City of Rutland

ZONING BYLAWS

CITY OF RUTLAND, VERMONT
52 Washington Street
P.O. Box 969
Rutland, VT 05702-0969
Telephone: 802-773-1800

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TITLE 31

ZONING AND PLANNING
CHAPTER 1

ZONING BYLAWS

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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 APPENDIX C OF THESE BYLAWS - 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 fet 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 administrator's 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.
3. Day Care - Home
4. 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

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 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 administrator's 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-1.

(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 IIome
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 administrator's office

§31-302(a) **Mixed Residential District 2 (MR-2) Amended September 2008**

(A) There is hereby established a mixed residential district hereinafter referred to as MR -2.
The mixed residential district shall be located in the area bounded easterly by the westerly boundaries of the existing single-family properties on the westerly side of Dorr Drive, northerly by the southerly boundaries of the single-family properties on the southerly edge of Stone Ridge Drive, westerly by a line parallel to and 200 feet easterly of Campbell Road, and southerly by the southerly boundary of the existing Otter Creek Development, LLC parcel.

(B) The minimum lot size and dimensions for MR-2 uses shall be:

1. Minimum lot size:	One acre
Multi-family:	one unit allowed per 10,000 square feet of lot size
2. Minimum frontage:	
a. Single-family:	50 feet
b. Multi-family:	150 feet
3. Minimum setback:	
a. Front	200 ft.
b. Side	50 ft.
c. Rear	50 ft.
4. Maximum building height	40 ft.
5. Minimum building width	20 ft.

(C) The following are permitted uses in MR-2:

a. Single family dwelling
b. 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 percent (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.

c. Multifamily residential

d. Day care – Home

e. Municipal Uses

f. 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

1. Accessory uses customarily incidental to a permitted use are permitted on the same lot. Accessory buildings 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 building (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 administrator's 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:

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-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
16. 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 (see §31-210)

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 administrator's 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:

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. 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 (see §31-210)

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 administrator's 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:

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- 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 (see §31-210)

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 administrator's 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:

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-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 administrator's office.

(E) Design Criteria Gateway Business - I District (see §31-210)

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 (see §31-210)

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 administrator's 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
8. Bed & Breakfast
9. Day Care - Small
10. Retail Store

11. Office
12. Restaurant
13. Hotel/Inn/Motel
14. Medical Clinic
15. Funeral Home
16. Day Care - Large
17. Utility facility, provided there is no service area or garage
18. Indoor Recreation
19. School and school uses

(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 (see §31-210)

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 administrator's 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
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. 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. (see §31-210)

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 administrator's 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:

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) <u>The Following are Permitted uses in GB-S&WS</u>

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) <u>Conditional Uses</u>

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

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 administrator's office.

§ 31-311 **Downtown Business District (see Appendix A)**

(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 administrator's office.

(E) Design Criteria (see §31-210)

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 administrator's 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. 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 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 administrator's 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.
3. Maximum building height 40 ft.
4. 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 administrator's 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**

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.

1. 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 form 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 require 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 or 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 Facilities A facility for the transitional residency of elderly and/or disabled 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:

1. 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.

2. 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.

3. 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

APPENDIX B

CHAPTER 3
Planning and Subdivisions

Subchapter 1. Purpose and Definitions

Section
6001. Purpose
6002. Definitions
6003. Other definitions

Subchapter 2. Submission and Review of Plans

Section
6011. Submission of sketch plan
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Subchapter 1. Purpose and Definitions

§ 6001. Purpose.

These subdivision regulations are formulated pursuant to 24 V.S.A. §4401(b)(2) and are for the purposes set forth by chapter 117 of Title 24 Vermont Statutes Annotated.

§ 6002. Definitions.

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

Comprehensive plan or plan. The municipal development plan for the city and any amendment thereto, as defined and adopted under the Vermont Planning and Development Act.

Construction drawing. The drawing showing location profile, grades, size and type of drains, sewers, water mains, underground utilities, pavements, cross-section of streets, miscellaneous structures, etc.

Easement. Authorization of a property owner for the use by another and for a specified purpose, of any designated part of his property.

Final subdivision plat. Final drawings on which the subdivision is presented to the commission for approval for which, if approved, shall be filed for record with the city clerk.

Location maps. A map showing the relation of the proposed subdivision to adjacent properties and the surrounding area.

Planning commission or commission. The planning commission of the City of Rutland.

Preliminary subdivision plat. The preliminary drawing for a major subdivision, indicating proposed layout of the subdivision to be submitted to the commission for its consideration.

Private streets. Any road, lane, or way, intended for vehicular access purposes, which serve a subdivision (as defined herein) and is neither owned nor maintained by the city.

Resubdivision. Amended subdivision.

Sketch plan. An informal sketch of the proposed subdivisions, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the commission as to the form of the subdivision and objective and requirements of these regulations.

Street. Any road, highway, avenue, street, parkway, lane or other way between right-of-way lines.

Street, minor. A street intended to serve primarily as access to abutting residential properties.

Street, major. A street which serves or is designed to be used primarily as a route for traffic between communities or major development areas.

Street, secondary. A street which serves or is designed to carry traffic from local residential streets to the system of major streets, or which serves abutting non-residential uses or districts.

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

Subdivision.

1. The division of any parcel of land for other than agricultural or forestry purposes, with or without streets, into two (2) or more legal divisions of land for immediate or future transfer of ownership, which results in the creation of one or more improvable parcels of less than twenty-five acres.

2. Any development of a parcel of land such as a commercial or industrial complex, multi-family project, planned unit development or planned residential development; including commercial or residential condominiums.

3. Division of land such as for minor realignment of property lines, for municipal purposes which conform to the comprehensive plan (such as road widening, easements, sidewalks, parks, etc.), or enlargement of existing lots, shall not be deemed a subdivision, provided that no new developable lots result.

Subdivision, major. Any residential subdivision containing four (4) or more lots, any non-residential subdivision or any subdivision requiring any installation of new streets, or the extension of any municipal facilities, or any shopping complex, multi-family housing, planned residential development, or planned unit development, including condominiums.

Subdivision, minor. Any residential subdivision containing less than four (4) lots, which does not require a new public street or extension of municipal facilities.

Vicinity map. A detailed map which shows, within a prescribed area, the relation of the proposed subdivision to adjacent properties and the surrounding area, indicating curb cuts, property and building lines, streets, easements, etc., and municipal boundaries, if within 500 feet.

§ 6003. Other definitions.
Unless otherwise defined herein, the definitions contained in the Vermont Planning and Development Act and the City of Rutland zoning regulations shall apply to these regulations.

Subchapter 2, Submission and Review of Plans

§ 6011. Submission of sketch plan.
Any person proposing to subdivide land shall first apply to the administrative officer for sketch plan approval. Said plans shall be 18" x 24" or 24" x 36" in size.

(a) Prior to submitting application for approval, a subdivider shall submit to the administrative officer a sketch plan for the proposed subdivision, which shall include the following information:

1. Name and address of the owner of record and applicant.
2. Name of owners of record of contiguous properties.
3. Boundaries and area of:
   (a) All contiguous land belonging to the owner of record; and
   (b) proposed subdivision.
4. Existing and proposed layout of property lines; type and location of existing and proposed restrictions of land, such as easements and conditions, to the extent that this information is available.
5. Type of, location, and approximate size of existing and proposed streets, utilities, existing structures, and open space, to the extent that this information is available.
6. Date, north arrow and scale (numerical and graphic).

(b) The administrative officer shall advise applicant of sketch plan is complete within 48 hours. The administrative officer shall advise the applicant whether the subdivision shall be treated as a major subdivision or minor subdivision pursuant to the requirements of section 6002 herein. Any subdivision that qualifies as a minor subdivision and is designated as such by the administrative officer may be considered and reviewed by the planning commission under the minor subdivision procedures established under section 6011(c).

(c) (1) Plats required. A minor subdivision shall require only the submission of a final plat; and preliminary plat review shall be waived; provided however, that the planning commission shall have conducted a sketch review of the sketch plan submitted by the applicant as approved by the administrative officer.

(2) Time of submission. The final plan shall be submitted not more than six (6) months following the determinations of the planning commission relative to the sketch plan at the sketch review session.
(3) Fees. The fee for a minor subdivision shall be set by the board of aldermen.

§ 6012. Application for approval of preliminary plat
Within six months of the meeting on the sketch plan, the subdivider shall file an application for the approval of a preliminary plat with the administrative officer. Said application shall include the following:

1. Preliminary map. The preliminary map shall consist of one or more maps or drawings which shall be 18" x 24" or 24" x 36" in size with all dimensions shown in feet or decimals of a foot, drawn to a scale of not less than 100 feet to the inch, or not more than 40 feet to the inch where lots have less than 100 feet frontage, showing or accompanied by the following information:

   (a) Proposed subdivision name or identifying title and the name of the city.

   (b) Name and address of owner of record, subdivider, and designer of preliminary plat.

   (c) Number of acres within proposed subdivision, location of property lines, structures, watercourses, wooded areas, and other essential existing physical features.

   (d) Names of all subdivisions immediately adjacent and names of owners of record of adjacent acreage.

   (e) Location and size of existing sewers and water mains, culverts and drains on the property or serving the property to be subdivided, showing depths of pipe and directions of flow, if known.

   (f) Location, names and widths of existing and proposed streets, private ways, sidewalks, curb cuts, paths, easements, parks and other public or privately maintained open spaces, as well as similar facts regarding adjacent property.

   (g) Contour lines at 5 foot intervals based on U.S. Geological Survey datum of existing grades and also of proposed finished grades where change of existing ground elevation will be five feet or more. Contour intervals closer than five feet may be required by the commission in order to properly evaluate specific aspects of the project, such as storm drainage, landscaping, etc.

   (h) Complete survey of subdivision tract by licensed land surveyor.

   (i) Numerical and graphic scale, date, and true and magnetic north arrow.

   (j) Details of proposed connection with existing municipal water supply or alternative means of providing water supply to the proposed subdivision.

   (k) Details of proposed connections with existing sanitary sewage disposal system or adequate provision for on-site disposal of septic wastes

   (l) If on-site sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five feet; location and results of percolation tests, all in accordance with applicable state regulations or standards.

   (m) Drainage plan, indicating provisions for collection and discharge of storm drainage.

   (n) Preliminary designs of any bridges or culverts which may be required.

   (o) Location of temporary markers adequate to enable commission to readily locate and appraise the basic layout in the field. Unless an existing street intersection is shown, distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

(p) All parcels of land proposed to be dedicated or reserved for public use and the condition of such dedication or reservation.

(q) List of waivers subdivider desires from requirements of these regulations.

(r) General description of type of development to be built.

(s) A registered mailed receipt from each record owner of all adjacent parcels of land and a copy of the letter sent to each such record owner of all adjacent parcels of land, the content of which letter should include notice to the adjacent land owners of the applicant's intent to subdivide, the location of the proposed subdivision, the intended project for use to be developed in and on the subdivision subdivided parcels, the date, time, and location of the first public hearing to be held by the planning commission.

2. Vicinity map. The vicinity map which shall be 18" x 24" or 24" x 36" in size, which shall be prepared from existing surveys or public records, shall show relative of the proposed subdivision to adjacent properties and to the general surrounding area. The vicinity map shall include the following:

(a) All existing subdivisions, approximate tract lines and acreage of adjacent parcels, together with names of record owners of all adjacent parcels of land, namely those directly abutting or directly across any street adjoining the proposed subdivision.

(b) Locations, widths and homes of existing, filed, or proposed streets, curb cuts, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph 1 above.

(c) An outline of the plated area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.

§ 6013. Public hearing on preliminary plat.
A public hearing on the preliminary plat shall be held by the commission within thirty (30) days after the time of its submission to the administrative officer. Said hearing shall be advertised and warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

§ 6014. Approval of preliminary plat.
Within 45 days after the public hearing on a preliminary plat, the commission shall approve, modify and approve, or disapprove said preliminary plat and the ground for any modification(s) required or the grounds for disapproval shall be stated upon the records of the commission. Failure of the commission to act within said 45 day period shall constitute an approval of the preliminary plat.
When granting approval to a preliminary plat, the commission shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat. The action of the commission plus any conditions attached thereto shall be noted with two copies of the preliminary plat.

One copy shall be returned to the subdivider and one copy retained by the planning commission.

The amount of improvement or the amount of all bonds which shall be required shall be set prior to the final subdivision plat approval. The subdivider shall estimate the cost of improvements, and the city engineer shall set the amount of the bond.

Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat. Prior to approval of the final subdivision plat, the planning commission may require additional changes as a result of further study of the subdivision of as a result of new information obtained at any public hearing held pursuant to these regulations.

At the time the commission grants preliminary plat approval, it may permit the plat to be divided into two or more sections (for phased development) subject to any conditions the commission deems necessary in order to insure the orderly development of the plat. The applicant may submit a section of the approved preliminary plat for final approval if said section constitutes at least 25% of the lots or floor area in the approved preliminary plat. Under these circumstances, preliminary approval on the remaining sections of the plat shall remain in effect for three years from the date of the preliminary plat approval or a period of time mutually agreed to by the commission and the applicant.

§ 6015. Application for approval of final plat

The subdivider shall, within 18 months after approval of the preliminary plat, submit an application for approval of the final subdivision plat to the administrative officer at least 21 days prior to a regular meeting of the commission. The final plat application may be submitted in sections in accordance with section 5814 so that it shall only include the phase of the approved preliminary plat which the subdivider proposes to record and develop at that time. If the final plat, or the first section thereof, is not submitted to the commission within 18 months after the approval of the preliminary plat, the commission may refuse without prejudice to act on the final plat and require resubmission of the preliminary plat. The final plat application shall include the following:

1. Final plat: The subdivision plat which shall be 18" x 24" or 24" x 36" in size, shall conform in all respect to the preliminary subdivision plant as approved by the commission and shall show:

   (a) Proposed subdivision name or identifying title, name of the city, name and address of record owner and subdivider, name, license number and seal of licensed land surveyor, boundaries of the subdivision and its general location in relation to existing streets or other landmarks, scale (numerical and graphic) date true and magnetic north arrows.

   (b) Street names and lines, pedestrian ways, lots reservations, easements, and areas to be dedicated to public use.

   (c) Sufficient data acceptable to the city engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. These shall be tied to existing reference points acceptable to the city engineer.

   (d) The length of all straight lines, deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

   (e) By proper designation on such plat, all public space for which offers of cession are made by the subdivider and these spaces title to which is reserved by him.

   (f) Lots within the subdivision numbered in numerical order within block, and blocks lettered in alphabetical order.

   (g) The location of all improvements referred to in section 5821 and in addition thereto the location of all utilities, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area affecting the subdivision.

   (h) Permanent reference monument shown thus: "X"; and lot corner markers shown thus "O".

   (i) Construction drawings of all required improvements.

2. Supporting documents:

   (a) Copies of such covenants or deed restrictions as are intended to cover all or part of tract.

   (b) Prospectus describing management organization, of one is required.

(c) In the case of a subdivision or development served by a privately owned and/or maintained street:
(d) A completed contract between city and landowner regarding the number of lots or dwelling units to be served by the proposed right-of-way or private street, and the responsibility for roadway maintenance, with city attorney's certificate that the contract is satisfactory.

§ 6016. Public hearing on final plat.
A public hearing shall be held by the commission within thirty (30) days after the time of submission to the administrative officer of the final subdivision plat for approval. Said hearing shall be warned in accordance with the public notice provisions of the Vermont planning and Development Act. In addition, notice of such hearing shall be forwarded to the regional planning commission and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary at least 15 days prior to the hearing.

§ 6017. Action by planning commission.
The planning commission shall, within 45 days after the public hearing held under section 6016 of these regulations, approve, modify and approve, or disapprove such plat. Failure to act within 45 days shall be deemed approval.

Subchapter 3. Required improvements

§ 6021. Required improvement list
The following are required improvements; monuments, lot markers, streets, curbs, sidewalks, street signs, outdoor lighting, water mains, sanitary sewers, storm drains, fire hydrants, landscaping and other capital improvements as required by the commission.

§ 6022. Installation - design standards.
All required improvements shall be designed and installed in accordance with the design standards, development requirements, specifications and procedures set forth in these regulations and standards. Said installation and design standards apply to both public and privately owned required improvements.

§ 6023. Modification of design
If at any time after approval before or during the construction of the required improvements, it is demonstrated that unforeseen conditions make it necessary to modify the location or design of structures, curb cuts, roads, or parking lots, the commission may, with the concurrence of the city engineer, authorize minor modifications, provided that they are within the spirit and intent of the commission's approval and that they do not alter the function of any improvements previously required by the planning commission. The modification of minor engineering or construction details or improvements may be authorized by the city engineer, provided they do not alter the location or design of structures, curb cuts, roads, or parking lots.

§ 6024. Inspection of improvements
At least seven days prior to commencing construction of any required improvement(s), subdivider shall advise the city engineer, in writing, when the construction of required improvement(s) shall begin, so he can inspect during the construction process to assure satisfactory completion of improvements or stipulations required by the commission.

§ 6025. Proper installation
Prior to construction of required improvements, developer shall submit contract documents and working drawings, certified by a registered engineer, for the required improvements to city engineer or his designee for approval. City engineer or his designee shall give his approval or denial within a period of two weeks. If requested by the developer, city engineer shall make reasonable periodic inspections and, as soon as possible, in writing, notify developer of any deficiencies found. Within 30 days of completion of improvements, developer shall submit to city engineer as built construction drawings, certified by a registered engineer. City engineer shall then inspect required improvements within 45 days after said submission and determine if all required improvements have been constructed in accordance with the submitted drawings and the final plat approval. He shall report his findings within 30 days of his inspection, in writing, to the administrative officer with a copy to developer. In the event deficiencies are found and not remedied by developer within 2 weeks of receipt of notice, administrative officer shall notify the bonding company and take all necessary steps to preserve the city's rights under any performance bond required under §5058. If all required improvements are found to be properly completed, administrative officer shall release the performance bond.

Subchapter 4. Development Requirements
§ 6031. Streets

1. Arrangement: The arrangement of streets in the subdivision shall provide for the continuation of major and secondary streets of adjoining subdivisions and for proper projection of major and secondary streets necessary to make possible fire protection, movement or traffic and construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and draining facilities. Where, in the opinion of the commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
2. Topography: Streets shall be logically related to the topography so as to produce usable lots and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. The maximum grade for street should be 8% unless the commission and city engineer approve a higher grade. Adequate provisions shall be made to control the drainage of each street by an adequate storm water system, subject to approval of the commission and city engineer.
3. Intersections: Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle of less that 80 degrees.
4. Street jogs: Street jogs with center line offsets of less than 200 feet shall not be allowed.
5. Streets names: Streets shall be identified by name on the proposed plat. Proposed streets which are obviously in alignment with others already existing and names shall bear the names of existing streets. In no case shall names for proposed streets duplicate existing street names within the local zip code district irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.
6. The board of highway commissioners shall have the authority to designate or redesignate by name, streets in the city.
7. Street signs: All street signs and posts shall be provided and installed by the city.
8. Cul-de-sac: A cul-de-sac is a dead end street, terminating in a turnaround at one end and a secondary or major street at the other, which is not intersected by any other streets or ways. Cul-de-sac streets shall be permitted only in residential districts and the length of a cul-de-sac shall not exceed ten times the minimum required lot frontage for the district(s) involved. The number of dwelling units served by a cul-de-sac or by a system of streets sharing a common single

access to a major or secondary street shall not exceed 5- unless additional connections to other streets are approved by the planning commission after consultation with the city engineer.

9. Access: Adequate provisions shall be made for the regulation of general traffic access to the proposed subdivision or development. Entrances and exits for motorized vehicles shall be designed to facilitate smooth traffic flow, controlled and coordinated turning movements, and minimize hazards to pedestrians. Paved access for emergency vehicles shall be provided to within 100 feet of the principal entry for multi-family dwellings and commercial, industrial and institutional establishments.

   All streets and highways shall be of sufficient width and suitable grade and be so located to facilitate fire protection and coordinated so as to compose a convenient system properly related to the plan.

10. Streets: All streets shall be completely constructed by the subdivider in accordance with minimum requirements for street construction as promulgated and maintained by the city engineer. Street construction shall be at the sole expense of the developer, unless this requirement is waved by the board of aldermen.

11. Sidewalks: Sidewalks shall be installed along both sides of major and secondary streets, and along one side of minor streets. Sidewalk to curb distance shall be at least four feet or as otherwise approved by city engineer. Sidewalks shall be laid out so as to maximize southern exposure. Sidewalk provisions may be waived by the commission if such waiver is in the best interest of the city.

§ 6032. Lot layout

Lots shall be laid out in such a way that they can be developed in full compliance with zoning regulations, and give consideration to topography, soils and drainage conditions.
Corner lots shall have extra width to conform to setbacks on each street. No subdivision showing any reserved strips shall be approved. At lot frontage width of length ratio shall not exceed one to five.

§ 6033. Pedestrian access

Permanent pedestrian easements, 10 feet in width, may be required through blocks 600 feet or more in length of as a continuation of cul-de-sacs, or in conjunction with utility easements in order to facilitate pedestrian circulation within the subdivision or access to adjoining neighborhoods and public property or community focal points such as parks, schools, and other public property, shopping centers, centers of employment, and community recreation facilities, etc. Additional pedestrian easements shall be reserved where indicated by the comprehensive plan.

§ 6034. Water

The existing public utility system shall be extended so as to provide necessary quantities of water, at acceptable pressure. Construction shall conform to city water department requirements.
The developer may be required to design and install water mains and appurtenances of larger size than immediate needs of his development would require to conform to the city water department master plan for water main sizes to give service to future development.
City shall pay for differences between material costs of needed sizes and required larger sizes of pipes and appurtenances. Developer shall pay all handling and laying costs. Should nearest pipes servicing development area not be large enough, subdivider shall pay for and install proper sizes at its expense, unless the board of aldermen authorizes city to pay part or all of such expense.

§ 6035. Fire protection
The layout of the subdivision shall be reviewed by the fire chief or his designee to insure that adequate fire protection can be provided. This review shall include, but not be limited to, minimum distance between structures, street width, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants.
All aspects of fire protection systems shall be designed and installed in accordance with applicable codes in all areas served by municipal water.

§ 6036. **Sewage disposal**
Off-site.
Subdivider shall connect to the public sewer system. The subdivider is required to provide such pumping and other facilities as may be necessary. Developer may be requested by the planning commission or city engineer to over-design and over-build said utilities or portions thereof so that future users may connect onto the system. City shall pay the difference between the cost of improvements necessary for the subdivision and cost of over-designing and over-building. Costs of over-designing and over-building shall be confined to difference in material costs of pipe and structure sizes. The difference in costs of handling and laying of various sizes of pipe shall be borne by the developer.
Should nearest pipes servicing development area not be large enough, subdivider shall pay for and install proper sizes at its expense, unless the board of aldermen authorizes city to pay part or all of such expense.
On-site.
Sewage disposal facilities shall be designed and installed in accordance with all applicable local and state regulations and standards.
Community sewer systems shall be designed in such a way that they may eventually be connected to the municipal sewer system.

§ 6037. **Utility lines**
Electric, telephone and cable telecommunications distribution systems may be underground or aboveground, at option of developer. All work is to be coordinated with utility company, both for subdivision and areas adjacent to subdivision.

§ 6038. **Outdoor lighting**
Illumination of areas such as streets, sidewalks, driveways, parking areas, loading and unloading areas, principal entryways and/or other locations shall be provided in accordance with the recommendations of the city engineer, and in compliance with the performance standards of the Rutland zoning regulations. Subject to approval by the board of aldermen, the city may furnish lights on utility poles. Subdivider shall furnish poles, fixtures, and any lights not provided by city.

§ 6039. **Storm drainage**
A. Removal of spring and surface water. The subdivider shall remove, either by pipe or by open ditch, any spring or surface water that may exist, either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width as specified by the city engineer, and shall be designed to standards approved by the city engineer. In design of the drainage system, natural waterways and drainage ways shall be utilized to the fullest extent possible.
B. Drainage structure to accommodate potential development upstream. Culverts or other drainage facilities shall, in each case be large enough to accommodate potential run-off from inside or outside the subdivision. The commission shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide such information as the adequacy of the facilities. Developer's engineer is to certify that culverts or other drainage facilities are large enough to accommodate potential run-off from inside or outside the

subdivision. Certification shall be in a form acceptable to the commissioner of public works and city engineer.

C. Responsibility for drainage downstream. Subdivider's engineer shall provide such information as the commission and city engineer deem necessary to determine the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where the city engineer advises that additional run-off incident to development of the subdivision will overload an existing downstream drainage facility so there will be damage to private property or an increase in expenditures of public funds. The commission shall not approve the subdivision until the subdivider and board of aldermen agree to allocation of the costs of improvement. Developer's engineer is to certify that additional run-off incident to the development will not overload existing downstream drainage facilities.

§ 6041. Open space and recreation areas

Land with adequate access to and from public streets shall be reserved for open space and recreational area as deemed necessary in proper cases by the commission in any plot submitted for approval. The commission may waive this requirement concerning recreation lands.

§ 6042. Site preservation and landscaping

A. Existing features. The preservation of side amenities such as trees, brooks or drainageways, historic sites, and other unusual features which the commission feels are an asset to the side and/or community, shall be required insofar as possible through harmonious design and appropriate construction methods.

B. Natural cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours and conserve the natural cover and soil. After application for approval has been submitted to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any purpose other than to meet construction needs of that particular subdivision or to meet any requirements of these regulations.

C. Erosion and sediment control. The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the commission to protect areas exposed during development. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development. The permanent final vegetation and structures should be installed as soon as practical in the subdivision. Adequate and permanent measures shall be taken at culvert outfalls to minimize or prevent erosion and disruption of drainageway areas. All responsibility for damage or other problems caused by erosion associated with the development shall rest with the developer.

D. Landscaping. Suitable hardwood shade trees such as sugar maple, Norway maple, red maple, ash or oak shall be planted at 60 foot intervals on the average, along both sides of streets or private ways where there are or would otherwise be no trees. All trees shall measure at least two inches in diameter measured at a point four feet above finished grade level. Final choice of tree species sand exact plant locations are subject to recommendations of the city forester.

§ 6043. **Excavation and grading**

A. General. All excavating and filling required for construction of improvements shall be as specified within this section. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover overall finished slopes.

This material shall be spread uniformly over all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section.

B. Fill. No stumps, wood, roots, sod, other fibrous or organic material or refuse shall be used as fill. In those locations where the alignment crosses swamp or marsh land, or other similar soil that is incapable of withstanding expected loads, such inadequate soils shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankments, buy may be used in flattening embankment slopes or for filling low spots outside the road section. The commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.

C. Embankments. Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth, extending across the entire fill area. They shall be spread by a bulldozer or other acceptable method and shall be thoroughly compacted. Where embankments are made of rock, the rock shall be deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

D. Subgrade. Upon completion of filling and excavation, the subgrade shall be formed to the require grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with the acceptable material and the process of leveling and rolling continued until no further depression results.

E. Side slopes. Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (1 on 2). Surplus materials resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascent one (1) foot vertically for at least two (2) horizontally (1 on 2). Side slopes in excavation rock shall ascent six (6) feet vertically for at least each one (1) foot horizontally (6 on 1). Where rock cuts have a face higher than ten (10) Feet vertically, a three (3) foot berm shall be provided at each ten (!0) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

§ 6044. **Utility Easements**
Easements of sufficient width shall be provided in locations acceptable to city engineer so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

§ 6045. **Assessment of development impact**
The commission shall evaluate any proposed major subdivision according to the following standards. In light of findings made on these standards, the commission may require reasonable modification or appropriate phasing of the proposed subdivision.

1. Will not result in undue water or air pollution. In making this determination it shall consider: elevation of land above sea level in relation to flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; slope of the land and its effect on effluent; applicable health and water resource department regulations.
2. Does have sufficient water available for reasonable foreseeable needs of the subdivision or development.
3. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
4. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of highways existing or proposed. PLAn must be approved by city engineer.

5. Will not have undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sties or rare and irreplaceable natural area.
6. Efficiency of allocation and distribution of street and public facility installation, construction and maintenance.
7. Will not cause unreasonable burden on the ability of the municipality to provide educational services.
8. Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services and facilities.

Subchapter 5. General Provisions

§ 6051. Fees
Upon submission of an application for minor subdivision plat approval, major subdivision preliminary plat approval, or major subdivision final plat approval, applicant shall pay a fee in accordance with a fee schedule established by the board of aldermen for the administration of subdivision review. Included in said fee shall be the anticipated costs of any public hearing and expenses not otherwise provided for herein.

§ 6052. Number of copies
All required submissions under these regulations shall be submitted in quadruplicate.

§ 6053. Attendance at public hearings
The subdivider or his duly authorized representative shall attend all required meetings and hearings held under these regulations to review the subdivider's application, including any public meetings or hearings which are continued to a specific time and date. The commission may disapprove subdivider's application if he or his duly authorized representative fails to attend any such public hearings or meetings.

§ 6054. Suitability of land
The commission shall not approve an application if development is subject to adverse physical limitations which would be harmful to the safety, health and general welfare of surrounding and adjacent areas unless adequate methods to solve the physical limitations are established. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions shall not ordinarily be developed.

§ 6055. Conformity with municipal development plan and by-laws
Proposed subdivisions shall conform to the municipal development plan and all by-laws of the city, including the city zoning ordinances. When a subdivider submits an application for a proposed planned unit development of residential development in addition to the requirements of these regulations, applicable requirements of the Vermont Planning and Development Act and the City of Rutland Zoning Regulations shall be adhered to.

§ 6056. Performance bonds
Before final approval of a subdivision plat, subdivider shall furnish the city with a performance bond with appropriate surety or security, approved by the board of aldermen, in an amount to cover the full costs of all new streets and required improvements, and their maintenance for a period of two years after completion, the cost of which shall be borne by the subdivider. The amount of such bond shall be determined by the city engineer and the form and execution of such

bond shall be approved by the city attorney. The performance bond shall run for a term determined by the planning commission, however, the term may be extended for an additional period not to exceed three years.

As-built construction drawings and plans shall be submitted to and approved by the city engineer prior to the release of any bonds or portions thereof, for installation of required improvements.

§ 6057. Acceptance of streets
Approval of a subdivision plat by the commission shall not be deemed to constitute or be evidence of acceptance with the city of any streets, easements, water and sewer facilities, or open space shown on the subdivision plat.

§ 6058. Filing of approved plat
Approval by the planning commission or certification by the city clerk of the planning commission's failure to act with 45 days of the final public hearing held under these regulations, shall expire 90 days from such approval or certification unless, within such 90 day period, such plat shall have been duly filed or recorded with the office of the city clerk.
No plat showing a new street or highway may be filed or recorded in the office of the city clerk until it has been approved by the commission and such approval is endorsed in writing on such plat, or the certificate of the city clerk showing the failure of the commission to take action within said 45 day period is attached.

§ 6059. Plat void if revised after approval
No changes, erasures, modifications or revisions shall be made on any subdivision plat after approval has been given by the commission and endorsed in writing on the plat, unless said plat is first resubmitted to the commission and the commission approves such modification. In the event said subdivision plat is recorded without complying with these requirements, the plat shall be considered null and void and the commission shall institute proceedings to have the plat stricken from the records of the city clerk.

§ 6060. Application forms
All applications required under these regulations shall be submitted on forms furnished and approved by the administrative officer.

§ 6061. Certificate of title
Final plat application for a minor or major subdivision shall be accompanied by a certificate of title showing ownership of all property and easements to be dedicated or acquired by the city, and said certificate of title shall be approved by the city attorney. All proposed deeds conveying property or easements to the city shall also accompany final applications for minor or major subdivisions, and be approved by the city attorney. All such deeds must be accepted by the city prior to release of any performance bonds or sections thereof.

§ 6062. Form of recorded plat
The plat to be filed with the city clerk shall comply with requirements of the Vermont Statutes Annotated as presently enacted or as hereinafter from time to time amended.

§ 6063. Action on staff, committee or department recommendations
Before taking action on a final plat, the commission shall notify, in writing, any municipal staff, committee or department of any intended changes with respect to recommendations pertaining to the plat made by said staff, committee, or department. Action taken on final plats shall be deferred until said staff, committee, or department has submitted its comments on the commission's intended changes.

§ 6064. Waivers and variances
The procedures and requirements for the submission and processing of plats and the standards for the design and layout established by these subdivision regulations may be waived or varied by the planning commission, subject to appropriate conditions, when the planning commission finds that compliance with any procedure, requirement or standard is not requisite in the interest of the public health, safety and general welfare due to the special circumstances of a particular plat or plats or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, however, any waiver or variance granted shall pertain only to that particular subdivision for which it was granted and shall not set a precedent for similar action for any other subdivision. When a waiver or variance has been requested with respect to a subdivision application, the notice of the public hearing on such application shall specify that such has been requested, the section or sections of this regulation to which the request pertains, and a concise statement of the nature and the reasons for the request.

Subchapter 6. Administration and Enforcement

§ 6071. Administrative officer
The zoning administrator shall perform the necessary administrative and enforcement requirements of this by-law.

§ 6072. Endorsement by the commission
Every approved subdivision plat shall carry the following endorsement on the copy to be filed with the City Clerk: "Approved by resolution of the planning commission of the City of Rutland on the _____ day of _____, 19____ subject to the requirements and conditions of said resolution. Signed this _____ day of _____ 19____ by _____, Chairman or Clerk".

§ 6073. Appeals
Appeals from the decision of the commission shall be in accordance with provisions of the Vermont Planning and Development Act and Vermont Statutes as presently in effect or as hereinafter from time to time amended.

§ 6074. Enforcement and penalties
Any person who violates any of the provisions of these regulations shall be fined not less than $5.00 nor more than $50.00 for each offense and each day that a violation continues shall constitute a separate offense.

Any person who sells, transfers, or agrees to sell or transfer land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not less than $5.00 nor more than $50.00, and each lot, parcel, or unit so sold, transferred or agreed to be sold or transferred shall be deemed a separate violation. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act, as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct, or prevent any violation of these regulations or prosecute violators thereof.

§ 6075. Expiration of approval
If no action is taken by subdivider to construct substantially his proposed subdivision within three years of final plat approval, said approval shall become null and void; however, said approval may be extended for up to two additional years of the commission determines that developer has, since final plat approval, been diligently and consistently pursuing financing or other necessary approvals.

§ 6976. Severability
The invalidity of any provision of these regulations shall not invalidate any other part.

§ 6077. Repeal of prior ordinances
Upon passage, these subdivision regulations shall be known and cited as Rutland City Subdivision Regulations and are in accord with 24 V.S.A. §4401 et seq. Title 31 R.O.R. Chapter 3, §5871 through §5879 inclusive together with any amendments thereto are hereby repealed as of the effective date of these regulations.

APPENDIX C

TITLE 31
CHAPTER 6
FLOOD HAZARD AREA REGULATIONS

6501-6514 Amended September 10, 2008

Section

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§ 6501. Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established an ordinance for areas of special flood hazard in the City of Rutland, Vermont.

§ 6502. Statement of Purpose

It is the purpose of this ordinance to:

A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public service that result from flooding and other flood related hazards; and

B. Ensure that the design and construction of development in flood hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and

C. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

§ 6503. Definitions

Administrative Officer means the Zoning Administrator of the City of Rutland.

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

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

Base Flood Elevation (BFE) the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation subgrade (below ground level) on all sides.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory within the City of Rutland) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Historic Structure means any structure that is: (a) Listed individually in the National Register of

Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Legislative Body means the selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council member s in the case of a city, and the supervisor in the case of an unorganized town or gore.

Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle". Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or

permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Start of Construction includes start of substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure means, for flood hazard management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The definition of "substantial improvement" includes buildings that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the state or local code enforcement official and which improvements are the minimum necessary to ensure safe conditions. "Substantial Improvement does not apply to any alteration of a

"historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Violation means the failure of a structure or other development to be fully compliant with the community's Flood Hazard Area Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

§ 6504. Lands to which these regulations apply
These regulations shall apply to all areas in the City of Rutland, Vermont identified as areas of special flood hazard in and on the most current official flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

§ 6505. Development Permit Required

A. A permit is required from the Administrative Officer for all proposed construction or other development in areas of special flood hazard.

B. Conditional use approval by the appropriate municipal panel is required prior to the issuance of a permit by the Administrative Officer for:

1. New buildings, other than accessory structures
2. Substantial improvement of existing buildings, other than accessory structures
3. Development in a floodway*

C. Administrative permit. All development other than that listed in IV.B shall require only an administrative permit.*

D. All development and subdivisions shall be reviewed by the Administrative Officer to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

(* The requirements that all development located within a floodway be issued Conditional Use approval and that all development within the flood hazard area requires an administrative permit are included in these regulations at the insistence of VTDEC. The City believes that development that does not change the grade (e.g. replacing a buried utility) or is above the base flood elevation (e.g. repairs to a bridge) should not require conditional use approval nor be subjected to formal administrative permitting process. We apologize for any additional costs, in time and resources incurred in complying with these requirements for such innocuous projects.)

§ 6506. Procedures

A. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the Administrative Officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following

receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

B. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified by the applicant at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

C. Application for proposed development shall be accompanied by a Vermont Agency of Natural Resources Project Review Sheet completed by the appropriate Agency staff member. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the City permit application. The identified permits, or letters indicating that such identified permits are not required, shall be submitted to the Administrative officer and attached to the permit before work can begin.*

(*The City questions its authority to require the Agency of Natural Resources to "identify all State and Federal agencies from which permit approval is required". The City also questions whether any person exists who can confidently say that they know of all State and Federal permits that may be required for every type of development. The wording of V. C is included in these regulations at the insistence of VTDEC. The City has no control over or responsibility for, the content or completeness of the information on the ANR review sheet and shall not be held responsible for damages resulting from reliance on that information, nor is it responsible for damages caused by any delays in securing the permits or letters required by this section.)

§ 6507. Base Flood Elevations and Floodway Limits

A. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other competent sources, shall be obtained by the applicant and utilized to administer and enforce these regulations.

C. Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted in Zones A, A1-30, AE, and AH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 6508. Development Standards

A. Floodway Areas

1. Development or other encroachment within the regulatory floodway, as determined by Section VI.A, is prohibited unless it has been demonstrated through hydrologic and hydraulic

analyses performed in accordance with standard engineering practice and certified by a registered professional
engineer that the proposed development will result in no increase in flood levels during the occurrence of the base flood.*

2. Junkyards, on-site wastewater disposal systems, and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(* The requirement that a hydrologic and hydraulic analyses performed in accordance with standard engineering practice and certified by a registered professional engineer be provided before development is allowed within a floodway is included in these regulations at the insistence of VTDEC. The City believes that development that does not change the grade (e.g. replacing a buried utility) or is above the base flood elevation (e.g. repairs to a bridge) should not require such analyses. We apologize for any additional costs, in time and resources incurred in complying with these requirements for such innocuous projects.)

B. All Special Flood Hazard Areas (within mapped Floodway Areas, the following Section B. provisions are additive to the Section A provisions above).

1. All Development - All development shall be reasonably safe from flooding and:
(a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
(b) constructed with materials resistant to flood damage below the base flood elevation,
(c) constructed by methods and practices that minimize flood damage, and
(d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Residential Development:

(a) New construction and existing buildings to be substantially improved that are located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

(b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are located in Zones A, A1-30, AE, and AH that are:
(i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no less than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
(ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.

3. Non-residential Development (see section 7 for small accessory building exemption):

(a) New construction located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

(b) Existing buildings to be substantially improved located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or no less than two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

4. Subdivisions:

(a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

(b) Subdivisions (including manufactured home parks) shall be designed to assure:
(i) such proposals minimize flood damage within the flood-prone area,
(ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
(iii) adequate drainage is provided to reduce exposure to flood hazards.

5. Enclosed Areas Below the Lowest Floor:

(a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.
(b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves,

or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall:

(a) be on the site for fewer than 180 consecutive days,
(b) be fully licensed and ready for highway use, or
(c) be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section B.2. (b).

7. Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

(a) The structure must only be used for parking or storage,
(b) The structure must have the required openings to allow floodwaters in and out,
(c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
(d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
(e) All building utility equipment including electrical and heating must be elevated or floodproofed.

8. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

9. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration flood waters into the systems and discharges from the systems into flood waters.

10. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

§ 6509. Variances to the Development Standards

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program. Any variance issued will inform the applicant that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property ***and will result in increased flood insurance premiums as high as $25 for $100 of coverage****. Such notification shall be maintained with a record of all variance actions.

(* the bold italicized wording is included in this document at the insistence of Vermont DEC. The City of Rutland has no knowledge of what flood insurance company policies premiums may be over the life of these regulations.)

§ 6510. Duties and Responsibilities of the Administrative Officer

The administrative officer shall maintain a record of:

(A) All permits issued for development in areas of special flood hazard;
(B) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings within the flood hazard area;
(C) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
(D) All floodproofing certifications required under this regulation; and
(E) All variance actions, including justification for their issuance.

§ 6511. Enforcement and Penalties
It shall be the duty of the Administrative Officer to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days and that failure to cure the violation may result in fines and/or loss of flood insurance.

If the structure is still noncompliant after the opportunity to cure has passed, and any appeals have been resolved, the Administrative Officer shall submit a declaration of violation to the Administrator of the NFIP Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

(A) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
(B) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
(C) a clear statement that the public body making the declaration has authority to do so and a citation to that authority,
(D) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
(E) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

§ 6512. Warning of Disclaimer of Liability
This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Rutland or any city official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

§ 6513. Validity and Severability
If any portion of this ordinance is held unconstitutional or invalid by a competent court, the remainder of this ordinance shall not be affected.

§ 6514. Precedence of Ordinance
The provisions of this ordinance shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall take precedence.