

**NOTICE OF PUBLIC HEARING
ST. ALBANS CITY PLANNING COMMISSION
MONDAY, JULY 23, 2012
6:30 PM
ST. ALBANS CITY HALL
100 NORTH MAIN STREET, ST. ALBANS, VT**

The St. Albans City Planning Commission will hold a public hearing to consider changes to the St. Albans City Land Use Development Regulations.

Section 202 - Defined Terms:

The Planning Commission will consider revisions and additions to the definitions of Automobile Service Station, Convenience Store and Motor Vehicle Fuel Sales.

Purpose: To provide clarity in the definition of these uses.

Geographic Areas Affected: All of City of St. Albans.

Section 304 - Permitted and Conditional Uses

The Planning Commission will consider revisions to how specific uses are listed in the Permitted and Conditional Uses table and in which districts they are conditional or permitted. The affected uses are Automobile Service Station, Automotive Body and Repair Shop, Motor Vehicle Fuel Sales, Motor Vehicle Sales, and Sales and rental of goods, merchandise and equipment within fully enclosed building, no outside storage.

Purpose: To allow each of the uses affected to be considered singularly.

Geographic Areas Affected: The following land use districts: Business 1 (B1), Business 2 (B2) and Service-Industrial (S-IND).

Section 415 - Automotive Sales, Service, Repair and Fuels

The Planning Commission will consider adding this section to the Land Development Regulations.

Purpose: To implement special design and form standards in the Business 1 (B1) District and ensure that Motor Vehicle Fuel Sales uses conform to the character of the district.

Geographic Areas Affected: The Business 1 (B1) district.

Full texts of these revisions may be viewed at the St. Albans City Planning and Zoning Office, St. Albans City Hall, 100 North Main Street.

If special accommodations are required, please contact Michelle Boudreau at 802-524-1500 x262 or m.boudreau@stalbanstv.com.

WRITTEN REPORT ON PROPOSAL, PER 24 V.S.A. § 4441

The following text fulfills the statutory requirements for a written report on the effects of the entirety of the proposed bylaw revisions in the preceding hearing notice.

1. The proposed revisions to Sections 202 and 304 conform to the St. Albans City Comprehensive Municipal Plan by permitting Convenience Stores (a retail use) in the B1 Central Business Subdistrict, where the Plan states that retail and commercial uses are to be centered in the City. These revisions also permit Sales and rental of goods, merchandise and equipment within fully enclosed building, no outside storage in the S-IND Service Industrial District, which is stated in the Plan to provide for a wide variety of uses. The proposed revisions to Section 415 ensure that the *Motor Vehicle Fuel Sales* use can conform to the Plan's stated goals of a pedestrian focused B1 Central Business Subdistrict with principal buildings that meet or are in close proximity to the public way. These revisions have no predictable effect on the availability of safe and affordable housing.
2. These revisions make no changes to the future land uses listed in the St. Albans City Comprehensive Municipal Plan and have not predictable effect on densities.
3. These revisions do not carry out any specific proposals for any planned community facilities.

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ACCESSORY APARTMENT

See Section 409 of these regulations.

ACT

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

ADULT ENTERTAINMENT ESTABLISHMENT

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

ALTERATION, EXTERIOR

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

ALTERATION, INTERIOR

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

APARTMENT UNIT

See Dwelling Unit.

AREA OF SPECIAL FLOOD HAZARD

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

AUTOMATIC CAR WASH

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

AUTOMOTIVE BODY AND REPAIR SHOP

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

AUTOMOBILE SERVICE STATION

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

groups, which are licensed by the appropriate governmental department as necessary, and contain communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

CONSTRUCTION DRAWINGS

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

CONDOMINIUM

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

CONVENIENCE STORE

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

CORRECTIONAL FACILITY

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

CREDIT UNION

See Bank.

CUL-DE-SAC

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

DAY CARE, CHILD CARE, ETC.

See Section 405 Day Care Homes or Day Care Facilities

DEAD END

See Street, Dead End.

DETACHED STRUCTURE

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

DEVELOPMENT

The division of a parcel into two or more parcels of land, the construction, reconstruction, conversion, interior or exterior alteration, relocation or enlargement of any building or other structure or land or extension of use of land. [NOTE: alterations are defined in these bylaws]

DEVELOPMENT REVIEW BOARD

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

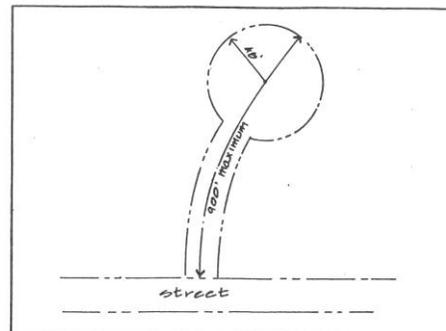


Figure 2
CUL-DE-SAC STREET

MOTEL

See hotel.

MOTOR VEHICLE FUEL SALES

Any structure, device, or land used ~~or~~ intended to be used for the on-premises sale of petroleum products to motor vehicles and required to be licensed under the laws of the State of Vermont, with or without the repairing or servicing of such motor vehicles. The definition of this use does not implicitly include other uses, such as automobile service or a convenience store.

MOTOR VEHICLE SALES AND REPAIR FACILITY

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

MULTIPLE USE

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

NEW CONSTRUCTION

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

NONCONFORMING LOTS OR PARCELS

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

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

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

OFF-PREMISES COMMERCIAL SERVICE

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

OFF-STREET PARKING

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

OFFICIAL MAP

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

OPEN AIR MARKET

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

OPEN PORCH - DECK

An uncovered horizontal platform that extends from the principal structure.

OPEN SPACE, GREEN

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

PARKING GARAGE OR STRUCTURE

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

PARKING LOT

An off-street, ground level open area or lot, used for the temporary parking of motor vehicles.

PARKING SPACE

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

PERFORMANCE GUARANTEE

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

PERSONAL SERVICE

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

PLACE OF WORSHIP

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

PLANNED UNIT DEVELOPMENT

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

PRELIMINARY SUBDIVISION PLAT

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

enlargements compatible with the architectural character of the subdistrict.

D. S-IND – Service Industrial District

It is the intent of the S-IND Service Industrial District to provide for the location of a wide variety of service, industrial, manufacturing, distribution and research facilities providing employment opportunities and broadening of the tax base of the City. These locations provide good transportation and infrastructure access. All uses shall be in conformance with the performance standards found in Section 519 of these regulations. Due to the location of the district adjacent to residential areas, buffering shall be required to minimize conflicts between non-residential uses and residential districts.

E. FHO- Flood Hazard Overlay District

The intent of this district is to minimize future public and private losses caused by development in flood hazard areas. Designation of this district is also required for the City's continued eligibility in the National Flood Insurance Program. Included in this district are all areas of special flood hazard as shown on the latest National Flood Insurance Program maps. The Flood Hazard Overlay District overlaps other districts established in this Bylaw; where the provisions of the underlying district differ from those of the Flood Hazard Overlay District, the more restrictive shall govern.

Section 304 Permitted and Conditional Uses

USES	LDR	HDR	B1	B2	S-IND
Adult Business or Adult Entertainment Establishment (Section 408)					C
Assembly and exhibition halls			C	C	
Banks and other financial institutions			P	P	
Bar, nightclub			C	C	
Bed & Breakfast/Lodging House	C	C	C	C	
Building contractor's facility					P
Building Contractor's facility with inside storage of equipment				C	
Car wash/ automatic car wash				C	C
Cemetery		C		C	
Clinic	C	C			
Clinic/ medical facility	C	C	C	C	
Clubs, Social, private and fraternal and similar uses			C	P	
Community Center	C	C	C	C	
Community House				C	
Congregate Housing	C	C		C	
Day Care Facility in accordance with Section 405		C	C	C	C
Day Care Home, Large Family in accordance with Section 405	P	P	P	P	P
Day Care Home, Small Family in accordance with Section 405	P	P	P	P	P
Drive-in or drive-through facilities used in connection with office, clerical, research and services not primarily related to goods or merchandise			C	C	

USES	LDR	HDR	B1	B2	S-IND
Dry cleaner, Laundromat			P	C	
Dwelling units located second floor and above, when 1 st floor is			P	P	
Dwelling units on first floor when located outside the Historic District and when entire property is used for residential purposes			P	P	
Dwelling, Multiple Family		C		C	
Dwelling, Single family	P	P		C	
Dwelling, Two family	C	C		C	
Funeral homes			C	C	
Group homes in accordance with Section 501	P	P	P	P	P
Home Industry in accordance with Section 404	C	C	C	P	P
Home occupation in accordance with Section 403	P	P	C	P	P
Homeless shelter			C		
Hotels, dormitories			C	C	
Industrial/commercial dry cleaner/ laundry					P
Kennel					C
Library, museum, art gallery or center, etc.			C	P	
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment with all operations conducted entirely within fully enclosed building			C	C	P
Mobile home park in accordance with Section 406		C			
Convenience Store, Gas Station			EP	C	P
Motor vehicle sales, rental and service			E	E	P
Automobile Service Station			C	C	P
Automotive Body and Repair Shop			C	C	P
Motor Vehicle Fuel Sales			C	C	P
Motor Vehicle Sales and Repair Facility			C	C	P
Motor vehicles parking lot not associated with principal use			C		C
Nursery schools		C	C	C	
Nursing care or intermediate care institution for children or adults				C	
Office, clerical, research and services not primarily related to goods or merchandise			P	C	P
Other educational or cultural uses			C		
Personal services			P	P	
Planned unit development (Section 413)				C	C
Planned unit development, residential uses only (Section 413)	C	C			
Public Facility: as described in Section 410 of these regulations	C	C	C	C	C
Recreation (private)					C
Recreation, amusement and entertainment (private)				C	
Recreation, amusement and entertainment uses with activity conducted within and/or outside a building or structure			C		
Restaurant/café			P	C	
Sales and rental of goods, merchandise and equipment with no building, no outside storage, such as open air markets			C		C
Sales and rental of goods, merchandise and equipment within fully enclosed building, outside storage			C	C	C
Sales and rental of goods, merchandise and equipment within fully enclosed building, no outside storage			P	C	EP

USES	LDR	HDR	B1	B2	S-IND
School, Commercial		C	P	P	C
Scrap material, salvage yard, junk yard, etc.					C
Soup Kitchen			C		C
Service Industrial Accessory Use					C
Storage and parking			C	C	C
Storage, Warehouse and Distribution Facilities					P
Structures accessory to dwelling	P	P	C	P	C
Transportation facility, including bus and train stations			C	C	C
Utility facilities					C
Veterinary hospital				C	C

P – Permitted Use (allowed by approval of Zoning Administrator), in accordance with Section 601
C – Conditional (allowed by approval of Development Review Board), in accordance with Section 602

Section 305 Flood Hazard Overlay District

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

B. Permitted uses - allowed by approval of Zoning Administrator

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

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

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

D. Specific District Requirements:

The mandatory provisions of State and Federal law for continued City eligibility in the National Flood Insurance Program are hereby adopted by reference and shall be applied in the review of any land alterations or construction in this district. These mandatory provisions are contained in Section 4424 of Title 24, Chapter 117, V.S.A. and 44 CFR 60.3 and 60.6 as amended. Copies of these provisions are available at the Office of the City Clerk.

E. Warning and Disclaimer of Liability:

The provisions of this Bylaw do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the City or any officials or employees thereof for any flood

Section 415 Automotive Sales, Service, Repair and Fuels

A. This section shall apply to following uses designated in Section 304:

- 1.** Automobile Service Station
- 2.** Automotive Body and Repair Shop
- 3.** Motor Vehicle Sales and Repair Facility
- 4.** Motor Vehicle Fuel Sales

B. In the B1 Central Business Subdistrict the following design standards shall apply:

- 1.** Fuel pumps and other automobile servicing equipment and vehicle shelter canopies shall only be an accessory use to some other principal use.
- 2.** Detached vehicle shelter canopies are prohibited. Attached vehicle shelter canopies are allowed and shall not exceed the height of the principal building that they are attached to.
- 3.** Fuel pumps and other automobile servicing equipment shall be located away from all frontages, toward the rear of the principal structure or off of a rear corner. This includes locating equipment away from both frontage areas along corner lots. (See figure below.)

