

TOWN OF ST. ALBANS

ZONING BYLAWS & SUBDIVISION REGULATIONS

ADOPTED: *July 27, 2009*  
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STATUTORY REFERENCE : 24 V.S.A, Chapter 117  
The Vermont Planning and Development Act

Selectboard Signatures:

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
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**ZONING BYLAWS AND SUBDIVISION REGULATIONS**

**TO BE READ AND ENFORCED ONLY IN STRICT ACCORDANCE WITH THE  
TOWN PLAN AND POLICIES REGARDING LAND USE.**

**PART I**

**ESTABLISHMENT OF ZONING AND SUBDIVISION BYLAWS**

**Section 100 – ENACTMENT**

In accordance with the Vermont Planning and Development Act (24 V.S.A., Chapter 117), hereinafter referred to as “the Act”, there are hereby established Zoning Bylaws and Subdivision Regulations for the Town of Saint Albans, Vermont. These Bylaws, upon adoption, and while in effect, shall repeal the Bylaws and Subdivision Regulations adopted May 8, 2006.

**Section 101 – PURPOSE**

The purpose of these Zoning Bylaws and Subdivision Regulations is to encourage the appropriate development of all lands in the Town of Saint Albans in a manner that will promote the public health, safety, prosperity, comfort, convenience, economy and general welfare. Additionally, these Zoning Bylaws and Subdivision Regulations will enable the Town to reduce current and future land development problems. Finally, these Zoning Bylaws and Subdivision Regulations implement the Town Plan approved September 26, 2005.

Accordingly the following, but not limited to the following, are hereby restricted and regulated as hereinafter provided:

- (1) Dimensions, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of buildings and other structures;
- (2) Density of population;
- (3) Intensity of use;
- (4) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures;
- (5) Percentage of lot area that may be occupied and the size of yards and setbacks;
- (6) Use of land for trade, industry, residence, or other purposes, and of watercourses and other bodies of water.

The following are the specific goals of the Zoning Bylaws and Subdivision Regulations.

- A.** To provide sufficient space in appropriate locations for forests and agriculture, residential, recreational, commercial and industrial development, and public and semi-public facilities in order to meet the needs of all residents of the Town of Saint Albans.
- B.** To encourage the protection of soil, forests, water, and other natural resources-
- C.** To enable the mitigation of the burden of property taxes on agricultural, forest and other open land-

- D.** To protect and preserve the historic features of the Town of Saint Albans to preserve open space and provide a sound economic basis for its maintenance as open space, to facilitate the growth of The Town of Saint Albans in a manner to create an optimum environment; to encourage a rational and convenient pattern of settlement; and good civic design; and in particular to encourage and enhance the attractiveness of the Town of Saint Albans' landscape.
- E.** To encourage the healthful and convenient distribution of population, employment opportunities, and other activities, and to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, inadequate parking and increased traffic flow, and from the loss of peace, quiet and privacy.
- F.** To encourage appropriate diverse architectural design.
- G.** To secure safety against fire, explosions, floods and other dangers.
- H.** To protect public health by reduction of noise, air pollution, water pollution and other noxious physical influences.
- I.** To protect access to adequate light and air.
- J.** To facilitate the adequate and economical provision for transportation, water, sewage disposal, schools, parks and other public requirements and to encourage the appropriate and efficient expenditures of public funds, economy in the process of development, and more convenient and efficient patterns of development of public facilities and to regulate growth in relation thereto.
- K.** To encourage the most desirable and appropriate use of land, to minimize the adverse impact of one land use upon another, and to provide for the gradual amelioration of undesirable conditions.
- L.** To encourage the conservation of energy and the development and use of renewable energy resources.
- M.** To encourage the concentration of development into The Town of Saint Albans' designated Growth Centers thereby enabling the surrounding landscape to retain its rural characteristics.

Preparation of these Zoning Bylaws and Subdivision Regulations have been based upon existing conditions and probable future trends, with reasonable consideration for the landowner; to topography; to needs and trends of the Town of Saint Albans; to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas, and with a view to conserving the value of property.

**Section 102 – AMENDMENTS**

Bylaws may be amended according to the requirements and procedures established in Section 4413 and 4414 of the Act. Mandatory requirements enacted by the State of Vermont will automatically become a part of these Zoning Bylaws and Subdivision Regulations.

**Section 103 –SEVERABILITY**

If any section, paragraph, sentence, clause, provision, or phrase of these Zoning Bylaws and Subdivision Regulations is held to be unconstitutional or invalid by a court of competent jurisdiction, the unaffected Bylaws and Regulations shall remain in force, and for this purpose the provisions of the Zoning Bylaws and Subdivision Regulations are severable.

**Section 104 – INTERPRETATION**

These Zoning Bylaws and Subdivision Regulations shall not repeal, abrogate or impair any other applicable land use controls (including statutes, regulations, rules, ordinances, permits, easements, deed restrictions, covenants or similar devices). However, in their interpretation and application, the provisions of these Zoning Bylaws and Subdivision Regulations shall be held to be minimum requirements, which shall take precedence over any concurrent and less restrictive such control.

**Section 105 - REVIEW OF APPLICATIONS DURING ADOPTION AND AMENDMENT OF BYLAWS**

This section shall be applicable beginning upon the date of public notice for the Selectboard's final public hearing on adoption or amendment of these Zoning Bylaws and Subdivision Regulations and ending upon the date of adoption or rejection thereof, pursuant to Sections 4402 and 4464 of the Act. No provision of these Zoning Bylaws and Subdivision Regulations or future amendments thereto shall be deemed to require any change in plans for a use or structure if, prior to the effective date of these Zoning Bylaws and Subdivision Regulations or a future amendment, a complete application has been received by the Zoning Administrator.

## **PART II**

### **SUBDIVISION REGULATIONS**

#### **ARTICLE 1 - GENERAL PROVISIONS**

##### **Section 200 – APPLICABILITY**

Any land development that would involve any of the following shall be subject to the subdivision regulations herein:

1. Subdivision of any tract of land into two or more lots (including leased lots but excluding footprint lots associated with condominium or townhouse ownership), for the purpose of development or transfer of ownership, within any continuous period of two years after the effective date of these Zoning Bylaws and Subdivision Regulations.
2. Construction, extension or relocation of a road or right of way to serve more than two lots (including leased lots).

##### **Section 201 - ADMINISTRATION AND ENFORCEMENT**

1. The Development Review Board, as authorized and empowered by the Act, shall administer these subdivision regulations.
2. Any decision of the Development Review Board may be appealed to the Environmental Court as provided in Sections 4471 and 4472 of the Act.
3. Violations of these Subdivision Regulations shall be subject to the penalties, remedies and enforcement procedures provided in Sections 4451 and 4452 of the Act.

##### **Section 202 – FEES**

The application for final plat approval shall be accompanied by a fee, the amount of which shall be determined from a schedule established by the Selectboard.

### **Section 203 - TWO-LOT SUBDIVISIONS**

If a subdivider submits an application for the subdivision of a tract of land into no more than two lots, the Zoning Administrator may issue a two-lot subdivision permit to that subdivider upon the payment of the fee established by the Selectboard.

Prior to issuing a permit the Zoning Administrator will conduct an investigation that satisfies the following conditions:

1. That both lots meet the minimum dimensional requirements of the district(s) in which the lots are located,
2. That the structures located on such lots meet the setback requirements of the district/s in which the lots are located,
3. And that the subdivider and/or the predecessors in title have not subdivided the tract of land within two years prior to the date that the application was submitted.

Any appeals of a two lot Subdivision permit will be made to the Town of Saint Albans Development Review Board in accordance with section 4465 of the Act.

NOTE: A plat map must be filed in accordance with State Statutes. As statutory requirements change for filing documents with the Town Clerk's Office, it is recommended that the subdivider consult the Town Clerk for the proper documentation and filing requirements.

### **Section 204 - BOUNDARY LINE ADJUSTMENTS**

The Zoning Administrator may approve boundary line adjustments if the following conditions are found to exist:

1. No additional lots will be created,
2. No more than two lots are involved,
3. Will not make complying lots nonconforming,
4. Will not increase the nonconformance of any existing lot.

NOTE: A plat map must be filed in accordance with State Statutes. As statutory requirements change for filing documents with the Town Clerk's Office, it is recommended that the subdivider consult the Town Clerk for the proper documentation and filing requirements.

**ARTICLE II - REVIEW PROCEDURE  
FOR  
THREE OR MORE LOT SUBDIVISIONS**

**Section 210 - SKETCH PLAN REVIEW**

1. Within 30 days of receiving a complete application for a subdivision involving three or more lots, the Zoning Administrator shall refer the matter to the first available agenda of the Development Review Board.
2. Each sketch plan application must include as a minimum, but not limited to, the following information:
  - A. Written statement to include, as a minimum, the following:
    - 1) Conformance with the Town Plan (reference to page and section of Town Plan required).
    - 2) Current use of land to be developed.
    - 3) Easements and Zoning (Easements must be shown on sketch).
    - 4) Existing and proposed restrictions on land.
    - 5) Impact of the development on the community, including traffic, schools, water, sewer treatment, fire and police protection, etc.
    - 6) Name and address of the owner of record of the tract to be subdivided and of all adjoining property owners;
      - a. At least 15 days prior to hearing, all adjoining property owners and property owners directly across roadway, water course excluding Lake Champlain, or shared private access road from applicant's property, must be notified via certified mail or signed copy of the subdivision application, or a signed and dated copy of the meeting agenda.
      - b. If neighbor notification is accomplished by certified mail, return receipts shall be submitted to the Development Review Board at or prior to hearing on application.
    - 7) Names and addresses of all participants with a financial interest in the development.
    - 8) If application is signed by someone other than the owner of record, a Power of Attorney or a letter of authorization for that applicant shall be submitted to the Development Review Board.
    - 9) Rights of way upon the property to be developed.
    - 10) Variances requested.

**B. Preliminary Drawings (with scale and north arrow) and description of:**

- 1)** Key features of the site, including water courses (drainage), wetlands, significant topography (slopes, soil), open and wooded lands, and unique natural or cultural features and the manner in which such site elements are to be conserved, in what land use district/s project is located;
- 2)** General type, layout and dimensions of lots (including leased lots), roads to be built to existing Town ordinances and Town bylaws, utilities, drainage systems, streetlights, landscaping, existing and proposed restrictions on land (easement, zoning, etc.), screening to be planted or retained.
- 3)** Provisions for sidewalks must be indicated on the Sketch Plan.

**C. Final Drawings (with scale and north arrow) and description of:**

- 1)** General site location, in relation to public roads and the nearest intersections;
- 2)** Boundaries and areas of all contiguous land of the owner(s) of record, and of the proposed subdivision;

The subdivider shall attend the meeting of the Development Review Board on the sketch plan to discuss the proposal and the requirements of these Zoning Bylaws and Subdivision Regulations. The Development Review Board shall study the sketch plan and may reasonably continue the sketch plan review to subsequent meetings in order to visit the site, consult with appropriate agencies, organizations and officials, and make recommendations to the subdivider regarding required improvements or changes needed for conformance with the planning standards and zoning regulations herein. The Development Review Board may reasonably require submission of such additional information as it deems necessary to determine conformance with these Bylaws, including but not limited to a property survey, contour map and engineering details of proposed improvements, by properly licensed professionals.

Within thirty days of conclusion of the sketch plan review process, the Development Review Board shall issue and mail its written decision to the applicant via certified mail with return receipt requested, either accepting the sketch plan as proposed, accepting it with stated conditions, or denying it.

**Section 211 - FINAL PLAT APPROVAL**

1. Within six months of sketch plan approval, the subdivider shall submit to the Development Review Board his application for final plat approval. A completed application shall include the proposed plat showing or accompanied by the following:
  - A. Proposed subdivision title, name and address of the subject land and adjacent owners of record, subdivider and plat designer (including license numbers and seals), and the boundaries of the subdivision and its general location.
  - B. A survey providing sufficient data to readily determine the location, bearing, and lengths of all roads, lot and boundary lines on the ground, reference to established monuments. This survey shall be recorded with the Town Clerk;
  - C. Location and design of all required improvements (see Section 221 herein), easements and required open spaces proposed for common or public use, required screening of development, and proposed deeds, agreements or other documents relating to these; and
  - D. Description of requested variances from these regulations.
2. Within thirty days of receiving a completed final plat application and fee, the Zoning Administrator shall refer the appellant to the Development Review Board for a formal public hearing thereon. At least fifteen days prior to the hearing, public notice shall be given as follows:
  - A. Publication of the date, place and purpose of the hearing in the newspaper of general circulation in the Town and posting of such notice in at least three public place in the Town; a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.
  - B. Copies of the notice shall be sent to the appellant, the Regional Planning Commission, the Town Clerk/s of adjacent communities per Section 4463 (a) of the Act, and to other interested persons.
3. At the public hearing, the Development Review Board shall hear the presentation of the applicant and the testimony of all interested persons wishing to be heard. The Development Review Board shall consider the adequacy of the proposed plan, improvements and related aspects of the proposal, and shall find or require as a condition of approval, conformance with the standards and requirements set forth in Article III of these regulations.
4. Within forty-five days after the final public hearing, the Development Review Board shall approve the proposed plat as submitted, approve it with conditions attached, or reject it. A copy of the decision shall be sent to the applicant and to others who appeared and were heard at the hearing.
5. These Bylaws shall not have the effect of excluding low and moderate-income housing.



**Section 212 - CONDITIONS OF FINAL PLAT APPROVAL**

1. Final plat approval shall be effective for a period of one hundred eighty days from the date of the decision, as provided in Section 4463(b) of the Act. No plan may be filed or recorded in the Town Clerk's Office except as prepared in accordance with the requirements under 27 V.S.A. Chapter 17, Section 1403, and as approved by endorsement of the Development Review Board thereon, in accordance with its decision, and within such one hundred eighty day period.

**A.** After an approved plat is filed, no expiration of that approval shall be applicable.

**B.** If final local or state permits or approvals are still pending, the Administrative Officer may extend by 90 days the deadline for filing the Plat with the Town Clerk.

**NOTE:** A Mylar of the approved subdivision is to be filed and recorded in the Town Clerk's office by the subdivider within 180 days of the decision to issue the permit.

2. The Development Review Board may, where it deems necessary and with the consent of the Selectboard, retain proper legal or engineering professionals to review deeds, agreements or plans, design and construction of required improvements, the cost of which professional review shall be shared by the subdivider (75%) and the Town (25%).
3. Final approval by the Development Review Board shall not be deemed evidence of acceptance by the Town of any proposed road, easement, utilities, open space or other required public improvements shown on the final plat. Such acceptance may only be accomplished by formal resolution of the SelectBoard.
4. All roads, drainage, water, sewer, and other required improvements shall be provided and installed at the sole expense of the subdivider as a condition of plat approval. The Development Review Board may require a performance bond/letter of credit to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with the security furnished by the subdivider. The amount and terms of the bond/letter of credit shall be determined by the Development Review Board, but in no case shall the terms run longer than three years. The bond/letter of credit shall be released only when the conditions have been satisfied in the judgment of the Development Review Board. In the event any required improvements have not been installed or maintained in accordance with the terms of the bond/letter of credit, such bond/letter of credit shall be forfeited to the Town to install and maintain such improvements as are covered by the conditions of the bond/letter of credit.

**Section 213 - MISCELLANEOUS PROCEDURAL PROVISIONS**

1. If the Development Review Board fails to act on a complete sketch plan or final plat application, or fails to render its final decision, within the prescribed time limits, such failure shall be deemed approval.
2. The subdivider shall be required to reopen his application at the sketch plan level:
  - A. If the sketch plan or final plat application has been rejected by the Development Review Board or
  - B. If the subdivider fails to submit the final plat application within six months of the sketch plan approval; or
  - C. If any newly presented data differs substantially, in the judgment of the Development Review Board, from the last agreed-upon or approved version. Any modifications by the Development Review Board as a condition of approval must become part of the plat. All resubmitted data must be updated and accurate.
3. All official submissions to the Development Review Board must be signed and dated by the subdivider, or his/her agent.
4. All official dispositions of any sketch plans and final plats by the Development Review Board must be signed and dated by the Chairman, or other authorized member of the Development Review Board by resolution, and recorded in the minutes.
5. The Development Review Board may, at its discretion, hold one or more public informational meetings (to which the subdivider shall be invited) at any point between the sketch plan submission and the final plat public hearing for the purpose of obtaining public response to a proposed development.
6. All required sketch plan, final plat and other official data submission to the Development Review Board shall be submitted in the following manner: one original and nine copies. All required data submissions, and the burden of proof under these regulations, shall be the responsibility of the applicant subdivider.

### **ARTICLE III - DEVELOPMENT STANDARDS**

#### **Section 220 - GENERAL PLANNING STANDARDS**

1. Land to be developed shall be physically suitable for the purpose with particular regard to the adequacy for on-site sewage disposal. Additional factors of the site to be considered include flood hazard, drainage, slopes, soils, and other natural conditions affecting its safe, healthful use.
2. The proposed development should demonstrate due regard for the protection of existing trees, scenic points, brooks and water bodies and other natural and cultural features of the area.
3. The development scheme shall be compatible with adjacent uses (especially agricultural), and shall provide sufficient open space for recreation and to safeguard the privacy of the area inhabitants.
4. The proposed development shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads, nor shall it place an unreasonable burden on the ability of the Town of Saint Albans to provide educational or other public facilities and services. Considerations shall include the capacity of facilities and services directly affected, and the public cost of improvements relative to the anticipated tax return from the proposed development.
5. The proposed development shall be in conformance with the Town of Saint Albans Town Plan, Zoning Bylaws and Subdivision Regulations, and other ordinances then in effect, and with the criteria contained in Title 10 V.S.A., Section 6086.

#### **Section 221 - REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

1. Layout of lots shall be in conformance with the Zoning Bylaws and Subdivision Regulations, and wherever feasible shall:
  - A. Access onto side roads and minimize direct access to highways;
  - B. Utilize common driveways for adjacent lots; and
  - C. Produce the safest, most healthful and attractive building sites for the topography, drainage, soils, vegetation, and other natural features on the property.
2. Design of roads shall conform to Selectboard approved standards and shall be constructed logically in relation to the topography so as to produce safe intersections, grades and alignments, and adequate drainage. Wherever feasible, roads shall be laid out:
  - A. To coordinate with existing and future appropriate development of adjacent tracts;
  - B. To utilize intersections that provide the highest Level of Service (LOS) and safety; and
  - C. To make driving through the development possible (i.e.: avoid long dead-end streets), but discouraging to through traffic in that portion of the Town of Saint Albans.

- D.** To enable safe pedestrian and bicycle access and movements. Provisions for sidewalks and crosswalks shall be required in the Town of Saint Albans designated growth centers.
- 3.** Water and Sewage Disposal Systems shall comply with all Town of Saint Albans Regulations. The Development Review Board may require that the proposed development be serviced by common or public water supply and sewage disposal systems, or that such systems be designed so that they may eventually be connected to municipal facilities.
  - 4.** Utilities including electric and telephone shall be underground, unless modified by the Development Review Board. A modification may be granted if it is established that utilities that are placed on the ground would not have a substantial and material adverse effect on adjoining parcels, and it would be an undue burden to require an applicant to place such utilities underground. Whenever feasible, utilities shall be laid out to coordinate with existing and future appropriate development of adjacent tracts. All utility easements shall be shown on the plat.
  - 5.** Drainage Facilities shall be provided sufficient to accommodate the two and ten year return period storm runoff from all roads, lots and upstream drainage areas, whether inside or outside the development. Post-development runoff/drainage (volume & rate) shall not exceed Pre-development runoff/drainage (volume & rate). The Development Review Board shall not approve a drainage system that would overload downstream drainage facilities or cause flooding on other lands or results in increased public expenditure, until proper provision has been made for the improvement of such conditions. Adequate provision shall be made to minimize erosion during and after construction. All drainage system easements shall be shown on the plat.
  - 6.** Vegetation such as trees and shrubs shall be retained or shall be required by the Development Review Board for reasonable screening and aesthetic purposes. Vegetated buffers along stream banks are to be maintained or enhanced as required by the Development Review Board for filtration, erosion control and aesthetic purposes. The Development Review Board shall require that suitable hardwood shade trees be planted along the roads where trees do not exist at intervals of forty feet. All such required trees shall measure at least ten feet in height and two inches in diameter measured six inches above finished grade, and shall be planted within five feet of the edge of the road right-of-way.
  - 7.** Open Space for recreation, pedestrians, or other public or common use pursuant to Section 4417 (a)(5) of the Act may be required by the Development Review Board. All such spaces shall be shown on the plat.

Soil stability shall be maintained by the use of proper erosion and sediment controls during and after construction, as approved by the Development Review Board.

**PART III**

**ZONING REGULATIONS**

**ARTICLE IV - ZONING ADMINISTRATION AND ENFORCEMENT**

**Section 300 – APPLICABILITY**

The following types of land development shall be subject to the zoning regulations herein:

1. New construction of any structure greater than fifty square feet, relocation or substantial improvement of any structure.
2. Commencement or extension of any mining, commercial underground services, excavation or land filling.
3. Change or expansion of the use of any structure or land,
4. Paving of any parking area or road, except a residential driveway or resurfacing of a previously paved area.
5. Change from a seasonal dwelling to a year-round dwelling.

**Section 301 - ZONING ADMINISTRATOR**

1. The Zoning Bylaws and Subdivision Regulations shall be administered and enforced by a Zoning Administrator, nominated by the Planning Commission and appointed for three years by the Selectboard. The Zoning Administrator will be subject to the Town of Saint Albans employment policies and position description. Compensation to the Zoning Administrator shall be paid out of the general fund in an amount and schedule established by the Selectboard.
2. The Zoning Administrator shall administer and enforce the Zoning Bylaws and Subdivision Regulations literally, and shall not have the power to permit any land development which is not in conformance with them. The Zoning Administrator may make reasonable inspections that he/she deems necessary to determine compliance, and shall maintain a full and accurate record, available to the public, of all applications and fees received, permits issued and denied, and violations reported.
3. In the absence or disability of the Zoning Administrator, an acting Zoning Administrator may be appointed and empowered in the same manner as provided in (1) and (2) above.

**Section 302 - PERMITS, APPLICATIONS**

1. It shall be the responsibility of the landowner or authorized agent to obtain a zoning permit prior to the commencement of any land development. No person shall undertake any land development without a valid permit issued by the Zoning Administrator that specifically authorizes the action. Land development includes:
  - A. New construction, relocation or substantial improvement of any structure.
  - B. Commencement or extension of any mining, commercial underground services, excavation or land filling.
  - C. Paving of any parking area or road, except a single-family house driveway or a previously paved area.
  - D. Change or expansion of the use of any structure or land.
  - E. Change from a seasonal dwelling to a year-round dwelling.
2. It shall be the responsibility of the landowner or permittee to obtain a Certificate of Compliance in accordance with Section 302(C). The Zoning Administrator shall act within 30 days of receiving a complete application.
3. Applications for zoning permits shall be made to the Zoning Administrator, who shall help prepare suitable application and permit forms.

**A. ZONING PERMIT:**

Required prior to new construction, relocation or substantial improvement of any structure. Permits shall remain in effect for twenty-four months at which time the Zoning Administrator may grant an extension if no development has commenced and no changes in the development's plans or zone requirements has occurred since originally permitted. Two two-year extensions may be granted by the Zoning Administrator, but after that time the original permit would be void.

If the application is for a phased project, then any building permits would expire 24 months after the date of the commencement of the last phase of the project.

**B. DWELLING CONVERSION PERMIT:**

Required prior to the conversion of any seasonal dwelling into a year-round dwelling. Permits shall remain in effect for twenty-four months. The following conditions shall be met prior to receiving a Dwelling Conversion Permit:

- 1) The system is inspected, photographed and approved by the Town of Saint Albans' Health Officer, and A Wastewater Disposal Permit is issued and recorded in the Town of Saint Albans' Land Records.
- 2) Any necessary variances are received from the Development Review Board, and
- 3) All applicable local permits are obtained by the applicant, and
- 4) All applicable Impact Fees are paid to The Town.

**C. CERTIFICATE OF OCCUPANCY:**

It shall be unlawful to use or occupy, or permit the use or occupancy of any premises until a certificate of occupancy is issued by the Zoning Administrator. When a State Wastewater/Potable Water supply Permit has been issued, an engineer's certification of the system must be provided to the Zoning Office prior to issuance of the Certificate of Occupancy.

A conditional certificate of occupancy may be issued where portions of a building may be ready for occupancy before completion of the entire structure, or in the event that actual operation is needed to demonstrate compliance with the performance standards of the Zoning Bylaws and Subdivision Regulations.

**D. CERTIFICATE OF COMPLIANCE:**

Any land development or change of use of a structure or land requires a Certificate of Compliance. Conditions attached to any issued Zoning or Planning permits will be addressed before a Certificate of Compliance is issued.

**E. SPECIAL PERMIT REQUIRED:**

As required by the Act, Section 4424 (2), the Zoning Administrator shall not issue any permit for the development of land in a flood plain unless the following conditions are established:

- 1) Flood protection techniques including elevation, floodproofing, disaster preparedness, hazard mitigation or relocation are employed.
- 2) Flood drainage measures are utilized.
- 3) For parcels in a flood area, compliance with the above flood zone regulations is a prerequisite to the granting of a building permit.
- 4) No permit for new construction or substantial improvement for a structure in a flood area shall be granted until after both the following have been accomplished:
  - a) A copy of the application is mailed or delivered by the administrative officer to the Agency of Natural Resources.
  - b) Either 30 days have elapsed following the mailing or the Agency delivers comments on the application.
- 5) Special exceptions. The Development Review Board, after public hearing, may approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a regulated flood area, subject to compliance with applicable federal and state laws and regulations, and provided that the following criteria are met:

- a) The Development Review Board finds that the repair, relocation, or enlargement of the nonconforming structure is required for the continued economically feasible operation of a nonresidential enterprise.
- b) The Development Review Board finds that the repair, relocation, or enlargement of the nonconforming structure will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety, and welfare of the public or other property owners.
- c) The permit so granted states that the repaired, relocated, or enlarged nonconforming structure is located in a regulated flood or other hazard area, does not conform to the Zoning Bylaws pertaining to that area, and will be maintained at the risk of the owner.

**F. ZONING AND DEVELOPMENT REVIEW BOARD PROCEDURE**

- 1) Within thirty days of receiving a completed application and fee, the Zoning Administrator shall either issue the permit, refer the application to the Development Review Board, or send a notice of denial (including the reasons for refusal) to the applicant. If the Administrator fails to act within the thirty-day period, the permit shall be deemed approved on the thirty-first day.
- 2) The Zoning Administrator may not issue a permit for any development that does not strictly comply with the provisions of the Zoning Bylaws and Subdivision Regulations, except for a Planned Unit Development, or an application for a project that has received a variance from the Development Review Board.
- 3) Permits shall run with the land, valid and binding upon any heir or successor. Any change in the proposed building plan for which the original permit was obtained requires prior approval of the Zoning Administrator and/or the Development Review Board.
- 4) A permit issued by a Zoning Administrator shall take effect after being issued. Where the granting of a permit follows a public hearing, as in the case of an appeal or a variance or conditional use request, the permit shall take effect immediately after the written decision is issued.
- 5) When granting a permit the Zoning Administrator shall:
  - a) Deliver a copy of the permit to the listers of the municipality; and
  - b) Post a copy of the permit in the Town Hall until the expiration of 15 days from the date of issuance of the permit.



- c) Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
  - (1) deliver the original or a legible copy of the municipal land use permit or notice of violation or a notice of municipal land use permit generally in the form set forth in subsection 1154(c) of Title 24 to the town clerk for recording as provided in subsection 1154(a); and
  - (2) file a copy of that municipal land use permit in the office of the municipality in a location where all municipal land use permits shall be kept.
- 6) When receiving a permit, the applicant shall post a copy of that permit in plain view of the public road or right of way on the concerned property during the appeal period. If such permit is not in plain view during the appeal period, the Zoning Administrator shall order construction to cease until the permit is properly posted.

### **Section 303 - SITE PLAN APPROVAL**

- 1. In any district, uses other than forestry, agriculture or single and two family dwellings on single lots, shall be subject to site plan review by the Development Review Board. The applicant for site plan approval shall submit a site plan application and eight copies of the site plan which shall include the following information:
  - A. Features of the existing site including contours, watercourses and wetlands, vegetation and natural features, structures, access points, easements, exterior lighting, size design and location of signs, and property and zone boundaries.
  - B. Proposed improvements including structures, locations or building envelopes, parking areas, access points, sidewalks and other walkways, loading docks, outside storage areas, sewage disposal areas, landscaping, screening, artificial lighting, drainage and site grading. Building information, including elevations and floor plans are required for all uses other than single and two family dwellings..
  - C. Proposed protections and/or enhancements of watercourses, wetlands and other natural features to be utilized during and after construction.
  - D. Detailed specifications of the planting and landscaping materials to be used.
  - E. Period of time in which all site improvements will be completed.
  - F. Cost estimate of all site improvements.
  - G. Estimate of daily and peak hour traffic generation.
  - H. Drawings showing on-site circulation for pedestrians and vehicles.

2. In reviewing a site plans the Development Review Board shall impose appropriate conditions and safeguards with respect to the adequacy of pedestrian and vehicular access and circulation, parking, landscaping, surface water and wetland protection, screening, lighting, and other similar site factors.
3. Provisions of the Selectboard Road Standards shall apply during the site plan review.
4. In the case of public, commercial, and industrial uses, no more than fifty percent (eighty percent in Growth Centers) of the front yard's area shall be used for parking and driveways. The exception will be in the areas abutting the I-89 corridor where State permits and regulations require different layouts. The remainder shall be suitably landscaped and may not be used for outside storage.
5. The Development Review Board shall require that the developer provide suitable performance bond/letter of credit with a term not to exceed three years, to guarantee the completion of landscaping, public improvements, grading and site drainage.
6. The Development Review Board shall act to approve or disapprove a site plan within forty-five days of receiving a completed application as determined by the Board. The Development Review Board shall send its decision, along with findings of fact, to the applicant. If the Board fails to render a decision within the forty-five day period, the site plan shall be deemed approved on the forty-sixth day.
7. If the applicant fails to obtain all required building permits within 8 years, the applicant may request a one-time only extension from the Development Review Board of not more than two years. If an extension is denied by the Development Review Board or if after an approved extension expires, and the permits have still not been attained, the site plan approval expires.

#### **Section 304 - DEVELOPMENT REVIEW BOARD (DRB)**

1. The Development Review Board shall consist of not less than 3 nor more than 9 members, whose appointment and removal by the Board of Selectmen shall be in accordance with Section 4460 of the Act. The Development Review Board shall have the following powers and duties from Title 24 of the Vermont Statutes Annotated.
  - A. Review of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of Title 24.
  - B. Review of proposed conditional uses as authorized in subdivision 4414(3) of Title 24.
  - C. Review of wireless telecommunications facilities as authorized in subdivision 4414(12) of Title 24.
  - D. Review of requests for waivers within PUD's as authorized in subdivision 4414(8) of Title 24.
  - E. Site plan review as authorized in section 4416 of Title 24.
  - F. Review of planned unit developments as authorized in sections 4417 of Title 24.
  - G. Review of proposed subdivisions as authorized in section 4418 of Title 24.
  - H. Appeals from a decision of the administrative officer pursuant to section 4465 of Title 24.

- I. Review of requests for variances pursuant to section 4469 of Title 24.
- J. Any other reviews required by the bylaws.
- K. To impose (for variances and conditional uses), in addition to the standards contained in these Zoning Bylaws and Subdivision Regulations, such other reasonable conditions and safeguards as it deems appropriate and necessary, including:
  - 1) Limiting the coverage or height of buildings because of undue obstruction to view and reduction of light and air to adjacent property.
  - 2) Controlling the location and number of vehicular access points to developments, and-minimizing off-site traffic hazards;
  - 3) Requiring measures to minimize the undue adverse effects of land alterations on soil erosion, water quality and scenic beauty as may be recommended by the County Forester, Soil Conservation Service, District Highway Engineer and other experts;
  - 4) Specifying the time limit for construction of improvements to land or structures, including conditions to phase residential developments to minimize the impact on schools and other community facilities and services; and:
  - 5) Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the character of the area.
- L. To establish and apply rules of procedure and all other matters as provided in Subchapter 11 of the Act.
- M. As part of the record in each case, the Development Review Board shall make findings of fact and conclusions of law.

### **Section 305 - APPEALS, VARIANCES AND REQUESTS FOR AMENDMENTS**

- 1. Any interested person may appeal any decision or action taken by the Zoning Administrator by filing a written notice of appeal with the Development Review Board within 15 days of such decision or act. – Within thirty days, the Zoning Administrator shall refer the appeal to the first available meeting of the Development Review Board, and the Board shall render a decision on the appeal within 60 days of the date of the final public hearing on the matter.
- 2. Public notice for any hearing held by the Development Review Board shall be given by publication of the date, place and purpose of such a hearing in a newspaper of general circulation in the Town of Saint Albans (officially designated by the Selectboard), and posting of such notice in three public places within the municipality. The applicant shall also be responsible for the mailing of such notice by Certified Mail with return receipt requested to all adjoining property owners and property owners directly across roadway, watercourse or shared private access road from applicant's property not less than 15 days prior to the date of the public hearing. Proof of Notification shall consist of a signed green receipt card, a signed and dated agenda or if no green card is available an official receipt from the Post Office for Certified Mail Return Receipt Requested.

3. On an appeal for conditional use approval, the Development Review Board may grant said approval according to the Act, Section 4414(3) if the Board determines that the proposed use will conform to all specific standards and provisions contained in the Zoning Bylaws and Subdivision Regulations and to the following general standards:

The proposed conditional use shall not have a substantial and material adverse effect on:

- A. The capacity of existing or planned community facilities;
  - B. Traffic on roads and highways in the vicinity;
  - C. The utilization of renewable energy resources;
  - D. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan and;
  - E. Other Town Bylaws and ordinances then in effect.
4. On an appeal for a variance from the Zoning Bylaws and Subdivision Regulations, the Development Review Board may grant said variance if all of the following conditions are found to exist and are specified in its decision according to Section 4469 of the Act:
    - A. 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Bylaws and Subdivision Regulations in the neighborhood or district in which the property is located;
    - B. 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 Bylaws and Subdivision Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
    - C. That such unnecessary hardship has not been created by the appellant;
    - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
    - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the Zoning Bylaws and Subdivision Regulations.

5. According to the Act, Sections 4414 (3), upon completion of a hearing, the Board shall render its decision on an appeal for conditional use approval, within forty-five (45) days. Failure to render a decision within the required period shall be deemed approval. The Board may reject an appeal without hearing and render a decision and findings of fact within ten (10) days of the filing of the notice of appeal, if the Board considers the facts or issues raised by the appellant to be substantially or materially the same as those decided in a previous appeal by said appellant. Copies of any Development Review Board decision shall be sent, within the above required time period to:
  - A. The appellant (by certified mail).
  - B. Every person or party who appeared and was heard at the hearing.
  - C. The Administrative Officer; and
  - D. The Town Clerk for filing as part of the public records of the Town.
6. An interested person may appeal any decision of the Development Review Board, within thirty (30) days of such decision, to the Environmental Court.
7. The Development Review Board may grant a variance if all the facts in Section 4469 of the Act are found and specified in its decision. On a request for a variance involving a renewable energy structure, the Board may grant such relief if all the facts in Section 4469 of the Act are found and specified in its decision.
8. The Development Review Board may grant conditional use approval for uses listed as conditional in the proper districts where the Board determines that the use will not have a substantial and material adverse affect on the general standards of Section 4414 (3) of the Act or the specific standards of the Zoning Bylaws and Subdivision Regulations.
9. In granting variances and approving conditional uses, The Development Review Board may impose such reasonable conditions that it considers necessary to implement the Zoning Bylaws and Subdivision Regulations.
10. Except for amendments initiated by the Selectboard, Planning Commission or by the Development Review Board, proposed or requested amendments to the Zoning Bylaw and Official Zoning Map shall be accompanied by:
  - A. A written study addressing at least the following points:
    - 1) The suitability of land proposed for the zoning change, and a comparison to other available land with similar capabilities in the Town.
    - 2) The impact of the change on the environment and character of the area as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
    - 3) The impact of the change on the use and potential development of all adjoining properties, including properties across streets and watercourses.

- 4) The impact of the change on land values, the tax base and revenues of the Town.
  - 5) The impact of the change on services, facilities, utilities, and on public capital budgets and expenditures.
  - 6) The compatibility of the change with the Town Plan and any Zoning Bylaws and Subdivision Regulations that have been enacted to implement it.
- B.** A fee to be established by the Selectboard.
- C.** The party requesting the change shall be responsible for mailing the notice to all adjoining property owners and property owners directly across roadway, watercourse or shared private access road from the property(ies) to be rezoned not less than 15 days prior to the date of the public hearing. Notice by Certified Mail with return receipt requested green cards or a signed and dated agenda are required as proof of notification.
- 11.** The Planning Commission may deny a rezoning request upon a finding of undue adverse impact on any of the above six criteria. The Planning Commission shall deny a rezoning request when it finds that some or all of the following factors are present:
- A.** An “island” or a small parcel of land would be singled out for special and privileged treatment.
  - B.** The singling out is not in the public interest but only for the benefit of the landowner.
  - C.** The rezoning would not conform with the Town Plan.
- 12.** Notwithstanding the above, if a rezoning request or zoning amendment submitted to the Planning Commission is supported by a petition signed by not less than five percent of the qualified voters of the Town, the Planning Commission shall promptly proceed to warn a public hearing upon public notice, in all respects as if the proposed amendments were its own, and shall thereafter submit the proposal to the Selectboard without change. The Planning Commission may also submit its opinion and recommendations with respect to the proposal at or prior to the Selectboard’s public hearings.

### **Section 306 – VIOLATIONS**

Violations of this Bylaw shall be regulated as prescribed in Sections 4451 and 4452 of the Act. Whoever violates any provision of this Bylaw may be fined not more than one hundred dollars (\$100) for each offense. Each day (24 hours) that a violation continues constitutes a separate offense. No action may be brought under Section 4451 of the Act unless the alleged offender has had seven (7) days notice by certified mail that a violation exists thereby giving him the opportunity to cure the violation.

## **ARTICLE V - ZONING DISTRICT PROVISIONS**

### **Section 310 - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP**

1. The Town of Saint Albans is divided into the following zoning districts: Flood Hazard, Conservation, Lakeshore, Rural, Residential, Mixed Commercial/Residential, Commercial, Light Industrial /Commercial, Industrial, Telecommunications and Correctional Facility.
2. The above-mentioned zones are located and bounded on the Official Zoning Map that, together with the latest Federal Flood Insurance Rate Maps for the Town of St. Albans, is hereby adopted by reference and declared to be part of this Bylaw.
3. The Official Zoning Map shall be identified by the signatures of the Selectboard attested by the Town Clerk. Regardless of the existence of copies which may be made or published from time to time, the Official Zoning Map located in the Town Hall shall be the final authority as to the zoning status of all land and water areas in the Town of Saint Albans. The district dimensions included at the end of each district are approximates only and do not take precedence over the Official Zoning Map. No changes of any nature shall be made on the Official Zoning Map except in conformance with the formal amendment procedures and requirements set forth in the Act, Sections 4441 and 4442.
4. The boundaries of each zone shall be clearly labeled on the Official Zoning Map, indicating controlling boundary features such as, but not restricted to, highways, town limits, railroad lines, soil map boundaries, land elevation contours, measurements from existing features such as shoreline, roads, streams and lakes or plotter lot lines.
5. Zone boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The abandonment of roads shall not affect the location of such zone boundaries.
6. Where a boundary between districts divides a pre-existing lot (a lot that existed prior to zoning being adopted in the Town of St Albans), the regulations of the less restrictive district may apply in that section of the more restrictive district that lies within one hundred feet of the district boundary.
7. Where the Growth Center boundary divides a lot which existed prior to 10/22/2001 (First Growth Center Overlay), the entire lot will be treated as if it was wholly situated in the Growth Center if either of the following conditions are met:
  - a) More than 50% of the lot is situated in the Growth Center;
  - b) All of the structure(s) will be built on the portion of the lot wholly residing in the Growth Center.

**Section 311 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Any interpretation of zoning district boundaries by the Zoning Administrator may be appealed to the Development Review Board for a declaratory ruling. Where a district boundary divides a lot that existed at the time of passage of these Bylaws, the Development Review Board may permit, as a conditional use, the extension of the regulations for either portion of the lot (not to exceed 100 feet beyond the district line) into the remaining portion of the lot.

**Section 312 - DISTRICT LAND USE CONTROL**

1. All uses must hereafter conform to the district prescribed uses set forth in Section 310 and the definitions given in PART V. Non-conforming uses shall be regulated as follows:
  - A. Pre-existing nonconforming uses, as provided in Section 320.
  - B. New temporary nonconforming uses, as provided in Section 407.
  - C. New permanent nonconforming uses shall be absolutely prohibited.
2. The prescribed uses and structures for each district are classified as “permitted” or “conditional”, and shall be regulated as follows:
  - A. Permitted uses and structures may be directly approved by the Zoning Administrator, unless approval from other bodies is required.
  - B. Conditional uses and structures may only be approved by appeal to the Development Review Board (See Section 305).

**Section 313 - DISTRICTS PERMITTED AND CONDITIONAL USES**

1. Uses that are listed as Permitted in the following districts shall be allowed with the granting of a permit by the Zoning Administrator except where approval from other bodies is required. Uses listed as Conditional in the following districts require Conditional Use approval from the Development Review Board. Uses that are not listed as Permitted or Conditional in a district shall be prohibited in that district. Uses that are not listed as Permitted or Conditional in any district shall be subject to review.



2. Existing uses that do not conform to the Zoning Bylaws and Subdivision Regulations but were in full compliance with all applicable regulations prior to the enactment of the Zoning Bylaws and Subdivision Regulations may remain indefinitely. Such pre-existing uses may be expanded upon conditional use review provided that:
  - A. The expansion does not increase the size of the structure by more than 50%.
  - B. The expansion will not have a substantial and material adverse affect on adjoining properties.
  - C. A valid, nonconforming use shall neither be converted to another nonconforming use nor altered in a fashion that increases its degree of nonconformance.
  - D. A nonconforming structure may be altered in a manner that reduces its nonconformance.
3. If a nonconforming use is either abandoned or destroyed and as a result is discontinued for a period of eighteen months, such use may not be resumed unless the Zoning Administrator receives a zoning application to resume the use within the eighteen months time frame.

#### **Section 314 - LOT AND STRUCTURE REQUIREMENTS**

1. No lot (including leased lots) shall be created that does not meet the minimum dimensional and frontage requirements of the district in which it is located unless it is in an approved planned unit development.
2. All primary and accessory structures and uses shall not exceed the maximum lot size to gross floor area ratios, and minimum setback requirements of the district in which they are located.
3. All structures must hereafter comply with the district dimensional requirements and any other applicable provisions of the Zoning Bylaws and Subdivision Regulations. Noncomplying structures shall be regulated as follows:
  - A. Pre-existing nonconforming structures, as provided in Section 320 and 321.
  - B. New temporary nonconforming structures, as provided in Section 407.
  - C. New permanent nonconforming structures shall be prohibited, except as may be authorized by a variance or under the planned unit development (PUD) provisions in Section 417.
4. Any project with more than one primary structure on a lot (Which doesn't meet Section 322 Pre-existing small lots) must meet the requirements of a PUD.

**Section 314.1 – MOBILE HOMES, MODULAR HOUSING OR OTHER FORMS OF PREFABRICATED HOUSING**

1. No zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions that conventional housing is excluded.

**DESIGNATED GROWTH CENTERS**

**Section 314.2 - DESCRIPTION OF GROWTH CENTER**

**Growth Center South**

Beginning at the junction of the Interstate Access Road and the town line, the growth center boundary follows the town line north for 1,760'. The boundary turns east for 380' to the centerline of Hillfarm Estate at a point 850' from the Congress Street intersection. The boundary then continues east for 430' to the centerline of Hillfarm Estate at a point 900' from the Congress Street intersection, then continues east for 540' to VT Route 104 at a point 940' from the intersection of VT Route 104 and Congress Street. The boundary follows VT Route 104 north for 1,400' to a point of intersection with the Interstate 89 overpass. The boundary follows the southbound lane of interstate 89 for 1.7 miles to a point 800' easterly from the junction of Fairfax Street and VT Route 104. The boundary then turns westerly for 800' to the intersection of VT Route 104 and Fairfax Street then follows the centerline of VT Route 104 south for 980'. The boundary then turns westerly for 1,000' to where it intersects a stream, then follows the stream north for 450' then leaves the stream and continues north for 630' to the centerline of Fairfax Street at a point 1,170' from the intersection of Fairfax Street and VT Route 36. The boundary then continues west along Fairfax Street for 6,600' to the town line. The boundary then follows the town line for 1.5 miles to the point of beginning.

**Growth Center North**

Beginning at the Junction of VT105 and US 7 and traveling west, the proposed growth center boundary coincides with the City Boundary for 2,910 feet (453,461.97 E, 258,339.42 N) then heads northwest at 390° 38' 33" for 1.61 miles to Jewett Avenue (453.057.018E, 260,913.921N). The boundary then follows the centerline of Jewett Avenue for 0.30 mile to the intersection of US 7. The boundary proceeds east at 89° 35'08" for 846 feet, then turns southeast at a bearing of 115° 45'38" for 390 feet to a point (453,894.59 E, 260,924.37N) along I89 South.

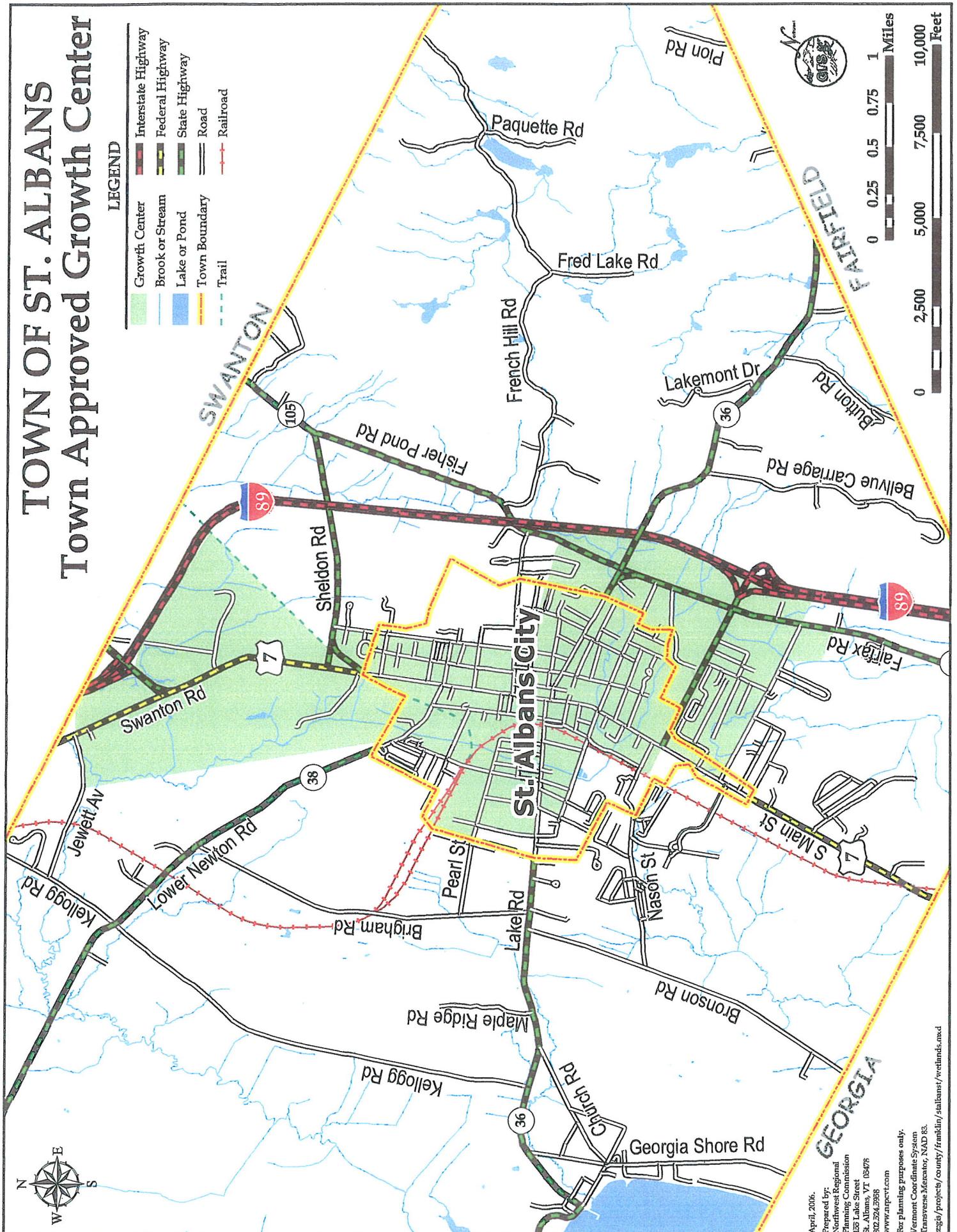
From I89 South, the proposed growth center boundary continues 1,610 feet along the interstate to Exit 20 and the intersection of VT207. The boundary crosses VT207 and parallels the Exit 20 on – ramp, then parallels I89 South for 3,748 feet (0.7 mile) to a point located at 4455,329.74E, 259,814.2N. The boundary then proceeds southwest at a bearing of 224°44'29" for 4,820 feet (0.9 mile) to the Seymour Road (454,276.55E, 258,766.30N) before turning 685 feet east to High Street at a bearing of 99°37'41". The boundary continues along High Street for 1,227 feet to a point on the City Boundary located at 454,437.36E, 258,365.73N. The proposed growth center boundary then follows the City Boundary for 1,260 feet to the junction of VT105 and US7.

# TOWN OF ST. ALBANS

## Town Approved Growth Center

### LEGEND

- Growth Center
- Interstate Highway
- Federal Highway
- State Highway
- Brook or Stream
- Lake or Pond
- Town Boundary
- Road
- Trail
- Railroad



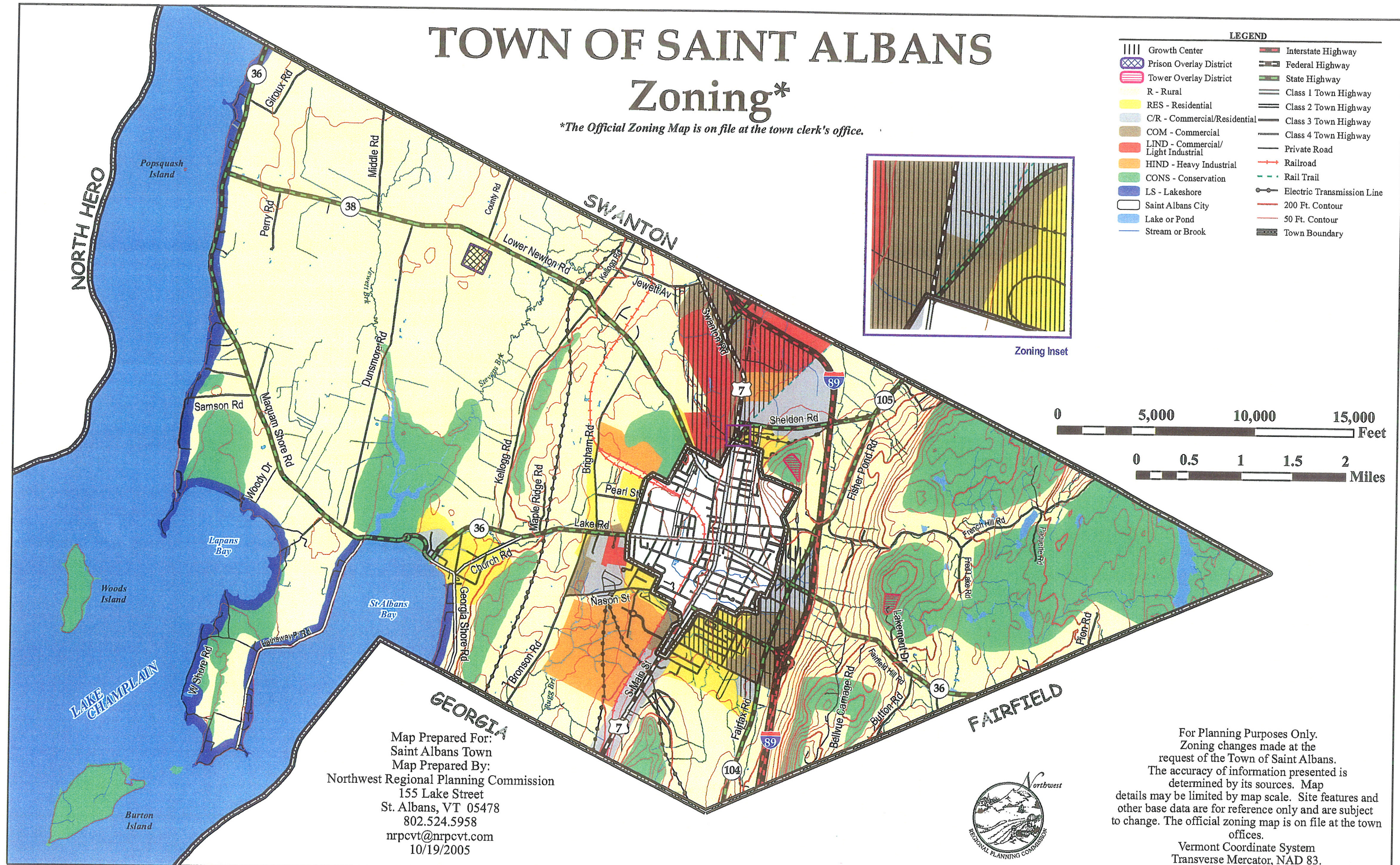
April, 2006.  
 Prepared by:  
 Northwest Regional  
 Planning Commission  
 137 Lake Street  
 St. Albans, VT 05478  
 802.294.2938  
 www.nwrcvt.com  
 For planning purposes only.  
 Vermont Coordinate System  
 Transverse Mercator, NAD 83.  
 zgis/projects/county/franklin/stalbans/wetlands.mxd



# TOWN OF SAINT ALBANS

## Zoning\*

\*The Official Zoning Map is on file at the town clerk's office.





**Section 315 - DISTRICTS, ALLOWABLE USES, AND SPECIFIC REQUIREMENTS**

**1. FLOOD HAZARD DISTRICT**

**Objectives and Description**

The purpose of this district is to prevent increases in flooding caused by development in flood hazard areas, to minimize future public and private losses due to floods, and to promote the public health, safety and general welfare (see also 24 V.S.A. §§ 4411, 4414(1D) and 4424. Designation of this district is also required for continued Town of Saint Albans' eligibility in the National Flood Insurance Program. Included are all areas subject to a 1% or greater chance of flooding in any given year (i.e.: the 100 year flood plains).

**Conditional Uses:**

|                                         |                              |
|-----------------------------------------|------------------------------|
| Accessory Structures                    | Seawalls                     |
| Agricultural Uses                       | Single Family Dwelling       |
| Agricultural Structures                 | State Licensed or Registered |
| Day Care Facility (Licensed)            | Residential Care or Group    |
| Excavation and Landfilling              | Home                         |
| Home Child Care                         | Substantial Structural       |
| Outdoor Recreation, Public and          | Improvements                 |
| Commercial (boating facilities,         |                              |
| Pump houses and access & parking areas) |                              |

**Dimensional Requirements** (Unless Modified by Section 403 of these Zoning Bylaws and Subdivision Regulations)

Minimum Lot Size: 40,000 square feet

Setbacks: Frontage (mean water mark or road) - 100 ft.

Seawall – constructed at an elevation of 98' or higher. Certification of elevation must be provided by applicant. Base of wall where entering the ground must be 98' or higher.

**A. Lands to Which These Regulations Apply:**

- 1) These regulations shall apply in all areas in the Town of Saint Albans identified as areas of special flood hazard on the National Flood Insurance Program maps that are hereby adopted by reference and declared to be part of these regulations.
- 2) The Flood Hazard District overlaps other districts established in the Zoning Bylaws and Subdivision Regulations. Where the provisions of the underlying district differ with the Flood Hazard District provisions, the more restrictive shall govern.

- 3) The mandatory provisions of State and Federal law for continued eligibility in the National Flood Insurance Program are adopted by reference and shall be applied in this district. 24 V.S.A. §§ 4414, 4424 and 44 C.F.R. 60.

**B. Conditional Use Permit Required:**

Conditional use approval by the Development Review Board is required for construction of new buildings, substantial structural improvement, floodway development, fill, excavation, grading, and storage of equipment and material within areas of special flood hazard.

**C. Conditional Use Review Procedures:**

- 1) The applicant must provide the following information for consideration by the Development Review Board for review:
  - a) The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings, and
  - b) The elevation, in relation to mean sea level, to which buildings have been flood proofed, and
  - c) Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features, and
  - d) Other information deemed necessary by the Development Review Board for determining the suitability of the site for the proposed development, to include but not limited to the following;
    - (i) The availability of alternative locations not subject to flooding for the proposed use, and
    - (ii) The safety of access to the property in times of flood of ordinary and emergency vehicles, and
    - (iii) The potential for damage to the property caused by erosion, and
    - (iv) An evacuation plan indicating alternate vehicular access and escape routes.
- 2) No permit for new construction or substantial improvement shall be granted for a flood or other hazard area until after both the following have occurred:
  - (i) A copy of the application is mailed or delivered by the administrative officer or by the appropriate municipal panel to the agency of natural resources.
  - (ii) Either 30 days have elapsed following the mailing or the agency delivers comments on the application.

- 3) Notify adjacent communities and the Vermont Agency of Natural resources at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and submit copies of such notification to the Administrator of the Federal Insurance Administration.
- 4) Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State or Municipal Law.

**B. Base Flood Elevations and Floodway Limits:**

- 3) Where available the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- 4) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

**E. Development Standards Within Areas of Special Flood Hazard:**

**1) Floodway Areas:**

- a) Development within the floodway is prohibited unless a registered professional engineer or architect certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
- b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

**2) Fringe Areas (i.e. flooded areas outside of the floodway):**

- a) All development shall be designed;
  - (i) To minimize flood damage to the proposed development and to the public facilities and utilities, and
  - (ii) To provide adequate drainage to reduce exposure to flood hazards.



- b) Structures shall;**
  - (i)** Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure during the occurrence of the base flood, and
  - (ii)** Be constructed with materials resistant to flood damage, and
  - (iii)** Be constructed by methods and practices that minimize flood damage, and
  - (iv)** Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- c)** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- d)** New and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- e)** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- f)** New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

Mobile homes shall be anchored as follows;

- (i)** Over-the-top and frame ties shall be provided at each of the four corners;
- (ii)** Two additional intermediate over-the-top ties and five additional intermediate frame ties per side shall be provided;
- (iii)** All components of the anchoring system shall be capable of carrying a force of 4800 pounds;
- (iv)** Any additions to the mobile home shall be similarly anchored.
- (v)** When piling foundations are used the pilings shall be placed in stable soil no more than 10 feet apart and piers more than six feet above the ground level shall be reinforced.
- g)** The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.

- h)** Existing residential buildings undergoing substantial structural improvements shall be modified or elevated to meet the requirements of subsection g.
- i)** Existing buildings undergoing substantial structural improvements for nonresidential purposes shall either;

- (i)** Meet the requirements of subsection h, or

- (ii)** Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- j)** All new construction and substantial structural improvements with full enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria;
  - (i)** A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, and
  - (ii)** The bottom of all openings shall be no higher than one foot above grade, and
  - (iii)** Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- k)** Recreational Vehicles placed on sites within Zones A1-A30, AH and AE shall either;
  - (i)** Be on the site for fewer than 180 consecutive days, or
  - (ii)** Be fully licensed and ready for highway use, or
  - (iii)** Meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).

**F. Duties and Responsibilities of the Zoning Administrator:**

The Zoning Administrator shall maintain records of;

- 1) All permits issued for developments within areas of special flood hazard; and
- 2) The elevation (in relation to mean sea level) of the lowest floor, including basement, of all new buildings or those undergoing substantial structural improvements; and
- 3) The elevation (in relation to mean sea level) to which buildings have been flood proofed;
- 4) All flood proofing certifications required under this regulation;
- 5) All variance actions, including justification for their issuance.

**G. Variances to the development Standards:**

- 1) A variance shall be granted by the Development Review Board only;
  - a) In accordance with the provisions of 24 V.S.A. section 4469 and Section 4414(D) and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood insurance regulations.
  - b) Upon a determination that during the base flood discharge the variance will not result in increased flood levels, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 2) The secretary of the Development Review Board shall notify the applicant that the issuance of a variance to construct a structure below the base flood level;:
  - a) Will result in increased premium rates for flood insurance commensurate with the resulting increase in risk; and
  - b) Increase risks to life and property.

**H. Warning of Disclaimer of Liability:**

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

**I. Definitions:**

The National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

## 2. **CONSERVATION DISTRICT**

### **Objective and Description**

Location, topography and soil limitations make lands in this district unsuitable for intensive development. Included are areas of steep slopes and wetlands. Designation of this district is intended to protect the scenic and natural resources value of lands which lack direct access to public roads, are important for wildlife and wildlife habitat, and which are poorly suited for development. Only low density residential development, outdoor recreation uses, conservation uses, agricultural uses and forestry uses which are compatible with the district purposes will be permitted.

### **Permitted Uses**

|                                           |                                                  |
|-------------------------------------------|--------------------------------------------------|
| * Accessory Dwelling Unit                 | Outdoor Recreation (Excluding Use of Structures) |
| Agricultural Structures                   | Seawalls                                         |
| Forestry                                  | *Single Family Dwelling                          |
| * Home Child Care (Six or Fewer Children) |                                                  |

\*To be treated as conditional uses whenever conservation land is located within 500 feet of Lake Champlain mean water mark.

### **Conditional Uses**

|                                                  |                                          |
|--------------------------------------------------|------------------------------------------|
| Day Care Facility(Licensed)                      | Rental of Outdoor Recreation Equipment   |
| Essential Public Services                        | State Licensed or Registered Residential |
| Outdoor Recreation (Including Use of Structures) | Care Home                                |
| Planned Unit Development                         | Windmills/Wind Towers                    |

### **Dimensional Requirements – (Unless Modified by Section 403 of this Bylaw)**

Minimum Lot Size: 3 Acres

|          |                     |         |
|----------|---------------------|---------|
| Setbacks | Road                | 50 ft.  |
|          | Yard                | 30 ft.  |
|          | Yard (Seawall)      | 0 ft.   |
|          | Accessory Structure | 15 ft.  |
| Frontage |                     | 200 ft. |

\*\*Seawall – constructed at an elevation of 98’ or higher. Certification must be provided by applicant of elevation. Base of wall where entering the ground must be 98’ or higher.

**NOTE 1:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

- NOTE 2:** In order to qualify for the accessory structure yard setback of 15 feet, there has to be 10 feet separation between the closest parts of the principal and the accessory structures. If the structures are less than 10 feet apart, then the yard setback for a principal structure is to be applied to the accessory structure as well.
- NOTE 3:** Low Density here is defined as no more than 10 houses (without common or public water and municipal sewer), on 100 acres. If a developer plans to develop a parcel of land, clustered housing on lots of 1 acre may be permitted provided that the development rights on the remaining acreage are permanently retired and the land left in conservation or recreation use.

### 3. **LAKESHORE DISTRICT**

#### **Objective and Description**

The Flood Hazard District overlaps with the Lakeshore District in some areas, and where this overlap occurs, the more restrictive provisions shall govern. Intensive development such as marinas are to be very carefully reviewed so as not to adversely affect existing residential uses and to insure adequate parking and sanitary facilities (See Part IV). In order to protect existing vegetation and to prevent erosion, plot plans for new and expanded uses must identify any vegetation that is to be removed.

#### **Permitted Uses**

|                         |                                         |
|-------------------------|-----------------------------------------|
| Accessory Dwelling Unit | Home Child Care (Six or Fewer Children) |
| Agricultural Structures | Seawalls                                |
| Agricultural Uses       | Single Family Dwelling                  |

#### **Conditional Uses**

|                              |                                          |
|------------------------------|------------------------------------------|
| Campground                   | State Licensed or Registered Residential |
| Day Care Facility (Licensed) | Care Home                                |
| Outdoor Recreation Facility  | Tourist Home                             |
| Planned Unit Development     | Two Family Dwelling                      |
| Public Facilities            |                                          |

#### **Dimensional Requirements - (Unless Modified by Section 403 of this Bylaw)**

|                  |                                                                               |
|------------------|-------------------------------------------------------------------------------|
| Minimum Lot Size | 40,000 Square Feet Per Dwelling Unit<br>30,000 Square Feet Per Dwelling Unit* |
|                  | * With Community or Public Water and Municipal Sewer                          |

|           |                             |                                                |
|-----------|-----------------------------|------------------------------------------------|
| Setbacks: | Road                        | 30 feet                                        |
|           | Yard (Principal Structure)  | 25 feet                                        |
|           | Yard (Accessory Structure)  | 15 feet                                        |
|           | Yard (Seawall)              | 0 feet                                         |
|           | Mean Water Mark (95.5 feet) | 75 feet ( All structures other than seawalls.) |
|           | PUD Perimeter               | 50 feet (mean water mark or road)              |

Seawall – constructed at an elevation of 98’ or higher. Certification must be provided by applicant of elevation. Base of wall where entering the ground must be 98’ or higher.

|          |                                  |          |
|----------|----------------------------------|----------|
| Frontage | Agricultural Uses and Structures | 200 feet |
|          | Single Family Dwelling           | 100 feet |

**NOTE 1:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

**NOTE 2:** In order to qualify for the accessory structure yard setback of 15 feet, there has to be 10 feet separation between the closest parts of the principal and the accessory structures. If the structures are less than 10 feet apart, then the yard setback for a principal structure is to be applied to the accessory structure as well.

**District Dimensions:**

The Lakeshore District is placed at a 500 foot offset from the 95.5' elevation mark along the Lake Champlain shore, except in wetlands areas and St Albans Bay. It runs south from the Swanton town line and continues around Lapans Bay, Hathaway Point and along the west shore of Street Albans Bay to VT 36. It also runs north from the Georgia Town Line to the northern end of Wharf Street.

## **RURAL DISTRICT**

### **Objective and Description**

This district is predominantly agricultural and forested, with scattered residences and a few businesses. It is intended that this character be generally maintained. New Residential and other non-farm development should be planned so as to minimize interference with continuing agriculture. This goal should be pursued by encouraging new development to be clustered. Another valuable tool is the use of agricultural protection agreements in the permit process. Agricultural and animal services, supplies and marketing outlets, nurseries, greenhouses and gardening stores, recreational facilities and similar uses should also be permitted.

### **Permitted Uses**

|                                         |                        |
|-----------------------------------------|------------------------|
| Accessory Dwelling Units                | Seawalls               |
| Agricultural Structures                 | Single Family Dwelling |
| Forestry                                | Tourist Home           |
| Home Child Care – Six or Fewer Children | Two Family Dwelling    |

### **Conditional Uses**

|                              |                              |
|------------------------------|------------------------------|
| Agribusiness                 | Indoor Storage               |
| Church                       | Kennel                       |
| Day Care Center              | Outdoor Recreation           |
| Day Care Facility            | Planned Unit Development     |
| Day Care Facility (Licensed) | Sawmill (Small)              |
| Educational Facility         | State Licensed or Registered |
| Essential Public Services    | Residential Care Or Group    |
| Indoor Recreation            | Home                         |

### **Dimensional Requirements**

(Unless Modified by Section 403 of this Bylaw)

|                  |                                                     |
|------------------|-----------------------------------------------------|
| Minimum Lot Size | 40,000 Square Feet                                  |
|                  | 30,000 Square Feet+                                 |
|                  | +With common or public water<br>and municipal sewer |

|          |                            |         |
|----------|----------------------------|---------|
| Setbacks | Road                       | 40 feet |
|          | Yard (Principal Structure) | 25 feet |
|          | Yard (Accessory Structure) | 15 feet |
|          | PUD Perimeter              | 50 feet |



|          |                                               |          |
|----------|-----------------------------------------------|----------|
| Frontage | Agricultural Structures/Uses                  | 150 feet |
|          | Single Family Dwelling or Two Family Dwelling | 175 feet |
|          | Other Uses                                    | 200 feet |

**NOTE 1:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

**NOTE 2:** In order to qualify for the accessory structure yard setback of 15 feet, there has to be 10 feet of separation between the closest parts of the principal and the accessory structures. If this separation does not exist, then the yard setback for a principal structure is to be applied to the accessory structure as well.

#### 4. **RESIDENTIAL DISTRICT**

##### **Objective and Description**

These areas comprise the already established residential neighborhoods and areas adjacent, as well as some undeveloped areas located such that they can be readily and economically served by public services and facilities. These residential districts should be subdivided to reflect the density of existing neighborhoods and the district characteristics of their locations. It is intended that the primary use of land in these areas be residential; to provide protection from overcrowding, the invasion of traffic and noise created by high-volume commercial and industrial uses, and in order to maintain reasonable quiet and privacy. Efforts should be made to retain and improve the quality and vitality of older neighborhoods through restoration of historic buildings.

##### **Permitted Uses**

|                                         |                                |
|-----------------------------------------|--------------------------------|
| Accessory Dwelling Unit                 | Seawall                        |
| Agricultural Structures                 | Single Family Dwelling         |
| Agricultural Uses                       | State Licensed or Registered   |
| Day Care Facility (Licensed)            | Residential Care or Group Home |
| Home Child Care (Six or Fewer Children) | Two Family Dwelling            |

##### **Conditional Uses**

|                      |                          |
|----------------------|--------------------------|
| Church               | Multi-Family Dwelling    |
| Day Care Center      | Planned Unit Development |
| Day Care Facility    | Tourist Home             |
| Educational Facility |                          |

##### **Dimensional Requirements** (Unless Modified by Section 403 of this Bylaw)

|                                         |                                                                                                                        |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Minimum Lot Size: Multi-family Dwelling | 20,000 Square Feet per Dwelling Unit<br>10,000 Square Feet per Dwelling Unit+<br>7,500 Square Feet per Dwelling Unit** |
| Other Uses                              | 40,000 Square Feet<br>20,000 Square Feet+                                                                              |

+With common or public water and municipal sewer

\*\*Growth Centers only with common or public water and municipal sewer

|          |                            |         |
|----------|----------------------------|---------|
| Setbacks | Road                       | 40 feet |
|          | Yard (Principal Structure) | 25 feet |
|          | Road                       | 40 feet |
|          | Yard (Accessory Structure) | 15 feet |
|          | Yard (Seawall)             | 0 feet  |
|          | PUD Perimeter              | 50 feet |

Seawall – Constructed at an elevation of 98’ or higher. Certification must be provided by applicant of elevation. Base of wall where entering the ground must be 98’ or higher.

|          |                                    |          |
|----------|------------------------------------|----------|
| Frontage | Agricultural Structures/Uses       | 125 feet |
|          | Multi-family Dwelling              | 175 feet |
|          | Single Family Dwelling             | 125 feet |
|          | Two Family Dwelling and Other Uses | 150 feet |

**NOTE 1:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

**NOTE 2:** In order to qualify for the accessory structure yard setback of 15 feet, there has to be 10 feet separation between the closest parts of the principal and the accessory structures. If this separation does not exist, then the yard setback for a principal structure is to be applied to the accessory structure as well.

## **District Dimensions**

### **Summit Place:**

From the junction of High Street and Sheldon Road, the district boundary follows the Sheldon Road centerline for 1,380’. The boundary turns due south for 460’ before turning in a southeasterly direction for 240’. The boundary then turns southwesterly for 1,800’ before turning due west for 340’ to the town line. The boundary follows the town line north then west for 1,060’ to the centerline of High Street, 1,215’ from its junction with VT105. The boundary crosses High Street following the town line for 670’, then turns in a northerly direction for 1,185’ to the junction of Sheldon Road Extension and the Sheldon Road. The boundary proceeds east along the Sheldon Road centerline for 440’ to the point of beginning.

### **Newton Road:**

Beginning at the junction of the Newton Road and the town line, the boundary follows the town line westerly for 270’ then turns northwesterly for 1,900’, then northeasterly for 480’ to the centerline of the Newton Road at a distance of 2,500 ‘ from where the Newton Road and the town line intersect. The boundary continues 100’ northeast, then proceeds southeasterly for 2,000’ to the town line then follows the town line northwest for 300’ to the point of beginning.

**Pearl Street:**

Beginning at a point on Pearl Street at the St. Albans Town and St. Albans Town line, the boundary proceeds south along the town line the junction of Lake Street and Adams Street. The boundary turns northwesterly for 2,000' to the centerline of Pearl Street 1,000' west from the Pearl Street and town line intersection. The boundary continues northerly for 1,400' to a point 100' south from the New England Central Rail line then southeast for 900' to a point of the New England Central Rail line 300' west from where the rail line intersects the town line. The boundary then follows the town line south at an offset of 130' from the centerline of Pearl Avenue for 1,100' to point of beginning.

**Brigham and Bronson Roads:**

Beginning at the intersection of Brigham Road and Pearl Street, the boundary follows the centerline of Brigham Road for 1,500' then turns west for 150', then southwesterly for 450' to the centerline of Lake Road 230' east from the junction of Bronson Road and Lake Road. The boundary then proceeds southwesterly for 1,100' to the centerline of Bronson Road 1,000' south from the intersection of Bronson Road and Lake Road. The boundary then follows the centerline of Bronson Road south for 300' then turns northwest for 300' then continues northerly for 1,200' to the centerline of Lake Road 230' west from the junction of Lake Road and Bronson Road. The boundary continues in a northerly direction for 2,000 ft. to a point 450' west from the intersection of Pearl Street and Brigham Road. It then proceeds northerly in a northerly direction for 3,000' at a 450' offset west from the centerline of Brigham Road. It then proceeds southeasterly for 250' to the centerline of Brigham Road, then follows the centerline of Brigham Road for 2,600' to the point of beginning.

**St. Albans Bay:**

Beginning on VT 36, 130' from its junction with County Road, the boundary proceeds in a gradual southeasterly direction for 250' where it crosses a brook and continues south of the brook for 2,100' to the centerline of Church Road 1,100' from its intersection with VT 36. It continues southeasterly for 1,000' before turning southwesterly for 2,800' then west for 1,000' to the centerline of Georgia Shore Road 50' north from its southern junction with Wharf Street. The boundary proceeds north along the centerline of Georgia Shore for 230' before turning northeasterly then north for 700' to the centerline of Seminary Hill Road then follows the centerline for 75' to the Georgia Shore Road, then. The boundary crosses Georgia Shore Road and follows the centerline of Wharf Street for 200' then continues due west for 250' to St. Albans Bay (Georgia Shore). The boundary continues north along the St. Albans Bay shoreline for 1,100' to a point 45' northwest from the mouth of a small brook, then turns turn northeast for 215' to the centerline of Georgia Shore Road, 330' from its intersection with VT 36. The boundary continues in a northeasterly direction for 400', staying west of a small brook, to the centerline of Chubb Street at a point 200' from its intersection with VT 36. The boundary continues northerly for 980' to the centerline of VT 36, 920' from its intersection with Cherry Street, then turns northwesterly for 770', then southwesterly for 1,230'. It then turns sharply north along the boundary of St. Albans Bay Town Park for 550', and continues northeasterly for 275' to the boundary of Black Creek Wildlife Management Area. It follows Black Creek WMA for 700' then continues northeasterly for 300', then proceeds southeast for 2,000' to the point of beginning.

### **Nason Street**

Beginning at a point where Nason Street and the town line begins, the boundary follows the town line southwest for 80', then southeast for 1,200', the southwest for 360'. The boundary then departs the town line in a northwesterly direction for 50' to the centerline of the New England Central Rail line 800' southwest from where the rail line and Nason Street intersect. The boundary then follows the centerline of the rail line for 440' then turns northwesterly while staying south of Perry Avenue for 1,800' to the centerline of Sullivan Street 250' from the junction of Sullivan Street and Nason Street. The boundary continues northwesterly for 150' then turns southwesterly for 1,200' to the centerline of Rugg Brook then follows Rugg Brook in a northerly direction for 230' then turns due west for 200' to a point 500' southwest of the junction of Nicole Drive and Nason Street. The boundary then continues northeast for 500' following the centerline of Nicole Drive to the junction of Nicole Drive and Nason Street. The boundary then turns north for 1500' to the town line then follows then town line to the point of beginning.

### **Fairfax Street:**

Beginning at the intersection of Fairfax Street and the town line, the boundary follows the town line northeast for 2,000' to the Interstate Access Road, then crosses the Interstate Access Road and follows the town line south east for 675', then turns northeast towards Greenwood Cemetery for 630', then southeast for 1,057' and continues along the town line for 1,250' to Grice Brook Road at a point 1,200' west from the junction of Grice Brook Road and VT 104. The boundary proceeds westerly along the centerline of Grice Brook Road for 200' then turns southerly for 1,100' to the centerline of the Interstate Access Road, 1,400' from its intersection with VT 104. The boundary follows the centerline of the Interstate Access Road east for 470', then turns south for 1,000' then northwest for 460', then south for 300' then westerly for 350', then south for 600' to the centerline of Fairfax Street 1,900' from the junction of Fairfax Street and VT 104. The boundary proceeds along the centerline for 800' then turns southwest for 430' to a tributary of Rugg Brook. The boundary follows the brook upstream for 600' before turning easterly for 1,000' to the centerline of VT 104, 975' from the intersection of VT 104 and Fairfax Street. The boundary follows the centerline of 104 south for 1,000' then turns northwest for 5,300' staying south of Clyde Allen Drive and Parsons Lane to a point at a 500' offset east of US 7 and 900' southwest from Parsons Avenue. The boundary then turns northeast to the centerline of Parsons Avenue 560' from it's junction with US 7. The boundary then follows the centerline of Parsons Avenue 550' to the town line and follows the town line for 950' to the point of beginning.

## 6. **MIXED COMMERCIAL/RESIDENTIAL DISTRICT**

### **Objective and Description**

The purpose of this district is to provide for appropriate commercial uses in areas where there is residential development. The character of the area should be protected and enhanced with the provision of shopping facilities, necessary parking facilities and suitable landscaping and screening. The scale of development within this district should be compatible with adjacent commercial and residential structures. New commercial uses should not cause further traffic congestion and should be designed to minimize such impacts.

### **Permitted Uses**

|                                         |                        |
|-----------------------------------------|------------------------|
| Accessory Dwelling Unit                 | Seawall                |
| Agricultural Structures                 | Single Family Dwelling |
| Agricultural Uses                       | Tourist Home           |
| Home Child Care (Six or Fewer Children) | Two Family Dwelling    |

### **Conditional Uses**

|                                          |                                                                   |
|------------------------------------------|-------------------------------------------------------------------|
| Agribusiness*                            | Indoor Storage*                                                   |
| Bank*                                    | Lodging Establishments*                                           |
| Business Services*                       | Marina*                                                           |
| Churches                                 | Multifamily Dwelling                                              |
| Club*                                    | Nursing Homes*                                                    |
| Day Care Center                          | Outdoor Recreation*                                               |
| Day Care Facility                        | Planned Unit Development*                                         |
| Day Care Facility (Licensed)             | Professional Office*                                              |
| Educational Facility                     | Retail Businesses*                                                |
| Equipment Sales & Service* (Small Scale) | Seawall                                                           |
| Essential Public Services*               | Social Services                                                   |
| Funeral Home                             | Standard Restaurant*                                              |
| Indoor Recreation*                       | State Licensed or Registered<br>Residential Care or Group<br>Home |

\*Commercial Uses

### **Dimensional Requirements** (Unless Modified by Section 403 of this Bylaw)

|                  |                       |                                                                                                                        |
|------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------|
| Minimum Lot Size | Multi-Family Dwelling | 20,000 Square Feet per Dwelling Unit<br>10,000 Square Feet per Dwelling Unit+<br>7,500 Square Feet per Dwelling Unit** |
|                  | Other Uses            | 40,000 Square Feet<br>20,000 Square Feet+                                                                              |

+With common or public water and municipal sewer.

\*\* Growth center only with common or public water and municipal sewer.

|                                                             |                                    |     |
|-------------------------------------------------------------|------------------------------------|-----|
| Maximum Lot Coverage                                        | Commercial and Public Use Building | 30% |
|                                                             | Building and Parking               | 60% |
| Lot Size to Gross Floor Area Ratio Must be Greater than 2:1 |                                    |     |

#### Setbacks

|                  |                            |         |
|------------------|----------------------------|---------|
| Residential Uses | Road                       | 40 feet |
|                  | Yard (Principal Structure) | 25 feet |
|                  | Yard (Accessory Structure) | 15 feet |
|                  | Yard (Seawall)             | 0 feet  |
|                  | PRD Perimeter              | 50 feet |

Seawall – constructed at an elevation of 98’ or higher.  
Professional certification must be provided by applicant of elevation.  
Base of wall where entering the ground must be 98’ or higher.

|                             |               |         |
|-----------------------------|---------------|---------|
| Commercial and Public Uses: | Road          | 40 feet |
|                             | Yard          | 30 feet |
|                             | PUD Perimeter | 50 feet |

#### Frontage

|                            |          |
|----------------------------|----------|
| Single Family Dwelling     | 125 feet |
| Two Family Dwelling        | 150 feet |
| Multi-family Dwelling      | 175 feet |
| Commercial and Public uses | 150 feet |

**NOTE 1:** A buffer zone with trees and/or other screening shall be established between these districts and any surrounding residential districts, and must be shown on the building application

**NOTE 2:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

**NOTE 3:** In order to qualify for the accessory structure yard setback of 15 feet, there has to be 10 feet separation between the closest parts of the principal and the accessory structures. If this separation does not exist, then the yard setback for a principal structure is to be applied to the accessory structure as well.

## **District Dimensions**

### **VT 105:**

From the junction of US 7 and VT 105 the boundary follows VT 105 for 3,100' then turns due south for 420' the southeast for 250'. The boundary then follows the base of Aldis hill in an easterly fashion for 700' to where it intersects with the electric transmission lines. The boundary follows the electric transmission line northeast for 1,700' to where it intersects VT 105 at the intersection of I 89. The boundary continues for 2,100' to the intersection of VT 104 and 105 then follows VT 105 for 2,500' to the Swanton Town line.

The boundary follows the Swanton town line northwest for 500' then follows north of VT 105 at an offset of 500' for 4,000' to the intersection of the southbound lane of I 89. The boundary stays to the west of the southbound lane of I 89 for 3,000' to a point 100' offset from the Missisquoi Valley Rail Trail.

The boundary follows the Missisquoi Valley Rail Trail southwest at an offset of 100' for 3,500' then turns north for 100' where it intersects the Missisquoi Valley Rail Trail at a point 1,300' from the junction of the Sheldon Road Extension and the Rail Trail. The boundary heads due north from the Rail Trail for 200' then turns west for 1,300' to a point 1,000' north from the junction of US 7 and Sheldon Road Extension. The boundary follows US 7 south for 2,000' to the intersection of VT 105 and US 7.

### **James Circle:**

Starting from a point on Nason Street 250' west from the intersection of Nason Street and Green Mountain Drive, the boundary proceeds in a northern direction for 1,500'. The boundary then heads west for 1,700', before turning southwest for 1,700' following alongside a small tributary until it intersects with Nason Street at a point 800' east from the intersection of Bronson Road. The boundary follows Nason Street east to Michelle Street for 1,200', then to Marc Avenue at 580' then to 440' to a point 250' west from the intersection of Green Mountain Drive.

### **VT 104 and VT 36:**

From a point 930' west from the intersection of VT 104 and VT 36 at the intersection of Crest Road and Fairfield Hill Road, the boundary travels northwest along the town line for 580'. The boundary then turns northeast for 150' where it crosses Crest Road then continues northeast for another 230' before turning in a southeasterly direction for 700' to VT 104. It then follows along the east side of VT 104 to the junction of the southbound lane of I 89 at 2,400'. The boundary then follows the west side of the southbound lane of I 89 for 3,500' to the junction of VT 36, then continues in a southerly direction for 1,000' before turning west for 1,100' to the junction of VT 104 and Upper



Weldon Street. Heading west on Upper Weldon Street, the boundary continues for 820' then turns in a southwesterly direction to a point where Grice Brook road intersects the town line. The boundary then follows the town line north for 1,000' to where it intersects Upper Weldon Street at a point 1,300' west of the junction with VT 104. It then continues along the town line following Upper Weldon Street for 350' before turning northeast for 1,150' to a point 930' west from the intersection of VT 104 and VT 36 at the intersection of Crest Road and Fairfield Hill Road.

**104 South:**

At the junction of VT 104 South and Fairfax Street, the boundary extends south along VT 104 for 975'. The boundary then turns in a northwesterly fashion for 1,000' where it intersects Allan Brook. After following Allan Brook for 600', the boundary then turns northeasterly for 260' where it intersects a tributary of Allan Brook, and follows the tributary 150' to Fairfax Street. The boundary then continues 1,000' east along Fairfax Street to the junction with VT 104.

**US 7 South:**

Beginning at the junction of US 7 and Parsons Avenue, the boundary extends 550' southeast along Parsons Avenue. The boundary turns southwest at an offset of 550' to the south of VT 7 for 6,000' to the Georgia town line. The boundary follows the Georgia town line for 550' then turns north along US 7 for 820' to the junction of the rail bed and US 7. The boundary follows the rail bed north for 5,200' then turns 630' southeast to the town line. The boundary follows the town line 250' to the junction of US 7 and Parsons Avenue.

**St Albans Bay:**

From the junction of VT 36 and Georgia Shore Road, the boundary follows VT 36 for 600' before turning northeast for 350' an offset from Cheery Street for 200'. The boundary then follows a northwesterly direction for 1,000'. The northern boundary follows a northeasterly direction to a point 125' from the end of McGinn Drive, then continues northeast for 330' before turning in a southeasterly direction for 800' to a point 900' north from the junction of Cherry Street and VT 36. The boundary crosses VT 36 and runs in a southwesterly direction to a point on Chubb Street 200' from the junction with 36. Then boundary continues south to a point at 400' where it crosses the Georgia Shore Road 330' from the junction with VT 36. The boundary runs south for another 250' to the lakeshore, then follows the lakeshore for 350' before turning north for 160' to the junction of Georgia Shore Road and VT 36.

## 7. **COMMERCIAL DISTRICT**

### **Objective and Description**

The objective of this district is to encourage a clustering of businesses (also multi-family dwellings in appropriate locations within the Growth Centers), so that traffic access points can be consolidated to minimize traffic hazards and maintain smooth traffic flows. The review of commercial development must ensure adequate parking, and should promote reasonable efficiency and attractiveness for signs and site designs.

### **Permitted Uses**

Agricultural Structures  
Agricultural Uses  
Forestry

### **Conditional Uses**

|                                           |                                 |
|-------------------------------------------|---------------------------------|
| Agribusiness                              | Mobile Home Sales               |
| Bank                                      | Motor Vehicle Repair            |
| Building Contractor Shop                  | Motor Vehicle Sales and Service |
| Building Materials Dealer                 | Multifamily Dwelling*           |
| Business Services                         | Nursing Home                    |
| Churches                                  | Outdoor Recreation              |
| Club                                      | Planned Unit Development        |
| Convenience Store/Quickstop               | Professional Office             |
| Department/Discount Store                 | Publisher/Printer               |
| Essential Public Services                 | Research and Testing Facility   |
| Equipment Sales and Service (Small Scale) | Retail Business                 |
| Equipment Sales and Service (Large Scale) | Sawmill (Small)                 |
| Fast Food Restaurant                      | Service Station                 |
| Funeral Home                              | Social Services                 |
| Indoor Recreation                         | Standard Restaurant             |
| Indoor Theater                            | Storage & Distribution Facility |
| Kennel                                    | Supermarket                     |
| Lodging Establishment                     | Tavern                          |
| Marina                                    | Transportation Terminal         |

\*Growth Centers Only

**Dimensional Requirements** (Unless Modified by Sections 403 or 404 of this Bylaw)

Minimum Lot Size

|                       |                                     |
|-----------------------|-------------------------------------|
| Multi-family Dwelling | 7,500 Square Feet per dwelling unit |
| Other Uses            | 40,000 Square Feet                  |
|                       | 30,000 Square Feet+                 |

Maximum Lot Coverage

Building 30%  
 Building, Parking and Outside Storage 70%  
 Lot size to gross floor ratio must be at least 2:1

Setbacks:

|               |         | <u>Growth Centers</u> |
|---------------|---------|-----------------------|
| Road          | 40 feet | 20 feet               |
| Yard          | 30 feet | 20 feet               |
| PUD Perimeter | 50 feet | 50 feet               |

Frontage

150 feet      125 feet

+Growth Centers only with common or public water and municipal sewer.

**NOTE 1:** A buffer zone with trees and/or other screening shall be established between commercial and residential districts, and must be shown on the building application.

**NOTE 2:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

## District Dimensions

### US 7 North:

Beginning at a point on the Swanton town line 350' northwest from the southbound lane of VT 207, the eastern boundary proceeds south for 430' to the on-ramp of the northbound lane of I 89. The eastern boundary then proceeds in a southeasterly direction for 300' to the intersection of I 89 and VT 207, then proceeds south for 3,200' to a point 350' north from the junction of US 7 and Parah Road. The eastern boundary then follows US 7 south for 3,600' to the town line, then follows the town line for 1,800' before turning in a northeasterly direction to a point on Rewes Drive 350' from the junction with US 7. Then western boundary then proceeds in a northern direction for 7,000' before turning southwest for 1,200'. It then heads due north for 700' before continuing northeast 1,200' to a point 575' on Jewett Avenue from the junction with US 7. The boundary follows Jewett Avenue to US 7 and follows US 7 for 600' to the Swanton town line. The northern boundary runs 1,600' southeast from US 7 along the Swanton town line to the southbound lane of I 89 and continues 250' to the northbound lane of I 89. The northern boundary continues 950' southeast to a point 350' northwest from the southbound lane of VT 207.

### Sheldon Road:

The area is bordered to the north by VT 105 for 1,300' from the junction of US 7. The eastern border runs in a southwesterly direction for 350' before turning nearly due south to where it intersects Ashton Drive at 430'. The border continues south for 300' to the town line. The boundary follows the town line for 570' to the junction US 7 and VT 105.

**Lake Road:**

Beginning 960' west from the junction of VT 36 and the town line, the boundary runs south for 1,400', then heads southwesterly for to a point 700' due east of the Bronson Road. The boundary then follows the Bronson Road for 1,800' at an offset of 730' to 750' to a point on Nason Street 800' east from the junction with Bronson Road. The boundary then follows the centerline of Nason Street to the junction with Bronson Road, and continues north along the centerline of Bronson Road for 2,400' to a point 1,000' from the junction with VT 36. From this point, the border continues northeast to VT 36 for 1,200', then proceeds northeast to a point on Brigham Road 450' from the junction with VT 36. From Brigham Road the border continues easterly 1,200' then in a southeasterly direction for 630' to the junction of VT 36 and the town line. The boundary follows the centerline of VT 36 for 960' to the point of beginning.

**US 7 South:**

From the junction of Industrial Park Road entrance lane and the town line, the boundary proceeds in a northerly fashion following the town line for 2,300' to the New England Central Railroad rail bed. The western boundary follows the rail bed 1,500' in a southerly direction to the entrance lane of Industrial Park Road then continues south along the rail bed for another 800'. From the rail bed, the boundary continues in a southeasterly direction for 630' to the town line, then follows the town line north for 780' to the entrance lane of Industrial Park Road.

**Exit 19:**

Beginning from a point 1,400' west from the intersection of Interstate Access Road and VT 104, the boundary proceeds in a northeasterly direction 1,100' to the centerline of Grice Brook Road and follows the centerline for 1,400' to the intersection with VT 104. The boundary follows then follows the centerline of VT 104 north for 540 then turns southeast for 1,200' to the western edge of the I 89 South, at a point 1,200' from Exit 19. The boundary follows the western edge of the southbound lane of I 89 for 4,200' then heads northwest for 800' to the intersection of Fairfax Street and VT 104. The boundary then follows the centerline of Fairfax Street for 1,800', then turns northeast for 600', southeast for 300', northeast for 350', southeast for 460', then northwest to Interstate Access Road for 1,000' at a point 950' west from the junction of Fairfax Road. The boundary continues west along the Interstate Access Road for 450' to a point 1,400' from the intersection with VT104.

## 8. LIGHT INDUSTRIAL/COMMERCIAL DISTRICT

### Objective and Description

These lands should be promoted for the location of light manufacturing industries and commercial establishments and to provide increased tax base and employment opportunities. This district is particularly well suited for business activity due to its proximity to existing infrastructure.

### Conditional Uses

|                                           |                                   |
|-------------------------------------------|-----------------------------------|
| Agribusiness                              | Outdoor Recreation                |
| Building Materials Dealer                 | Planned Unit Development          |
| Commercial Uses as delineated             | Publisher/Printer                 |
| In Section 315(7), excludes Multifamily   | Research and Testing Facility     |
| Dwellings                                 | Sawmill (Small)                   |
| Contractor Storage Facility*              | Social Service                    |
| Equipment Sales and Service (Small Scale) | Storage and Distribution Facility |
| Equipment Sales and Service (Large Scale) | Transportation Terminal           |
| Indoor Recreation                         |                                   |
| Light Industry*                           |                                   |

\*Light Industrial Uses

### Dimensional Requirements (Unless Modified by Sections 403 or 404 of this Bylaw)

#### Commercial Uses

|                  |                     |
|------------------|---------------------|
| Minimum Lot Size | 40,000 Square Feet  |
|                  | 30,000 Square Feet* |

#### Maximum Lot Coverage

|                                                    |     |
|----------------------------------------------------|-----|
| Building                                           | 30% |
| Building, Parking and Outside Storage              | 70% |
| Lot size to gross floor ratio must be at least 2:1 |     |

#### Setbacks:

|               |         |
|---------------|---------|
| Road          | 40 feet |
| Yard          | 30 feet |
| PUD Perimeter | 50 feet |

#### Growth Centers

|         |
|---------|
| 20 feet |
| 20 feet |
| 50 feet |

|          |          |          |
|----------|----------|----------|
| Frontage | 150 feet | 125 feet |
|----------|----------|----------|

\*Growth Centers Only

### Light Industrial Uses

|                  |                     |
|------------------|---------------------|
| Minimum Lot Size | 80,000 Square Feet  |
|                  | 60,000 Square Feet* |

## Maximum Lot Coverage

|                                                    |     |
|----------------------------------------------------|-----|
| Building                                           | 30% |
| Building, Parking and Outside Storage              | 60% |
| Lot size to gross floor ratio must be at least 2:1 |     |

| Setbacks: | <u>Growth Centers</u> |
|-----------|-----------------------|
|-----------|-----------------------|

|               |         |         |
|---------------|---------|---------|
| Road          | 50 feet | 40 feet |
| Yard          | 30 feet | 20 feet |
| PUD Perimeter | 50 feet | 50 feet |

|          |          |          |
|----------|----------|----------|
| Frontage | 200 feet | 150 feet |
|----------|----------|----------|

\*Growth Centers only

**NOTE 1:** On a corner lot, the road setback is to be applied to the road that serves as the principal access to the lot. Yard setbacks shall be applied to the other road.

## District Dimensions

### Franklin Park West:

From a point 350' north from the junction of US 7 and Parah Road, the southern boundary extends 2,500' in an easterly direction. The eastern boundary runs northeast for 2,550' to the Swanton town line at a roughly 300' offset from the Missisquoi Valley Rail Trail. The northern boundary follows the Swanton town line for 4,700' to a point 350' northwest from the southbound lane of VT 207. The western boundary proceeds south for 430' to the on ramp of the northbound lane of I 89. The western boundary then proceeds in a southeasterly direction for 300' to the intersection of I 89 and VT 207, then proceeds south for 3,200' to a point 350' north from the junction of US 7 and Parah Road.

**US 7:**

Beginning at a point on Rewes Drive 350' from the junction with US 7, the eastern boundary proceeds north for 7,000' along US 7. The northern boundary heads in a southwesterly direction for 1,200'. The western boundary proceeds in a southeasterly direction for 5,000' to Rewes Drive, before heading due south from Rewes Drive for 250' before turning due west for 1,200'. The western boundary continues southeast at a 250' to 300' offset from the Newton Road for 2,000' to the town line. The boundary then follows the town line for 970' before heading in a northeasterly fashion to a point on Rewes Drive 350' from the junction with US 7.

**Beauregard Drive:**

Beginning at the junction of Lake Road and the town line the boundary follows the town line south for 1,200', then continues south for 90', then turns westerly for 1,050' then northerly for 1,400' to the centerline of Lake Road, then follows the centerline of Lake Road east for 375' to its junction with Beauregard Drive and continues along the centerline for 590' to the point of beginning.

## 9. **INDUSTRIAL DISTRICT**

### **Objective and Description**

These districts encompass the Town's Industrial Park and its existing industries, as well as other areas for expansion and new industries, to provide increased tax base and employment opportunities. It includes manufacturing, warehousing and transportation terminals; specifically those activities involving the processing, fabrication, and/or temporary storage of materials and products. These districts allow limited retail activity (agribusiness accounting for less than 25% of an associated industry) in order to provide for full utilization of the districts for industrial uses.

The Industrial Districts are the areas designated for and best able to serve major industry; however, careful review of industrial development will be necessary to maintain compatibility with the existing community and environment. To ensure proper isolation distances, visual and aural barriers as well as appropriate traffic patterns, all proposed uses in the Industrial Districts will require compatibility review by the Development Review Board.

### **Conditional Uses**

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| Adult Entertainment Establishment | Material Recovery Facility        |
| Agribusiness                      | Planned Unit Development          |
| Building Contractor Shop          | Research and Testing Facility     |
| Contractor Storage Facility       | Sawmill (Large)                   |
| Heavy Industry                    | Storage and Distribution Facility |
| Junk Yard                         | Transportation Terminal           |
| Light Industry                    |                                   |

### **Dimensional Requirements** (Unless Modified by Sections 403 or 404 of this Bylaw)

Minimum Lot Size 80,000 Square Feet

Maximum Lot Coverage

|                                                    |     |
|----------------------------------------------------|-----|
| Building                                           | 40% |
| Building, Parking and Outside Storage              | 70% |
| Lot size to gross floor ratio must be at least 2:1 |     |

Setbacks:

|               |         |
|---------------|---------|
| Road          | 75 feet |
| Yard          | 75 feet |
| PUD Perimeter | 75 feet |

Frontage 200 feet



## **District Dimensions**

### **Industrial Park and Associated Lands:**

Beginning at the southern boundary, this area extends 500' from the Georgia town line and 500' from the Bronson Road. The boundary extends southeasterly to US 7 at a 500' offset from the Georgia Town Line, then proceeds northeast 325' to the New England Central Railroad rail bed. The east boundary follows the rail bed 7,125' in a northeasterly direction. The boundary then turns northwest for 425' offset 225' south from Perry Avenue, then becoming offset 100' to Sullivan Street. From Sullivan Street at a point 200' from the junction with Nason Street, the boundary heads due west for 200' before turning southwest for 1,500' to where it intersects the electric transmission line. The boundary turns gradually to the northwest for 1,600' to a point 500' from the junction of Bronson Road and Nason Street and 200' south from Nason Street. The western boundary continues at a 500' offset east of Bronson Road to a point 500' from the Georgia town line.

### **EverReady:**

The southern boundary begins 1,000' north from the junction of US 7 and the Sheldon Road Extension, and runs east for 1,300'. The boundary then turns northeast for 1,300' at a 250' to 300' offset from the Missisquoi Valley Rail Trail. The northern boundary then heads west for 2,500' to US 7 at a point 350' north from the junction of US 7 and the Parah Road. The western boundary follows US 7 for 1,500'.

### **Brigham Road:**

The southern boundary begins at the railroad crossing along the Brigham road and follows the northernmost track for 2,600' before turning in an east-southeast direction to the town line. The boundary follows the town line for 225' before turning northeast for 900'. The boundary then follows a northwesterly direction for 1,400' before turning southwest for 900', then rounds northwest for 680'. The northern boundary proceeds northwesterly for 1,300' to Brigham Road. The western boundary follows Brigham Road for 1,400'.

## **10. TELECOMMUNICATIONS DISTRICT**

### **Objective and Description**

These districts encompass two hilltops in the eastern foothill section of the Town. The two tower overlay districts are located on Aldis Hill and Fairfield Hill. They are each approximately 14 acres in size. The Telecommunications District overlaps other districts and this District's rules and regulations only apply to development associated with the telecommunication industry. Any other development would be governed by the rules and regulations of the underlying districts.

### **Permitted Uses**

Antenna Installation/Replacement

### **Conditional Uses**

Telecommunication Support Buildings  
Towers (New Construction)  
Towers (Replacement/Renovation)

### **Dimensional Requirements**

|                      |                    |
|----------------------|--------------------|
| Minimum Lot Size     | 40,000 Square Feet |
| Maximum Lot Coverage |                    |

|                             |     |
|-----------------------------|-----|
| Building                    | 25% |
| Building, Tower and Parking | 60% |

Setbacks (Buildings):

|      |         |
|------|---------|
| Road | 50 feet |
| Yard | 50 feet |

|          |          |
|----------|----------|
| Frontage | 150 feet |
|----------|----------|

Setbacks (Towers):

Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. To encourage shared use of towers, applications for towers that will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent lots will result.

**A. Inventory of Existing Sites.**

Each applicant for approval of an antenna and or a tower shall provide to the Zoning Administrator an inventory of all existing antennas and towers located on the lot (including leased lots) to be permitted, including specific information about the location, height and design of each. In the case of leased lots, the lessor shall provide all required information for the entire owned lot, including layouts of all leased lots.

**B. Administrative Approvals.**

The following uses may be approved by the Zoning Administrator after conducting an administrative review, (to include an intermodulation study provided by the applicant):

- 1) Installing an antenna on an existing structure other than a tower (such as a building, light pole, water tower, or other free-standing, non-residential structure), within a telecommunications zone, so long as the total height of the existing structure with the new antenna stays below 35 feet;
- 2) Installing an antenna on an existing tower of any height, within a telecommunications zone, so long as the addition of said antenna does not add to the height of said existing tower;

**C. Conditional Use Permit Required**

Any tower and/or antenna construction/attachment, replacement, modification or relocation that does not fit the guidelines of Administrative approval in Section B, will require Conditional Use Approval.

**D. Telecommunications Towers Special Use Criteria**

Communication companies are encouraged to co-locate facilities. The following standards shall be used in the approval of the siting of new towers:

- 1) Evidence that the applicant has investigated the possibilities of locating the proposed facilities on an existing tower.

Such evidence shall consist of:

- a) Copies telecommunicationof letters sent to owners of all existing towers within the zones, requesting the following information:
  - (i) Tower height;
  - (ii) Existing and planned tower users;
  - (iii)Whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference;

- (iv) A copy of all responses within 30 days from the mailing date of the letter and
  - (v) An explanation why the proposed facility cannot be located on an existing tower.
- 2) Evidence that the communications tower is structurally designed to support at least one additional user, and a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a financially reasonable basis, which do not interfere with the primary purpose of the tower. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.
- 3) Buffering and screening of the site shall be installed in and around the outside of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment, and security fencing. Ground buildings may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling. The tower's guy anchors may be screened or fenced separately in order to comply with these requirements. The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height.
- 4) No outside storage shall be allowed on any telecommunication facility site.
- 5) The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards. Any lighting shall meet local zoning requirements.
- 6) The color of the tower shall be neutral, except to the extent required by Federal law, so as to minimize its visual impact.
- 7) In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels permitted by the FCC.
- 8) No commercial advertising shall be allowed on the tower or its related facilities.
- 9) Notice shall be provided to the Zoning Administrator when the tower is placed out of service. Towers, which are not used for a period of six (6) months or more, shall be removed by the owner within 120 days of receipt of notification to that effect.

# **11. CORRECTIONS FACILITY DISTRICT**

## **Objective and Description**

The objective of this district is to allow for the housing and rehabilitation of individuals who are being detained by members of the correctional community (Local, State and or Federal). Designation of this district was made to include the existing correctional facility and surrounding lands for safety concerns. The Corrections facility District overlaps other districts established in this Bylaw. Where the provisions of the underlying district differ with the Corrections Facility District provisions, the more restrictive shall apply.

## **Conditional Uses**

Correctional Facilities (Minimum, Medium and Maximum level)

Jails

Juvenile Detention Facilities

## **Dimensional Requirements** (Unless Modified by Section 403 of this Bylaw)

Minimum Lot Size 160,000 Square Feet

Maximum Lot Coverage

|                                                    |     |
|----------------------------------------------------|-----|
| Building                                           | 30% |
| Building, Parking and Outside Storage              | 70% |
| Lot size to gross floor ratio must be at least 2:1 |     |

Setbacks:

|      |          |
|------|----------|
| Road | 200 feet |
| Yard | 200 feet |

|          |          |
|----------|----------|
| Frontage | 200 feet |
|----------|----------|

## **District Dimensions**

The northern boundary of this district extends along the new access road and is at a 100' offset north of the fence. The western point of origin is located at a 50' offset from the existing access road. It runs to a point 100' east of the eastern fence and remains at a 100' offset to the overhead power line south of the southern 12' fence line. The southern boundary runs 1,050' along the overhead power line beginning at the 100' offset of the eastern boundary to a 50' offset from the western fence line. The western boundary runs at a 50' offset from the western fence line until it intersects with the northern boundary.

## **ARTICLE VI: PRE-EXISTING DEVELOPMENT**

No Provision of these Zoning Bylaws and Subdivision Regulations shall prevent the normal continuation and maintenance of lots, structures and uses of land that lawfully existed on the effective date of these Bylaws. Pre-existing development shall be subject to the same requirements as new land development, except as provided in this article.

### **Section 320 - NONCONFORMING USES**

1. Any pre-existing use of land or use of structure, which does not conform to the zoning district allowable use provisions in Section 315 (i.e.: could not now be established in the district in which it is located) shall be deemed a nonconforming use.
2. Upon approval of a variance by the Development Review Board, any nonconforming use may be altered or expanded, but not to exceed 50% of its area as it existed on the effective date of these Bylaws.
3. A nonconforming use shall not be reestablished after being abandoned or discontinued for a period of 18 months, or after being changed to a conforming use, regardless of intent to re-establish such prior use.
4. A nonconforming use shall not be changed to another nonconforming use.
5. A nonconforming use that is changed to a conforming use shall not be resumed.

### **Section 321 - NONCONFORMING STRUCTURES**

1. Any pre-existing structure or part thereof which is not in compliance with regulations concerning setbacks, height, lot size or other dimensions, or which does not meet parking area requirements, shall be deemed a nonconforming structure.
2. Upon approval of a variance by the Development Review Board, any nonconforming structure may be altered or expanded, providing such action will not increase the aspect or degree of nonconformity.

Damaged or destroyed nonconforming structures shall be reconstructed to conform to the standards of these Zoning Bylaws and Subdivision regulations wherever practical.

3. Under no circumstances can a structure be reconstructed or expanded so that any part of the structure (including eaves, balconies, decks...) extends beyond the lot lines.
4. If replacing a structure on the exact footprint, which will result in no increase in the size or dimension of the existing structure which was in compliance at one time, a variance need not be obtained from the Development Review Board. The Zoning Administrator shall have the authority to issue a building permit.

**Section 322 - PRE-EXISTING SMALL LOTS**

Any lot in existence on the effective date of these Zoning Bylaws and Subdivision regulations (including interim zoning), may be developed for the purpose permitted in the district in which it is located, even though not conforming to minimum lot dimensional requirements, if such lot is not less than one-eighth (1/8) acre in area with a minimum WIDTH or depth dimension of forty (40) feet.

For the purpose of these Zoning Bylaws and Subdivision regulations, two contiguous small lots do not merge and may be separately developed.

## **PART IV**

### **SPECIFIC PROVISIONS**

#### **Section 400 - Access to Land Development**

1. Except as provided in Section 401, no land development may be permitted unless it has an adequate means of access defined as either:
  - A. Frontage, as determined by the zoning district, on a maintained public road, private road or
  - B. By means of a permanent easement at least 60 feet wide to a maintained public road or public waters.
2. All commercial and industrial uses shall have direct access to a maintained public road and shall have unobstructed visibility of such road 300 feet in either direction from the driveway access.
3. All driveways entering onto public roads must meet the Selectmen's specifications for grade, culverts and ditching.
4. Access roads and driveways shall not, in any 50 foot section exceed an average grade of 10% (i.e.: Maximum of 5 foot rise in any 50 foot stretch), unless approved by the Selectboard.

#### **Section 401 - REQUIRED FRONTAGE ON, OR ACCESS TO PUBLIC ROADS**

No land development is permitted on lots that do not have frontage on a public road, unless a permanent right-of-way, of at least twenty feet in width and approved by the Development Review Board, provides access to not more than two single-family dwellings that do not have adequate road frontage. With the Development Review Board's approval of such a permanent right-of-way, the Zoning Administrator may waive the district frontage requirements.

Potential development with access only via or on "public waters" requires prior Development Review Board approval.

#### **Section 402 - OFF STREET LOADING AND PARKING**

1. The following off-street loading and unloading spaces shall be required:
  - A. Transportation Terminal and Contractor Yards - Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any on time.
  - B. Retail Business and Services - One space of at least two hundred fifty square feet for each 3,000 square feet of floor area or part thereof.
  - C. Wholesale and Industrial - One space of at least 500 square feet for each 10,000 square feet of floor area or part thereof.



2. The following off-street parking shall be required:
  - A. Banks and other Financial Institutions - 1 space for each 100 square feet of floor area devoted to general banking services for public use plus 1 space for each 250 square feet devoted to office use. Each drive-up window shall have sufficient stacking room for 6 cars, and a by-pass lane shall be provided.
  - B. Car Washes, Light Industry - Adequate space for ten vehicles; plus 2 spaces for each 3 employees plus 1 space for each company vehicle operating from the premises.
  - C. Convenience Stores - food/sundries/gasoline sales - 1 space for each 167 square feet of retail floor area. One out of every three spaces in pump lanes will count towards total parking requirements.
  - D. Indoor Theaters or Other Places of Amusement or Assembly Containing Fixed (and movable) Seats - 1 space for each 3 seats in the overall seating capacity provided for patron use.
  - E. Lodging Establishments - 1 space for each guest bedroom plus 2 spaces for each 3 employees.
  - F. Marina – 2 parking spaces are required for every 3 slips or moorings. Off-site parking may be permitted at one location off-site to meet minimum parking requirements. In addition to required slip/mooring parking required, all uses provided by the marina must comply with all other parking requirements under Section 402.
  - G. Medical Clinics and Doctors' Offices - 1 space for each 200 square feet of floor area.
  - H. Medical Facilities (Hospitals, Sanitariums, Nursing Homes, Community Care Facilities and all similar institutions) -1 space for each 4 beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees.
  - I. Multi Family residential units - 2 spaces per dwelling unit plus 1 additional guest space for each three dwelling units.
  - J. Office Buildings - including business, professional, government and service establishments - 1 space for each 250 square feet of floor space.
  - K. Primary and Secondary Schools (Public and Private) but not including Colleges and Institutions - 1 space for each 4 seats in assembly hall, or if no assembly hall, 2 spaces for each employee.
  - L. Restaurants - Fast food - 1 space for each 50 square feet of gross floor area.
  - M. Restaurants, Sit-down - including bars, grills, and similar dining and/or drinking establishments - 1 space for each 3 fixed or movable seats provided for patron use, plus 1 space for each 200 square feet of floor area provided for patron use but not containing fixed seats.

- N.** Retail Establishments - individual businesses, shopping centers and supermarkets –  
1 space for each 167 square feet of retail floor area (outside designated growth centers).  
1 space for each 200 square feet of retail floor area (in designated growth centers).
- O.** Room and Boarding Houses, Clubs and all similar places providing overnight accommodations: - Room and boarding houses - 1 space for each bedroom; and all other - 2 spaces for each bedroom plus 1 space for each five active members.
- P.** Sales and Service for Motor Vehicles, Large Scale Equipment, and Marine equipment - 1 space, separate from vehicle and storage and display area, for each 500 square feet of gross floor area.
- Q.** Storage and Distribution Facilities, Transportation Terminals, Contractors' Yards and Lumber Yards - 1 space for each 250 square feet of floor area devoted to office use, plus 2 spaces for each 3 non-office employees, plus 1 space for each company vehicle operating from the premises.

### **Section 403 - SPECIFIC LOT AND USE DIMENSIONAL REQUIREMENTS**

- 1.** The following minimum setbacks shall apply in locating structures, roadways and parking in relation to stream banks, classified wetlands and the shore of Lake Champlain.

| Land Use<br>Wetland             | Named Streams | Water Courses | Class 1 Wetland | Class 2 |
|---------------------------------|---------------|---------------|-----------------|---------|
| Structure                       | 75 feet       | 25 feet       | 50 feet         | 50 feet |
| Impervious<br>Roadways/Parking* | 60 feet       | 20 feet       | 50 feet         | 50 feet |
| Permeable<br>Roadways/Parking*  | 50 feet       | 15 feet       | 50 feet         | 50 feet |

\* Excluding dwellings

|                         |                                             |                                                                    |
|-------------------------|---------------------------------------------|--------------------------------------------------------------------|
| Measurements made from: | Lake Champlain<br>Streams (All)<br>Wetlands | Mean Water Mark (95.5')<br>Center of Stream<br>Edge of Delineation |
|-------------------------|---------------------------------------------|--------------------------------------------------------------------|

**NOTE:** Culverts and roadways permitted as water crossings are exempt from these setbacks.

**NOTE 2:** The DRB may make adjustments, if deemed appropriate, to setback requirements of wetlands that have been granted reduced setback requirements by the State of Vermont Agency of Natural Resources.

2. Except in a PUD the following dimensional requirements apply:

- A. No lot shall be so reduced in size that the area, setback or other dimensions are smaller than those prescribed in these Zoning Bylaws and Subdivision Regulations.
- B. The following minimum dimensional requirements for specific uses shall apply, except in cases where the specific district requirements are more restrictive:

| LAND USE                                             | LOT SIZE | SETBACKS |      | FRONTAGE               | LOT COVERAGE |     |
|------------------------------------------------------|----------|----------|------|------------------------|--------------|-----|
|                                                      | ACRES    | YARD     | ROAD |                        | BUILD        | P/S |
| Building Materials Dealer                            | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Department/Discount Store                            | 4        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Indoor Recreation                                    | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Kennel                                               | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Lodging Establishments                               | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Marina                                               | 1        | 30'      | 40'  | 150'-Road<br>150'-Lake | 25%          | 60% |
| Mobile Home Sales                                    | 2        | 40'      | 60'  | 150'                   | 25%          | 60% |
| Motor Vehicle, Marine &<br>Equipment Sales & Service | 2        | 40'      | 60'  | 150'                   | 25%          | 60% |
| Outdoor Recreation                                   | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Research & Testing                                   | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Restaurant-Standard/Fast Food                        | 2        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Service Station                                      | 2        | 40'      | 60'  | 150'                   | 25%          | 60% |
| Storage & Distribution Facility                      | 2        | 40'      | 60'  | 150'                   | 25%          | 60% |
| Supermarket                                          | 4        | 60'      | 75'  | 200'                   | 25%          | 60% |
| Transportation Terminal                              | 3        | 60'      | 75'  | 200'                   | 25%          | 60% |

- C. In the case a parcel is completely situated inside of The Town's designated Growth Center, the dimensional requirements in this section would not apply. (Refer to District Dimensions)

**Section 404 - ACCESS MANAGEMENT IN DESIGNATED GROWTH CENTERS**

This section deals with controlling parking, curb cuts and access roads in St Albans Town's designated growth centers.

1. This section is applicable only to those parcels zoned Commercial, Commercial-Light Industrial or Industrial in St Albans Town's Designated Growth Centers with conforming enterprises.
  - A. Conforming enterprises are those that have only one access point (30 foot width max), on Routes 7, 36, 104, 105 and 207.
  - B. Non-conforming enterprises are ineligible for all density and parking bonuses awarded through the use of the access management program.
2. The Development Review Board can approve shared parking between multiple businesses on one parcel or adjacent parcels provided the following conditions are met:
  - A. All businesses are conforming enterprises,
  - B. A traffic study is done for both on-site and off-site circulation,
  - C. Pedestrian traffic is accommodated via use of sidewalks, walkways or crosswalks
  - D. And total required parking spaces for each business is met.
3. Lot coverage bonuses will be awarded for those enterprises in the designated growth centers that participate in the following program intended to provide a more orderly flow of traffic.
  - A. A conforming business will receive a 5% bonus on both building coverage and building and parking coverage.
  - B. A business that has only one access point, and is not located on Routes 7, 36, 104, 105 or 207, will receive a 15% bonus on both building coverage and building and parking coverage.
  - C. A business that has only two access points, only one of which is located on Routes 7, 36, 104, 105 or 207 and the other is intended for truck (delivery) traffic will receive a 5% bonus on building coverage.
  - D. A business which has only two access points, where neither are located on Routes 7, 36, 104, 105 or 207 will receive 5% bonus on building coverage and building and parking coverage.
  - E. A business that gives up an existing access point on Route 7 will receive a 5% bonus on building coverage and building and parking coverage.

- F. Two businesses that combine access points which results in the abandonment of an access point on Route 7 will both receive a 5% bonus on building coverage and building and parking coverage.
- 4. Under no circumstances can the accumulation of bonuses result in a property attaining higher than a 60% building coverage or an 80% building and parking coverage unless the DRB approves a variance or a Planned Unit Development.
- 5. Business uses addressed in Section 403 are eligible for these bonuses as well.

#### **Section 405 - HEIGHT OF STRUCTURES**

- 1. With the following exceptions, the maximum allowable height of a structure shall be thirty-five feet:
  - A. Agricultural structures are exempt from height restrictions;
  - B. Chimneys and similar structures that are an integral part of a building and do not extend more than six feet above the roofline are exempt from height restrictions;
  - C. Steeples, communications equipment, flagpoles, electric transmission poles, certain industrial uses and wind energy systems greater than thirty-five feet in height may be permitted after conditional use review.
  - D. Structures wholly located in The Town's Growth Centers will be subject to a maximum allowable height of fifty feet, all of which is authorized for human occupancy.
  - E. The Development Review Board may authorize a maximum allowable height of fifty feet in the Industrial Park. However, the Board must find that no human occupancy will occur in this structure other than for the short periods of time necessary for maintenance or inspection.

#### **Section 406 - PERFORMANCE STANDARDS**

The following standards of performance must be met and maintained by all uses in all districts that would require site plan approval. No use of land or structures shall:

- 1. Emit odors, noise, dust, dirt, noxious smoke or gases or other disturbances which are offensive and uncharacteristic of the area, or which cause damage to any home, business, vegetation or other property, or which endangers the health, safety or welfare of the neighborhood.
- 2. Present an unreasonable risk of fire, explosion, or hazard to any adjacent property or vehicular traffic.
- 3. Cause sewage, toxic materials, heated water, sediments or other harmful wastes to be discharged into any watercourse, which results in a degradation of the water quality. All local, state and federal health standards shall be met.

**Section 407 - TEMPORARY USES**

1. Temporary construction huts or trailers are permitted as an accessory use to any structure under construction or renovation. These structures are subject to district dimensional requirements and, upon completion of the primary structure, they shall be removed.
2. Temporary and seasonal roadside stands that sell only locally grown agricultural products (unprepared foods) shall be permitted if sufficient customer parking is provided off the traveled surface of the road.
3. Detached temporary storage units, greater than fifty square feet, that remain on a site for more than 180 days require a zoning permit that shall state as a condition of its being issued that the structure shall be removed within 365 days of the date that it was placed upon the site.
4. Temporary refreshment vendors, who sell prepared foods (creamies, burgers, hot dogs, fries and the like), from carts, trailers or vehicles may be allowed after conditional use review.

**Section 408 - HOME OCCUPATIONS**

No regulations in the Zoning Bylaws and Subdivision Regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation that is customary in residential areas and that does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Home occupations are permitted as an accessory use provided:

1. The business shall be operated by a member or members of the family residing in the principal building.
2. The business shall be operated wholly within the principal building, or accessory building, except for incidental use of an exterior portion of the building. No goods, materials, or products associated with the home occupation shall be publicly displayed on the premises.
3. Not more than one person outside the family shall conduct business from the premises.
4. There shall be no exterior storage of materials, and no other exterior indication of the home occupation. Signs are permitted as specified in Section 410.
5. Off-street parking for customers and the non-family employee shall be provided.

### **Section 409-ACCESSORY DWELLING UNIT**

An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling. The unit is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, and sanitation, provided there is compliance with all of the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30% of the total habitable floor area of the single-family dwelling.

Applicable setback, coverage, and parking requirements specified in the Bylaws are met.  
24 V.S.A. section 4412(1)(E).

### **Section 410 – SIGNS**

1. A building permit shall be required prior to the erection, construction, placement, replacement or resurfacing of any outdoor sign except the following, which shall be exempt from the Zoning Bylaws and Subdivision Regulations:
  - A. Public highway signs
  - B. Non-advertising signs placed for directional or safety purposes (e.g.: “Rest Rooms”, “Telephone”, “Office”, “Exit”, “Falling Ice”, “Fire Extinguisher”, “No Trespassing”)
  - C. Temporary auction, lawn sale, or real estate for sale signs, not to exceed two in number and not to exceed 12 square feet in total area on the property. All such temporary signs shall be promptly removed when they have fulfilled their function.
  - D. Temporary (15 days or less) window signage is allowed up to 75% window coverage.
  - E. Repair or replacement of sign due to damage or wear if identical in placement and size.
2. The following shall be prohibited in all districts:
  - A. Signs that impair highway safety;
  - B. Signs that are animated, flashing, neon or intermittently illuminated, and signs painted or placed on rock outcrops or similar natural features;
  - C. Roof signs, and wall signs that extend above the roof line;
  - D. Signs that project over public rights-of-way or property lines.

3. Notwithstanding the Section 315 Setback requirements for structures, freestanding signs may be placed at the edge of the highway right-of-way. However, such signs shall not be located within 20 feet of adjacent private property, unless combined on the same stand with the sign of an adjacent business.
4. On-premises signs shall be permitted as provided below:
  - A. A home occupation, home business, or home industry shall be permitted only one sign not to exceed 6 square feet in area and not to exceed 6 feet in height.
  - B. A church or school shall be permitted only one sign not to exceed 24 square feet in area and not to exceed 10 feet in height.
  - C. Housing developments shall be permitted one sign not to exceed 35 square feet in a area and 10 feet in height.
  - D. A business or industry shall be permitted the following three signs only:
    - 1) Up to two signs (including fixed window signs) to be attached to the building, whose total area is not to exceed the greater of
      - a) 50 square feet; or
      - b) Two percent (2%) of the area of the smallest wall of the building; and
    - 2) One fixed permanent window sign will be allowed as long as both window and building signs total coverage does not exceed what is allowed in Section 410 subsection 1.
    - 3) One free-standing sign not to exceed 35 square feet in area and not to exceed 12 feet in height. If there are two or more businesses located in the same lot, all businesses shall share the free-standing sign, and the total maximum area of such sign shall not exceed 50 square feet, regardless of the number of business located on such lot.
5. Illuminated signs shall be lighted so as not to produce undue glare, hazard or distraction to traffic or adjacent uses of land. Illumination shall be properly focused upon (or from within) the sign itself.



**Section 411 - LANDFILLING, SITE EXCAVATION, UNDERGROUND SERVICES AND DRAINAGE**

1. All installations of commercial or municipal underground services (gas lines, water lines, sewer lines, power lines, petroleum product delivery lines and the like-See definition of underground services), require site plan approval prior to commencing any site work as well as the following:
  - A. An acceptable plan showing existing and proposed finish grades of the site (to demonstrate that the site will be restored to its original condition); and
  - B. An agreement to cover the finished grades, except exposed ledge rock, with at least three (3) inches of topsoil and seed with a suitable crop cover upon completion of the operation; and
  - C. A performance bond or letter of credit shall be given to the Town of Saint Albans in an amount that is sufficient to guarantee the restoration of the site.
2. Any land alteration or excavation that would cause a substantial change in the volume, velocity or direction of drainage, requires site plan approval. Before approval, the applicant shall:
  - A. Submit an acceptable plan showing existing and proposed finish grades of the site (to demonstrate that the site will be left in a usable condition);
  - B. Agree to cover the finished grades, except exposed ledge rock, with at least three (3) inches of topsoil and seed with a suitable crop cover upon completion of the operation;
  - C. The Development Review Board may require an applicant to post a performance bond or a letter of credit sufficient to guarantee restoration of the site.
3. Accepted agricultural drainage practices are exempt.

**Section 412 - STORAGE OF VEHICLES AND JUNK**

Vehicles that are not operative and not inspected, and junk taking up less than 200 square feet of area shall be concealed from public view. Junk storage areas of greater than 200 square feet are considered junkyards and shall be prohibited in all districts except the Industrial district.

**Section 414 – ABANDONMENT**

**1. Structure;**

Within one year of a structure's abandonment, demolition, or destruction, all debris shall be removed from the site, and the site shall be restored to the customary character of the surrounding area.

**2. Use;**

If a conditional use of a site was abandoned for 3 years, the resumption of that use would require approval by the Development Review Board.

**3. Nonconforming Use;**

If a nonconforming use is abandoned for a period of 18 months or is changed to a conforming use, the nonconforming use shall not be resumed, regardless of intent to reestablish the use.

**Section 415 - MOBILE HOME PARKS**

Pursuant to the Act, Section 4412(1)(C), a mobile home shall be considered a single-family dwelling and shall meet the same zoning requirements applicable to single-family dwellings, except when unoccupied and displayed in a mobile home sales establishment or allowed as a temporary use under Section 407 of the Zoning Bylaws and Subdivision Regulations.

In addition, mobile homes may be permitted in a mobile home park subject to the requirements of this section and State law.

- 1.** New mobile home parks, and any addition or alteration to an existing mobile home park shall require conditional use approval by the Development Review Board.
- 2.** A mobile home park shall have a contiguous area of not less than five (5) acres nor more than fifty (50) acres.
- 3.** A strip of land at least fifty (50) feet wide shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home unit or office, utility or service building may be placed in this buffer area.
- 4.** The minimum mobile home lot size shall meet the district requirement unless all lots are provided with off-site sewage disposal, in which case the minimum mobile home lot size shall be 50% less than the district lot size.
- 5.** Each mobile home lot shall have at least fifty (50) feet of frontage on a mobile home park road, and said roads shall be constructed to the Selectboard's road standards.
- 6.** A suitable non-porous pad at least four (4) inches thick shall be provided for each mobile home lot. A minimum yard setback of twenty-five (25) feet and a minimum setback from the access road of twenty-five (25) feet are required on each mobile home lot.

7. Sewage disposal, water supply and garage facilities shall comply with state regulations. All electric, telephone and other utility lines shall be underground, unless a waiver is granted by the Development Review Board based upon a finding that it would be impossible, or highly impracticable to install such lines underground.
8. Each mobile home park shall provide at least 10% of its total size for recreational purposes. All open space is subject to the provisions of Planned Unit Developments.

#### **Section 416 - CAMPING VEHICLES AND CAMPGROUNDS**

1. Any camping vehicles used for living quarters and sited so as not to be readily movable shall be deemed a dwelling and shall be subject to all zoning and health regulations applicable to dwellings.
2. A camping vehicle may be parked on the property of its owner or with the permission of a relative or friend, upon the property of said relative or friend provided the vehicle meets all district setback requirements and the period of occupancy does not exceed ninety days in any consecutive twelve month period.
3. New campgrounds, and any addition or alteration to an existing campground shall be subject to the following regulations:
  - A. Conditional use approval is required.
  - B. Campgrounds shall provide for lavatory, shower and toilet facilities and individual camping vehicle or tent spaces. All campgrounds shall comply with state regulations.
  - C. A strip of land at least twenty-five (25) feet wide shall be maintained as a landscaped area abutting all campground property lines. No camping vehicle, tent or service building shall be located in this buffer area.
4. Collector roads within the campground shall meet the following minimum standards:

|                    | One-Way Roads | Two-Way Roads |
|--------------------|---------------|---------------|
| Right-of-way Width | 18 feet       | 33 feet       |
| Gravel Depth       | 12 inches     | 12 inches     |
| Gravel Width       | 10 feet       | 20 feet       |

5. Every campground operator shall maintain a register, available to any authorized person or emergency official(s) that includes the names and addresses of all campground.

**Section 417 - PLANNED UNIT DEVELOPMENTS**

1. In accordance with Section 4417 of the Act, the Development Review Board is permitted to modify the Zoning Bylaws and Subdivision Regulations for a Planned Unit Development (PUD).

The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to facilitate the adequate and economic provision of roads and utilities, and to preserve the natural and scenic qualities of the town.

Any project with more than one principal structure on a lot (which does not meet Section 322, Pre-Existing Small Lots) must meet the requirements of a PUD.

2. To qualify, a PUD shall:
  - A. Contain at least 3 contiguous acres;
  - B. Conform to the definitions herein and to the requirements of Section 4417 of the Act.
3. Planned Unit Developments shall:
  - A. Be reviewed under the conditional use and subdivision criteria delineated in these Zoning Bylaws and Subdivision regulations.
  - B. Be permitted to vary the density or intensity of land use otherwise applicable under the provisions of the Town of Saint Albans Zoning Bylaws and Subdivision Regulations in consideration of and with respect to any of the following:
    - 1) The location and physical characteristics of the proposed planned unit development.
    - 2) The location, design, type, and use of the lots and structures proposed.
    - 3) The amount, location, and proposed use of open space.
  - C. Be completed in reasonable phases, in accordance with the Town Plan and any capital budget and program.
  - D. Planned Unit Developments shall be reviewed in accordance with section 420 of these Zoning Bylaws and Subdivision Regulations - Combined Review.
  - E. Planned Unit Developments may be permitted to have densities, and intensities that do not correspond with or are not otherwise expressly permitted by the Zoning Bylaws and Subdivision Regulations for the area in which it is located.

- F.** The approval of a proposed Planned Unit Development shall be based on findings by the Development Review Board that the proposed Planned Unit Development conforms with the Town Plan and satisfies other requirements of the Zoning Bylaws and Subdivision Regulations.
- G.** The Development review board may require as a condition to the approval of a PUD:
  - 1. That the streets and highways shall be of sufficient width and suitable grade and shall be so located to facilitate fire protection and coordinated so as to compose a convenient system properly related to the plan;
  - 2. That the land shown on such plats shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace;
  - 3. That suitable monuments have been placed at street intersections and other necessary points as may be required, and the location thereof is shown on the map of such plat;
  - 4. That where indicated by the plan, the plat shall show a park or parks suitably located for playground or other recreation purposes, if the areas so required do not exceed more than fifteen percent of the area of the plat.
  - 5. That streets be laid out, buildings oriented, and vegetation controlled so as to promote the conservation of energy and to permit the utilization of renewable energy resources.
- H.** Planned Unit Developments are subject to the provisions of 24 V.S.A. section 4417, which are hereby incorporated in the Zoning Bylaws and Subdivision Regulations by reference.
- I.** Where the clustering of uses in a project will result in open or undeveloped space on the tract, the Development Review Board shall condition approval of the project upon the establishment of an open space easement, conservation restriction, or similar instrument for such portion of the tract.
- J.** Such instrument shall be legally enforceable by the Town and shall run with the land at least until a future amendment of the zoning district density may provide for additional development of the tract. Further, the Development Review Board may impose conditions as to the maintenance of such open space.
- K.** Upon approval of the Planned Unit Development by the Development Review Board, the necessary modifications of The Zoning Bylaws and Subdivision Regulations shall be noted in a report and, together with the approved proposal, submitted to the Administrative Officer. All other provisions of the Zoning Bylaws and Subdivision Regulations not specifically modified shall remain in force and apply to the project.

**Section 418 - PUBLIC FACILITIES**

1. Pursuant to Section 4413 of the Act, adequate provisions have been made within the Zoning Bylaws and Subdivision Regulations for the location of public facilities in appropriate zoning districts:
  - (a) The following uses may be regulated 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. chapter 159.
    - (6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
  - (b) These Bylaws shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
  - (c) Except as otherwise provided by this section and by 10 V.S.A. § 1976, if any of these Bylaws are subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.
  - (d) These Bylaws shall 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, respectively, under subsections 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.
    - (1) For purposes of this section, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

- (2) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure shall be required.

#### **Section 419 MINING AND EXTRACTION OF EARTH RESOURCES**

1. Any extraction of minerals or gas exploration requires site plan approval. Before approval, the applicant shall:
  - A. Submit an acceptable plan showing existing and proposed finish grades of the site (to demonstrate that the site will be left in a usable condition);
  - B. Agree to cover the finished grades, except exposed ledge rock, with at least three (3) inches of topsoil and seed with a suitable crop cover upon completion of the operation; and
  - C. Post performance bond/letter of credit with the Town Treasurer sufficient to guarantee such restoration of the site, if required by the Development Review Board.
2. In rendering its decision the Development Review Board may impose appropriate conditions and safeguards to minimize adverse effects on other properties.

#### **SECTION 420- COMBINED REVIEW**

If more than one type of review is required for a project, the sequence for review to the extent feasible and issuance of a decision shall be as follows: Sketch, Final Plat, Site Plan, Conditional Use, Planned Unit Development (if applicable), and Variance.

## **PART V**

### **DEFINITIONS**

Except where specifically defined herein or in the Act, all words in the Zoning Bylaws and Subdivision Regulations shall carry their customary meanings. Any interpretation of words or terms by the Administrative Officer may be appealed to the Development Review Board for a declaratory ruling. The Development Review Board shall publish and update from time to time such rulings of interpretation, to ensure consistent and uniform application of these zoning regulations.

**Abandonment - Structure** Any structure deemed to present a hazard to the public safety or health by the Board of Health shall be deemed abandoned.

**Abandonment - Use** Any use that is discontinued for 3 years, or any non-conforming use that is either discontinued for 18 months or changed to a conforming use (regardless of intent to reestablish) is deemed abandoned.

**Accessory Dwelling Unit** An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling. The unit is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, and sanitation, provided there is compliance with all of the following:

- The property has sufficient wastewater capacity.
- The unit does not exceed 30% of the total habitable floor area of the single-family dwelling.
- Applicable setback, coverage, and parking requirements specified in the Bylaws are met. 24 V.S.A. Section 4412(1)( E).

**Accessory Use/Structure** A use or structure which is incidental and subordinate to the principal use or structure and located on the same lot such as patios, swimming pools, porches, detached garages, sheds and the like. A structure used for dwelling purposes shall not be considered an accessory structure except in the case of an operating farm where the farmhouse and customary dwellings for farm laborers may be considered accessory to the agricultural use.

**Access Points** Points of ingress and /or egress to a parcel of land. An access point is further defined as being a vehicular travel area no wider than 30 feet for two-way traffic or 15 feet for one-way traffic.

**Adjoining** To border upon, touching at a boundary.



**Adult Entertainment Establishment** A social, fraternal or similar establishment or a business (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 the following;

- An enclosed single sex lavatory,
- An enclosed single sex shower, locker and/or dressing room facility,
- An enclosed motel/hotel room designed and intended for sleeping accommodations,
- A doctor's office,
- Hospital room or similar place.

**Agribusiness** Any individual, partnership, corporation, or organization primarily supplying services of goods (such as equipment, feeds, livestock or supplies) to producers or marketable agricultural products, including greenhouses, nurseries, farm cooperatives, small-scale landscaping and the like.

**Agricultural Protection Agreements**

An acknowledgement and acceptance by a developer of an abutting property owner's "right to farm". This agreement grants a perpetual easement for any noise, odors, dust and/or byproducts and impacts that may occur in the course of conducting accepted agricultural and best-management practices on the nearby lands. The DRB will condition this agreement whenever a project is proposed abutting an active, significant agricultural operation. A copy of this agreement will be incorporated into each deed conveying land or a dwelling unit from the project.

**Agricultural Structures** Shall be considered structures related to the cultivation of soil, production of crops and/or the raising of livestock for the purpose of economic gain. A structure used for the slaughter of animals for commercial purposes shall not be deemed an agricultural structure.

**Agricultural Uses** Lands primarily used for agricultural, farming, dairying, crop production (including forest products) or raising livestock, animal or poultry husbandry and agricultural operations and accessory uses thereto. Also to include the sale of farm crops, horticultural products, livestock, or forest products raised on the property. This does not include slaughterhouses.

**Alterations** Structural changes, rearrangement, increase in building height, change of location or addition to a building, other than minor repairs to buildings or equipment modifications.

**Appropriate Municipal Panel** A planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.

**Areas of Special Flood Hazard** The land in the flood plain within a community subject to one percent or greater chance of flooding in a given year. The area includes all A zone designations on the Flood Insurance Rate Map. It does not include zones B and C.

**Bank** A financial institution used by the general public to conduct financial business. Banks are deemed to include Savings Banks, Savings and Loans, Credit Unions, Mortgage Companies, Brokerage Houses and similar establishments.

**Base Flood** The flood having a one percent chance of being equaled or exceeded in any given year.

**Boundary Line Adjustment** A division of land for the purpose of adjusting boundaries between two adjacent lots or parcels where no new lot is created.

**Building** A structure designed, built or used as a shelter for persons, animals, or property. Buildings shall include lunch wagons, travel trailers, mobile homes, etc. when sited in such a manner that they are not readily movable.

**Building Contractor Shop** A shop wherein a building contractor may have an office and/or stock materials pertinent to that contractor's business. The use of this structure does not allow wholesale or retail trade of materials.

**Building Coverage:** The part or percent of a lot occupied by buildings or structures including accessory buildings.

**Building Materials Dealer** Business involved with the sale of building materials such as lumber, plumbing supplies, electrical supplies, etc.

**Business Services** Includes banks, consulting firm, insurance or real estate agency, barbershop, beauty parlor, laundry, photographic studio, and similar establishments providing services (not goods or manufacture) to individuals, institutions, farms, industries or other businesses, where such professional offices or personal service establishments do not qualify as home occupations.

**Bylaws** Municipal regulations applicable to land development adopted under the authority of Title 24 Chapter 117.

**Campground** A place or business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like.

**Camping Vehicle** Means travel trailer, tent trailer, motor home, camper trailer, truck camper or any other device or conveyance so constructed as to permit its ready transport on public highways, and designed as temporary living/sleeping quarters. A camping vehicle is in no way included under the Mobile Home definition.

**Camping Vehicle Sales And Service** An establishment providing sales and servicing of camping vehicles.

**Club** A building or use catering exclusively to members and their guests for recreational, educational, civic, religious or fraternal purposes.

**Commercial** An activity involving the provision of facilities, goods or services (other than by municipal, state or federal governments) to others in exchange for payment of a purchase price, fee, contribution or other object or consideration having a value.

**Common Sewer** Facility designed to meet the sewer requirements of three or more dwelling units.

**Common Water** Facility designed to meet the water requirements of three or more dwelling units.

**Condominium Ownership** A form of ownership of real property, applicable to structures containing one or more units, consistent with 27 VSA Section 1301 (Condominium Ownership Act), which individual owners have title to individual dwelling units to the center lines of boundary walls and/or the land under buildings (e.g. “footprint lots”), and where a condominium association consisting of all dwelling owners holds title to the balance of all buildings, land and other facilities for the common use of all owners. Condominium ownership may also apply to non residential properties.

**Construction** Exterior additions, improvements or new assembly or placement of a structure on a site, including any related site preparations, excavation and grading.

**Contractor Storage Facility** A parcel of land with or without buildings thereon to be used for storage of vehicles, equipment and/or materials used in the commercial operation of a trucking, construction or construction related trades.

**Convenience Store/Quickstop** A store whose business consists primarily of neighborhood grocery sales and including the usual accessory items found in such stores.

**Correctional Facility** A Federal, State, County, Town or privately run facility used to house, treat or rehabilitate persons remanded to these facilities through the judicial process. Included in this definition are prisons, jails, halfway houses, juvenile detention centers and medical facilities for the correctional authorities.

**Day Care Center** An establishment operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for more than six children for periods of less than 24 hours. Day Care Centers shall encompass all facilities that are required to be licensed by the State of Vermont for Day Care, Preschool and Nursery Schools which also have enrollment of more than six children.

**Day Care Facility** An establishment operated as a business or service on a regular continual basis to provide care, protection, and/or education for up to six children.

**Day Care Facility-Licensed** An establishment operated as a business or service on a regular continual basis to provide care, protection, and/or education for up to six children. This facility must be registered/licensed by the State of Vermont.

**Department and/or Discount Store** A large store merchandising a wide variety of goods

arranged in several departments.

**Density** The ratio of people and/or structures per given area of land.

**Development** The division of a parcel of land into two or more parcels; new construction, substantial improvement, replacement or relocation of any structure; enlargement of any mining, excavation or landfill; and any change in the use of any structure, or land, or extension of use of land (see also definitions of “subdivision” herein and “Land Development” in the Act. Section 4303(10).

**Driveway** An access that serves a dwelling(s).

**Dwelling - Year Round** A building designed or used as the permanent living quarters, including attached garages, for one or more families (one family domiciled per dwelling unit). For the purpose of this definition, a “family” shall mean one or more persons living as a household (dwelling) unit, but not including individuals or groups occupying rooming and boarding houses, clubs, motels or hotels. A group or community care home serving not more than six (6) persons who are developmentally disabled or physically handicapped (i.e.: state licensed class F or G group homes) shall be considered a single family dwelling (and shall be regulated in the same manner as a single family dwelling), except that no such home shall be so considered if it locates within one thousand (1000) feet of another such home.

**Dwelling - Seasonal** A building designed or used as the seasonal living quarters for one or more families, (one family domiciled per dwelling unit). Seasonal is understood to mean that the dwelling is inhabited for less than 200 days in a calendar year by the principal family. All explanations of “families” and group or community care homes contained in the definition of a dwelling also apply for a seasonal home.

**Dwelling, Single Family** A detached residential dwelling unit designed for and occupied by one family only.

**Dwelling, Two Family** A detached building containing two dwelling units, designed for occupancy by not more than two families.

**Dwelling, Multi-Family** A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling Unit** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and bath facilities.

**Educational Facility** Facilities utilized for providing state mandated education for grades Kindergarten through 12<sup>th</sup> grade. Other facilities included are private schools, technical schools, colleges and similar institutions of higher learning.

**Equipment Sales and Services - Large Scale** An establishment providing sales and/or servicing of large farm and construction equipment and other like mechanical equipment.

**Equipment Sales and Services - Small Scale** An establishment providing sales and/or servicing of small equipment (Snowmobiles, 4-Wheelers, Lawn Mowers, Roto-tillers, Chainsaws...)

**Essential Public Services** Includes the construction or installation (by public utilities, municipal or other governmental agencies) of “local consumer” electric and telephone distribution lines, facilities for fire, police, highway and health services to the Town, or other similar equipment and accessories necessary for the furnishing of essential services. Also included are churches, convents, public schools and parish houses.

**Excavation** Any breaking of ground or movement of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, ground care, gardening and excavations in cemeteries shall be exempt from this Bylaw.

**Extraction** Any breaking of ground and extraction of earth, rock or raw materials.

**Fence** A barrier, boundary or enclosure made out of wood, steel, wire, mesh, stone and/or bricks. Not included are retaining walls, seawalls, guard rails and all concrete/cement barriers.

**Flood Hazard Area** The land subject to flooding from the base flood, meaning the flood having a one percent chance of being equaled or exceeded in any given year.

**Flood Proofing** Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which substantially reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**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 accumulatively increasing the water surface elevation more than one foot.

**Footprint Lot** A parcel of land which consists solely of the area directly under and/or up to 2 feet beyond a condominium ownership or townhouse structure.

**Funeral Home** A facility that provides services related to the care of deceased persons.

**Heavy Industry** The processing, warehousing, assembly or fabrication of certain materials and products that meet performance standards of Section 406 of this Bylaw but do not have all the minimal impact characteristics of Light Industry.

**Height** As applied to a structure, the vertical distance measured from the finished grade to the peak of the roof. Where a structure is located on sloping terrain, the height may be measured from the average ground level along the wall of the structure.

**Home Occupation** An occupation carried on in a dwelling which is customarily incidental and secondary to the use of that building for dwelling purposes, and which does not have an undue adverse impact on the character of the neighborhood.

**Impervious Surface** A surface that has been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water.

**Indoor Storage** A facility utilized for temporary storage for the public e.g. furniture, boats, vehicles, personal belongings. In the Rural district this use is restricted to buildings existing prior to January 1, 2000.

**Indoor Theater** A facility designed to provide films, plays, or concerts for the general public inside an enclosed structure.

**Industrial Uses** Industrial uses shall include both manufacturing and warehousing; specifically those activities involving the processing, fabrication, and/or temporary storage of materials and products.

**Interested Person** A party who may legally appeal to the Development Review Board or Environmental Court, as prescribed by the Act, Section 4465, generally including any of the following:

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- (4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

**Junk Yard** Land used for the outdoor collection, storage, or sale of waste metal or other discarded materials, or for the collection, wrecking, dismantling, storage, salvage or sale of machinery or vehicles which are not inspected and not in operating condition (vehicles used in farm operation exempt). An area in excess of two hundred (200) square feet shall be deemed a “junk yard” if so used.

**Kennel** Any lot or premises on which caring, breeding, housing, or keeping of six or more dogs, cats, or other household pets is done primarily for monetary purposes.

**Land Development** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

**Land Filling** Land filling shall be construed as any placement of soil or fill, or alteration of existing soil or fill, so as to create a significant change in the natural or landscaped drainage systems.

**Legislative Body** The Selectboard in the case of the Town.

**Light Industry** The processing, warehousing, assembly or fabrication of certain materials and products where no process involved will produce noise, vibration, air or water pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties, such as: Home appliances, electrical instruments, jewelry, printed materials, apparel, pharmaceutical goods and like uses.

**Lodging Establishment** A building or buildings containing rooms that are rented (for commercial purposes) as a sleeping unit or accommodation for transients, each sleeping unit consisting of, at least, a bedroom and use of a bathroom. Included are hotels, motels, tourist courts, cabins, motor lodges and the like.

**Lot** A parcel of land occupied or to be occupied by only one principal structure, unless a PUD, and the accessory uses customarily incidental to it, having sufficient size to meet zoning requirements for use, coverage, yards, area and open space as required. Such lot shall have frontage on a maintained public road or other legal access as approved by the Development review Board. In no case shall lot area, setback, frontage, or yard dimensions include any part of the legal right-of-way of an adjoining road. A parcel divided by a Class I, II, or III public road shall be considered separate lots for zoning purposes.

**Lot, Corner** A lot at the junction of and abutting on two or more intersecting roads.

**Lot Frontage** The boundary length of a lot on a maintained public road or other approved access.

**Lot, Leased** A parcel of land that meets the definition of a lot except that the property is owned by a lessor or landlord and rented to a lessee or tenant who receives rights of use and possession in accordance with the terms of a lease agreement.

**Lot of Record** Any lot, which individually, or as a part of a subdivision, has been recorded under the proper procedural, steps in the office of the Town Clerk.

**Lot Size to Gross Floor Area Ratio** The ratio obtained by dividing a lot's area by the total floor area of its primary and accessory structures. A two story, 100' x 100' building on one acre of land has a ratio of 2:1.

**Marina** A commercial establishment located with access to public waters which may sell, rent and/or charter small or large marine craft of all kinds as well as associated equipment. It may also provide services such as transient and/or seasonal docking/mooring, repairs, boat storage, maintenance food, fuel, water, pump out and power hook ups to accommodate users of the facility.

A marina shall not create a hazard to navigation or interfere with or prevent use of adjacent shoreland property or its access to and from the water.

**Materials Recovery Facility - MRF** A facility that functions as a collection point for solid waste that will subsequently be transported to a State approved landfill or other type disposal facility.

**Maximum Percentage of Lot Coverage** The percentage of the minimum lot size for that district which may be occupied by a building and other structures.

**Measurement** Shall be in contiguous feet.

**Mineral or Gas Exploration** For the purposes of the Zoning Bylaws and Subdivision Regulations, mineral or gas exploration shall mean any land alteration undertaken by a person or firm in search of oil, gas, or minerals. This would include drilling, pad installation, site clearing, access road improvements or construction, etc. Exploration efforts that do not significantly alter the land and that do not pose potential nuisances to adjoining properties would be excluded. Included in this category by way of example are boundary survey work, geophysical testing along public roads and the like.

**Minimum Lot Size** The smallest lot area on which any land or building development, construction, alteration, addition to an existing structure, or change in use is permitted if also in conformance with all other provisions of this Bylaw.

**Mobile Home** A structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. It does not include camping vehicles, and is at least eight feet wide or 40 feet long or when erected has at least 320 square feet.



**Mobile Home Park** A parcel of land, under single or common ownership or control, which is used (or is to be used) to accommodate more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

**Mobile Home Sales and Service** An establishment providing sales, servicing and transport of mobile homes.

**Motor Vehicle Repair** An establishment providing servicing of automobiles, trucks, farm and other motorized vehicles.

**Motor Vehicle Sales and Service** An establishment providing sales and major servicing of automobiles, trucks, farm and construction vehicles, and other motorized vehicles, including dealerships, body shops, vehicle repair shops and the like.

**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 administrative officer.

**Nonconforming Use** A use of land that does not conform to the present Zoning Bylaws and Subdivision Regulations but was in conformance with 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 administrative officer.

**Nonconformity** A nonconforming use, structure, lot, or parcel.

**Nudity** 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.

**Nursing Home** A facility having all those activities normally associated with nursing homes including 24-hour care and professional administration and staff. Facilities provided for the economic and social needs of the elderly (such as King's Daughters Home and community care facilities are also included).

**Outdoor Recreation Equipment** These include non-motorized equipment used by people enjoying the outdoors. These include sports equipment such as needed to play soccer, football, baseball, softball, lacrosse, hockey basketball and other team sports. Equipment necessary to enjoy golf, tennis, archery, trap, skeet, target shooting, paintball, skating, skateboarding, skiing, swimming, biking and other like activities are also included.

**Outdoor Storage** Materials to be stored outside of a building can only consist of objects for sale or retail that are either intrinsic to the nature of the business or of a temporary and/or seasonal nature.

**Parking Space** An off-street area of not less than 150 square feet exclusive of loading, access and maneuvering areas, landscaped areas, etc. to be used as a temporary storage space for one motor vehicle at a time.

**Patio** A permanent outside surface (concrete, cement, asphalt, mortared bricks...) located at ground level and which may or may not be attached to another structure. Surfaces made of easy to remove blocks do not count as patios.

**Permanent Foundation** A foundation consisting of one of the following;  
Concrete/cement footings, concrete/cement slab with accompanying mortared brick or cinder block walls, stone foundation, poured cement foundation or similar materials.

**Person** An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

**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.

**Planning Commission** a planning commission for a municipality created under subchapter 2 of this chapter.

**Plat** A site development plan map including all of the information required and prepared for filing, under the proper procedural steps, with the Town Clerk. (see 27 V.S.A. Section 1403).

**Plot Plan** A development plan map showing, at an appropriate and consistent scale, all existing physical and man-made features, all property, easement, and right-of-way lines, all proposed structure locations and land use alterations, and any other information as may be required to determine compliance with the provisions of the zoning Bylaw.

**Principle Structure/Use** A structure or use directly involved with the primary purpose of ownership of a lot. Together with its accessory structures/uses, this primary structure/use makes up all the structures and uses of said lot.

**Professional Office** Facility designed as a place of employment for a professional or business person such as an architect, attorney, engineer, insurance agent, physician, real estate broker or travel agent.

**Public Notice** The form of notice prescribed by sections 4444, 4449, or 4464 of title 24 of the Vermont Statutes Annotated, as the context requires.

**Public Sewer** A municipal facility that is maintained by the State of Vermont, City or Town of St. Albans or other Vermont municipality that is intended to serve the wastewater disposal needs of the general citizenry of the Town of St Albans.

**Public Use & Facilities** Includes the erection, construction and alteration in facilities or nature of use (by any municipal, state or federal government, public utility or other quasi-public institutions) of public buildings, electric transmission lines, recreation facilities, water supply and sewage treatment facilities, and including public and private schools or other educational institutions certified by the Vt. Dept. of Education.

**Public Water** A municipal facility that is maintained by State of Vermont, City or Town of St. Albans or other Vermont municipality that is intended to serve the potable water requirements of the general citizenry of the Town of St Albans.

**Publisher/Printer** A facility that is used for the publication or printing of newspapers, magazines, books, periodicals, leaflets or other such products. Bookbinders and engravers are also to be included in this definition.

**Recreation-Indoor** Includes indoor bowling alleys, theaters, pool hall, skating rinks, gymnasiums, swimming pools, hobby shops, dance studios, martial arts and similar places of indoor commercial recreation and similar types of instructional facilities.

**Recreation-Outdoor** The organized or unorganized use of fields, trails, bodies of water or other land for recreational purpose. Permitted structures and facilities in those districts where permitted shall include beaches, campgrounds, golf courses, golf driving ranges, parks, playground equipment, riding stables, skating rinks, skiing, stadiums, swimming pools, tennis courts, trap, skeet, and archery ranges, storage and accessory buildings and similar places of outdoor commercial recreation.

**Renewable Energy Resources** Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

**Research and Testing Facility** A specialized commercial/industrial activity where the land use impact is characteristic in nature to that of Light Industry as defined in this Bylaw.

**Residential Care and Group Homes** Other than a licensed foster home, a place that provides room, board and personal care to three or more residents who are unrelated to the home operator, and who have a handicap or disability.

**Residential Lodging** Includes rooming and boarding houses not to exceed five (5) rental units. (see also definition of “lodging establishment”).

**Residential Use** Includes single-family, two-family, and multi-family dwellings.

**Restaurant** Includes diner, bar, lounge, nightclub, and similar establishments serving food not covered by fast food or standard restaurants.

**Restaurant, Fast Food** An establishment whose principal business is the sale of foods or beverages, for consumption either on or off the premises, and whose operation is characterized by

- 1) Service of food or beverage in paper, plastic or other disposable containers,
- 2) Drive through windows for ordering and receiving food, or delivery to customers off premises,
- 3) Availability of food or beverage for immediate consumption upon short waiting time, and
- 4) Insufficient seating facilities within the restaurant building for the volume of food sold.

**Restaurant, Standard** An establishment whose principal business is the sale of foods or beverages for consumption within the restaurant building and whose operation is characterized by

- 1) Service by a restaurant employee at the same table or counter at which food or beverage is to be consumed, and/or
- 2) A cafeteria-type operation.

**Retail Business** Shops and stores for the sale of household items for personal use. Included are: florist, garden center, tailor, laundromat, shoe sales/repair, clothing sales, drugstore, and bookstore. Not included are department stores and supermarkets.

**Retail Sales** Includes shops and stores for the sale of small retail goods, such as grocery, hardware and general stores and includes small repair shops.

**Retaining Walls** Walls constructed for the purpose of shoring up structures or lands to prevent damage to property from the elements or encroaching animals or vehicles. Included are cement, stone, brick and wooden walls constructed for this purpose but not included under the definition of fences or seawalls.

**Road** An open way for public passage to include streets, roads, avenues, highways, ways, circles and the like.

**Sawmill - Large** Portable or fixed equipment set up for the process of turning logs into finished lumber. The equipment shall be operated wholly within a structure while the raw materials and finished products shall be either located within a structure or shielded from view by fencing.

**Sawmill - Small** Portable equipment set up for the process of turning logs into finished lumber. The equipment, raw materials and finished products are to be either wholly contained in a structure or shielded from view by fencing. The employees utilized in such an operation are as are allowed for a home occupation (Section 407).

**Seawall** A wall or embankment made to break the force of the waves and to protect the shore from erosion.

**Service Stations** Any lot or area of land, including the building thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has facilities for lubricating, washing, or servicing motor vehicles but not including painting or body work.

**Setback - Road** The nearest distance between a public or private road right-of-way and a structure, including all features to the structure, with the exception of a roof overhang not to exceed 3 feet.

**Setback - Yard** The nearest distance between the rear or side boundaries of a lot (including leased lots) and a structure, including all features to the structure, with the exception of a roof overhang not to exceed 3 feet.

**Should** An activity is encouraged but not mandated.

**Sign** Any display or representation used or placed as an announcement, direction or advertisement. The word “placed” for the purpose of this definition shall include erected, constructed, or otherwise fastened, affixed or made visible in any manner whatever.

**Sign Area** When computing the total permissible sign area for any use:

- 1) Existing signs shall be included.
- 2) The total area of all signs shall not exceed the requirements as set forth in these Bylaws.
- 3) Signs consisting of free standing letters, numerals, or other components shall include any intervening space between them.
- 4) Only the larger face area of a double-faced or y-type sign shall be used.
- 5) Back-to-back signs may be counted as one sign.

**Site Plan** A development plan map showing, at an appropriate and consistent scale, all existing physical and man-made features, all property, easement, and right-of-way lines, all proposed structure locations and land use alterations, and any other information as may be required to determine compliance with the provisions of the Zoning Bylaw.

**Social Services** Includes day-care centers, medical clinics, nursing homes, and similar human service/health care facilities, and group or community care homes serving more than six (6) persons. (See also definitions of “club” and “dwelling” herein).

**Storage and Distribution Facility** Any facility used for warehousing but excludes retail activity on the premises.

**Structure** Anything constructed, erected or placed and which requires a fixed location on the ground in order to be used. Included, in addition to buildings, are carports, garages, swimming pools (5000 gallon capacity and above), patios, porches, retaining walls, towers, and any other outbuildings and building features. Not included are signs, sidewalks, driveways, fences, swimming pools (below 5000 gallon capacity) and temporary docks or floats.

**Structure Height** The vertical distance measured from the average grade at the base of the structure to the highest point of such structure.

**Subdivider** Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, or their authorized agent who shall lay out for the purpose of sale or development, any subdivision or part thereof as defined herein.

**Subdivision** Division of any lot or parcel of land, after the effective date of this Bylaw, into two (2) or more lots (including leased lots) of any size, for the purpose of conveyance, transfer of ownership, improvement, building development, or sale, including sale at auction. The term “subdivision” includes amended subdivisions and re-subdivisions.

**Substantial Improvement** Exterior construction, reconstruction, addition, alteration or replacement of a structure which results in new floor space or building area in excess of 50 square feet.

**Substantial Structural Improvements** Repairs, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. However, the term does not include either:

- 1) Any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

**Supermarket** A retail market primarily selling foods and/or household merchandise. Distinguishable from a grocery store by the employment of five or more full time employees.

**Tavern** An establishment where alcoholic beverages are sold for profit to be consumed on the premises. Includes bar, lounge, nightclub, and similar establishments

**Telecommunication Support Buildings** Buildings that house the radio and support equipment necessary for the functions of a telecommunications tower.

**Telecommunications Facility** A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county or state purposes.

**Telecommunications Tower** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, telephone poles and the like. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

**Tourist Home** Any building where sleeping accommodations and/or meals are provided for compensation for more than one and less than six persons. For the purposes of district dimensional requirements, tourist homes shall be considered two family dwelling units.

**Towers and Antennas - Pre-existing** Any tower or antenna on which a permit has been properly issued prior to the effective date of this Bylaw.

**Town Acre** 40,000 square feet.

**Town Road** A road maintained by the town, classified as class 3, or better.

**Townhouse** A type of dwelling unit, located in a structure containing at least two dwelling units arranged so as to include rooms on one or more floors.

**Transportation Terminal** A site including structures which is used for the parking, storage, dispatching and/or servicing of buses, trains and/or trucks. Not included would be the commercial servicing of vehicles not part of the terminal's fleet.

**Underground Services** The providing of commercial underground utilities for more than five residential customers. These include wastewater, water, cable, telephone, electric, and gas lines. All other petroleum product distribution lines are also included in addition to all other distribution systems installed below grade.

**Use** The specific purpose for which land or a building is arranged, designed, or intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

**Variance** Approval to do some act contrary to the bylaws.

**Vehicle** A means of conveyance, including automobiles, buses, construction equipment, motorcycles, planes, trailers, trucks, tractors and other farm equipment.

**Veterinarian Facility** A facility which houses a Veterinarian office and also provides for the on-site sheltering of animals.

**Veterinarian Office** An office for one or more Veterinarians to practice their profession.  
Does not allow for on-site sheltering of animals.

**Watercourses** Streams, brooks, ponds and other bodies of water that flow year-round.

**Wetlands** 1. Areas that are delineated as Class 1 or 2 wetlands on the wetland map. 2.  
Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

**Yard** An open space on a lot (including leased lots), unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.

**Yard, Front** A yard on the same lot (including leased lots) with a principal building, extending the full width of the lot and situated between the street right-of-way and the front line of the building extended to the side lines of the lot.

**Yard, Side** A yard situated between the principal building and a side line and extending from the front yard to the rear yard. The distance between the principal building and the side line shall be measured from the building to the nearest point on the side line along a line parallel to the front lot (including leased lots) line.