

**Town of St. Albans
Bicycle and Pedestrian Infrastructure
Impact Fee Ordinance**

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POLICY I - LOCATIONS AND ZONES

Section 1-1 Applicability and Rationale: The Town of St. Albans recognizes that improving bicyclist and pedestrian safety and better street usability enhances the character of a road and our entire community. Many roads and streets are viewed as the sole domain of the automobile and exclusively designed to move cars swiftly from place to place. Streets are public spaces, multi-use corridors, and places for community life and interaction. St. Albans' streets have a vital importance and individual uniqueness. Smooth access for vehicles, bicycles, and pedestrians are all components that contribute to the vitality of these unique corridors and our whole community. Sidewalks are the most basic non-motorized road facility and provide an area within the public right-of-way for safe pedestrian travel.

Vermont statute (24 V.S.A. Chapter 131) authorizes municipalities to levy impact fees on new development as a means of allocating the cost of new capital facilities to the development that will benefit from those facilities. This can include fees to offset the costs of facilities planned to be built to accommodate current and future development. The costs of infrastructure shall only include the portion associated with new capacity to accommodate a development's demand. This supplement to the impact fee ordinance includes an impact fee for accommodating the increased demand for bicycle and pedestrian facilities while conforming to the conditions imposed by 24 V.S.A. Chapter 131.

This ordinance and its policies do not preclude, but encourages installing bicycle and pedestrian facilities within all new development following the standards set forth in this ordinance, the Town of St. Albans' established road design and construction standards, and the Town of St. Albans' Unified Development Bylaws, as may be amended from time to time.

Section 1-2 Roads Segments within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts: Roads Segments in the Residential, Mixed Residential/Commercial, Commercial, Industrial, and St Albans Bay Overlay Zoning Districts are where our Bicycle and Pedestrian Master Plan recommends the installation of bicycle and or pedestrian facilities. These road segments and zoning districts are generally limited to the growth centers surrounding I-89 exit 19 and exit 20; are within approximately 0.75 miles of the City of St. Albans boundary and their existing sidewalk network; and, are along existing or proposed roads with an estimated average daily traffic volume of over 2,000 vehicles. All bicycle and pedestrian facilities are to be located along an existing town-maintained road, state-maintained highway, a potential public road, and within an existing or potential public right-of-way. The Bicycle and Pedestrian Master Plan provides specific recommendations for all roads throughout the Town of St Albans. Franklin Park West Drive and other roads may have very specific bicycle and or pedestrian facility and or positioning requirements that were imposed prior to this ordinance and the Bicycle and Pedestrian Master Plan as part of a development review process.

Section 1-3 Road Segments within the Rural, Conservation, and or Lakeshore Zoning Districts: Road Segments within the Rural, Conservation, and Lakeshore Zoning Districts are not required nor expected to have a sidewalk along their existing town-maintained or potential road frontage. These road segments are where the Town of St. Albans plans and requires the installation of 3-foot wide gravel shoulders that are to be located within an existing or potential public right-of-way. Where a zoning boundary for the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts divides a lot in the Rural, Conservation, and or Lakeshore Zoning Districts, which existed prior to adoption of this ordinance, the entire frontage of said lot will

be treated as if it is wholly situated in the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts.

POLICY II - DESIGN AND CONSTRUCTION

Section 2-1 Applicability: This policy applies to any development and or construction that would be subject to regulation under the provisions of Article II: Subdivision Regulations, Article VI: Zoning Administration and Enforcement, and or Article VIII: Development Review Board of the Town of St. Albans Unified Development Bylaws, or as may be amended from time to time.

Section 2-2 Design and Construction Standards: The Town of St. Albans adopted on February 11 2013 the VTrans A-76 Standards for Town and Development Roads under 19 V.S.A., Chapter 1111 and the Vermont State Design Standards, or as may be amended from time to time. The dimensions suggested on the basic A-76 Standards for Town and Development Roads are intended to be applied only on local roads with an Average Daily Traffic Volume of under 250 and infrequent large truck traffic. Higher traffic volume roads may require additional width and follow others specifications within the Vermont State Design Standards. Copies of the entire Vermont State Design Standards are available in electronic format at St Albans Town Hall or at the link below. The basic A-76 Standard for Town and Development Roads are included in this ordinance as Attachment A for information.

https://outside.vermont.gov/agency/vtrans/external/CADD/WebFiles/Downloads/Standards/VAOTconSTD_Name.xml

Section 2-3 Development Located within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts: Applicants with development within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and St Albans Bay Overlay Zoning Districts, may choose to either construct the facilities at their own expense or may contribute to the appropriate capital reserve fund based on the proper rate under POLICY III - Establishment Of Capital Reserve Account Section 3-4 Fees. All construction completed by the applicant shall be required to provide certification by a Vermont registered engineer that the bicycle and or pedestrian facilities comply with the design and construction standards found in Policy II - Design and Construction Section 2-2 Design and Construction Standards. Additionally, the applicant shall follow any approval conditions, guidance, and location recommendations in the Town of St. Albans Bicycle and Pedestrian Master Plan, requirements of the Town of St. Albans Development Review Board, other legal requirements of the Town of St Albans, and in addition to the criteria found in Policy II - Design and Construction Section 2-2 Design and Construction Standards.

The Town recognizes that properties being developed may choose and are encouraged to construct bicycle and pedestrian facilities within their proposed development. All such construction completed by the applicant shall be required to provide certification by a Vermont registered engineer that the facilities comply with the design and construction standards found in Policy II - Design and Construction Section 2-2 Design and Construction Standards. Additionally, the applicant shall follow any approval conditions, guidance, and other requirements of the Town of St. Albans Development Review Board in addition to the criteria found in Policy II - Design and Construction Section 2-2 Design and Construction Standards.

Section 2-4 Development Located within the Rural, Conservation, and or Lakeshore Zoning Districts: Applicants with development within the Rural, Conservation, and or Lakeshore Zoning Districts shall choose to either construct a 3-foot wide gravel shoulder at their own expense or may contribute to the appropriate capital reserve fund based on the proper rate under Policy III - Establishment of Capital Reserve Account Section 3-4 Fees. All gravel shoulder construction completed by the applicant shall be required to provide certification by a Vermont registered engineer that the gravel shoulder complies with the design and construction standards found in Policy II - Design and Construction Section 2-2 Design and Construction Standards. Additionally, the applicant shall follow any requirements of the Town of St. Albans Development Review Board in addition to the criteria found in Policy II - Design and Construction Section 2-2 Design and Construction Standards.

The Town recognizes that development within the Rural, Conservation, and or Lakeshore Zoning Districts may choose and are encouraged to construct bicycle and pedestrian facilities within their proposed development. All such construction completed by the applicant shall be required to provide certification by a Vermont registered engineer that the facilities comply with the design and construction standards found in Policy II - Design and Construction Section 2-2 Design and Construction Standards. Additionally, the applicant shall follow any approval conditions, guidance, and other requirements of the Town of St. Albans Development Review Board in addition to the criteria found in Policy II - Design and Construction Section 2-2 Design and Construction Standards.

Section 2-5 Reservation: St. Albans reserves the right to determine at the time of construction and the exact location for each bicycle and or pedestrian facility described in Policy I - Locations and Zones Section 1-2 Roads Segments within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts of this ordinance.

POLICY III - ESTABLISHMENT OF CAPITAL RESERVE ACCOUNT

Section 3-1 Applicability: The applicability is as specified under 24 V.S.A., Chapter 131.

Section 3-2 Capital Reserve Account: The impact fee reserve account funds may be combined with other funds at any time to meet with funding guidelines or requirements from state and or federal sources.

Section 3-3 Timing: The timing for construction and or installation of any bicycle and pedestrian facilities by the Town of St. Albans shall be at the town's choosing and at a future date.

Section 3-4 Fees: The fee schedule is listed below shall be based on the existing road frontage claimed by an applicant under the Dimensional Standards for Structures and Lots in Article IV: Zoning Districts, Overlays, and Standards for Each District in the Town of St. Albans Unified Development Bylaws and subject to amendment from time to time.

- \$35.00 per linear foot along road segments stated under Policy I - Locations and Zones Section 1-2 Roads Segments within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts.
- \$17.50 per linear foot along roads segments under Policy I - Locations and Zones Section 1-3 Road Segments within the Rural, Conservation, and or Lakeshore Zoning Districts.

The fees outlined above are based on a review of the following reports.

- Costs for Pedestrian and Bicyclist Infrastructure Improvements - A Resource for Researchers, Engineers, Planners, and the General Public Authors: Max A. Bushell, Bryan W. Poole, Charles V. Zegeer, Daniel A. Rodriguez UNC Highway Safety Research Center; Prepared for the Federal Highway Administration; October, 2013.
- Vermont Agency of Transportation; 5 Year Averaged Price List; July 2012 - June 2017; 2011 Specifications.

Section 3-5 Annual Review: The fee schedule under this article may be annually reviewed and revised by the Selectboard of the Town of St. Albans, as needed.

POLICY IV - EXEMPTIONS, CREDITS, AND DISCOUNTS

Section 4-1 Exemptions, Credits, and Discounts: The following shall be exempted from payment of fees or contributions as appropriate and as reflected in the:

1. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
2. Construction of accessory buildings or structures.
3. Replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. Installation of a replacement mobile home on a lot or other such site when impact fees for such mobile home site have previously been paid pursuant to Town ordinance or where a mobile home legally existed on such a site; on or prior to the effective date of this ordinance.

Any claims of exemption must be made no later than the time of application for a building permit or building permit for the development of mobile home installation site. Any claim not so made shall be deemed void.

Section 4-2 Credit for work within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts: Applicants subject to Policy I - Locations and Zones Section 1-2 Roads Segments within the Residential, Mixed Residential/Commercial, Commercial, Industrial, and or St Albans Bay Overlay Zoning Districts who choose to construct a sidewalk at their own expense may offer it as total or partial payment of the required fee under Policy III - Establishment Of Capital Reserve Account Section 3-4 Fees. The offer must be a written request for fee credit for each and every zone for which the fee-payer proposes to provide improvement. If the Town Manager receives such an offer(s) and the offer(s) is(are) approved by the Selectboard such offer(s) whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner. Applicants for credit for construction of bicycle and pedestrian facilities or improvements to existing sidewalk shall submit acceptable as-built engineering drawings, materials specifications, and construction cost estimates certified by a Vermont registered engineer to the Town Manager. The Town Manager shall determine credit for construction based upon either these cost estimates or upon an alternate engineering opinion, if the Town Manager determines that such estimates submitted by the applicant are either unreliable and or inaccurate. The Town Manager shall upon the approval of the Selectboard provide the applicant with a letter of certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate

and return such signed document to the Town Manager before credit will be given. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit. A copy of the completed letter or certificate is to be provided to the Zoning Office.

Section 4-3 Credit for work within the Rural, Conservation, and or Lakeshore Zoning Districts:

Applicants subject to Policy I - Locations and Zones Section 1-3 Road Segments within the Rural, Conservation, and or Lakeshore Zoning Districts who choose to construct a 3-foot wide gravel shoulder at their own expense may offer it as total or partial payment of the required fee under Policy III - Establishment of Capital Reserve Account Section 3-4 Fees. The offer must be a written request for fee credit for each and every location for which the fee-payer proposes to provide improvement. If the Town Manager receives such an offer(s) and the offer(s) is(are) approved by the Selectboard such offer(s) whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner. Applicants for credit for construction of gravel shoulder(s) shall submit acceptable engineering drawings, material specifications, and construction cost estimates certified by a Vermont registered engineer to the Town Manager. The Town Manager shall determine credit for construction based upon either these cost estimates or upon an alternate engineering opinion, if the Town Manager determines that such estimates submitted by the applicant are either unreliable and or inaccurate. The Town Manager shall upon the approval of the Selectboard provide the applicant with a letter of certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town Manager before credit will be given. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit. A copy of the completed letter or certificate is to be provided to the Zoning Office.

POLICY V - GENERAL USE REGULATIONS

Section 5-1 Placement and or maintenance of signs, awnings, shades, other structure, restricted: In addition to requirements set forth in this Section, a permit may also be required pursuant to the most recent Town of St. Albans Unified Development Bylaws. It shall be the obligation of any applicant and or property owner to ensure that all necessary permits are obtained prior to placement or installation of anything over any bicycle and or pedestrian facilities in the Town. The Town of St. Albans Unified Development Bylaws regulate signs and it is not the intention of this ordinance nor its policies to prohibit signs.

- (a) No person shall suspend or display or cause to be suspended or displayed any sign, flag, article, awning, shade, vegetation, merchandise and or other thing over any public sidewalk, multi-use pathway, nor other bicycle or pedestrian facility in the town unless the same is safely and securely fastened and so located and constructed as to leave the way unobstructed to a height of at least eight (8) feet above a sidewalk, multi-use pathway, and other bicycle or pedestrian facility.
- (b) No sign, article, merchandise, or other thing shall be placed on or maintained on a public sidewalk, multi-use pathway, nor other bicycle or pedestrian facilities without a permit issued by the Zoning Administrator appointed by the Selectboard. Any person having such a permit for any such signs, articles, merchandise, or other things placed on a public sidewalk, multi-use pathway, or other bicycle or pedestrian facility shall in all respects conform to any

direction in relation to the location, extent, construction, and maintenance thereof as described by the permit.

- (c) No sign, article of personal property, landscaping, vegetation, merchandise, artifacts, or works of art shall be displayed or maintained on any sidewalk, multi-use pathway, other pedestrian facility, or other public property unless it allows at least forty-eight (48) inches free passage to individuals on foot, wheelchair, bicycle, or kick scooter.
- (d) The Zoning Administrator, Director of Public Works, and all law enforcement officials are authorized to enforce the provisions of this ordinance.

POLICY VI – Severability

If any section, phrase, sentence, or portion of this is for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

POLICY VII - Effective Date

60 days after passage by the Town of St. Albans Selectboard.

Adopted on **Tuesday September 3rd, 2019** at the Town of St. Albans Selectboard meeting.

Brendan Deso, Chair

Bruce Cheeseman, Vice Chair

Stan Dukas

Jessica Frost

Al Voegele

Attest By: _____
Anna Bourdon, Town Clerk

ATTACHMENT A

A-76 Standards for Town and Development Roads