

City of Rutland, Vermont  
ZONING BYLAWS

**ARTICLE I ENACTMENT AND INTENT**

**§ 31-101 Enactment**

- (A) These zoning bylaws are enacted under the Vermont Municipal and Regional and Development Act, 24 V.S.A., chapter 117, as amended from time to time.
- (B) These zoning bylaws shall be known as the City of Rutland Zoning Bylaws.
- (C) The districts hereinafter described are depicted on the Rutland City Zoning Map approved simultaneously herewith and made a part hereof.

**ARTICLE II ADMINISTRATION AND ENFORCEMENT**

**§ 31-201 Zoning Administrator**

- (A) The zoning administrator of Rutland shall administer these bylaws literally, and shall have the power to permit any development which is in conformance with these bylaws.
- (B) If any uncertainty exists with respect to the boundary of any zoning district on the Rutland City Zoning Map, the presumption shall be that the zoning boundaries follow the property lot lines as depicted on the zoning map. The zoning administrator shall determine the exact location of the zoning boundary in question.

**§ 31-202 Zoning Permit**

- (A) No development shall commence without a zoning permit issued by the zoning administrator. No zoning permit may be issued by the zoning administrator except in conformance with these regulations. The applicant shall fully complete the "City of Rutland Application for Zoning Permit" with the required attachments and fee. The Application for Zoning Permit shall be signed by an owner of the property or a duly authorized agent of owner.
- (B) Any development or use not permitted in a zoning district by these bylaws shall be deemed prohibited.
- (C) Within 30 days after the submission of an application deemed completed by the zoning administrator, the zoning administrator shall issue a written denial or approval of the permit to the applicant.
- (D) A zoning permit shall specify the date of issuance and contain a statement of the time period within which an appeal may be filed. No zoning permit issued shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

**§ 31-203 Exemptions**

No zoning permit is required for the following, unless otherwise required by Rutland City Flood Hazard Area Regulations; *[Amended September 10, 2008]*

- (A) Fences ten feet or less in height or walls six feet or less in height.
- (B) Terraces and steps which are not covered.
- (C) Doghouses, swing sets, driveways, flagpoles and other such structures.
- (D) All signs
- (E) A detached structure of not more than sixty-four square feet with a longest dimension of no greater than sixteen feet and located five or more feet from the side or rear lot line. Said structure may be located on the boundary line of the immediately adjacent property owner if the adjacent affected owner agrees in writing, in advance. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner shall be filed with the zoning administrators office.
- (F) Landscaping/fill.
- (G) Minor structural modifications/repairs.
- (H) Any repair, structural alteration or alteration of any building or other structure which does not change the use or footprint or increase the square footage of said structure.
- (I) Fire escapes.
- (J) Utility boxes.
- (K) Demolition of a structure except as provided in § 31-210 herein.
- (L) Satellite dish up to five feet in diameter and antennas up to twenty feet beyond the height of the building.
- (M) Temporary structure if removed within 10 days after the primary project is to be completed.

**§ 31-204 Fees**

The Board of Aldermen shall establish all fees to be charged for the administration of these regulations. A fee schedule shall be maintained and available for public distribution at the zoning administrator's office.

**§ 31-205 Fines And Penalties**

Violations of any provisions of these by-laws shall be considered a civil penalty subject to fine and penalties as set by the Board of Aldermen. Each day that a violation continues shall be considered a separate offense and subject to daily fines.

**§ 31-206 Appeals; Variances**

All appeals and applications for variance shall be filed as prescribed by Vermont Statutes as amended from time to time

**§ 31-207 Development Review Board**

(A) The Development Review Board for the City of Rutland shall consist of not more than 5 (five) members and 3 (three) alternates who shall be appointed by the Mayor and approved by the Board of Aldermen. The term for the members and alternates of the Development Review Board shall be three (3) years. The terms of the initial members of the Board shall be: one (1) member for 1 (one) year, 2 (two) members for 2 (two) years and 2 (two) members for 3 (three) years. The terms of the initial alternates shall be: 1 (one) for 1 (one) year, 1 (one) for 2 (two) years and 1 (one) for 3 (three) years. The alternates shall serve when one or more members of the Development Review Board are unable to serve for whatever reason. Vacancies shall be filled by the same appointment process as for members, and the replacement shall serve the remainder of the term of the member replaced. Each member of the Development Review Board may be removed for cause by the Board of Aldermen upon written charges and after public hearing.

(B) If a development requires more than one review, such as zoning review, site plan, design control, subdivision review or conditional use review, these reviews may be combined into a single hearing.

**§ 31-208 Conditional Uses**

(A) The applicant for a Conditional Use shall submit an application to the zoning administrator in a form acceptable to the zoning administrator. The zoning administrator shall set a hearing date and notify the applicant of the date. Notice shall be given pursuant to State law. The Application for a conditional use shall be signed by an owner of the property or an authorized agent of said owner.

(B) The Development Review Board may approve a conditional use if it finds that the proposed use shall not substantially adversely affect:

1. The capacity of existing or planned community facilities;
2. The character of the area affected;
3. Traffic on roads and highways in the vicinity;
4. Bylaws then in effect, or
5. Utilization of renewable energy resources;
6. Any specific standards for a conditional use as provided for in a particular district.

(C) The Development Review Board shall act to approve or disapprove a Conditional Use Application within forty-five (45) days of the final public hearing. Failure to act within forty-five (45) days shall be deemed approval of the application.

(D) The conditional use permit becomes null and void if the use is discontinued for one (1) year.

(E) In granting such conditional uses, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of Title 24 Chapter 117 of the Vermont Statutes Annotated and these zoning bylaws.

**§ 31-209 Site Plan Requirements and Review:**

(A) A request for site plan review shall be submitted to the Development Review Board:

1. If site plan review is required in these regulations.
2. If the development is subject to review pursuant to the City of Rutland subdivision regulations. The Zoning Administrator shall advise the applicant on the required documentation that shall be submitted with the "City of Rutland Application for Zoning Permit". The applicant shall provide notice to abutting land owners as required by State law.

(B) The Applicant shall submit two sets of the site plans drawn to an appropriate scale and supporting data to the Development Review Board which shall include the following information unless deemed unnecessary by the Zoning Administrator.

1. Name and address of owners of record;
2. Name and address of applicant if different from owner;
3. Name and address of adjoining landowners;
4. Estimated time of completion;
5. Existing and proposed features clearly indicated;
6. Structures and other improvements;
7. Streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks, elevations, landscaping including grading, landscape design, screening and drainage, walls, retaining walls, etc.;
8. Soil erosion and sediment control plans;
9. Proposed utility plans including but not limited to drainage lines, catch basins, swales, sewer lines, water lines, utility lines, etc.

(C) The Development Review Board shall review the zoning application, including site plan application, including but not limited to the maps, data and other information submitted by the applicant and may impose appropriate conditions and safeguards to ensure adequacy of:

1. Traffic access, circulation and parking;
2. Landscaping and screening;
3. The protection of the utilization of renewable energy resources; and,
4. Aesthetic relationship between proposed uses and existing surrounding uses.
5. Drainage.
6. Buffering
7. Exterior Lighting
8. Other matters specified in these bylaws

### § 31-210 Design Control Districts

The City of Rutland is establishing Design Control Districts within the City. These are as a result of a report on designation of ADesign Control Districts@ prepared by the Rutland City Planning Commission. That report provides for the establishing of Design Control Districts that include the Downtown Business District, Courthouse District and Main Street Park District and all Gateway Business Districts.

(A) All exterior development, unless specifically excluded in these regulations, in the **Downtown Business District, Courthouse District, Main Street Park District and all Gateway Business**

**Districts** shall be reviewed by the **Development Review Board**. The applicant shall provide notice to abutting land owners as required by State law.

(B) Developments within the **Downtown Business District** have been controlled by the architectural and design guidelines in place since 1993. These are attached as Appendix A. Any development in the **Downtown Business District** will continue to be reviewed pursuant to those guidelines by the **Architectural Review Committee**.

(C) All demolition in the **Courthouse District, Main Street Park District, all Gateway Business Districts and the Downtown Business District** shall be reviewed by the **Development Review Board** except:

1. Fences and walls
2. Terraces and steps which are not covered
3. Dog houses, swing sets, driveways, flagpoles and other such structures

(D) Within the **Courthouse District and Main Street Park District, all Gateway Business Districts and the Downtown Business District** no structure may be erected, reconstructed, substantially altered, moved or demolished without review and approval of the plans by the **Development Review Board**. There will be review by the **Architectural Review Committee** which shall make report to the Development Review Board.

(E) Any other zoning permits issued within the **Courthouse District and Main Street Park District, all Gateway Business Districts and the Downtown Business District** not required to be reviewed pursuant to subsection D above will be reviewed by the **Zoning Administrator**. The Zoning Administrator may approve the zoning permit. However, if in the opinion of the Zoning Administrator, minor exterior modifications are being made which will change the facade, roof line, window patterns and other exterior modifications, the Zoning Administrator may require review by the **Architectural Review Committee**. Review by the Architectural Review Committee will be final and will not require further review by the Development Review Board.

#### §31-211 **Administrative Review**

(A) Authority

The **Zoning Administrator** is hereby authorized to conduct administrative review and approval of site plan and design review applications for principal permitted uses as provided below.

(B) Determination of Eligibility

All determinations of eligibility for zoning administrative review are subject to the discretion of the Administrator. The Zoning Administrator may review, approve, approve with conditions, or deny administrative amendments to site plans and design review involving a principal permitted use if the proposed amendment meets one or more of the following thresholds and criteria:

1. Relocation of site improvements and/or accessory structures that have been previously approved, provided that such relocations do not alter the approved coverage for the site.
2. Re-approval of plans if a permit issued by the Development Review Board has expired within the preceding six months and no changes or alterations of any kind are proposed, including those outlined in (4) below.

3. Approval of plans showing as-built adjustments beyond standard field adjustments, provided that such adjustments do not require the amendment of any condition of approval in the most recent findings of fact.
4. Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping material, provided that the landscaping proposed in the amended plan is equal to or exceeds the landscaping approved by the Development Review Board.
5. An increase in building area and/or impervious coverage totaling less than five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Applicants are advised that the cumulative total increase in building area and/or site coverage cumulatively permitted through all administrative amendments on any one lot shall not exceed five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Development Review Board approval shall be required for any amendment exceeding these limits.
6. Changes in use of all or part of a building or structure with prior site plan approval to a permitted use in the applicable zoning district, provided the proposed use, whether solely or in combination with other uses subject to the same approval, will not result in any permitting requirement or threshold being exceeded or violated.

(C) Reporting of Decisions

All administrative approvals shall be reported by the Zoning Administrator to the Development Review Board at its next meeting following the date of the approval, and all such decisions of the Administrative Officer shall state that the decision may be appealed in accordance with State law.

### **Article III DISTRICTS**

#### **§ 31-301 Single Family Residential District (SFR)**

(A) There is hereby established a single-family residential district hereinafter referred to as SFR.

(B) The area and dimensions for SFR shall be:

1. Minimum lot size 10,000 sf.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 25 ft.
  - b. Side 15 ft.
  - c. Rear 20% of lot - min. 20 - max 50
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding §31-501 Definitions, Building, for purpose of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width

(C) The following are permitted uses in SFR.

1. Single Family Dwelling

2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:

a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;

b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and

c. The primary single family residence is occupied by the owner.

6. Day Care - Home

7. Municipal uses

5. Residential Care Home

#### (D) Conditional Uses

1. School and school uses

2. Church and church uses

3. Country Club/Golf Course excluding mini-golf

4. Cemetery

5. Utility facilities, provided there is no service area or garage

6. Bed and Breakfast

7. Day Care - Small

#### (E) Accessory Uses

8. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

9. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.

10. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner whose property the structure will be abutting is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on a corner lot the side yard setback shall be 15 feet on the road side.

Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

§ 31-302 **Mixed Residential District 1 (MR-1) Amended September 2008**

(A) There is hereby established a mixed residential district hereinafter referred to as MR.

(B) The area and dimensions for MR-1 shall be:

1. Minimum lot size 6,500 sf.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 20 ft.
  - b. Side 10 ft.
  - c. Rear 20% of lot - min 20 max 50
4. Maximum Building height 40 ft.
5. Minimum Building width 20 ft.

Notwithstanding §31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The following are permitted uses in MR-1:

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
3. Day Care Home
4. Municipal Uses
5. Residential Care Home
6. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
7. Bed & Breakfast
8. Day Care - Small

(D) Conditional Uses:

- 1 Neighborhood Retail
- 2 Office
- 3 Funeral Homes
- 4 Community Facility
- 5 Cemetery
- 6 Club
- 7 Utility facilities, provided there is no service area or garage
- 8 Agriculture
- 9 Parking for all permitted uses not located on the same lot as the permitted use
- 10 Mobile home parks
- 11 School and School uses

## 12 Church and Church uses

### (E) Accessory Uses

1 Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

2 Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.

3 A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner whose property the structure will be abutting is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on a corner lot, the side yard setback shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office

§ 31-303 **Gateway Business District - South Main Street**

(A) There is hereby established a Gateway Business District - South Main Street.

(B) The area and dimensions for GB-SMS shall be:

14. Minimum lot size 10,000 sf.
15. Minimum frontage 50 ft.
16. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 10 ft.
17. Maximum building height 40 ft.
18. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The following are Permitted Uses in GB-SMS:

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
3. Day Care Home
4. Day Care - Small
5. School and School uses
6. Church and Church uses
7. Municipal uses
8. Residential Care Home
9. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
10. Bed & Breakfast
11. Retail Store
12. Office
13. Restaurant
14. Hotel/Inn/Motel
15. Medical Clinic
15. Community Facility
17. Funeral Home
18. Day Care - Large
19. Utility facility, provided there is no service area or garage
20. Clubs
21. Indoor Recreation

(D) Conditional Uses

1. Nightclub
2. Bar
3. Halfway House
4. Outdoor Recreation

(E) Design Criteria Gateway Business - South Main Street

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

19. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
20. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.
21. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## §31-304 Gateway Business District - Gouger Hill

(A) There is hereby established a Gateway Business District - Gouger Hill.

(B) The area and dimensions for GB-GH shall be:

22. Minimum lot size 10,000 sf.

23. Minimum frontage 50 ft.

24. Minimum setbacks

a. Front 10 ft.

b. Side 10 ft.

c. Rear 10 ft.

25. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted Uses in GB-GH:

1. Single Family Dwelling

2. One additional dwelling unit constructed within or attached to the primary single family residence.

Such unit shall satisfy the following requirements:

a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;

b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and

c. The primary single family residence is occupied by the owner.

3. Day Care Home

4. Day Care - Small

5. Municipal uses

6. Residential Care Home

7. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum

8. Office

9. Medical Clinic

10. Funeral Home

11. Day Care - Large

12. Utility facility, provided there is no service area or garage

13. Bed & Breakfast

(D) Conditional Uses

1. Halfway house

(E) Design Criteria Gateway Business - Gouger Hill

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.

2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.

3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.

4. Lighting shall be designed so as to minimize visual glare to adjacent properties.

5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

26. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

27. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.

28. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-305 Gateway Business District - Routes 4 & 7

(A) There is hereby established a Gateway Business District - Routes 4 & 7.

(B) The area and dimensions for GB- 4&7 shall be:

29. Minimum lot size 10,000 sf.

30. Minimum frontage 50 ft.

31. Minimum setbacks

a. Front 10 ft.

b. Side 10 ft.

c. Rear 10 ft.

32. Maximum building height 40 ft.

33. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted Uses in GB- 4&7

1. Single Family Dwelling

2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:

a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;

b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and

c. The primary single family residence is occupied by the owner.

3. Day Care Home

4. Day Care - Small

5. Municipal uses

6. Residential Care Home

7. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum

8. Bed & Breakfast

9. Retail Store

10. Office

11. Restaurant

12. Medical Clinic

13. Utility facility, provided there is no service area or garage

(D) Conditional Uses

1. Clubs

2. Indoor Recreation

3. Service Station

4. Halfway House

5. Parking for permitted uses not located on the same lot as the permitted use

(E) Design Criteria Gateway Business - 4 & 7

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.

2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.

3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.

4. Lighting shall be designed so as to minimize visual glare to adjacent properties.

5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.

3. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-306 Gateway Business - I District

(A) There is hereby established a Gateway Business -I District.

(B) The area and dimensions for GB-I shall be:

37. Minimum lot size 10,000 sf.

38. Minimum frontage 50 ft.

39. Minimum setbacks

a. Front 10 ft.

b. Side 10 ft.

c. Rear 10 ft.

40. Maximum building height 40 ft.

41. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted Uses in GB-I

1. Single Family Dwelling

2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:

a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;

b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and

c. The primary single family residence is occupied by the owner.

3. Day Care - Home

4. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum

5. Bed & Breakfast

6. Day Care - Small

7. Office

8. Funeral Home

(D) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.

3. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

(E) Design Criteria Gateway Business - I District

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. The scale and setting of the buildings comprising the existing Main Street streetscape north of Woodstock Avenue to Temple Street shall be maintained and preserved in these areas.
6. Additions, alterations and new construction in this district shall reflect the size, scale and visual character of the existing, traditional architecture, north of Woodstock Avenue to Temple Street employing such architectural elements as gabled roofs, horizontal wood or brick siding, articulated windows and 2-1/2 story heights.
7. Lighting shall be compatible with the traditional character of the district.

## § 31-307 Gateway Business District – II

(A) There is hereby established a Gateway Business District - II.

(B) The area and dimensions for GB-II shall be:

1. Minimum lot size 10,000 sf.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 10 ft.
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted uses in GB-II

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:

- a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
- b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
- c. The primary single family residence is occupied by the owner.

3. Community Facility
4. Day Care - Home
5. Municipal uses
6. Residential Care Home
7. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
8. Bed & Breakfast
9. Day Care - Small
10. Office
11. Restaurant
12. Funeral Home
13. Day Care - Large
14. Utility facility, provided there is no service area or garage
15. Indoor Recreation

(D) Conditional Uses

1. Clubs
2. Halfway House
3. Parking for permitted uses not located on the same lot as the permitted use
4. Retail Store

(E) Design Criteria Gateway Business District - II

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-308 Gateway Business District - North Main Street

(A) There is hereby established a Gateway Business District - North Main Street.

(B) The area and dimensions for GB-NMS shall be:

1. Minimum lot size 10,000 sf.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 10 ft.
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted uses in GB-NMS

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
3. Community Facility
4. Day Care - Home
5. Municipal uses
6. Residential Care Home
7. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
9. Bed & Breakfast
10. Day Care - Small
11. Retail Store
12. Office
13. Restaurant
14. Hotel/Inn/Motel
15. Medical Clinic
16. Funeral Home
17. Day Care - Large

18. Utility facility, provided there is no service area or garage
19. Indoor Recreation
20. School and school uses. *(added 12/15/2014)*

(D) Conditional Uses

1. Clubs
2. Halfway House
3. Parking for permitted uses not located on the same lot as the permitted use
4. Outdoor Recreation
5. Service Station

(E) Design Criteria Gateway Business - North Main Street

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.
3. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-309 Gateway Business District - Woodstock Avenue (GB-WA)

(A) There is hereby established a Gateway Business District - Woodstock Avenue.

(B) The area and dimensions for GB-WA shall be:

1. Minimum lot size 10,000 sf.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 10 ft.
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted uses in GB-WA

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
3. Day Care - Home
4. Municipal uses
5. School and school uses
6. Church and church uses
7. Residential Care Home
8. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
10. Bed & Breakfast
11. Day Care - Small
12. Retail Store
13. Office
14. Restaurant
15. Hotel/Inn/Motel
16. Medical Clinic
17. Community Facility
18. Funeral Home

19. Day Care – Large
20. Utility facility, provided there is no service area or garage
21. Indoor Recreation

(D) Conditional Uses

1. Clubs
2. Service Station
3. Halfway House
4. Parking for permitted uses not located on the same lot as the permitted use
5. Outdoor Recreation

(E) Design Criteria Gateway Business - Woodstock Ave.

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.
3. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-310 Gateway Business District - State & West Streets

(A) There is hereby established a Gateway Business District - State & West Streets.

(B) The area and dimensions for GB-S&WS shall be:

65. Minimum lot size 10,000 sf.
66. Minimum frontage 50 ft.
67. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 10 ft.
68. Maximum building height 40 ft.
69. Minimum building width 20 ft.

Notwithstanding § 31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted uses in GB-S&WS

1. Single Family Dwelling
2. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
3. Day Care - Home
4. Municipal uses
5. School and school uses
6. Church and church uses
7. Residential Care Home
8. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
9. Bed & Breakfast
10. Day Care - Small
11. Retail Store
12. Office
13. Restaurant
14. Hotel/Inn/Motel
15. Medical Clinic
16. Community Facility
17. Funeral Home
18. Day Care - Large

19. Utility facility, provided there is no service area or garage
20. Warehousing and Distribution
21. Light Industry
22. Indoor Recreation

(D) Conditional Uses

1. Clubs
2. Outdoor Recreation
3. Service Station
4. Nightclub
5. Bar
6. Halfway House
7. Parking for permitted uses not located on the same lot as the permitted use

(E) Design Criteria Gateway Business - State & West Streets

1. Additions, alterations and new construction in this district shall be compatible, in terms of size (footprint & height), setbacks, roof shapes, fenestration and exterior materials with the existing structures comprising the streetscape of the district.
2. Parking areas and garages should be located to the rear of or to one side of the main structure and be secondary in nature to the main structure and unobtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties.
5. Lighting shall be compatible with the traditional character of the district.

(F) Accessory Uses

70. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
71. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.
72. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## § 31-311 **Downtown Business District**

(A) There is hereby established a Downtown Business District hereinafter referred to as DB.

(B) The area and dimensions for DB shall be

1. Minimum lot size 5,000 sf.
2. Minimum frontage 0 ft.
3. Minimum setbacks
  - a. Front 0 ft.
  - b. Side 0 ft.
  - c. Rear 0 ft.
4. Maximum building height None
5. Minimum building width 20 ft.

Notwithstanding §31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) Permitted Uses

1. Single Family Dwelling
2. Two Family Dwelling
3. Day Care - Home
4. Day Care - Small
5. Retail Store
6. Office
7. Restaurant
8. Bar
9. Nightclub
10. Hotel/Inn
11. Medical Clinic
12. Hospital
13. Church and Church Uses
14. School and School Uses
15. Multi Family
16. Municipal Uses
17. Parking Facilities
18. Recreation
19. Community Facility
20. Club
21. Funeral Home
22. Day Care - Large
23. Courthouse
24. State-owned and operated institutions and facilities, except correctional facilities
25. Warehousing and Distribution
26. Light Industry
27. Halfway House

(D) Accessory Uses

Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.

### **§31-312 Courthouse District**

(A) There is hereby established a Courthouse District which will be hereinafter referred to as CH

(B) The area and dimensions for the CH zone shall be:

1. Minimum lot size 6,000
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - a. Front 10 ft.
  - b. Side 10 ft.
  - c. Rear 20% of lot, min 20 ft - max 50 ft
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding §31-501 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) Permitted Uses

1. Single Family Dwelling
2. Two Family Dwelling. For each additional dwelling unit, there shall be an additional 1000 square feet added to the minimum lot size.
3. Day Care - Home
4. Municipal uses
5. Retail Store
6. Office
7. Medical Clinic
8. Church and Church Uses
9. School and School Uses
10. Community Facility
11. Bed and Breakfast
12. Funeral Home
13. Day Care - Small
14. Day Care - Large
15. Clubs
16. Indoor Recreation
17. Halfway house

(D) Accessory Uses

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of abutting property owner or owners is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

(E) Design Criteria

1. Physical elements such as yards, fences, screening, entrance drives, landscaping, accessory buildings and on site parking areas shall be similar to or compatible with elements existing in the immediate area which complement the existing architecture.
2. Parking area and garages should be located to the rear of the main structure and be secondary in nature to the main structure and obtrusive. Curb cuts should be limited to one per parcel with consolidated driveways encouraged.
3. Additions and/or alterations to building listed as contributing structures in the National Register, shall adhere to the United States Secretary of the Interiors Standards for Rehabilitating Historic Buildings.
4. Lighting shall be designed so as to minimize visual glare to adjacent properties. Lights shall be compatible with the traditional residential character of the district.
5. No internally illuminated signs are permitted and no sign may be larger than 32 square feet. All other conditions of R.O.R. Title 10 shall apply.

### **§31-313 Main Street Park District**

(A) There is hereby established a Main Street Park District which will be hereinafter referred to as MSP.

(B) The area and dimensions for the MSP Zone shall be:

1. Minimum lot size 6,500 sq. ft.
2. Minimum frontage 50 ft.
3. Minimum setbacks
  - (a) Front 20 ft.
  - (b) Side 10 ft.
  - (c) Rear 20% of lot depth, min. 20 ft. - max. 50 ft.
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding Section 31-501 Definitions, Buildings, for purposes of determining minimum building width, porches, decks, garages, and sheds shall not be included in determining width.

(C) Permitted Uses

1. Single family dwelling
2. Two family dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum.
3. Day Care - Home
4. Office
5. Church and Church Uses
6. School and School Uses
7. Bed & Breakfast
8. Funeral Home

- 9. Municipal uses
- 10. Museum and gallery

(D) Accessory Uses

- 1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
- 2. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of the abutting property owner or owners is obtained for such location for the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on a corner lot, the side yard shall be 10 feet on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

(E) Design Criteria

- 1. Physical elements such as yards, fences, screening, entrance drives, landscaping, accessory buildings and on site parking areas shall be similar to or compatible with elements existing in the immediate area which compliment the existing architecture.
- 2. Parking area and garages should be located to the rear of the main structure and be secondary in nature to the main structure and unobtrusive. Cub cuts should be limited to one per parcel with consolidated driveways encouraged.
- 3. Additions and/or alterations to building listed as contributing structures in National Register shall adhere to the Secretary of the Interiors Standards for Rehabilitating Historic Buildings.
- 4. Lighting shall be designed so as to minimize visual glare to adjacent properties. Lights shall be compatible with traditional residential character of the district.
- 5. No internally illuminated signs are permitted and no sign may be larger than 32 square feet. All other conditions of R.O.R. Title 10 shall apply.
- 6. Modern appliances and accessories such as satellite dishes, dumpsters and chain link fencing should be placed in unobtrusive locations, and screened from view.
- 7. New construction should be compatible with the rhythm (density and setbacks) established by the existing residential scale structures which comprise the streetscape. New construction should reflect the scale and visual character of the existing traditions, residential architecture, employing such architectural elements as gabled roofs, roof pitches similar to those of nearby residential buildings, horizontal siding, articulated windows, and 2 2 story heights.

**§ 31-314 Planned Office Park District**

(A) There is hereby established a Planned Office Park District hereinafter referred to as POP

(B) The area and dimensions for POP shall be:

- 1. Minimum lot size 10,000 sf.
- 2. Minimum frontage 20 ft.

3. Minimum setbacks
    - a. Front 25 ft.
    - b. Side 20 ft.
    - c. Rear 20% of lot - min 20 ft. - max 50 ft.
  4. Maximum building height None
  5. Minimum building width 20 ft.
- Notwithstanding §31-501 Definitions, Building, For purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) Permitted Uses

1. Office
2. Single Family Dwelling
3. One additional dwelling unit constructed within or attached to the primary single family residence. Such unit shall satisfy the following requirements:
  - a. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in subdivisions 251(2) of Title 18 of the Vermont Statutes Annotated, or is at least 55 years of age;
  - b. Floor area shall not exceed thirty per cent (30%) of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
  - c. The primary single family residence is occupied by the owner.
4. Day Care Home
5. Municipal Uses
6. Residential Care Home
7. Two Family Dwelling. For each additional dwelling unit in excess of a two family dwelling there shall be an additional 1,000 square feet of lot size over the minimum
8. Bed & Breakfast
9. Day Care - Small
10. Retail Store
11. Residential Health Care Facilities
12. Hospital
13. Community Facility
14. Day Care - Large
15. School and school uses
16. Church and church uses
17. Country Club/Golf Course excluding mini-golf
18. Cemetery
19. Utility facilities, provided there is no service area or garage

(D) Accessory Use

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. Uses accessory to a conditional use are permitted only when applied for and granted as part of the conditional use.
3. A detached accessory structure may be placed on the rear or side lot line provided that the written consent of abutting property owner or owners is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line except on corner

lots, the side yard set back shall be 20 ft. on the road side. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

**§ 31-315 Industrial District**

(A) There is hereby established an Industrial District hereinafter referred to as I.

(B) There are no minimum area and dimension requirements for the Industrial District.

(C) Permitted Uses - All uses are permitted in the Industrial Zone including, but not limited to, those listed below.

1. Correctional Facility
2. Public utility power generating plants and transmission lines
3. Regional Solid Waste Management Facilities
4. Hazardous Waste Facilities
5. State-owned and operated institutions and facilities

**§ 31-316 Neighborhood Business District**

(A) There is hereby established a Neighborhood Business District hereinafter referred to as NB.

(B) There are no minimum area and dimension requirements for the NB district.

(C) Permitted Uses - All uses are permitted in the NB district **except** for those listed below.

1. Correctional Facility
2. Public utility power generating plants and transmission lines
3. Regional Solid Waste Management Facilities
4. Hazardous Waste Facilities
5. State-owned and operated institutions and facilities

(D) Performance Standard Buffering Review Required as Follows:

Given that the neighborhood business district has been developed as a highly intense business district and adjoins a residential district, any and all development, including additions, alterations or new construction shall in addition to any other required review be subject to review of the Development Review Board to determine if performance standards and buffering should be employed. Performance standards may be employed which describe the level of operation which are acceptable and not likely to affect adversely the use of the adjoining residential properties by the emission of such dangerous or objectionable elements as noise, vibration, smoke, dust, odor or other forms of air pollution, heat, cold, dampness, electromagnetic or other disturbance, glare, liquid or solid refuse or waste; or create any dangerous, injurious, noxious, fire, explosive or other hazard.

**§ 31-317 Park District**

(A) There is hereby established a Park District hereinafter referred to as P.

(B) The area and dimensions for P shall be:

1. Minimum lot size 1 acre
2. Minimum frontage 100 ft.
3. Minimum setbacks
  - a. Front 25 ft.
  - b. Side 20 ft.
  - c. Rear 20% of lot - min 20 ft. - max 50 ft.
4. Maximum building height 40 ft.
5. Minimum building width 20 ft.

Notwithstanding §502 Definitions, Building, for purposes of determining minimum building width, porches, decks, garages, sheds shall not be included in determining width.

(C) The Following are Permitted Uses in P:

1. Municipal uses
2. Single Family Dwelling
3. Golf Course/Country Club excluding miniature golf

(D) Accessory Use

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory structures shall not be used for dwelling purposes.
2. A detached accessory building (structure) may be placed on the rear or side lot line provided that the written consent of abutting property owner or owners is obtained for such location of the building/structure; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line. Notice of placement of the detached accessory structure together with a copy of the written consent of the abutting property owner, when required, shall be filed with the zoning administrators office.

## **ARTICLE IV GENERAL REGULATIONS**

### **§31-401 Existing Small Lots**

(A) Any undeveloped lot in individual and separate non-affiliated ownership from the surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than 1/8 acre in area with a minimum width or depth dimension of 40 feet.

(B) If a small non-conforming undeveloped lot is owned by the same owner as the adjacent lot, the small non-conforming lot shall be considered part of the adjacent lot and may not be developed separately. However, such lot shall not be deemed merged and may be separately conveyed, if:

1. The lots are conveyed in their preexisting, nonconforming configuration; and
2. On the effective date of any zoning regulations, each lot has available to it connection to the city water and wastewater system, or had been developed with a water supply and wastewater disposal system; and
3. Time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more systems in case a wastewater system fails, which means the system functions in a manner:

- a. That allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design or the system specifically requires the system to function in such a manner;
- b. So that a potable water supply is contaminated or rendered not potable;
- c. that presents a threat to human health; or
- d. that presents a serious threat to the environment

If, subsequent to separate conveyance, as authorized above, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a permit as required under the subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

#### **§31-402 Required Frontage Or Access To Public Roads**

No land development may be permitted on lots which do not have either frontage on a public road or access to a public road by a permanent easement or right-of-way at least 20 feet wide.

#### **§31-403 Home Occupations**

(A) These regulations shall not infringe upon the right of any resident to use a minor portion of their dwelling for an occupation which is customary in residential areas, and which does not adversely change the character thereof.

(B) Home occupations are subject to the following standards:

1. The home occupation shall be carried on wholly within the dwelling used as a primary residence or attached garage.
2. The home occupation shall be carried on by residents of the dwelling. No more than the equivalent of three (3) non-resident full-time employees are permitted.
3. No outdoor storage of material, inventory and equipment used in the home occupation is permitted except occasional or incidental storage of such not inconsistent with residential outdoor storage.
4. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood.
5. No unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be produced by the home occupation.
6. The home occupation shall not use more than 25% of the building area. See Article V Definitions, for definition of Floor Area.

### §31-404 **Non-Conforming Uses**

Any non-conforming use may be continued indefinitely, but shall be subject to the following provisions. A non-conforming use:

1. Shall not be changed without the approval of the zoning administrator, and then only to a use which is the same or more conforming;
2. Shall not be re-established if such use has been discontinued for a period of one year or has been changed to, or replaced by, a conforming use;
3. Shall not be restored or continued for other than a conforming use after damage from cause unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure or unless the non-conforming use is reinstated by the commencement of construction within one year of such damage, and the construction or restoration of such structure is completed within two years;
4. Shall not be moved, extended or enlarged greater than 25% unless the Development Review Board shall find that such movement, extension, or enlargement does not create a greater nuisance or detriment than currently exists.

### §31-405 **Non-complying Structures**

(A) Any non-complying structure existing at the time of the adoption of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A non-complying structure:

1. May be restored after damage within twelve (12) months from any cause provided that the restoration does not increase the degree of non-compliance;
2. May be enlarged or expanded to the existing degree of noncompliance.

(B) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

### §31-406 **Mobile Home Parks**

(A) General Provisions

Each mobile home park and extension thereof shall comply with the following requirements:

1. A mobile home park shall be located on site so graded as to ensure drainage of surface and subsurface water, and freedom from stagnant pools.
2. A minimum of 5000 square feet shall be provided for each mobile home lot or site within a mobile home park or extension thereof. Said lot shall have at least 50 feet frontage on the mobile home park road.

3. Each mobile home lot shall be defined by permanent corner markers, and provided with a permanently displayed number corresponding to the number shown on the plot plan.
4. No mobile home shall be located less than 15 feet from any mobile home lot boundary and no mobile home shall be located within 25 feet of any public street line. Each mobile home lot shall provide a rear yard equal to 20% of the depth of the lot, except that such rear yard shall not be less than 20 feet and need not be more than 50 feet.
5. All mobile home lots shall abut on a roadway of not less than 30 feet in width, if off-roadway parking for cars is provided, or not less than 40 feet in width where no off-roadway parking is provided.
6. All roadways within a mobile home park shall be well drained, provided with a gravel or hard surface, maintained in good condition and kept free of dust, mud or snow.
7. Any mobile home must be located on a substantial foundation, of sufficient height.

(B) Health and Safety

1. Each mobile home park shall be provided with a water supply pipe line connected with the City water system at the nearest practical point; and this pipe line shall be connected by pipes to each mobile home lot, and to each building other than a mobile home which requires water supply, each mobile home park shall be connected with the City sewage system; and connection shall be made by pipe to each mobile home lot. The construction and maintenance of such system shall be subject to the written approval of the commissioner of public works. No water supply from other sources than the City water system shall be permitted. No mobile home shall be occupied until it is connected with the water supply and sewer.
2. Water and sewer connections for each lot shall be so constructed that they shall not be damaged by the parking or removal of mobile homes. Said connections shall be approved by the commissioner of Public Works in writing.
3. Water supply to each mobile home park shall be metered; and the charges thereof shall be paid to the City by the licensee of the mobile home park.
4. Each mobile home shall be provided with an approved electrical connection.
5. Each owner/operator is responsible for the collection and disposal of garbage and other rubbish, and for the maintenance of other proper sanitary conditions, under the direction of the Health Officer. Each owner/operator is responsible for the prevention of fire hazards, under the direction of the Fire Marshall.
6. The space beneath each mobile home shall be completely enclosed with concrete block, masonry, or other fire resistant noncombustible material. The building inspector shall be empowered to formulate specifications for the materials and construction details of such required enclosures. Such specifications and amendments thereof shall become a part of this ordinance.
7. Compliance with subsection (6) shall be compulsory within sixty days from the date the building inspector formulates specifications for materials and construction of such required enclosures for existing mobile homes. For all mobile homes located in mobile home parks after the effective date of this Ordinance, compliance shall be required immediately upon this location.

(C) **Previously Existing Parks**

All mobile home parks in existence upon the effective date of this subchapter shall comply with the requirements of this subchapter, except that the City shall, upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the sanitation requirements herein provided.

§31-407 **Planned Unit Developments and Planned Residential Developments**

(A) **Purpose:**

To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open spaces, provisions of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.

(B) These zoning regulations may be modified by the **Development Review Board** simultaneously with approval of a Planned Unit Development or a Planned Residential Development, subject to the following standards and procedures.

1. Districts and Uses

A Planned Unit Development may include within its area any permitted or conditional residential or nonresidential uses in the district in which it is located and allowed. A Planned Residential Development may include only permitted or conditional residential uses.

2. Dimensional Requirements

a. **Planned Unit Development**

- i. The minimum lot size shall be one (1) acre.
- ii. The setback of the buildings and structures around the perimeter shall be determined based upon the topography taking into consideration the surrounding area and adjoining properties.
- iii. Building height shall take into consideration the height allowed in the district of the development and the height of structures in the surrounding area.

b. **Planned Residential Development**

- i. The minimum lot size shall be five (5) acres.
- ii. The setback of the buildings and structures around the perimeter shall be determined based upon the topography taking into consideration the surrounding area and adjoining properties.
- iii. Building height shall take into consideration the height allowed in the district of the development and the height of structures in the surrounding area.

3. Standards and Criteria

a. Scenic assets and natural features such as the following shall be protected and preserved to the greatest extent feasible:

- i. Areas of archeological or historic significance;
- ii. Flood plains, streams, aquifer recharge areas;
- iii. Unique or unusual topographical features;
- iv. Individual trees or stands of trees of unusually large size or great age.

b. The site shall be planned and developed in such a manner to reduce or eliminate negative impacts on surrounding property whether presently developed or not. This can be achieved through such techniques as buffer areas at the site perimeter, screening and landscaping and site design and layout and traffic calming techniques

c. The scale, setting and design of the development shall be in conformity and consistent with the surrounding neighborhoods, including, but not limited to, buildings, open space, landscaping and other features and characters.

d. Integrated architectural design shall be used for buildings, structures, landscaping, and common open areas.

e. When a PUD site includes a mixture of land uses, such as residential and/or recreational and/or commercial, the development of each use shall occur within a timetable that ensures that accessory buildings, shops are completed before or at the same time as the primary buildings (i.e. housing units).

f. Principal vehicular access shall be from streets and roads that are capable of supporting existing and anticipated volumes of traffic, as well as traffic that will be generated by the development. Access points shall be designed to provide smooth flow, controlled turning movements and minimum hazard to vehicular or pedestrian traffic. Merging lanes, deceleration lanes, left-turn stacking lanes, and/or traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Where present or potential traffic loads indicate a need, traffic signals may be required by the Development Review Board.

g. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcrops and scenic views shall be incorporated into common open space areas whenever possible.

h. The development shall incorporate pedestrian walkways along roadways and nature paths when appropriate.

#### 4. Density Increases

Character, identity, and architectural and siting variation incorporated in a development shall be considered reason for density increases up to ten (10) percent.

#### 5. Joint Review

The application process shall be conducted simultaneously during the Site Plan Review process.

### **§ 31-408 Buffering**

When a proposed use is on a property that abuts property or properties in a zoning district where the proposed use is not allowed, the Development Review Board may require conditions to protect the abutting property or properties, which may include increased setbacks, design criteria, screening, moving of the footprint of any structures, and location of curb cuts, and any other conditions the Development Review Board may deem reasonable.

### **§ 31-409 Setback Relief**

In any residential district, a building or structure need be located only as far back from the street as the average of the front yard depth of the buildings or structures nearest on either side.

**§ 31-410 Prohibited Uses**

Due to the nature, character and size of the City of Rutland, the following uses are prohibited with the entire City. It is the finding of the Board of Aldermen that these uses, No matter which district they may be located in, create burdens such as noise, dust traffic and disturbance of adjoining areas of such a nature as to make them unsuitable for use within the entire City of Rutland.

A. Stock Car Races

## ARTICLE V - DEFINITIONS

### §31-501 Definitions

**Accessory Structure** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use** A use incidental and subordinate to the principal use allowed in the district on the same lot.

**Architectural Review** A committee consisting of the director of the Rutland Committee Redevelopment Authority and two other persons who shall provide review within design control districts and provide a report to the Development Review Board.

**Bar** An establishment where the sale and consumption of alcoholic beverages on premises are the primary activities.

**Bed and Breakfast** A dwelling in which the resident owner or permanent dwelling occupant provides short-term lodging and where only a morning meal is provided to overnight guests.

**Building** A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property, including garages, carports, porches, terraces, decks or covered steps.

**Building Height** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

**Cemetery** Land or building used for the permanent internment of deceased persons or animals.

**Church or Place of Religious Worship** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term church shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Club** Building or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose.

**Commissioner** Means the commissioner of the department of corrections.

**Community Facility** Any meeting hall, theater, museum, art gallery, library or other similar type of establishment.

**Correctional Facility** Any building, enclosure, space or structure of or supported by the department of correction and used for the continued confinement of persons committed to the custody of the commissioner of corrections, or for any other matter related to such confinement.

**Day Care - Home** A State registered or licensed daycare facility serving up to six (6) pre-school plus (4) school-aged children or adults. A family day care shall be considered by right to constitute a permitted accessory use to single detached dwellings.

**Day Care - Small** A State registered or licensed day care facility of no more than twenty (20) full-time children/adults where no playground equipment is located within the front yard. Conditional use review shall insure that adequate and safe drop-off/pickup space is provided and that traffic problems are not created. Any additions, signage or site improvements shall be residential in character and no more than one residential unit may be converted for any single small day care center.

**Day Care - Large** A State registered or licensed facility providing day care services for children/adults without regard to the number served.

**Development** The division of a parcel into two or more parcels, the construction, 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.

**Dwelling** A building or portion thereof that provides living facilities for one or more families.

**Dwelling, Single Family** Detached building used providing one dwelling unit.

**Dwelling, Two Family** Detached building used providing two dwelling units.

**Dwelling, Multi-Family** Building used providing three or more dwelling units.

**Dwelling Unit** A room or group of rooms located within a dwelling forming a habitable unit for one family.

**Floor Area** Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. Measurements shall be taken from the interior wall faces.

**Frontage** The length of any one property line of a premise which property line abuts a legally accessible right-of-way.

**Funeral Home** A building used for preparing the deceased for burial or cremation.

**Gallery** An institution whose primary purpose is the exhibition of paintings, sculpture, and photography which is handcrafted. As an ancillary purpose, the sale of exhibited items may be arranged on a commission basis.

**Halfway House** A licensed home for persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

**Hospital** An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and related support facilities and may include overnight care facilities.

**Hotel/Inn** A facility offering transient lodging accommodations on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

**Light Industry** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Lot** A platted parcel of land intended to be separately owned, developed or otherwise used as a unit.

**Lot Size** Total area within the property lines excluding any part thereof lying within the boundaries of an existing or proposed street.

**Medical Clinic** A non-residential office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments which does not include overnight care facilities.

**Mobile Home Park** Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate more than two manufactured homes and shall be developed in accordance with §31-406.

**Motel** A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of travelers and provides parking located on the premises. (See also Hotel/Inn)

**Museum** An institution whose sole purpose is the exhibition of cultural, historical, and scientific artifacts.

**Neighborhood Retail** Any retail establishment offering for sale food products, household items and other goods commonly associated with the same, or services primarily for the immediate neighborhood but excluding the sale of pump-dispensed motor fuels.

**Nightclub** An establishment dispensing alcoholic beverages for consumption on the premises; and in which dancing or entertainment is permitted.

**Non-complying Structure** Structure not complying with the zoning regulations regarding dimensions, height, area or setbacks where such structure complied with all applicable laws and ordinances in effect at the time of construction of the structure; or pre-existed the adoption of zoning in the City of Rutland.

**Non-conforming Use** Use of land or structure which does not conform with all zoning regulations where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended.

**Office** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Outdoor Recreation** The organized or unorganized conduct of non-motorized sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Fields, trails, bodies of water, or other land may be used for recreational purposes. Where permitted, structures may include swimming pools, tennis courts, skating rinks, playground equipment, storage and accessory buildings, similar facilities, and accessory uses such as snack bars, pro shops and locker rooms. Example of outdoor recreation include but are not limited to public and private golf

courses, clubs, swimming pools, tennis courts, ball fields, ball courts, driving ranges, miniature golf courses, skateboard parks, and other similar unenclosed recreation activities. Excluded are home recreation, Municipal facilities and school and church facilities.

**Principal Use** The main use of land or structures, as distinguished from a secondary or accessory use.

**Recreation** Outdoor sports and activities such as skiing, hiking, tennis, golf, horseback riding, fishing, hunting, swimming, and similar activities, and structures necessary to and incidental to the actual carrying on of such activities.

**Residential Care Home** A residential care or group home, licensed or registered by the state, serving not more than 8 persons who are developmentally disabled or physically handicapped, except if said home is located within 1000 feet of another such home. A residential care home should be treated as a single family residential use.

**Residential Healthcare** A facility for the transitional residency of elderly and/or disabled Facilities persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

**Restaurant** A public eating establishment in which the primary function is the preparation and serving of food.

**Retail store** Any business concerned primarily with the sale of goods or services.

**School** A facility that provides a curriculum of state-certified pre-school, elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and institutions of higher learning.

**Screening** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include, but are not limited to: fences, walls, hedges, berms or other features.

**Self-Service Storage** A building consisting of individual, small, self-contained units that Facility are leased or owned for the storage of business and household goods or contractors supplies. This use shall be considered a retail use.

**Service Station** Any premises where gasoline and other petroleum products are sold and/or maintenance activities are conducted.

**Stock Car Races** A race that features cars that conform externally to standard US commercial models and having the basic chassis of a commercially produced assembly line model and are raced in competition with each other on a track.

**Structure** An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall or fence.

**Temporary Structure** A structure intended to be used for a temporary period, such as a replacement structure for use during renovations or rebuilding, or a structure used for storage of construction materials or as a mobile office during renovations or rebuilding.

**Warehousing and Distribution** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**APPENDIX A**  
**Rutland Downtown Redevelopment Area**  
**Redevelopment Plan**  
**Architectural and Design Guidelines**

Historical Context and Design Principles  
NOVEMBER 3, 1993

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**I. Statement of Purpose**

The Redevelopment Plan stipulates that all proposed plans for the **Redevelopment Area** be reviewed by the **Architectural Review Committee** prior to permitting and construction. These guidelines define the context in which proposed designs will be reviewed. Architectural planning and design issues of importance to the City are outlined in this document and should be discussed with the Zoning Administrator in a pre-design conference before any design work is undertaken. Designs will be reviewed against the criteria set down in the following sections. The overall intention of architectural review is to assure that individual buildings contribute to forming a coherent environment in the downtown that is consistent with the best qualities of existing buildings. However, designers are urged to interpret the design guidelines in contemporary ways rather than slavishly imitating existing buildings. Judgements of the adequacy of proposed designs inevitably involve subjectivity and tradeoffs in view of financial necessities. The intentions of the Redevelopment Plan and the specific context of the proposed structure will be important in judging the acceptability of a proposal.

**II. Historical Context**

Phase I Context

From the 19th century through the 1950's the bulk of the Redevelopment Area (Parcels A, B, C and D) was a large railroad yard, complete with passenger and freight terminals, switching yards and repair facilities. The remaining parcels were primarily industrial and commercial sites.

Downtown Rutland thus has always been oriented toward an open, expansive space at its center. Although surrounded by rail yards, the train station was well kept and attractively landscaped. Rutland was a city where railroads and industry were part of the daily fabric of life, so provisions were made for the human as well as industrial needs.

Redevelopment of the Area is not intended to create a tightly structured street grid, as exists in the downtown east of the Area. Instead, the Plan seeks to re-establish a public park in the center of town and encourage buildings that are properly viewed across open space.

Indeed, the facades of the 100 block of Merchants Row, generally regarded as the architectural signature of downtown, was designed to be viewed across such an open space and would be diminished if overshadowed by new structures immediately across the street.

#### Phase II Context

Rutland's central business district grew in response to the location of the railroad tracks. Today, with the tracks largely gone, downtown is left with two distinct areas: a traditional street grid lined with well-preserved late 19th century commercial buildings (Phase II Redevelopment Area) and an open area with few pre-existing land use constraints (Phase I Redevelopment Area). Consequently, site plan requirements for Phase I and Phase II differ significantly. With the possible exception of Parcel E, all parcels in Phase II should be redeveloped in a manner consistent with the traditional street grid already in place.

#### Common to Both

Downtown Rutland's distinctive building stock is based on well built, practical commercial structures - functional and without pretense. In many regards they define Rutland itself. New structures should be designed to complement the spatial openness of downtown and maintain the tone of a practical, working city.

Downtown Rutland is an established National Historic Preservation District. The stock of late 19th and early 20th century commercial buildings is Rutland's major architectural asset. All designs will, first and foremost, be reviewed for their contribution to the enhancement of this established architectural mix.

#### **IV. General Design Principles**

"Imitation" historic designs are discouraged. New structures should present a pleasing visual effect viewed side by side with existing buildings but are not required to attempt wholesale mimicry of those buildings. This juxtaposition defines the central design context in which plans will be reviewed: the design's ability to serve current commercial needs in a manner that complements the existing building stock.

Two categories of site frontage are used to determine treatments for facades and landscaping: A) Public Access areas, such as major streets and major pedestrian approaches to buildings, and B) Service Access, which includes loading and general service areas for buildings. The specific classification of frontage within the parcels will be set at the pre-design review session, as frontage requirements will change depending on the division of parcels.

In general, Public Access frontage will be seen and used by the general public, and must be designed to a higher level of architectural detail than the Service Access frontage, which is out of the flow of public traffic and thus more hidden from public view.

All proposed redevelopment projects must demonstrate that the needs for employees, customer or resident parking are accommodated on the redevelopment site or provided in a dedicated off-site parking area. Aside from customer parking at curb-side metered spaces, parking for redevelopment projects will not be permitted to spill over onto surrounding streets. Parking requirements will be determined according to the specific nature of the site using ratios set forth in the Urban Land Institute 1983 report entitled "Shared Parking". Alternate solutions such as satellite parking and public transit will also be taken into consideration in setting parking requirements.

#### **V. Design Objectives**

The primary function of a commercial building is to provide a good environment for commerce. Designs must provide effective commercial spaces that encourage customer traffic and public interaction.

The street level presentation of buildings is extremely important. Buildings must relate constructively with public spaces such as streets and parks. From any vantage point around the building a pedestrian or passing motorist must be able to clearly understand the function of that building and see an easy, attractive path to gain access to the building.

Building designs are expected to emphasize the visual and commercial effect of their primary orientation but should also present well structured solutions for the aesthetics of secondary approaches. Placement of primary and secondary orientations are critical to the success of the design. All four building elevations will be reviewed with consideration to this issue. Buildings will be sited and massed so that they do not overpower existing buildings or create extreme shadows on major public areas. All plans for the Phase I Area will be reviewed for their relationship to the facades of the east side of Merchants Row, acknowledged here as the architectural centerpiece of downtown Rutland.

Building materials will be reviewed for their contribution to a pleasing look for the overall Area. The existing buildings contain a variety of materials and colors, so other than to state a preference for brick, the guidelines do not specify certain required materials.

Recessed windows and punched windows are desirable for buildings on Phase I Parcels B and D and elsewhere in the historic district, as they complement the windows of the existing buildings in the historic district along Merchants Row and Evelyn Street. Parking areas must be reasonably landscaped. While it is essential that large parking areas be included to insure the commercial viability of the Area, these parking fields must be visually compatible with surrounding buildings and public spaces.

All building designs will strive to preserve the quality of public open spaces. Siting of buildings in relation to angles of sunlight is of prime importance. Public spaces must be provided with adequate exposure to natural light.

Any land not covered by buildings or pavement shall be suitably landscaped and maintained. All landscaped areas shall be maintained in good condition to prevent presence of dead shrubs and trees, un-mowed grass areas and overgrown or unkempt planters.

Extended, windowless walls on a Public Access frontage must incorporate design elements to break the visual expanse of the blank wall. When feasible, this same objective may be attained through landscape design.

#### **VI. Design Prohibitions**

Mirrored or heavily tinted glass is prohibited at street level.

Landscaping treatments that block store windows or inhibit the normal flow of pedestrian traffic are prohibited.

#### **VII. Review Process**

All proposals and plans must be submitted to the **Zoning Administrator**. They will be reviewed by an **Architectural Review Committee** made up of the Zoning Administrator, two representatives from RRA, and two representatives from the Planning Commission. The Committee will report its findings to the Zoning Administrator, who will then convey a final ruling to the applicant.

There are three levels of review for all proposed renovation and new construction projects:

Pre-design conference: Project developers and their architects must meet with the design review committee prior to the start of any project design work in order to review these guidelines and discuss

the implications of these stated policies for the proposed project. The pre-design conference may be conducted by the Zoning Administrator.

Schematic design: The schematic design for the project, complete with site plans and elevations must be reviewed and approved. These plans must indicate the building's relationship with all surrounding properties and the treatment of landscaping and parking areas. At this stage, a preliminary review will also be conducted to determine compliance with City codes. Applicants will be informed in writing within 30 days whether the design has been approved, conditionally approved with specific required changes or disapproved. If disapproved, specific reasons will be provided to the applicant in writing. Applicants who believe that approval has been unreasonably withheld may appeal the decision to the Planning Commission, which may form a special review committee to hear the appeal.

Final project approval: Final construction documents for the project, and samples of major exterior materials and colors, must be approved prior to permits being issued. As in 2, above, applicants 1) will be informed in writing within 30 days whether the design has been approved, conditionally approved or disapproved, and 2) shall have the right to appeal the decision.

For some smaller projects it may be possible to combine the concept review and the final project review.

All inquiries concerning these guidelines should be addressed to:  
RUTLAND CITY ZONING ADMINISTRATOR  
City Hall  
1 Strongs Avenue  
Rutland, Vermont 05701  
Phone: (802) 773-1800