erected which obstructs free entrance and exit from a required door, window or fire escape, or which obstructs light, air or interferes with the proper functioning of the building.
6. All signs shall be on the same lot as the business it pertains to.

B. Measurement of Sign Area and Height

1. All awning signs, banners, flags, pennants, free-standing or ground signs, projecting signs, wall signs or other similar lettering or graphic displays shall be included in the total sign area permitted.
2. Sign area shall be quantified as square ft (sq. ft.) and be calculated upon the entire area of the sign panel, with a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of the supporting framework shall not be included in the area if such framework is incidental to the display and does not bear any copy or graphics
3. One sign face will be considered as the sign area for double-sided signs and signs designed to be viewed from two directions in which the two single faces are at not more than a thirty degree angle from each other.
4. For a sign painted on or applied to a building, structure, or window, the area shall be

considered to be that of the smallest rectangle or simple geometric shape enclosing all the copy and/or graphics of the sign.



Figure 2. Lettering area for structure applied signage.

5. The height of any sign shall be measured from the median ground level of the lot frontage to the highest point of the sign or supporting framework

6. The area of three-dimensional or representational signs shall be calculated as one-half of the sum total of the projected area of the largest front and side views.

C. Construction and Maintenance

1. All construction, fixtures, wiring and installations shall conform to all applicable State and National fire prevention, building and electrical codes. All construction and installation shall be of high quality, durable materials and methods able to withstand all predictable environmental conditions and wind loads.

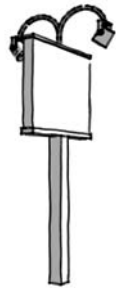
2. All signs shall be maintained in good condition and shall not be allowed to become dilapidated or in a state of disrepair.

3. All nonconforming signs when replaced or remodeled shall be brought into conformance with current standards.

D. Sign Lighting

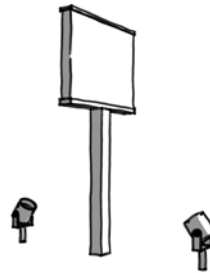
1. All external sign lights and external illuminated signs shall only be lit during hours of commercial or organizational operation for the associated use. Sign lights or illuminated signs deemed necessary by the Review Board for purposes of public safety shall be exempt from this requirement.

2. 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.



THIS

Figure 3. Downward Lighting

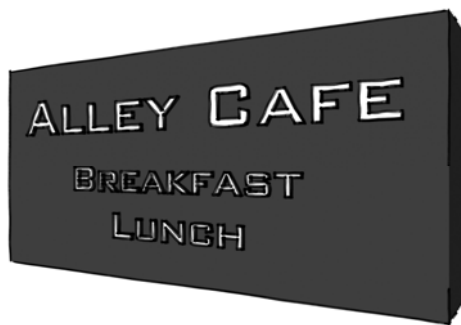


NOT THIS

Figure 4. Upward Lighting

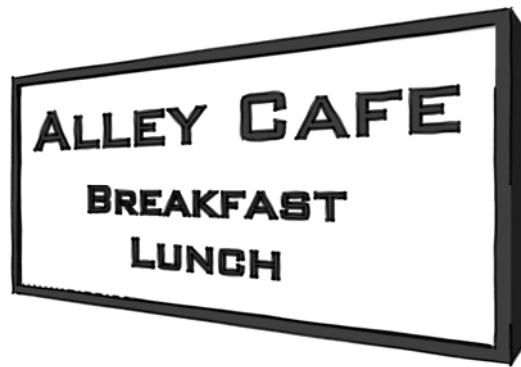
3. Only white or off-white light of a constant intensity shall be permitted as the primary light source for any sign.

4. Internal illumination 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 examples in 517.9.



THIS

Figure 5. White graphics on a dark background.



NOT THIS

Figure 6. Dark graphics on a light /white background.

5. Internally illuminated signs shall not be permitted in residential or historic districts. However, internally lit marquee type signs for movie theatres and performing arts centers are permitted in historic districts with these conditions: 1) Such signs are based on historical precedent, as demonstrated by the applicant; 2) the proposed lighting will not create unacceptable glare or light trespass; and, 3) the sign lighting and overall design is consistent with industry standards for such sign types.

6. The average level of illumination of a sign face shall not exceed 10.0 foot-candles and the uniformity ratio shall not exceed 2:1 (average: minimum), which means that the average foot candle illumination, or brightness, of the sign face will not exceed two times that of the minimum foot candle illumination on the sign face. The Design Advisory Board may require the applicant to submit a photometric analysis, which delineates light levels and uniformity ratios. The Design Advisory Board may require a test of foot-candle illumination, if necessary, on a constructed sign using a light meter, to ensure a sign light does not exceed allowable illumination levels and does not result in light trespass.
7. Exposed neon shall be permitted only as a minor portion of a sign or sign lighting and will be subject to Design Review.
8. 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.
9. No string/rope of lights shall be used as sign lights unless such lights are shielded so that the lights are not visible from typical viewing angles. No lights or string/rope of lights shall be 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. This shall not be interpreted to include seasonal or holiday decorations temporarily displayed.
10. Basic information signs, such as “vacancy/no vacancy” or “open” or store hours will not count as part of the sign area if such signs do not exceed 25% of the overall sign square footage.

Section 517.3 Prohibited Signs

- A.** Flashing signs, roof signs, signs containing moving parts, or signs containing reflective elements which sparkle or otherwise reflect sunlight. Signs, which indicate the current time and/or temperature, are permitted provided they meet all other provisions of these regulations;
- B.** 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;
- C.** 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;
- D.** Signs affixed to a fence, utility pole or utility structure, or to a tree, shrub, rock or other natural object;
- E.** Signs erected on a gasoline station canopy, except that the logo of a single product line may be erected which does not occupy more than one-quarter the area of a single side border of the gasoline station canopy. Such canopy signs shall be included in the total sign area of the lot;

F. Internally illuminated in residential or historical districts except as otherwise provided for herein.

G. 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;

H. Off-premise signs.

I. Sandwich board signs intended to be visible from a public right-of-way, except that such signs shall be permitted in the Business 1 (B-1) District as well as the Traditional Downtown (DR-1) and Downtown Expansion (DR-2) Design Review Districts. Sandwich board signs are permitted in these locations as long as they 1) do not obstruct or interfere with pedestrian travel and sidewalk functions; or 2) do not create a pedestrian or vehicular safety hazard.

Section 517.4 Pre-existing Signs and Non-Conforming Signs

A. 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.

B. 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.

Section 517.5 Standards and Regulations for Specific Sign Types

A. Awning Signs

1. An awning sign is any sign painted on, attached or otherwise applied to the cover of a moveable or permanent frame of the hinged, roll folding or fixed type of awning.

2. Such sign shall be applied directly to the surface of the awning, and shall not extend beyond the limits of the awning cover or be attached to the underside.

3. The total area of any awning sign shall comply with all requirements as Section 517.

4. A minimum of 7 feet above sidewalk level shall be allowed for pedestrian clearance below awnings.

5. Awning signs shall be considered part of the total permitted sign area and shall not exceed 20% of the awning surface area.

6. Internally illuminated awnings or neon on awnings shall not be permitted.

B. Construction Signs

1. A construction sign is any on-premise sign temporarily identifying the contractor, architect, landscape architect, and/or engineer's name, address and other pertinent information.
2. Such signs shall employ temporary methods of installation and may be maintained on the property for the term of construction, and not more than 30 days following the completion of construction.
3. Such signs shall not exceed 32 square feet in area.

C. Banner, Flag or Pennant Signs for Daily or Long Term Use

1. A banner, flag or pennant is any sign of lightweight fabric or similar material that is mounted to a pole or to a building.
2. Such signs shall not exceed 15 square feet in area per flag/banner in the Business 1 (B-1) District and the Traditional Downtown (DR-1) Design Review District. In all other Districts, banners, flags and pennant signs shall not exceed 20 sq. ft.
3. A minimum of 7 feet above sidewalk level shall be maintained below any flag, banner or pennant suspended from a pole, without wind present
4. Banners may be used as Projecting or Wall signs. Such banners shall comply with all applicable standards and requirements for Projecting or Wall signs, shall require applicable permits and shall be included when calculating permitted sign area.
5. Government flags or government insignias displayed on flagpoles and not used as wall or window signs.

D. Directory Signs

1. A directory sign is any sign that is used for a multi-tenant parcel or property, which includes two or more individual business establishments.
2. Directory signs shall feature the name and/or address of the parcel or property and shall not include lengthy listings of individual business establishments. No more than three "anchor" business establishments may be included on such directory signs when used for street or roadside advertising.



Figure 7. Free standing directory signage for roadside or street side signs.

3. Directory signs may be freestanding or wall signs.

E. Freestanding Signs

1. A freestanding sign is 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.

2. The height of a freestanding sign shall not exceed:

- ☐ 12 feet in the Business 1 District
- ☐ 18 feet in the Business 2 District
- ☐ 4 feet in the High- and Low-Density Residential Districts
- ☐ 18 feet in Service-Industrial District

3. Free standing signs over 6 feet in height may have no more than 2 sides. When a sign has two or more faces, the area of all the faces shall be included in determining the sign area.

4. Freestanding signs shall not be permitted for uses above ground level, except if such sign is a portion of a freestanding sign permitted for a multi-tenant building or group of buildings.

F. Home Occupation Signs

1. Home occupation signs may be projecting, wall or window signs, or they may be combined all in one panel.

2. Home occupation signs may not exceed a total size of 4 square feet.

G. Projecting Signs

1. A projecting sign is any sign that is mounted to a building and that is perpendicular to the side of a building on which it is mounted
2. Sign area of projecting signs shall not exceed 10 square feet.
3. Such sign shall be hung at a right angle to the building and shall not project more than 4 feet out from the building.
4. Projecting signs shall have a minimum clearance of 9 feet above grade when located adjacent to or projecting over a sidewalk. If projecting over an alley or driveway, the clearance shall be at least 13 feet.
5. The top edge of projecting sign panels or any extensions of the sign panel shall not exceed the height of the bottom edge of second story windowsills. Minimal support structures, chains or cables may be permitted to exceed such height and shall be subject to Review.
6. Projecting signs shall not be permitted uses above ground level, except if such sign is a portion of a projecting sign permitted for a multi-tenant building or group of buildings.

H. Temporary Signs

1. Temporary signs are any signs, which are used temporarily, are not permanently mounted and announce a short-term activity or event.
2. Temporary signs shall not exceed 6 square feet in area.
3. Such sign shall be removed when the activity or event being announced is ended.
4. Temporary signs may not be displayed more than 30 days in a 12-month period.

I. Wall Signs

1. A wall sign is any sign, which is, attached parallel to the exterior surface of a building or structure.
2. Such sign shall not project more than 15 inches from the building surface measured from the eave.
3. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately according to Section 517.6.
4. Where two or more wall signs are affixed to a wall, the sum total of sign area shall not exceed the total sign area permitted.
5. Wall signs shall not extend higher than the top of the parapet wall of the principal building.

6. Wall 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.

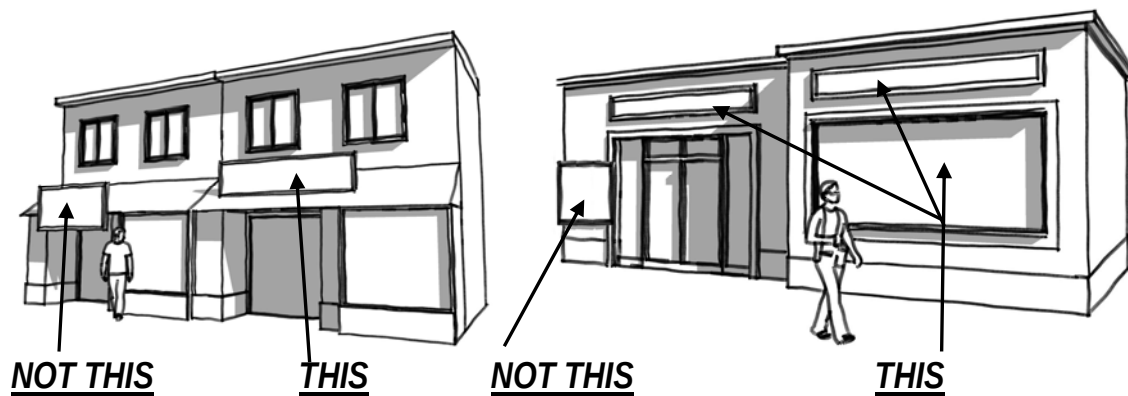


Figure 8. Correct and incorrect sign placement.

Figure 9. Correct and incorrect sign placement.

J. Window Signs

1. A window sign is any sign which is painted or otherwise applied or mounted onto a windowpane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or the street.

2. Window signs shall not exceed more than 25 percent of the window area in which they are displayed.

3. Temporary window signs, banners, posters and graphics may be displayed without permit or fee providing they do not exceed fifteen (40) percent of the total display window area

4. Product displays which directly display the business name or similar advertising elements shall be considered window signs and shall be included in the total sign area permitted.

Section 517.6 Permitted Sign Types, Quantities and Sizes

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
Ground Level Business	Principal Sign	(1) OR (1) per public	Awning	20% of awning surface area	Min. 7 feet above sidewalk level
		OR			

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
		right-of-way on corner lot	Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface
				9 sq. ft. in HDR & LDR districts	
			OR		
			Window	25% of window area; temporary window displays may not exceed 40% of window area	
			OR		
			Projecting	10 sq. ft.	Min. 9 feet above sidewalk; Min. 13 ft. over an alley or driveway
	Accessory Sign	(1) OR (1) per entrance on each public right-of-way of corner lot	Flag	15 sq. ft. in B-1 and DR-1 districts; 20 sq. ft. in all other districts	Min. 7 feet above sidewalk
			1. OR		
			Banner		
			2. OR		
			Pennant		

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
Above Ground Level Business	(1)		Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; <i>OR</i> 10% of wall area 9 sq. ft. in HDR & LDR districts	Shall not project more than 15 inches from building surface
			3. OR		
			Window	25% of window area; temporary window signs may not exceed 40% of window area	
Multi-Tenant Business Development	Parcel/ Development	(1)	Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; <i>OR</i> 10% of wall area 9 sq. ft. in HDR & LDR districts	Shall not project more than 15 inches from building surface
			OR		
			Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area <i>OR</i> 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & LDR; 18 ft. in S-IND

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE	
	Individual Business	(1) per business	Awning	20% of awning surface area	Min. 7 feet above sidewalk level	
			OR			
			Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface	
				9 sq. ft. in HDR & LDR districts		
			OR			
			Window	25% of window area; temporary window signs may not exceed 40% of window area		
			OR			
			Projecting	10 sq. ft.	Min. 9 feet above sidewalk; Min. 13 ft. over an alley or driveway	
Home Occupation	(1)			4 sq. ft.		

USE	MAX. QUANTITY		SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
			4. OR		
			Wall		
			5. OR		
			Window		
Single Family Residence	(1)		Wall	2 sq. ft.	Shall not project more than 15 inches from building surface
Two- or Multi-Family Residence	Parcel/ Development	(1)	Wall	6 sq. ft.	Shall not project more than 15 inches from building surface
	Individual Unit	(1) per unit	Wall	1 sq. ft.	
Boarding/ Rooming House	(1)		Awning	6 sq. ft.	
			6. OR		
			Freestanding		
			7. OR		
			Projecting		
			8. OR		
			Window		
Subdivision or Development Sale or Lease	(1) per public right-of-way frontage		Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & L 18 ft. in S-IND
Public, Municipal, Institutional or Service Organization	(1) per public right-of-way frontage		Awning	20% of awning surface area	Min. 7 feet above sidewalk level
			OR		

USE	MAX. QUANTITY	SIGN TYPE PERMITTED	MAX. AREA	HEIGHT/ CLEARANCE
		Freestanding	Sign shall not exceed the smallest of: 64 sq. ft of sign area OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street	12 ft. in B-1; 18 ft. in B-2; 4 ft. in HDR & LDR 18 ft. in S-IND
		OR		
		Wall	In B-1, B-2 & S-IND districts, sign shall not exceed the smallest of: 120 sq. ft of sign area; OR 1.5 sq. ft. of sign area for each lineal foot of ground floor storefront facing the street; OR 10% of wall area	Shall not project more than 15 inches from building surface
			9 sq. ft. in HDR & LDR districts	
		OR		
		Window	25% of window area; temporary window signs may not exceed 40% of window area	

Section 517.7 Exempt Signs

The following signs shall be exempt from the requirements of these regulations:

A. Signs less than two (2) square feet in area, without advertising, displayed for direction, instruction or convenience of the public, including signs which identify rest rooms, entrances and exits, hours and days of business, posted areas or the like, provided such signs are on the premises of the activity served by such sign;

B. One sign not exceeding six (6) sq. ft. in area is permitted for advertising the sale, rental or improvement of the premises on which it is located;

- C.** Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- D.** Legal notices, identification, informational, warning or directional signs displayed in accordance with governmental regulations or requirements;
- E.** Government flags or government insignias, displayed on flagpoles and not used as wall or window signs;
- F.** Integral decorative or architectural features of buildings, memorial signs or tablets denoting the names of buildings and dates of erection when cut into masonry or constructed in durable, non-flammable materials and attached flush to the wall;
- G.** One on-premises sign not exceeding four (4) square feet in area advertising “garage sale,” “tag sale”, or other temporary sale: such signs may be displayed for a period up to 48 hours in advance of the sale and 12 hours after the completion of the sale;
- H.** Bulletin boards for official and/or public use located on municipal property; and,
- I.** Decorative murals that do not contain any business, advertising or product references.

Section 517.8 Examples of Good Sign Design



LED down lighting



Incandescent down lighting



Internal illumination w/ opaque background



Halo lighting (shown day and night)



Awning sign



Cut-out lettering and sign band



Window graphics



Building directory



Projecting sign (w/ down lighting)



Symbols as signs



Regional context



Regional context



Landscape feature sign



Building mounted



Monument sign and architectural context



Monument sign and architectural context

Section 517.9 Examples from St. Albans



Historic sign



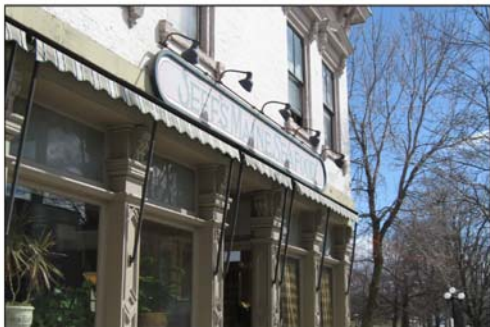
Facade sign



Downlit sign



Perpendicularly lit sign



Downlit sign on building facade



Sign that fits with historic architecture



Simple sign design with 3-D element

Section 517.10 Definitions

Foot-Candle: A quantitative unit of measure for luminance equal to one lumen per square foot measured at ground level.

Glare: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Lumen: A quantitative unit measuring the amount of light emitted by a light source.

Luminance: The quotient of the luminous flux at an element of the surface surrounding the point and propagated in directions defined by an elementary cone containing the given direction. It is a measure of light emission.

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. Low pressure sodium
4. Neon (except low level/accent)
5. Internal illumination of signs or awnings

B. Approved Lighting

1. Height of any light fixture shall not exceed 20 feet Metal Halide or color rendition-corrected high-pressure sodium
2. Down directed shielded lighting
3. Low Poles, up to 16 feet high, with very low intensity or down shielded fixtures
4. The maximum height of any light fixture shall not exceed 20 feet.

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 seventy (70) decibels at the property line.

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 produces 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 residential 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 section 306. 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 multiple-family developments – In the case of attached residential dwelling complexes, 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 residential parcel 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.

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;
- 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. Substantial construction for the proposed use shall be initiated within one year of granting the conditional use permit.

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.

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 Expiration

Any approvals granted by the Development Review Board under this section shall be considered void one year from the date of the written decision by the Board, or in the case of any appeal being filed, one year after the final decision is granted on appeal, unless the applicant has obtained a building permit in regard to the approved use. The applicant may petition for no more than one (1) one-year administrative extension of the approval period may be considered by the Development Review Board upon petition by the applicant.

Section 602.6 Extension of Conditional Use Permit

A one-year extension to any conditional use approval may be granted by the Development Review Board, if application for such extension is made before the original approval has become void. The Board may consider any conditional use criteria in deciding whether to grant the extension, and specifically should consider any interim changes in the zoning regulations which relate to the proposed use.

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).
1. Site plan approval is not required for a one (1) family dwelling or a two (2) family dwelling.
 2. 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.
 3. 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.
 4. A written recommendation from the Design Advisory Board is required by applicants whose projects are either in the Design Review District or on the National Register of Historic Places prior to the public hearing for site plan approval.

Section 603.2 Application Requirements

- A. A minimum of three (3) full size sets of plans as well as nine (9) copies in 11" x17" size of the application for Site Plan Review shall be filed with the Zoning Administrator.
- 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.

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.
- 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

If any aspect of the site plan requires public roads, public parking, water or sewer, landscaping, screening, fencing, or paving, the applicant shall be required by the Development Review Board to furnish the City a suitable financial guarantee covering these improvements. The financial guarantee shall be released by the City within fifteen days of acceptable completion of the required work.

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 regards 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 Expiration

Site plan approval shall be void if substantial construction is not initiated within one (1) year, and completed within two (2) years of commencement, unless a different construction sequence and schedule is made as part of the site plan approval of the Development Review Board. The owner of an approved site plan may petition for no more than one (1) one-year administrative extension of the initiation period from the Zoning Administrator.

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. 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.
- C. 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.

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. These regulations shall also apply to any structure listed on or eligible for the National or Vermont State Register of Historic Places.

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.





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. Alban's, 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 two-year terms 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 two copies of the Site Plan application to the Design Advisory Board.
- B.** Design Review Application Requirements:
 - 1.** A minimum of one (1) full size set of the information required below as well as five (5) copies in 11" x 17" size of the 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

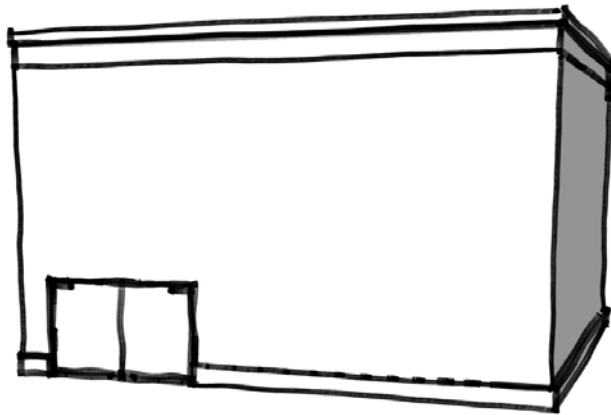
A. Architecture & Historic Preservation

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.



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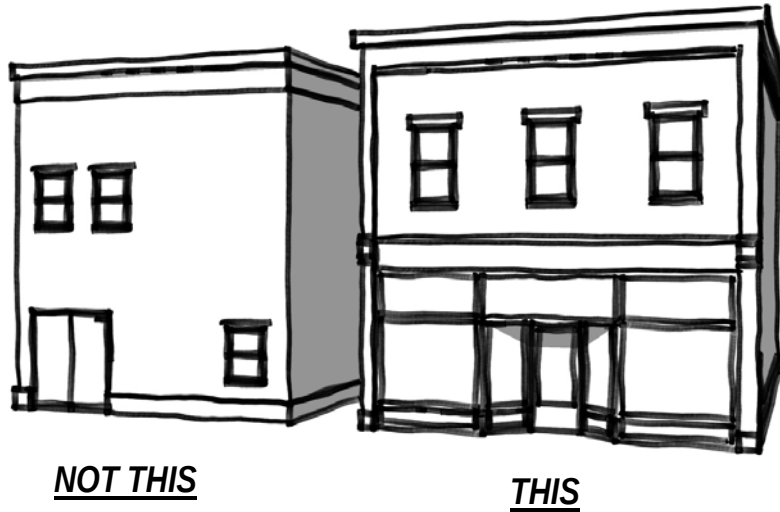


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2. Massing & Scale

- 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.



THIS



NOT THIS

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.

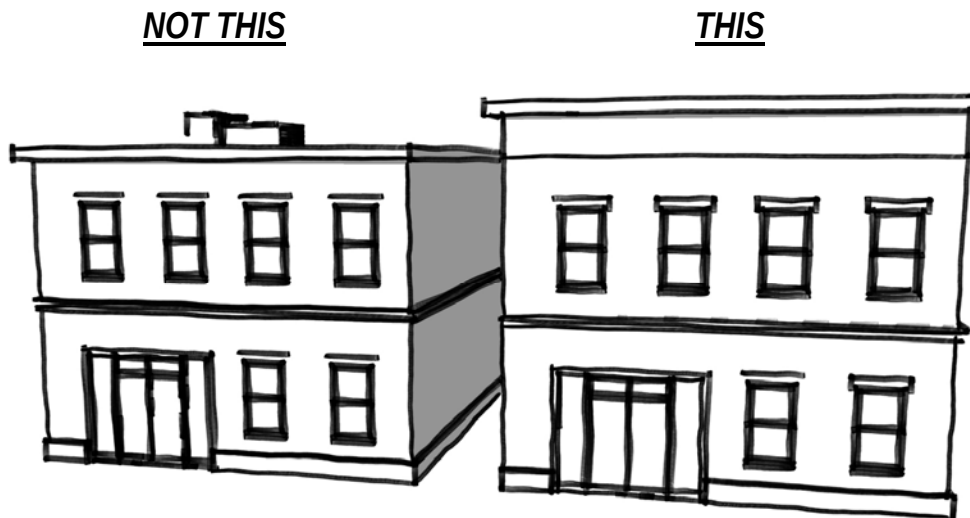
4. Roof Design & Mechanical Equipment Screening

- 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	- 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)	- Multi-colored brick - Imitation Brick Siding - Plain (bare) Concrete Masonry Units - Metal Siding - Asphalt Siding
Trim	- Wood, Finished Grade (painted or stained) - Aluminum	- Bare Wood, Lumber Grade
Windows	- Anodized Aluminum Frame - Wood Frame (painted or stained) - Vinyl Clad - Clear, Etched or Frosted Glass - Stained Glass	- Steel Plate or Angle - Mirrored Glass
Roof	- Natural Slate - Asphalt Shingles - Standing Seam Metal - Stone, Pre-Cast Concrete or Limestone - Parapet Caps/Chimney Caps	
Other	- Canvas Awnings - Walkway pavers/sidewalk - Stamped or poured concrete - Brick or Colored Paving Stone	- Plastic Awnings - Asphalt Walkways

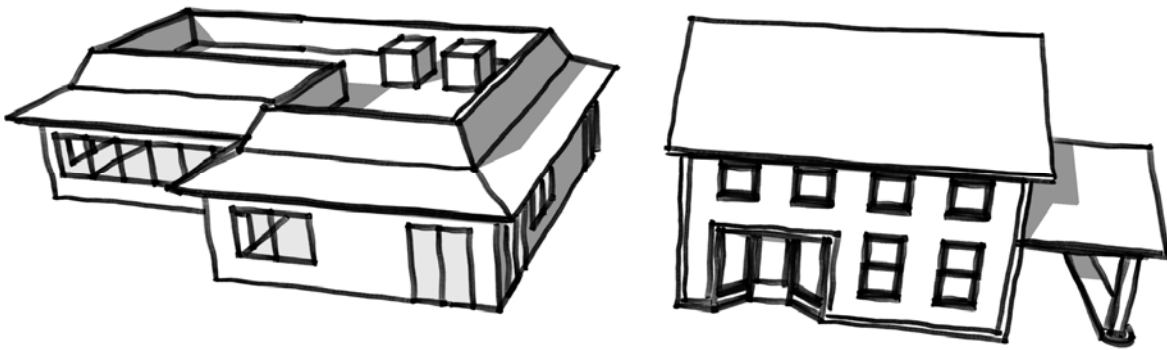
8. Franchises

- 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 stand alone 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. 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 walk able 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.

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 Development Review Board. Such lighting should be down lighting and 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. Sight 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:

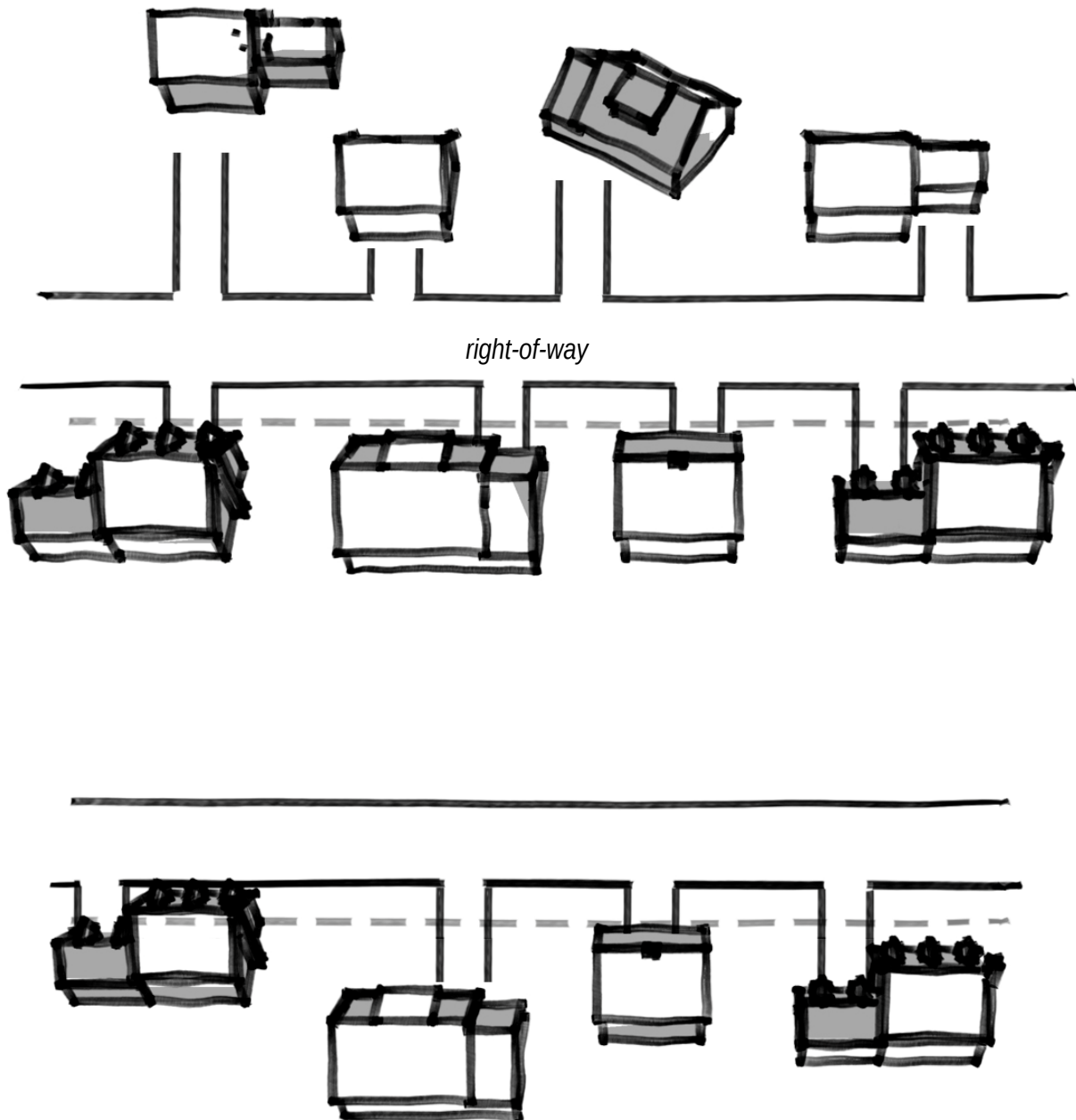
1. Compatibility & Character

- 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.

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



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. 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.
- c) People traveling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.

4. Front Entrances

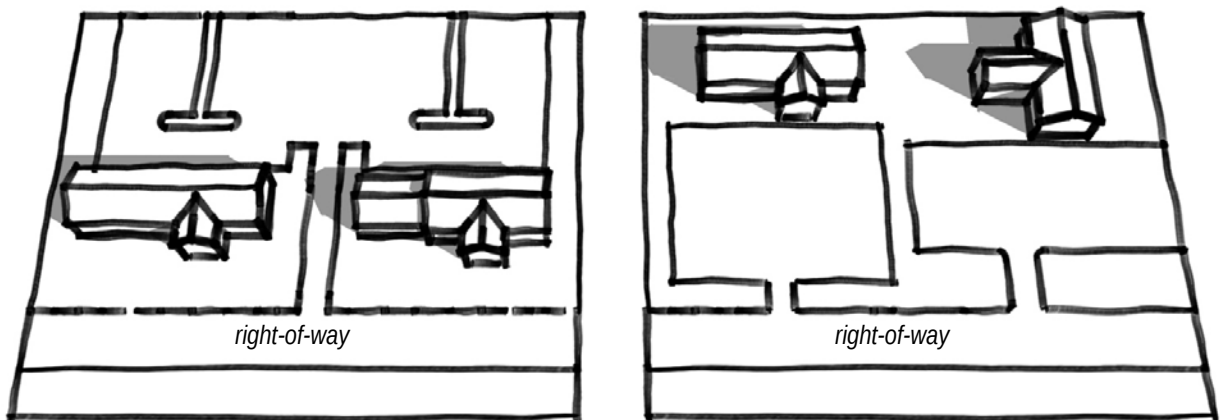
- a) Primary building entries should always be placed at the front of the building and should face the street or public right-of-way so that they are clearly identifiable. If the doorway can not face the street, a clearly marked walkway should connect the entry to the sidewalk (see Section 3.1 Prominent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

5. Parking

- a) 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 asphalt 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 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.

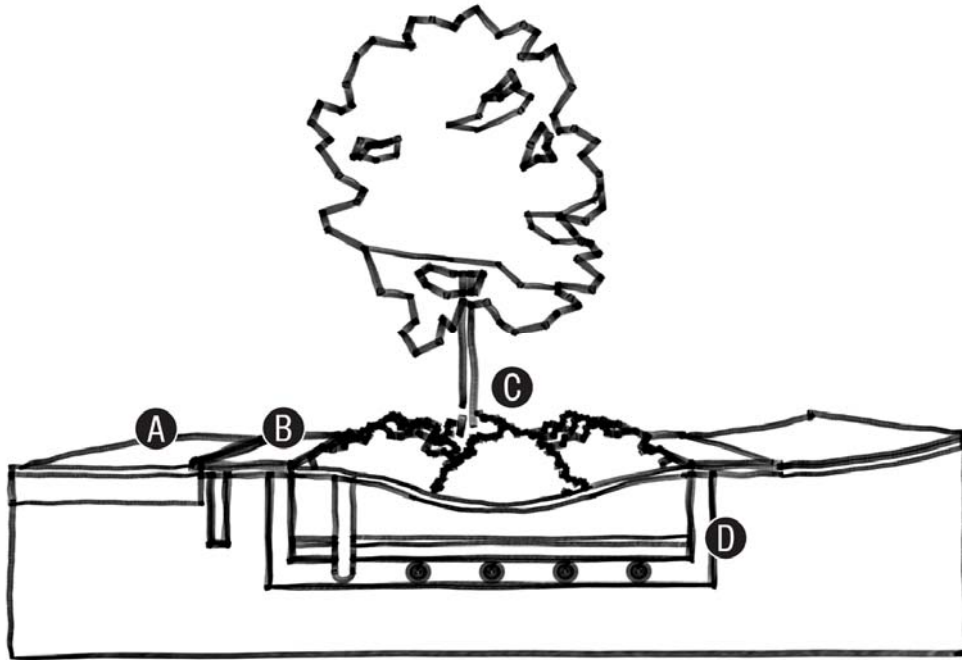
Figure 10. Bioretention for Parking Lots

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 radiuses 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.

Article 8

Subdivisions

Section 801 Purpose

The approval of subdivisions 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, 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, fire stations, 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, subdivisions shall be classified as *administrative subdivision*, *minor subdivision* or *major subdivisions* in accordance with the following:
1. Administrative Subdivisions shall include lot line or boundary adjustments; or any subdivision creating a single new lot.
 2. Minor Subdivisions shall include 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 include any subdivision containing five (5) or more lots; or requiring any new public or private street; or amendments to an approved major subdivision which substantially changes the nature of any previous subdivision or conditions of approval; or any planned unit development that meets the definition of a subdivision.
- C. Coordination with Planned Unit Development Review.** Subdivision applications for Planned Unit Developments (PUDs) that meet the definition of subdivision shall be reviewed as major subdivisions under this Article. Conditional use review under Article 5 may occur concurrently with final 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 Subdivisions

- A. Application Process.** Applicants for Administrative Subdivisions are encouraged to consult with the Zoning Administrator prior to submitting an application to ensure the application meets the requirements of an Administrative Subdivision. Applications for Administrative Subdivisions shall include the following:

1. An actual 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. Proposed name of the subdivision or identifying title.
3. The date, north point, map scale, name and address of record owner and subdivider and names of adjoining property owners.

Upon the submission of a complete application for an Administrative Subdivision, 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 Subdivision, the applicant must submit a plat for recording in the land records as specified in Section 807.

B. Single Lot Subdivisions. Prior to approving a plat for a single lot subdivision, the Zoning Administrator at minimum shall determine that the following conditions are met:

1. Both lots meet the minimum dimensional requirements of the district(s) in which the lots are located;
2. Any existing structures located on such lots meet the setback requirements of the district(s) in which the lots are located;
3. All lots, roads, utilities, and other such provisions are in conformance with Sections 808 and 809 and other applicable requirements.

C. Boundary Adjustments. Prior to approving a plat for a boundary adjustment, the Zoning Administrator at minimum shall determine that the proposed boundary line adjustment shall not:

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

D. Reclassification of Administrative Subdivision. If the Zoning Administrator determines that the proposed subdivision does not meet the requirements of an Administrative Subdivision, the Zoning Administrator may reclassify the proposed subdivision as a Minor or Major Subdivision, and require the applicant to adhere to all related application requirements and development standards.

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

A. 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	Sketch	Prelim Plat	Final Plat
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; 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*		✓	✓
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	✓	✓	✓
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)			
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 and recorded 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. the plat must be signed by the Chair of the Development Review Board.
2. for any subdivision which requires the construction of roads or other public improvements by the applicant, the subdivider shall file with the City Treasurer a financial guarantee to cover the full cost of the required improvements in an amount set by the Zoning Administrator. Any such financial guarantee shall be satisfactory to the Zoning Administrator as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Development Review Board may determine appropriate, not to exceed three (3) years) shall be set forth in the time within which required improvements must be completed.

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.** All streets or other public places shown on such Plat shall be suitably graded and paved, and all sidewalks, street lighting standards, curbs, gutters, and street trees, water mains, sanitary sewers and storm drains, where required by the Development Review Board on the advice of the City Manager, shall be installed in accordance with the standards, specifications and procedure set forth in these regulations and other applicable City

regulations and ordinances, and a performance bond to ensure completion of such improvements shall be provided by the subdivider.

- 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 Manger 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.

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

A Development Review Board of nine (9) members, who shall serve without remuneration and act on all matters within its jurisdiction under these regulations in the manner prescribed in the Act, shall be appointed by the City Council.

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 Building Permits

A. Building Permit

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

1. All persons desiring a building permit 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 buildings 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 building permit.

3. Prior to the issuance of any building 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 a building 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. If the building permit is approved, all activities authorized by its issuance shall be completed within two (2) years of the date of issue or the building permit shall become null and void and reapplication to complete any activities shall be required.
4. Building 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. No building permit shall take effect until the time for appeal in Section 4465 of the Act has passed. In the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
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.

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 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 Building Permits

A fee schedule for building 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.

Article 10

Zoning and Design Review District Boundaries

Section 1001 Map of the Zoning Districts

See Attachment 1

Section 1002 Zoning Districts Described

A. LDR – Low Density Residential District

1. LDR - East Side, South

Beginning at a point which is located on the City boundary line on the south side of the I-89 spur which is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Street;

thence northerly parallel to the centerline of South Main Street across Gilman Avenue to a point 85 feet north of the centerline of Gilman Avenue;

thence easterly parallel to the centerline of Gilman Avenue 40 feet to a point 188 feet east of the centerline of South Main Street;

thence northerly to a point in the centerline of Diamond Street which point is 157.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Diamond Street 24 feet to a point 134 east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 116 feet to a point 140.5 feet north of the centerline of Diamond Street;

thence easterly parallel to the centerline of Diamond Street 117 feet to a point 249.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street to a point in the centerline of

Upper Welden Street which is 249.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Upper Welden Street 90 feet to a point 159.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 74.5 to the center of Stevens Brook;

thence north and east along the center of Stevens Brook to a point which is 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to the centerline of Lincoln Avenue to a point 221 feet west of the center of the Lincoln Avenue and Rugg Street intersection;

thence easterly across Lincoln Avenue and along the centerline of Rugg Street to a point 123.5 feet east of the center of the Lincoln Avenue and Rugg Street intersection;

thence northerly parallel to the centerline of Lincoln Avenue a distance of 109.5 feet;

thence easterly parallel to the centerline of Rugg Street a distance of 124 feet to a point 247.5 feet east of the centerline of Lincoln Avenue;

thence northerly parallel to the centerline of Lincoln Avenue through Ferris Street to a point which is 246 feet south of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Ferris Street 129 feet;

thence northerly parallel to Barlow Street 26 feet;

thence easterly parallel to Ferris Street 232 feet;

thence northerly parallel to Barlow Street 40 feet;

thence easterly parallel to Ferris Street 128 feet;

thence southerly parallel to Barlow Street 14 feet;

thence easterly parallel to Ferris Street 141 feet;

thence southerly parallel to Barlow Street 54 feet;

thence easterly parallel to Ferris Street 62 feet;

thence southerly parallel to Barlow Street 60 feet;

thence easterly parallel to Ferris Street 116 feet;

thence northerly parallel to Barlow Street 125 feet;
thence easterly parallel to Ferris Street to the centerline of Barlow Street;
thence northerly following the centerline of Barlow Street 21 feet;
thence easterly parallel to Fairfield Street 104 feet;
thence northerly parallel to Barlow Street 4 feet;
thence easterly parallel to Fairfield Street 110;
thence southerly parallel to Barlow Street 64 feet;
thence easterly 100 feet to a point 212 feet south of the centerline of Fairfield Street;
thence northerly 19 feet to a point 193 feet south of the centerline of Fairfield Street;
thence easterly 68 feet to a point 193 feet south of the centerline of Fairfield Street;
thence southerly 5 feet parallel to Barlow Street;
thence easterly parallel to Fairfield Street 213 feet;
thence southerly parallel to Barlow Street 20 feet;
thence easterly parallel to Fairfield Street 45 feet;
thence easterly 86 feet to a point 183 feet south of the centerline of Fairfield Street;
thence southerly parallel to Barlow Street 17 feet;
thence easterly parallel to Fairfield Street 105 feet;
thence northerly parallel to Barlow Street 10 feet;
thence easterly parallel to Fairfield Street 81 feet;
thence northerly parallel to Barlow Street 7 feet;
thence easterly parallel to Fairfield Street to the City Boundary;
thence following the City boundary line easterly, southerly and westerly directions to the point of beginning.

2. LDR - East Side, North

Beginning at a point 919 feet north of the centerline of Fairfield Street on the City Boundary;

thence westerly parallel to the centerline of Fairfield Street 240 feet;

thence southerly parallel to the City Boundary 187 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Berkley Terrace;

thence southerly following the centerline of Berkley Terrace to a point 152 feet north of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 100 feet;

thence northerly parallel to the centerline of Berkley Terrace 6 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Smith Street;

thence westerly parallel to the centerline of Fairfield Street 102 feet;

thence northerly parallel to the centerline of Smith Street 95 feet;

thence westerly parallel to the centerline of Fairfield Street 99 feet;

thence northerly parallel to the centerline of Smith Street 235 feet;

thence westerly parallel to the centerline of Fairfield Street 93 feet;

thence southerly parallel to the centerline of Smith Street 237 feet;

thence westerly parallel to the centerline of Fairfield Street 72 feet;

thence southerly parallel to the centerline of Smith Street 100 feet;

thence westerly parallel to the centerline of Fairfield Street to the centerline of Brown Avenue;

thence northerly following the centerline of Brown Avenue to a point 165 feet north of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 226 feet;

thence northerly parallel to the centerline Brown Avenue 108 feet ;

thence westerly parallel to the centerline of Fairfield Street to a point 225 feet east of the centerline of High Street;

thence northerly parallel to the centerline of High Street to a point in the centerline of Bishop Street which point is 233 feet east of the center of the Bishop Street and High Street intersection;

thence continuing northerly parallel to the centerline of High Street across Bank Street to the centerline of Congress Street 233 feet east of the center of the Congress Street and High Street intersection;

thence westerly along the centerline of Congress Street to a point 218.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 243 feet;

thence easterly parallel to the centerline of Congress Street 188 feet to a point 233 feet west of the centerline of Messenger Street;

thence northerly parallel to the centerline of Messenger Street to a point located 120.5 feet south of the centerline of Brainerd Street and 233 feet west of the centerline of Messenger Street;

thence westerly parallel to the centerline of Brainerd Street 221 feet to a point 174.5 feet east of North Main Street;

thence northerly parallel to the centerline of North Main Street to the centerline of Brainerd Street which point is 174.5 feet east of the centerline of North Main Street;

thence westerly along the centerline of Brainerd Street 10 feet to a point 164.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet to a point;

thence easterly parallel to the centerline of Brainerd Street a distance of 87 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet to a point 282.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace 104 feet to a point 147.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace 52 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence following the City boundary line in easterly, southerly, and westerly directions to the point of beginning.

3. LDR - West Side, North

Beginning at a point in the center of the Aldis and North Elm Street intersection;

thence northerly along the centerline of North Elm Street 200 feet;

thence easterly parallel to the centerline of Aldis Street 183 feet;

thence northerly parallel to the centerline of North Elm Street 480 feet;

thence turning at a right angle and proceeding easterly to the center of Stevens Brook;

thence northerly along the center of Stevens Brook across Lower Newton Street to the City boundary line;

thence west and south along the City boundary line to the north side of the CVRY right-of-way;

thence easterly along the north boundary of the CVRY right-of-way across North Elm Street to a point in the center of Stevens Brook;

thence northerly along the center of Stevens Brook to the centerline of Aldis Street;

thence westerly along the centerline of Aldis Street to the point of beginning.

4. LDR - West Side, South

Beginning at a point in the centerline of Pine Street 168 feet north of the centerline of Lake Street;

thence westerly parallel with Lake Street 190 feet;

thence southerly parallel to the centerline of Pine 53 feet;

thence westerly parallel to the centerline Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 146 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 146 feet to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street a distance 367 feet across Spruce Street to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street through the North Elm, South Elm and Lake Street intersection and continuing along the centerline of South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly parallel to South Elm Street a distance of 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to the centerline of Lower Welden Street;

thence continuing southerly a distance of 679 feet to a point which is 778 feet east of the centerline of Edward Street;

thence southwesterly 559 feet to a point on the City boundary line;

thence following the City boundary line west and north to a point 224.5 feet north of the centerline of Pearl Street;

thence easterly parallel to the centerline of Pearl Street to a point 563 feet west of the centerline of North Elm Street;

thence northerly to a point on the south side of the CVRY right-of-way which is 417 feet west of the centerline of North Elm Street;

thence easterly along the CVRY right-of-way to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street 215 feet;

thence easterly along the south boundary line of the Leo Gadouas property 303 feet to the CVRY boundary line;

thence following the CVRY boundary line east and south to the center of the Pearl and Pine Street intersection;

thence southerly along the centerline of Pine Street to the point of beginning.

B. HDR – High Density Residential District

1. HDR – East Side

Beginning at a point in the center of the Maiden Lane and Congress Street intersection;

thence easterly along the centerline of Congress Street to a point 233 feet east of the center of the Congress Street and High Street intersection;

thence southerly parallel to the centerline of High Street across Bank Street to the centerline of Bishop Street which point is 233 feet east of the center of the Bishop Street and High Street intersection;

thence continuing southerly parallel to the centerline of High Street to a point 273 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 84 feet;

thence continuing southerly parallel to the centerline of High Street to a point 165 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Brown Avenue;

thence southerly down the centerline of Brown Avenue to a point 131 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 143 feet;

thence northerly parallel to the centerline of Brown Avenue 100 feet;

thence easterly parallel to the centerline of Fairfield Street 72 feet;

thence northerly parallel to the centerline of Brown Avenue 237 feet;

thence easterly parallel to the centerline of Fairfield Street 93 feet;

thence southerly parallel to the centerline of Smith Street to a point 253 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street 99 feet;

thence southerly parallel to the centerline of Smith Street to a point 158 feet north of the centerline of Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Smith Street;

thence easterly parallel to the centerline of Fairfield Street 207 feet;

thence southerly parallel to Berkley Terrace to a point 152 feet north of the centerline Fairfield Street;

thence easterly parallel to the centerline of Fairfield Street to the centerline of Berkley Terrace;

thence northerly following the centerline of Berkley Terrace 767 feet;

thence easterly parallel to the centerline of Fairfield Street 315 feet;

thence northerly parallel to the City Boundary 187 feet;

thence easterly parallel to the centerline of Fairfield Street to the City Boundary;

thence southerly following the City Boundary to a point 183 feet south of the centerline of Fairfield Street;

thence westerly parallel to the centerline of Fairfield Street 270 feet;

thence westerly 62 feet to a point 190 feet south of the centerline of Fairfield Street;
thence westerly 81 feet to a point 200 feet south of the centerline of Fairfield Street;
thence westerly 105 feet to a point 183 feet south of the centerline of Fairfield Street;
thence westerly 131 feet to a point 218 feet south of the centerline of Fairfield Street;
thence northerly 20 feet to a point 198 feet south of the centerline of Fairfield Street;
thence westerly parallel to Fairfield Street 213 feet;
thence westerly 68 feet to a point 193 feet south of the centerline of Fairfield Street;
thence westerly 100 feet to a point 217 feet south of the centerline of Fairfield Street;
thence northerly parallel to the centerline of Barlow Street 64 feet;
thence westerly parallel to the centerline of Fairfield Street 110 feet;
thence westerly parallel to the centerline of Fairfield Street to the centerline of Barlow Street;
thence westerly parallel to the centerline of Fairfield Street 105 feet;
thence southerly parallel to the centerline of Barlow Street 5 feet;
thence westerly parallel to the centerline of Fairfield Street 60 feet;
thence southerly parallel to the centerline of Barlow Street 125 feet;
thence westerly parallel to the centerline of Ferris Street 116 feet;
thence northerly parallel to the centerline of Barlow Street 80 feet;
thence westerly parallel to the centerline of Ferris Street 74 feet;
thence northerly parallel to the centerline of Barlow Street 54 feet;
thence westerly parallel to the centerline of Ferris Street 141 feet;
thence northerly parallel to the centerline of Barlow Street 14 feet;
thence westerly parallel to the centerline of Ferris Street 128 feet;
thence southerly parallel to the centerline of Barlow Street 40 feet;

thence westerly parallel to the centerline of Ferris Street 232 feet;

thence southerly parallel to the centerline of Barlow Street 26 feet;

thence westerly parallel to the centerline of Ferris Street 129 feet;

thence westerly parallel to the centerline of Ferris Street 270 feet to a point 247.5 feet east of the centerline of Lincoln Avenue;

thence southerly parallel to the centerline of Lincoln Avenue through Ferris Street to a point 109.5 feet north of the centerline of Rugg Street and 247.5 feet east of the centerline of Lincoln Avenue;

thence westerly parallel to the centerline of Rugg Street 124 feet to a point 123.5 feet east of the centerline of Lincoln Avenue;

thence southerly parallel to the centerline of Lincoln Avenue 109.5 feet to the centerline of Rugg Street 123.5 feet east of the center of the Lincoln Avenue and Rugg Street intersection;

thence westerly along the centerline of Rugg Street across Lincoln Avenue to a point 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue to a point which is 164.5 feet south of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street 154 feet to a point 378.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue 164.5 feet to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive across Fairfield Street and along the centerline of Church Street to the center of the Church and Bank Street intersection;

thence westerly along the centerline of Bank Street a distance of 75 feet to the center of the Bank Street and Maiden Lane intersection;

thence northerly along the centerline of Maiden Lane to the center of the Maiden Lane and Congress Street intersection and the point of beginning.

2. HDR – West Side – Stowell

Beginning at a point in the centerline of Lower Welden Street 190 feet west of the center of the Lower Welden and South Main Street intersection;

thence westerly along the centerline of Lower Welden Street to the center of the Lower Welden and Allen Street intersection;

thence northerly along the centerline of Allen Street to the center of the Allen and Stowell Street intersection;

thence easterly along the centerline of Stowell Street 394 feet;

thence northerly along the westerly boundary of the Fabio Choiniere property (ID #26,084,015) 125 feet;

thence easterly parallel to the centerline of the Stowell Street to a point 122.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to the centerline of Stowell Street;

thence westerly along the centerline of Stowell Street to a point 240.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to the point of beginning in the centerline of Lower Welden Street.

3. HDR – West Side – New/Gilman

Beginning at a point in the centerline of New Street 224.5 feet west of the centerline of South Main Street;

thence westerly along the centerline of New Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point where it intersects with Grice Brook;

thence southerly to a point 157 feet south of the centerline of Gilman Street;

thence easterly parallel to Gilman Street to a point 224.5 feet west of the centerline of South Main Street and 157 feet south of the centerline of Gilman Street;

thence northerly parallel to the centerline of South Main Street across Gilman Street to the centerline of New Street and the point of beginning.

4. HDR – West Side – Locke/Nason

Beginning at a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 213.5 feet west of the centerline of South Main Street;

thence south parallel to the centerline of South Main Street to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 81 feet;

thence southerly parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence northerly along the easterly boundary line of the CVRY right-of-way to the centerline of Nason Street;

thence easterly along the centerline of Nason Street 37 feet which is 397 feet west of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 150 feet;

thence easterly parallel to the centerline of Nason Street 280 feet;

thence northerly parallel to the centerline of South Main Street to the point of beginning.

5. HDR – West Side – Lower Nason

Beginning at a point in the centerline of Nason Street at the west side of the CVRY right-of-way;

thence southerly along the CVRY right-of-way to the City's boundary line;

thence following the City boundary line west and north across Nason Street to where the City boundary line intersects the south side of the City of St. Albans Diversion Canal;

thence northeasterly following the south line of the Diversion Canal to the centerline of Stevens Brook;

thence easterly along the centerline of Stevens Brook to the CVRY right-of-way;

thence southerly along the CVRY right-of-way to the centerline of Nason Street and the point of beginning.

C. B1 – Central Business District

Beginning at a point located in the center of the Stowell and South Main Street intersection;

thence northerly along the centerline of South Main Street to the intersection of South Main and Ferris St;

thence easterly parallel to the centerline of Ferris Street 262.5 feet;

thence northerly parallel to the centerline of South Main Street 145 feet;

thence easterly parallel to the centerline of Ferris Street 83.5 feet to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive across Fairfield Street and along the centerline of Church Street to the center of the Church and Bank Street intersection;

thence westerly along the centerline of Bank Street a distance of 75 feet to the center of the Bank Street and Maiden Lane intersection;

thence in a northerly direction along the centerline of Maiden Lane to the center of the Maiden Lane and Congress Street intersection;

thence westerly along the centerline of Congress Street a distance of 68 feet to a point 218.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 243 feet;

thence easterly 188 feet to a point 233 feet west of the centerline of Messenger Street;

thence northerly parallel to the centerline of Messenger Street to a point located 120.5 feet south of the centerline of Brainerd Street and 233 feet west of the centerline of Messenger Street;

thence westerly parallel to the centerline of Brainerd Street 221 feet to a point 174.5 feet east of North Main Street;

thence northerly parallel to the centerline of North Main Street to the centerline of Brainerd Street;

thence westerly along the centerline of Brainerd Street across North Main Street 762 feet to the centerline of Federal Street;

thence southerly along the centerline of Federal Street to a point 100 feet south of Hoyt Street and 150 feet north of Hudson Street;

thence westerly a distance of 300 feet to the CVRY main track right-of-way which point is located 1200 feet north of Lake Street;

thence southerly along the CVRY right-of-way 227 feet;

thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and LaSalle Street intersection;

thence southerly along the centerline of Pine Street 679 feet to a point 168 feet north of the centerline of Lake Street;

thence westerly parallel to the centerline of Lake Street 190 feet;

thence southerly parallel to the centerline of Pine Street 53 feet;

thence westerly parallel to the centerline of Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 146 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 146 feet to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 367 feet to the centerline of North Elm Street;

thence southerly along the centerline of North Elm Street through the North Elm, South Elm and Lake Street intersection and continuing along the centerline of South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook 50 feet to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 265 feet to the centerline of the Coote Field Business Park Access Road;

thence southerly along the centerline of the Coote Field Business Park Access Road 48 feet;

thence easterly parallel to the centerline of Lake Street through Houghton Street to the centerline of Stebbins Street;

thence easterly along the centerline of Stebbins Street to the center of the Stebbins and Allen Street intersection;

thence southerly along the centerline of Allen Street to the center of the Allen and Stowell Street intersection;

thence easterly along the centerline of Stowell Street to the point of beginning.

D. B2 – Transitional Business District

1. B2 – North

Beginning at a point located in the centerline of Brainerd Street 174.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet;

thence easterly parallel to the centerline of Brainerd Street 87 feet to a point 251.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet to a point 282.5 feet east of the

centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace 104 feet to a point 147.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace 60 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence westerly to the City's northwest boundary marker;

thence southerly along the City boundary line, to a point where the railroad tracks meet the City Boundary;

thence southerly along the line of the CVRY right-of-way to a point of the centerline of Lower Newton Street;

thence easterly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to a point in the center of the Aldis and Federal Street intersection;

thence easterly across North Main Street and along the centerline of Brainerd Street to the point of beginning.

2. B2 – South

Beginning at a point on South Main Street at the City's marker located south of Parsons Avenue;

thence easterly along the south side of Parsons Avenue to a point 200 feet east of the centerline of South Main Street at the City boundary line;

thence northerly along the City boundary line to a point in the south line of the I-89 spur, which point is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point which is 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Avenue;

thence northerly parallel to the centerline of South Main Street across Gilman Avenue to a point 85 feet north of the centerline of Gilman Avenue;

thence easterly parallel to the centerline of Gilman Avenue 40 feet to a point 188 feet east of the centerline of South Main Street;

thence northerly to a point in the centerline of Diamond Street 157.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Diamond Street 24 feet to a point 134 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 116 feet to a point 140.5 feet north of the centerline of Diamond Street;

thence easterly parallel to the centerline of Diamond Street 117 feet to a point 249.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street to a point in the centerline of Upper Welden Street which is 249.5 feet east of the centerline of South Main Street;

thence westerly along the centerline of Upper Welden Street 90 feet to a point 159.5 feet east of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street 74.5 to the center of Stevens Brook;

thence north and east along the center of Stevens Brook to a point 224.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue to a point 164.5 feet south of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street 154 feet to a point 378.5 feet west of the centerline of Lincoln Avenue;

thence northerly parallel to Lincoln Avenue 164.5 feet to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive 130 feet;

thence westerly parallel to the centerline of Ferris Street 83 feet to a point 262.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street 145 feet;

thence westerly parallel to centerline of Ferris Street 262.5 feet to the centerline of South Main Street;

thence southerly along the centerline of South Main Street to the center of the Stowell and South Main Street intersection;

thence westerly along the centerline of Stowell Street 240.5 feet;

thence southerly to the centerline of Lower Welden Street 185 west of the center of the Lower Welden and South Main Street intersection;

thence westerly along the centerline of Lower Welden Street to a point 280 feet east of the center of the Lemnah Drive and Lower Welden Street intersection;

thence southerly 296 feet to a point in the centerline of Stevens Brook;

thence easterly along the centerline of New Street to a point 224.5 feet west of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to a point 161 feet south of the centerline of Gilman Street and 224.5 feet west of the centerline of South Main Street;

thence westerly parallel to the centerline of South Main Street 246 feet to a point 157 feet south

of the centerline of Gilman Street;

thence southerly to a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 239.5 feet west of the centerline of South Main Street;

thence south parallel to South Main Street 382 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 65 feet;

thence south parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence southerly along the easterly boundary of the CVRY right-of-way 270 feet to a point;
thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the place of beginning.

C. S-IND – Service Industrial District

1. S-IND – North

Beginning at a point in the centerline of Federal Street which point is 100 feet south of Hoyt Street and 150 feet north of Hudson Street;

thence westerly 300 feet to the CVRY main track right-of-way which point is located 1200 feet north of Lake Street;

thence southerly along the CVRY right-of-way 227 feet;

thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and LaSalle Street intersection;

thence northerly along the centerline of Pine Street to the center of the Pine and Pearl Street intersection;

thence following the CVRY boundary line north and west to the southeast corner of the Leo Gadouas property (ID# 22,062,075);

thence westerly along the south line of the Leo Gadouas property to a point in the centerline of North Elm Street;

thence northerly along the centerline of North Elm Street 215 feet to the CVRY right-of-way;

thence westerly along the CVRY right-of-way to a point 417 feet west of the centerline of North Elm Street;

thence southerly parallel to the centerline of North Elm Street to a point 224.5 feet north of the centerline of Pearl Street;

thence easterly parallel to the centerline of Pearl Street to the City boundary line;

thence following the City boundary line in northerly and easterly directions to a point on the north line of the CVRY right-of-way which is 155 feet south of the centerline of Aldis Street;

thence easterly and southerly along the CVRY boundary line across the end of Savage Street and across North Elm Street to the center of Stevens Brook;

thence northerly along the center of Stevens Brook to the centerline of Aldis Street;

thence westerly along the centerline of Aldis Street to the center of the Aldis and North Elm Street intersection;

thence northerly along the centerline of North Elm Street 233 feet;

thence easterly parallel to the centerline of Aldis Street 183 feet;

thence northerly parallel to the centerline of North Elm Street 480 feet;

thence turning at a right angle and proceeding easterly to the center of Stevens Brook;

thence northerly along the center of Stevens Brook across Lower Newton Street to the City boundary line;

thence following the City boundary line east to where the City boundary line intersects the centerline of the CVRY right-of-way;

thence southerly along the CVRY right-of-way to point in the centerline of Lower Newton Street;

thence easterly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to the point of beginning.

2. S-IND – South

Beginning at a point in the centerline of Stebbins Street 229 feet south of the Lake and Stebbins Street intersection;

thence southerly along the centerline of Stebbins Street to the center of the Stebbins and Allen Street intersection;

thence southerly along the centerline of Allen Street to the center of the Allen and Lower Welden Street intersection;

thence easterly along the centerline of Lower Welden Street 280 feet;

thence southerly 296 feet to the center of Stevens Brook;

thence southerly along the center of Stevens Brook to where it intersects with Grice Brook;

thence southerly to a point 446.5 feet west of the centerline of South Main Street and 150 feet north of the centerline of Nason Street;

thence westerly parallel to the centerline of Nason Street 280 feet;

thence southerly parallel to the centerline of South Main Street 150 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 37 feet to the CVRY right-of-way;

thence southerly along the CVRY right-of-way 503 feet;

thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence northerly along the west boundary of the CVRY right-of-way across Nason Street to the centerline of Stevens Brook;

thence westerly along the centerline of Stevens Brook to the south line of the City of St. Albans Diversion Canal to the City boundary line;

thence northerly along the City boundary line 340 feet;

thence northeasterly 559 to a point which is 778 feet east of the centerline of Edward Street;

thence northerly 679 feet to the centerline of Lower Welden Street at the center of Stevens Brook;

thence continuing northerly along the center of Stevens Brook to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 265 feet to the centerline of the Coote Field Business Park Access Road;

thence southerly along the centerline of the Cote Field Business Park Access Road 48 feet;

thence easterly parallel to the centerline of Lake Street across Houghton Street to the centerline of Market Street and the point of beginning.

Section 1003 Map of the Design Review Districts

See Attachment 2

Section 1004 Design Review Districts Described

A. DR1 – Traditional Downtown

Beginning at a point in the center of the Messenger and Congress Street intersection;

thence westerly along the centerline of Congress to the center of the Congress and North Main Street intersection;

thence northerly along the centerline of North Main Street to the center of the Hoyt and North Main Street intersection;

thence westerly along the centerline of Hoyt Street 149.5 feet;

thence southerly parallel to the centerline of North Main Street 138.5 feet;

thence westerly parallel to the centerline of Hoyt Street 84 feet;

thence southerly parallel to the centerline of North Main Street 70 feet;

thence easterly parallel to the centerline of Hoyt Street 52 feet;

thence southerly parallel to the centerline of North Main Street to the centerline of Hudson Street;

thence westerly along the centerline of Hudson Street 78 feet;

thence southerly parallel to the centerline of North Main Street 138.5 feet;

thence easterly parallel to the centerline of Hudson Street 56 feet;

thence southerly parallel to the centerline of North Main Street to the centerline of Center Street;

thence westerly along the centerline of Center Street to the Federal and Center Street intersection;

thence southerly along the centerline of Federal Street to the Federal and Lake Street intersection;

thence southerly across Lake Street and along the centerline of Catherine Street 164 feet;

thence easterly parallel to the centerline of Lake Street 130 feet;

thence southerly parallel to the centerline of Catherine Street to a point 123 feet north of the centerline of Stebbins Street;

thence easterly parallel to the centerline of Stebbins Street to the centerline of South Main Street 246 feet south of the South Main and Fairfield Street intersection;

thence continuing easterly parallel to the centerline of Fairfield Street 265.5 feet;

thence northerly parallel to the centerline of North Main Street 34 feet;

thence easterly parallel to the centerline of Fairfield Street 83.5 feet to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive to the center of the Hospital Drive and Fairfield Street intersection;

thence easterly along the centerline of Fairfield Street to the center of the Fairfield and Lincoln Avenue intersection;

thence northerly along the centerline of Lincoln Avenue 228 feet;

thence westerly 119.5 feet to a point 109.5 feet south of the centerline of Bishop Street;

thence northerly parallel to the centerline of Lincoln Avenue to the centerline of Bishop Street;

thence westerly along the centerline of Bishop Street to a point 230 feet east of the center of the Bishop and Church Street intersection;

thence northerly parallel to the centerline of Church Street 175.5 feet;

thence easterly parallel to the centerline of Bishop Street to the centerline of Lincoln Avenue;

thence northerly along the centerline of Lincoln Avenue 93 feet;

thence westerly parallel to the centerline of Bishop Street 200 feet;

thence northerly parallel to the centerline of Lincoln Avenue 100 feet;

thence easterly parallel to the centerline of Bishop Street 24 feet;

thence northerly parallel to the centerline of Lincoln Avenue 50 feet;

thence easterly parallel to the centerline of Bishop Street 24 feet;
thence northerly parallel to the centerline of Lincoln Avenue 47 feet;
thence westerly parallel to the centerline of Bishop Street 65 feet;
thence northerly parallel to Lincoln Avenue to the centerline of Bank Street;
thence easterly along the centerline of Bank Street to a point 179.5 feet west of the center of the Lincoln Avenue and Bank Street intersection;
thence northerly parallel to Lincoln Avenue to the center of the Congress and Messenger Street intersection and the point of beginning.

B. DR2 – Downtown Expansion

Beginning at a point in the center of the Congress and Messenger Street intersection;
thence northerly along the centerline of Messenger Street to a point 124.5 south of the center of the Messenger and Brainerd Street intersection;
thence westerly parallel to the centerline of Brainerd Street 142 feet;
thence northerly parallel to the centerline of Messenger Street 12 feet;
thence westerly parallel to the centerline of Brainerd Street 314 feet;
thence southerly parallel to the centerline of North Main Street 38 feet;
thence westerly to the centerline of North Main Street;
thence northerly along the centerline of North Main Street to the center of the North Main and Brainerd Street intersection;
thence westerly 587.5 feet to the centerline of Federal Street;
thence southerly along the centerline of Federal Street to the center of the Hoyt and Federal Street intersection;
thence westerly 228.5 along the centerline of Lower Hoyt Street to the east boundary of the CTRY property;
thence southerly parallel to Federal Street 327 feet;
thence westerly to the centerline of Pine Street 262.5 feet north of the center of the Pine and

LaSalle Street intersection;

thence southerly along the centerline of Pine Street 679 feet to a point 168 feet north of the centerline of Lake Street;

thence westerly parallel to the centerline of Lake Street 190 feet;

thence southerly parallel to the centerline of Pine Street 53 feet;

thence westerly parallel to the centerline of Lake Street 117 feet to the centerline of Maple Street;

thence northerly along the centerline of Maple Street 368 feet to a point 130 feet south of the centerline of LaSalle Street;

thence westerly parallel to the centerline of LaSalle Street 94 feet;

thence northerly parallel to the centerline of Maple Street 130 to the centerline of LaSalle Street;

thence westerly along the centerline of LaSalle Street 133 feet to center of Stevens Brook;

thence southerly along the center of Stevens Brook to a point 194 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 143 feet;

thence southerly a distance of 73 feet to a point 121 feet north of the centerline of Lake Street;

thence westerly parallel to Lake Street 367 feet to the centerline of North Elm Street;

thence northerly along the centerline of North Elm Street 170 feet;

thence westerly parallel to Lake Street 365 feet;

thence southerly to the centerline of Lake Street;

thence easterly along the centerline of Lake Street to the intersection of Lake Street and South Elm Street;

thence southerly along the centerline South Elm Street for a distance of 308 feet which is 165 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street 145 feet;

thence northerly 34 feet to a point which is 131 feet south of the centerline of Lake Street;

thence easterly parallel to the centerline of Lake Street across Hunt Street to the center of Stevens Brook;

thence southerly along the center of Stevens Brook 50 feet to a point 181 feet south of the centerline of Lake Street;

thence easterly parallel to Lake Street 264 feet;

thence southerly parallel to Houghton Street 54;

thence easterly 158 feet;

thence easterly to a point 400 feet from the intersection of Houghton Street and Lake Street;

thence southerly along the centerline of Houghton Street to the intersection of Houghton Street and Lower Welden Street;

thence easterly along the centerline of Lower Welden Street to the intersection of Lower Welden Street and the CVRY right-of-way;

thence northerly along the centerline of the CVRY right-of-way to a point 275 feet from the centerline of Lake Street;

thence easterly to the centerline of Stebbins Street;

thence southerly along the centerline of Stebbins Street to a point located in the center of Stebbins Street and Allen Street intersection;

thence southerly along the centerline of Allen Street to a point located in the center of Allen Street and Stowell Street intersection;

thence easterly along the centerline of Stowell Street to a point 133.5 feet west to South Main Street;

thence northerly parallel to the centerline of South Main Street 125 feet;

thence easterly parallel to the centerline of Stowell Street to the centerline of South Main Street;

thence southerly along the centerline of South Main Street to a point 209.5 feet north of the South Main and Upper Welden Street intersection;

thence easterly parallel to the centerline of Upper Welden Street 162 feet;

thence southerly to the centerline of Stevens Brook;

thence following the centerline of Stevens Brook to a point 164 feet from the centerline of

Lincoln Avenue;

thence northerly to a point 240 feet from the centerline of Lincoln Avenue;

thence westerly parallel to the centerline of Ferris Street 135 feet;

thence northerly parallel to Lincoln Avenue to the centerline of Ferris Street;

thence easterly along the centerline of Ferris Street to a point 235.5 feet west of the center of the Ferris Street and Lincoln Avenue intersection;

thence northerly parallel to the centerline of Lincoln Avenue to a point 180.5 feet north of the centerline of Ferris Street;

thence westerly parallel to the centerline of Ferris Street to the centerline of Hospital Drive;

thence northerly along the centerline of Hospital Drive 130 feet;

thence westerly parallel to the centerline of Ferris Street 83 feet to a point 262.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street 34 feet;

thence westerly across South Main Street to a point 123 north of the centerline of Stebbins Street and 116.5 east of the centerline of Catherine Street;

thence northerly to a point 167 feet south of the centerline of Lake Street and 130 feet east of the centerline of Catherine Street;

thence westerly parallel to the centerline of Lake Street to the centerline of Catherine Street;

thence northerly along the centerline of Catherine Street across Lake Street and along the centerline of Federal Street to the center of the Federal and Center Street intersection;

thence easterly along the centerline of Center Street to a point 208.5 feet west of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 183 feet;

thence westerly parallel to the centerline of Center Street 56 feet;

thence northerly parallel to centerline of North Main Street 138.5 feet to the centerline of Hudson Street;

thence easterly along the centerline Hudson Street 78 feet;

thence northerly parallel to the centerline of North Main Street 46.5 feet;

thence westerly parallel to the centerline of Hudson Street 52 feet;

thence northerly parallel to the centerline of North Main Street 70 feet;

thence easterly parallel to the centerline of Hudson Street 84 feet;

thence northerly parallel to the centerline of North Main Street 138.5 feet to the centerline of Hoyt Street;

thence easterly along the centerline of Hoyt Street to the center of the Hoyt and North Main Street intersection;

thence southerly along the centerline of North Main Street to the center of the North Main and Congress Street intersection;

thence easterly along the centerline of Congress Street to the point of beginning.

C. DR3 – Residential

1. DR 3 – North

Beginning at a point located in the centerline of Brainerd Street 174.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 186.5 feet;

thence easterly parallel to the centerline of Brainerd Street 87 feet to a point 251.5 feet easterly of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street through Upper Newton Street to the centerline of Farrar Street;

thence easterly along the centerline of Farrar Street 31 feet which point is 282.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 174.5 feet;

thence westerly parallel to the centerline of Farrar Street 31 feet to a point 251.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street to a point 218 feet south of the centerline of Lakeview Terrace;

thence westerly parallel to the centerline of Lakeview Terrace to the centerline of North Main Street;

thence southerly along the centerline of North Main Street 605 feet;

thence turning at a right angle and going westerly 204.5 feet;

thence southerly to the centerline of Lower Newton Street which point is 332 feet west of the center of the Lower Newton and North Main Street intersection;

thence westerly along the centerline of Lower Newton Street to the center of the Federal and Lower Newton Street intersection;

thence southerly along the centerline of Federal Street to the center of the Aldis and Federal Street intersection;

thence easterly across North Main Street and along the centerline of Brainerd Street to the point of beginning.

2. DR3 – South – Stowell

Beginning at a point in the centerline of South Main Street 125 feet north of the center of the South Main and Stowell Street intersection;

thence southerly along the centerline of South Main Street to a point 209.5 feet north of the South Main and Upper Welden Street intersection;

thence easterly parallel to the centerline of Upper Welden Street to a point 159.5 feet east of the centerline of South Main Street;

thence southerly parallel to the centerline of South Main Street to a point in the centerline of Upper Welden Street;

thence easterly along the centerline of Upper Welden Street 90 feet;

thence southerly parallel to the centerline of South Main Street to a point 249.5 feet east of the centerline of South Main Street and 140.5 feet north of the centerline of Diamond Street;

thence westerly parallel to the centerline of Diamond Street 117 feet;

thence southerly feet parallel to the centerline of South Main Street to the centerline of Diamond Street;

thence easterly along the centerline of Diamond Street 24 feet;

thence southerly parallel to the centerline of South Main Street to the centerline of Gilman Avenue 157.5 feet from the centerline of South Main Street;

thence westerly along the centerline of Gilman Avenue across South Main Street to a point 224.5 feet west of the centerline of South Main Street;

thence northerly parallel to the centerline of South Main Street across Gilman Street and New Street to the centerline of Lower Welden Street 190 feet west of the center of the Lower Welden and South Main Street intersection;

thence continuing northerly to a point in the centerline of Stowell Street 240.5 feet west of the center of the Stowell and South Main Street intersection;

thence easterly along the centerline of Stowell Street to a point 133.5 feet west of the center of the Stowell and South Main Street intersection;

thence northerly parallel to the centerline of South Main Street 125 feet;

thence easterly parallel to the centerline of Stowell Street to the point of beginning.

3. DR3 – South - Freeborn

Beginning at a point on South Main Street at the City's boundary marker located south of Parsons Avenue;

thence easterly along the south side of Parsons Avenue to a point 200 feet east of the centerline of South Main Street at the City boundary line;

thence northerly along the City boundary line to a point 293.5 feet north of the centerline of Freeborn Street;

thence westerly 37 feet;

thence northerly parallel to the centerline of South Main Street 65 feet;

thence westerly parallel to the centerline of Freeborn Street to the centerline of South Main Street;

thence northerly along the centerline of South Main Street 117 feet;

thence westerly along the north boundary of the so-called Botting property (ID #26,079,214) to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the place of beginning.

D. DR4 –Gateway – North

1. DR4 – North

Beginning at a point in the centerline of North Main Street 218 feet south of the center of the North Main Street and Lakeview Terrace intersection;

thence easterly parallel to the centerline of Lakeview Terrace 147.5 feet;

thence northerly parallel to the centerline of North Main Street 218 feet to the centerline of Lakeview Terrace;

thence easterly along the centerline of Lakeview Terrace a distance of 60 feet to a point 199.5 feet east of the centerline North Main Street;

thence northerly parallel to the centerline of North Main Street a distance of 265 feet;

thence easterly parallel to the centerline of Lakeview Terrace a distance of 150 feet to a point 349.5 feet east of the centerline of North Main Street;

thence northerly parallel to the centerline of North Main Street 190 feet to a point on the City boundary line located 400 feet from the City's northwest boundary marker located on the west side of Route 7;

thence westerly to the City's northwest boundary marker;

thence southerly along City boundary line which is the west side of North Main Street to a point 250 feet south of Lakeview Terrace and 1029 feet north of Farrar Street;

thence westerly along the City boundary line 250 feet to the CVRY right-of-way;

thence southerly along the City boundary line 393 feet;

thence easterly to the centerline of North Main Street;

thence northerly along the centerline of North Main Street to the point of beginning.

2. DR4 – South

Beginning at a point in the center of the South Main Street and Gilman Avenue intersection;

thence westerly parallel to the centerline of Gilman Street 470.5 feet to a point 157 feet south of the centerline of Gilman Street;

thence southerly to a point in the centerline of Locke Terrace which is 446.5 feet west of the centerline of South Main Street;

thence easterly along the centerline of Locke Terrace to a point 239.5 feet west of the centerline of South Main Street;

thence southerly parallel to South Main Street 382 feet to the centerline of Nason Street;

thence westerly along the centerline of Nason Street 65 feet;

thence southerly parallel to the centerline of South Main Street 233 feet;

thence westerly parallel to the centerline of Nason Street to the CVRY right-of-way;

thence southerly along the east boundary of the CVRY right-of-way 270 feet;

thence westerly parallel to the centerline of Nason Street to the City boundary line;

thence following the City boundary line in southerly and easterly directions to the north boundary of the so-called Botting property (ID #26,079,214);

thence easterly along the north boundary line of the so-called Botting property to the centerline of South Main Street;

thence southerly along the centerline of South Main Street 117 feet;

thence easterly parallel to Freeborn Street 212.5 feet;

thence southerly parallel to the centerline of South Main Street 65 feet;

thence easterly 37 feet to the City Boundary line;

thence easterly and northerly along the City boundary line to a point in the south line of the I-89 spur, which point is 379.5 feet east of the centerline of South Main Street;

thence northerly 766 feet to a point which is 306.5 feet east of the centerline of South Main Street;

thence westerly 158.5 feet to a point 148 feet east of the centerline of South Main Street and 310 feet south of the centerline of Gilman Avenue;

thence northerly parallel to the centerline of South Main Street to the centerline of Gilman Avenue;

thence westerly along the centerline of Gilman Avenue to the point of beginning. **END**