

RESPONSE TO COMMENTS RECEIVED ON THE DRAFT MONTPELIER UNIFIED DEVELOPMENT REGULATIONS (5 FEB 2016)

	COMMENT	RECOMMENDATION	PLANNING COMMISSION ACTION
1	1004. Applicability. Clarify that removal of vegetation from the riparian setback is land development under the regulations.	Revise info point and definition of land development in 5301.L(1) to include “removing natural woody vegetation within water setbacks.”	
2	1004. Applicability. Be consistent in use of term parcel or lot.	Revise info point and definition of land development in 5301.L(1) to use the word “lot” rather than “parcel.”	
3	1005. Conflict with Other Laws. Add language referencing river hazard and building permits.	Add a new subsection as follows “Other city approvals or permits may be required for proposed land development that is exempted or approved under these regulations including but not limited to river hazard area permits and building permits.”	
4	1101.A Add exception for public art	Add public art as another paragraph in the exemptions list. The regulations already include a definition of public art.	
5	1101.A(9)(c). This is duplicative.	Delete subparagraph (c).	
6	1101.A(9)(e) Clarify this exemption.	Revise to read “Section 1102 regulates agricultural fences and walls.”	
7	1101.A(10) Language relating to fencing is duplicative and raised beds should not be included in list.	Revise to read “...arbor, trellis, pergola) that is...”	
8	1102.B(1) Application is required under statute not so AO can determine exemption.	Revise to read “The landowner must complete a zoning permit application.”	
9	1203.D Nonconformities. Clarify language.	Revise to read “...provided that the degree of nonconformity is not increased.”	
10	1206.A. Clarify language.	Replace each use of “it” with “the structure”	
11	2004.B Provision is duplicative with Section 4601.	Delete Subsection B.	
12	210. Zoning Districts. Individual use tables for each district make the regulations difficult to administer.	Remove individual use tables from districts and go back to one single use table for all districts.	
13	210. Zoning Districts. Need to clarify how neighborhood descriptions are to be used in the regulatory context.	Add to Subsection B of each zoning district section “The XXXX District includes the neighborhoods listed below. The description of a neighborhood will be used solely for determining compatibility with character of that neighborhood. The neighborhoods have no further regulatory purpose except as otherwise specifically stated in these regulations.”	
14	210. Zoning Districts. Need to clarify relationship between design review and the architectural standards in the zoning districts. DRC approval indicates meeting architectural standards	Revise the intro statement to the architectural standards subsection of each relevant district as follows “The following standards apply to all land development requiring major site plan approval. If the application requires design review under Section 2201, endorsement by the Design Review Committee will be interpreted to mean that the proposed development meets these standards.”	
15	210 Zoning Districts. Use “setback” not “yard.”	Replace the heading “Setback & Yards” from the dimensional standards table in each district. Replace any other use of “yard” in regulations if it is being used to refer to “setback”.	
16	210 Zoning Districts. Clarify language throughout neighborhood descriptions in all districts.	Re-word any sentence that includes “these regulations should” to say “proposed land development should”	
17	2101 Use Standards. This is not the place most people will look for these provisions.	Move this section to Chapter 300.	
18	2101.E Provision is duplicative with Section 4601.	Delete Subsection E.	
19	2102 Dimensional Standards. This is not the place most people will look for these provisions.	Move this section to Chapter 300.	
20	2102 Dimensional Standards. Include the guidance on how dimensional standards will be measured or calculated into this section.	Merge Section 5103 with Section 2102.	
21	2102.B(2) Principal Buildings. Keep this the same as under current zoning and align this with number of homes allowed on a shared driveway.	Revise to “No more than 3 detached single- or two-family homes...”	

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22	2102.C Residential Density. Using buildable land rather than total lot area to determine residential density in most districts is adding complexity to the administration of the regulations. A number of people have asked questions about how this will be administered. GIS data is not accurate enough for this analysis.	Delete Paragraph (2) and revise Paragraph (1) to read "Maximum residential density will be based on total lot area."	
23	2102.E Street Frontage. There should be an easier way to allow "back lot" infill development so that the rear lot shares a driveway with the front lot but is not required to have any street frontage.	No change recommended. The infill housing PUD option will allow for subdivision of a "back lot."	
24	2102.E(2) No need to require corner lots to have minimum frontage on each street.	Revise to read "Lots that front on more than one street will only be required to meet minimum frontage requirements on one street."	
25	2102.E(3)(b) Need to align frontage requirement with minimum ROW requirement.	Revise to read "...not less than 20 feet..."	
26	2102.F(1) Clarify to remain consistent with recommended change to frontage requirements.	Revise to read "Lots with frontage on more than one street must meet front setback requirements on each street, and must meet side setback requirements on the remaining sides."	
27	2103.B UC Neighborhoods. Missing description of Court Street neighborhood	This is a very small neighborhood on the north side of Court Street (3 parcels). Recommend merging it with the Downtown Business neighborhood, which includes properties on the south side of Court Street.	
28	2103.C(2) UC Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
29	2103.E Cross reference to Subsection 3505.A should be to 3505.B.	Fix incorrect cross reference.	
30	2103.F UC Architectural Standards. Eliminate requirement for street-fronting retail spaces to have their own entrances. Many downtown buildings have shared entrances.	No change recommended. It is preferable for new buildings to be designed so that ground-level retail spaces on the sidewalk have a direct entrance (not like the City Center building). There is some flexibility in this section for the DRB to approve other designs with a recommendation from the DRC.	
31	Figure 2-02. UC Dimensional Standards. Clarify lot coverage.	Add "Lot coverage: 100% max"	
32	2104.A Riverfront Purpose. Missing "of" in last sentence.	Revise to "...to encourage redevelopment of the riverfront..."	
33	2104.B(3) The heading number is missing.	Fix formatting.	
34	2104.C(2) RIV Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
35	2104.E Cross reference to Subsection 3505.A should be to 3505.B.	Fix incorrect cross reference.	
36	Figure 2-04 Riverfront Dimension Standards. Residential density should be higher than 1 dwelling unit per 1,500 sf. (Current zoning does not have a maximum density for the Riverfront district, but that district is much smaller than the proposed district.)	No change recommended. 1 du /1,500 is the 90th percentile figure for the district.	
37	2105.C(2) EG Use Standards. Need to clarify and align terms.	Revise to read "a drive-through facility or drive-in establishment..."	
38	2105.E(3) Clarify the standard for vehicle doors and loading areas.	Revise to read "Vehicle bay doors and loading areas must be oriented away from the street, and to the side or rear of the lot."	
39	Figure 2-06. Set a consistent water setback standard.	Revise water setback to "50 ft min" for all lots.	
40	Figure 2-06. Many buildings in the Eastern Gateway district are less than 24 feet tall. There should not be a minimum height standard.	Eliminate minimum height requirement. The standards for the Eastern Gateway district should be revisited after the city plan is revised and further consideration is given to the desired land use and development pattern in this area of the city.	
41	2106.C(2) WG Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
42	Figure 2-08. Set a consistent water setback standard.	Revise water setback to "50 ft min" for all lots.	
43	2107 Mixed Use Residential. General comments related to potential conversion of existing residential buildings to office space or other nonresidential uses.	No change recommended. The rate of conversion of residential to non-residential should be monitored. Zoning could be amended in the future if conversion actually becomes an issue of concern.	

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44 2107. MUR - College Hill - East State Street neighborhood. Reduce the extents of this neighborhood. Residential properties should not be included.	No change recommended. The neighborhood as proposed captures most of the existing nonresidential uses and provides opportunity for continued, incremental conversion of large homes to multi-family buildings.	
45 2107.B MUR Neighborhoods. Missing description of College Hill - Main Street neighborhood.	College Hill - Main Street. Most of this residential neighborhood along Main Street east of North Street to Lincoln Avenue is densely built with small lots and narrow setbacks. The terrain has influenced the development pattern, with narrow lots and homes set into the hillside above street level on the north side of Main Street and wider lots with larger yards on south side. The neighborhood is currently developed with a mix of single-family and multi-family residences. These regulations are intended to protect the residential character of this neighborhood while creating opportunities for small-scale infill development and incremental division of residential buildings to add additional dwelling units.	
46 2107.B MUR Neighborhoods. Missing description of College Hill - Southwest neighborhood.	College Hill - Southwest. This neighborhood west of Hubbard Street is a densely built residential neighborhood characterized by large historic homes on small lots with narrow setbacks. Some of these residences have been converted to multi-family occupancy, while others remain single-family. These regulations should support the existing residential density and historic development pattern in this neighborhood. Modest increases in density may be accommodated in this neighborhood through ongoing, incremental conversion of single-family residences to multi-family buildings, further division of multi-family buildings to add additional units, conversion of outbuildings for residential occupancy, or similar approaches that do not significantly alter the physical form of the neighborhood and its historic buildings.	
47 2107.C(2) MUR Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
48 2107.E Cross reference to Subsection 3505.A should be to 3505.B.	Fix incorrect cross reference.	
49 2108. High Density Residential. Re-zone all lots on north side of Sibley Street to HDR (currently proposed for MDR).	No change is recommended. PC discussed this boundary in detail. There was significant public input from neighborhood residents requesting to be zoned MDR.	
50 2108.B HDR Neighborhoods. Route 2 neighborhood encompasses two non-contiguous areas.	<p>Separate Route 2 neighborhood and revise descriptions as follows:</p> <p>River Street. This is a traditional residential neighborhood along the south side of River Street (Route 2). Many of the historically single-family homes have been converted to multi-family occupancy, particularly along the highway. These regulations are intended to preserve the traditional residential development pattern and character, and to prevent expansion of commercial activity along this segment of the highway. Side streets extend up the hillside with mostly single-family homes on larger, sloping lots. There is a significant amount of undeveloped land in this neighborhood, some of which is suitable for infill residential development. These regulations are intended to encourage residential growth with a diversity of housing in this neighborhood, including the potential for multi-family housing development on suitable undeveloped sites.</p> <p>Route 2 - Prospect Street. This is a residential neighborhood with many homes fit into the steep terrain on significantly constrained lots. The streets serving most of the neighborhood are narrow and steep. These regulations should support the existing pattern and density of development, but discourage significant increases in density. A portion of this neighborhood fronts on the heavily trafficked Berlin Street (Route 2). These regulations are intended to preserve the residential character of this portion of the highway and prevent the continued expansion of commercial activity eastward from the Cross Roads neighborhood.</p>	
51 2108.C(2) HDR Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	

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52	2108.E Cross reference to Subsection 3505.A should be to 3505.B.	Fix incorrect cross reference.	
53	2108.F(3) DPW recommends referencing requirements for ADA compliant pedestrian walkways.	No change recommended. No reference is made in the regulations to ADA requirements so that it will not become another issue for staff to administer or enforce.	
54	Figure 2-12. HDR Dimensional Standards. The setback and lot coverage standards allows for big houses on small lots.	No change is recommended. The dimensional standards proposed are consistent with the existing development pattern. Further, multi-family buildings with more than 4 units will be subject to conditional use approval including compatibility with the character of the neighborhood. There is an overall maximum size for any building of 5,000 sf footprint and 35 ft in height.	
55	2109. Medium Density Residential. Include all lots east of College Street in the College Hill - Southeast neighborhood (currently proposed for HDR - College Hill - Southwest neighborhood).	No change is recommended. PC discussed this boundary in detail. Existing development pattern is a better fit for HDR than MDR (more lots will be conforming). Additional infill is modest. It is preferable to keep both sides of the street in the same district.	
56	2109. Medium Density Residential. Concerned about potential development in the Crestview neighborhood due to stormwater and traffic issues.	No change is recommended. Any major development would have to be designed as a "new neighborhood development" under the proposed zoning. Issues like stormwater and traffic would be considered. Allowing for residential development in this neighborhood is consistent with city's goal of encouraging housing.	
57	2109.C Cross reference to Figure 2-15 should be to Figure 2-13.	Fix incorrect cross reference.	
58	2109.C(2) MDR Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
59	2109.D Cross reference to Figure 2-16 should be to Figure 2-14.	Fix incorrect cross reference.	
60	2109.E Cross reference to Subsection 3505.A should be to 3505.B.	Fix incorrect cross reference.	
61	2110. Low Density Residential. Remove land off Towne Hill Road that is proposed for LDR district and put it in Rural (which is more similar to how it is zoned currently). People who bought homes out there want to keep the rural character. They don't want houses on 9,000 sf lots.	No change recommended. This area has access to city services. It is consistent with the goal of increasing housing opportunities in the city to allow for a higher density of residential development than is allowed under current zoning.	
62	2110.C LDR Use Standards. Need to clarify and align terms.	Revise to read "Drive-through facilities and drive-in establishments..."	
63	Figure 2-18. The difference between the minimum lot size and the maximum density is confusing.	Revise minimum lot size to 2 acres.	
64	2201. Historic Design Review. Cliffside neighborhood has petitioned to be removed from the overlay district.	No change is recommended. PC discussed this issue extensively. The City Plan calls for aligning the design review district with the National Register Historic district, which is what is currently proposed. Cliffside is similar in its level of historic integrity to other neighborhoods included in the district. The changes to the standards are anticipated to address a number of the concerns raised by neighborhood residents.	
65	2201. Historic Design Review. Include the State Register historic district in the design review overlay as well as the National Register district.	No change recommended at this time. As part of city planning process this issue should be considered and policy set.	
66	2201. Historic Design Review. Language should be more clear and specific on the desired result, and provide more flexibility for how to get there.	No change recommended.	
67	2201. Historic Design Review. Add language to provide flexibility for energy retrofits or consider trade-offs for certain levels of energy efficiency.	No change recommended.	
68	2201.C(4) Not all exterior modifications should be exempt.	Revise to read "Exterior modifications to the rear of a noncontributing structure."	
69	2201.C(7) Damage may be done to a historic building be removing sign hardware.	Revise to read "The complete removal of a sign and its hardware, except that sign hardware installed into brick or masonry may remain in place."	
70	2201.G Clarify that design review is looking at exterior modifications only.	Revise to read "Applicants must demonstrate that proposed exterior modifications..."	

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71	2201.G Need to revise intro language to reconcile inconsistencies between Subsection G and H.	Revise to read "...conforms to the Secretary of the Interior's Standards for Rehabilitation as interpreted by the Design Review Committee. Where the provisions of Subsection G and Subsection H conflict, the provisions of Subsection H will take precedence."	
72	2201. I Remove reference to noncontributing structures.	No change recommended if exemption for noncontributing structures is revised.	
73	3001.B Revise to allow accessory structures on vacant lots.	Eliminate Paragraph (1) and merge Paragraph (2) with intro sentence.	
74	Figure 3-1 Accessory Structures and Uses. Clarify approvals needed for encroachments into public rights-of-way.	Add "including a construction and access permit from the Montpelier Department of Public Works" to the end of both Note 1 and Note 2.	
75	Section 3002. Need to add cross-reference to historic overlay.	Add a subsection as follows "For demolition of a structure within the Historic Design Review Overlay District, also see Section 2201."	
76	3003. Riparian Buffers. Conservation Commission requests that some buffer be required in the UC and RIV districts. (There is still a setback from surface waters in those districts of 10 feet. There is not the requirement to keep that area in natural woody vegetation or to increase regulatory review of all development within 50 feet of the surface water that is provided by 3003 in the other districts.)	Add a new subsection to both 2103 and 2014: Riverfront Standards. To promote redevelopment of the riverfront as a public amenity and greenway corridor, land development requiring major site plan approval: (1) Must remove any impervious surface within the water setback to the maximum extent feasible given site-specific conditions. (2) Must landscape all portions of the water setback (excluding those areas occupied by pre-existing development that cannot feasibly be relocated elsewhere on the lot). (3) Are encouraged to orient buildings, windows and public use areas to provide views of the river. (4) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. The Development Review Board may approve the development of such amenities within the water setback upon determining that the proposed design furthers the city's riverfront redevelopment goals.	
77	3003.D(3) Conservation Commission recommends removing this provision, which allows the DRB to approve removal of natural vegetation.	Revise to "The Development Review Board may allow natural woody vegetation to be removed or not re-established within a greater amount of the riparian setback if the applicant consults with and receives an endorsement from the Conservation Commission regarding the proposed use and development of the land within the setback."	
78	3003.E(5) Conservation Commission recommends adding language encouraging landowners to convert landscaping to natural vegetation within the riparian buffer.	Add "Landowners are encouraged to replace pre-existing lawn or garden areas with natural woody vegetation, which can provide multiple benefits including bank stabilization, filtration of runoff and wildlife habitat."	
79	3004.F Grading Plan. Replace "stamped" by "prepared"	Revise to read "... prepared by a licensed engineer."	
80	3004.H Add a provision related to runoff.	Add "Retain the pre-existing rate and pattern of stormwater runoff leaving the property."	
81	3004.H(2) Allow for slopes steeper than 3:1.	No change recommended. This is a "to the maximum extent feasible" provision, giving the DRB some latitude to allow steeper slopes in response to specific site conditions. The regulations also prohibit further development of slopes over 30% and consider such land to be unbuildable, so creating more land that would fall into that category should be avoided.	
82	Figure 3-02. Disturbance or Clearing on Steep Slopes. Allow DRB to waive prohibition on disturbing or clearing slopes >30%.	No change recommended. Isolated areas of steep slopes <500 sf in area may be disturbed. There have been a number of comments at public meeting expressing concern about slope stability and runoff.	
83	Figure 3-02 is confusing.	Separate Figure 3-02 into two tables - Conditional Use Review Required and Engineered Plan Required.	
84	3005.B(1). Stormwater Applicability. Concerned about use of term "exempt."	Revise to read "Land development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional..."	

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85	3005.C Erosion Control Plan. Specify that the plan has to be prepared by a professional engineer.	Revise to read "...an erosion control plan prepared by a licensed engineer..."	
86	Figure 3-03. Erosion Control Plan thresholds. Revise table to better align with Figure 3-02 (steep slopes).	No change recommended.	
87	Figure 3-03. Erosion Control Plan thresholds. Revise table so that slope quantities are cumulative.	Revise and re-order table as follows: >25% An erosion control plan is required for development disturbing any amount of soil >20% An erosion control plan is required for development disturbing 2,500 sf or more >15% An erosion control plan is required for development disturbing 5,000 sf or more >10% An erosion control plan is required for development disturbing 10,000 sf or more	
88	3006 Stormwater. Conservation Commission recommends referencing the pending Stormwater Master Plan in this section.	No change is recommended at this time.	
89	3006.B Applicability. DPW recommends referencing the Q25 storm event.	No change recommended. B(1) is a general applicability statement. Later provisions in this section specify the amount of stormwater that must be managed.	
90	3006.D(2) DPW recommends removing reference to landscape architects and replacing with other qualified professionals.	No change recommended. Regulations are intended to encourage involvement of landscape architects in designing GSI.	
91	3006.D(2) DPW recommends adding "and provide water quality treatment for"	No change recommended. Phrase "manage stormwater" is used throughout section and encompasses water quality treatment.	
92	3006.D(2) Missing word "least"	Add missing word - "...at least 1 inch of rainfall..."	
93	3006.E. Conservation Commission questions whether a state stormwater permit adequately protects local resources.	No change is recommended. This section is set up to deal with small projects below the state threshold. Additional provisions would need to be added to address larger projects. Adding duplicative stormwater requirements would be counter to the city goal of streamlining the permitting process.	
94	3006.I(3) DPW recommends removing reference to landscape architects and replacing with other qualified professionals.	No change recommended. Regulations are intended to encourage involvement of landscape architects in designing GSI.	
95	3006. J (1)(a) DPW recommends reducing minimum depth from 8 inches to 4 or 6 inches.	No change recommended. The 8-inch minimum soil depth is consistent with the 2015 VLCT Model GSI/LID Bylaw and is anticipated to be the standard in the next update of the state stormwater manual.	
96	3007.B Revise to reference Class 1 highways.	Change all references to "state highways" in this subsection to "state and Class 1 highways"	
97	3007.B(5) DPW recommends not making separated access required by default for approaches with more than two lanes.	Revise to read "...and may be required..."	
98	3007.B(10) DPW recommends adding language to ensure no conflict points exist.	Revise to read "Driveway length and internal circulation patterns must be adequate..."	
99	3007.E(1)(a). Curb Ramps and Crosswalks. Revise to match city specifications.	"Curb ramps and crosswalks must be provided at intersections and where driveways bisect public sidewalks. The Development Review Board may require a marked crosswalk in accordance with the VTrans Crosswalk Design Guidelines and as recommended by the Department of Public Works."	
100	3007.E(1)(b). Curb Ramps and Crosswalks. Do not need to reference VTrans specs - there are no state highways in the city.	Delete "or VTrans' design specifications if within a state right-of-way."	
101	Figure 3-05. Driveway Separation Standards. Reduce distance between driveways to match minimum lot frontages.	Reduce distance between driveways for HDR, MDR, LDR districts from 60 to 45 feet.	
102	3008. Parking and Loading. Concern that reduced parking requirements will exacerbate existing parking problems.	No change recommended. The goals are to encourage shared, public and/or structured parking to serve downtown, and to minimize parking footprint so that excess parking is not created where it is not needed.	

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103 3008. Parking and Loading. DPW recommended adding provisions related to ADA compliance to this section.	No change recommended. No reference is made in the regulations to ADA requirements so that it will not become another issue for staff to administer or enforce.	
104 3009 Signs. Concerns about signs placed in public rights-of-way.	Add a new subsection "Signs in Public Rights-of-Way. Permission from the Department of Public Works is required before any sign may be placed in a public right-of-way, irrespective of whether or not it requires a zoning permit."	
105 3009.H(12) Portable Signs. Add reference to city's sandwich board sign guidelines.	Revise to read "... and in accordance with the city's sandwich board guidelines (available from the Department of Public Works) and the following:"	
106 3009.H(12)(e) Portable Signs. DPW recommends increasing the minimum clear width of the sidewalk from 3 feet to 4 feet.	Revise to read "...does not restrict the sidewalk to a clear width of less than 4 feet."	
107 3303.A Traffic Standards. Retain prohibition from adopted zoning on development that would reduce the LOS for minor streets by more than two levels.	Add "(4) For proposed development that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour, that the level of service on minor streets (streets with an average daily traffic level of less than 1,500 trips) will not decrease by more than two levels following mitigation.	
108 3303.B Traffic Impact Study. Reference VTrans Traffic Impact Study policy.	Revise to read "A traffic impact study prepared by a qualified professional in accordance with VTrans' traffic impact study policy must be..."	
109 3304.A Character of the Neighborhood. Recommendation to revise first sentence to reference not only Part 2, but also Subsection 3304.B.	No change recommended. The descriptions of the character of each neighborhood is in Part 2. Subsection 3304.B are the criteria for determining whether proposed development is compatible with that character.	
110 3401.E Infill Housing Development Use. Recommendation to make it more clear that only housing is allowed in these PUDs.	Add a second sentence, "Non-residential uses are not allowed within an infill housing development irrespective of whether they are allowed within the applicable district."	
111 3401.E Infill Housing Development Use. Concern about allowing all types of housing in these PUDs.	No change recommended. There are plenty of other elements of the regulations that will also influence the scale of infill that is possible. The PUD will also have to meet the "character of the neighborhood" test.	
112 3403.B (3). Manufactured home parks. Recommendation to not offer a density bonus for manufactured home parks.	No change recommended. This language aligns with similar language for the cottage cluster housing. Not offering a bonus for manufactured home parks could be viewed as discriminatory under state statute if bonuses are offered for other forms of housing.	
113 350. Subdivision Standards. DPW recommends including traffic impact standards similar to adopted zoning 702.C.	Add a new section to the chapter that mirrors the traffic standards for conditional uses (Section 3303) as revised.	
114 3502 Capacity of Community Facilities and Services. DPW recommended eliminating solid waste disposal as it is not a city-provided service.	No change recommended. This list of community facilities and services is consistent with state statute.	
115 3505.A Streets. Need to clarify confusion in definition of driveway and street.	Revise to read "A vehicular way that provides access to more than 3 lots will be considered a street."	
116 3505.A Streets. Add minimum standards for turnarounds and cul-de-sacs.	No change recommended. Paragraph (5) references VTrans A-76 and the city's public works specifications. These include minimum standards for turnarounds and cul-de-sacs.	
117 3505.A Streets. Add a provisions related to street naming.	Add a new paragraph "Street Names and Signs. The applicant must name streets and install street signs in accordance with state and city requirements."	
118 3505.A(1) Add reference to emergency vehicle access.	Add "Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles."	
119 3505.A(10) Street Grade. DPW recommends replacing this paragraph with provisions from adopted zoning (702.B(9)).	No change recommended. The two provisions are very similar - setting a maximum grade of 10% and allowing short sections to be steeper. Proposed zoning is specifies that grade will be measured over any 100-foot section, which adopted zoning does not - making it clearer to administer.	

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120 3505.E(2) Public and Private Utilities. Clarify the language related to easements.	Revise second sentence to read "The applicant must provide the city with a maintenance and access easement for any utilities not located within a street right-of-way."	
121 3506. Character of the Neighborhood. Recommendation to eliminate this section in the subdivision standards and cross reference to 3304.A (character of the area in conditional use standards).	No change recommended. Subsection 3304.A is mostly standards that would not be applicable to subdivisions (architectural compatibility, lighting, noise).	
122 4302. Site Plan Review. Include a sample site plan in the regulations.	No change recommended. All application requirements are being removed from the regulations to facilitate administrative updates of those requirements. A sample site plan could be part of that application guidance.	
123 4406.D Language that was being cross-referenced was previously removed and cross-reference is no longer valid.	Delete cross-reference.	
124 5301.B(4) Bicycle rack definition needs to be revised.	BICYCLE RACK means a inverted U design metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, allows the bicycles to be locked to the frame with standard user-supplied locks, and is sufficiently separated from vehicular use areas to protect parked bicycles from damage.	
125 5301.D Add definition of damaged structure	DAMAGED STRUCTURE means a structure that has suffered an unintentional partial loss.	
126 5301.D Add definition of demolish	DEMOLISH means to intentionally remove all or part of a structure.	
127 5301.D Add definition of destroyed structure	DESTROYED STRUCTURE means a structure that has suffered an unintentional total loss.	
128 5301.D Add definition of drive-in establishment.	DRIVE-IN ESTABLISHMENT means a business designed and operated to primarily provide products or service to customers who remain in their motor vehicles, which are located in a designated parking space, and who typically consume the product or service on-site.	
129 5301.D Add definition of drive-through facility.	DRIVE-THROUGH FACILITY means a building opening or a mechanical device through which a business provides products or services to customers who remain in their motor vehicles, which are not located in a designated parking space, and who typically do not consume the product or service on-site.	
130 5301.D Add definition of driveway.	DRIVEWAY means a vehicular way that provides access from a street to a parking space, loading area, garage or other structure on private property, and that serves not more than 3 lots.	
131 5301.L Add definition of lot area.	LOT AREA means the total horizontal area within a lot's property lines, including land over which easements have been granted but excluding any land within a street right-of-way.	
132 5301. S Add definition of street.	STREET means any vehicular way that serves as the principal means of providing access to abutting property and that is not a driveway.	
133 Cross references to chapters need to be fixed.	Fix broken chapter cross references throughout the document.	
134 Conservation Commission requests more notification of applications so they can review to determine whether to comment. (Proposed draft requires consultation with CC for New Neighborhood, Conservation Subdivision PUDs, and subdivisions affecting land shown on the Natural Resources Inventory Map. It does not include any additional notification of the CC of development applications.)	No change is recommended. Administrative Officer has the discretionary authority to request CC review of applications. Requiring all applications to be forwarded to CC is counter to goal of streamlining the permitting process.	
135 Conservation Commission requests that language regarding wetlands and vernal pools that was removed from the draft be put back. They think city regulation of wetlands and vernal pools is needed because state mapping is not detailed enough, missing smaller local features, and small-scale development may fall under state protection thresholds.	No change is recommended. CC indicates that it will be updating its mapping of local wetlands and vernal pools this spring. This issue could be reconsidered once that mapping is complete and the PC has a better understanding of what resource features are not being adequately protected by state regulation.	

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COMMENT	RECOMMENDATION	PLANNING COMMISSION ACTION
136 1101 General Exemptions. Break into two subsections - one that applies citywide and one that only applies outside design review district.	Revise as follows: 1101.A "A zoning permit is not required for the following land development..." then leave paragraphs 1, 2, 3, 4, 8, 10, 11, 13, 14, 15 and 16 in this subsection. 1101.B "Except within the Historic Design Review Overlay District, a zoning permit is not required for the following land development..." then move paragraphs 5, 6, 7, 9 and 12 to this subsection. Delete 2201.C(6) it will no longer be needed.	
137 1101 General Exemptions. Add exemption for bulkheads.	Add another paragraph to 1101.B for "Bulkheads"	
138 1101 General Exemptions. Add exemption for dormers.	Add another paragraph to 1101.B for "Dormers"	
139 1204 Abandonment and Discontinuance. Need to clarify language.	Revise "...if it has been abandoned or discontinued for a 12-month period." to read "...if it has been abandoned or replaced with a new use." throughout this section. Retitle section "Abandonment"	
140 1206.B Language is unclear.	Revise to read "The Administrative Officer may grant one or more extensions in 6- to 12- month increments as most appropriate to the situation for a total of not more than 30 months upon finding that..."	
141 210 Zoning Districts. Concerned about "neighborhood character" subsections in each district. They could be used by neighbors to oppose infill development or increased density. Language should be firmed up or deleted. If neighborhood character language is to remain, it should describe the desired future character of the neighborhood not the existing character.	No change recommended at this time. Neighborhood descriptions should be re-examined following update of city plan.	
142 210 Zoning Districts. Concerned about use of the term "compatible." Recommend looking at the City of Portland Infill Design Toolkit for a better definition of the term.	Add a definition of compatibility to 5301.C as follows: "COMPATIBILITY means the characteristics of proposed land uses or development that allows it to be located near or adjacent to other land uses or development in harmony. Compatibility does not mean "the same as." It is not about maintaining the existing density on a street or replicating the architectural styles of nearby buildings. Rather, compatibility is about responding to neighborhood patterns so that change can be accommodated while maintaining or enhancing neighborhood character."	
143 2101.D Materially Similar Uses. Revise to more closely reflect current practice.	Delete Paragraph (1). Revise Paragraphs (2) and (3) to read "...as that listed use..." deleting the "in the same zoning district" portion of each.	
144 2103.F(1)(a) Architectural Standards. This standard is not clear and is too specific. It should be removed. Same comments for 2104.F(1)(a) and 2105.F(1)(a).	No change recommended.	
145 2103.F(2) Urban Center Architectural Standards. Alignment requirement cannot be achieved in many cases due to building codes and flood regulations. Many historic buildings are not aligned and look great. This standard should be removed.	No change recommended. This provision includes a "to the maximum extent feasible" to accommodate site specific conditions.	
146 2107. Mixed Use Residential District. Concerned about allowing additional commercial uses in areas that are predominately residential and encouraging conversion of existing residential to commercial use. Make all commercial uses in MUR conditional.	No change recommended. The only permitted commercial uses in MUR are professional services (office) and food services contractor (catering). All the others are already conditional. Even the permitted commercial uses will require site plan review.	
147 2107. Mixed Use Residential District. Eliminate this district entirely and re-zone those properties to HDR.	No change recommended. The district was drawn to encompass existing nonresidential uses and higher density multi-family housing that would be nonconforming in the HDR district.	
148 2107. Mixed Use Residential District. Re-zone Main Street from the roundabout to Lincoln Ave to HDR.	No change recommended.	

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149	2107. Mixed Use Residential District. Re-zone the neighborhoods to the north and south of the Main Street corridor from the roundabout to Lincoln Ave to HDR.	No change recommended.	
150	2107. Mixed Use Residential District. Re-zone the properties on College Street north of East State St to HDR.	No change recommended.	
151	2107. Mixed Use Residential District. Remove the section of East State Street from Hubbard to West Street from MUR, except for the Primmer Piper property.	No change recommended.	
152	Figure 2-12 HDR Dimensional Standards. Increase minimum lot size to 4,000 sf and maximum density to 1 du / 4,000 sf.	No change recommended.	
153	Figure 2-14 MDR Dimensional Standards. Increase minimum lot size to 8,000 sf and maximum density to 1 du / 8,000 sf.	No change recommended.	
154	Figure 2-16 LDR Dimensional Standards. Increase minimum lot size to 12,000 sf and maximum density to 1 du / 12,000 sf.	No change recommended.	
155	2201 Historic Design Review. Do not expand area subject to design review.	No change recommended. The area subject to design review is not expanding. The boundaries are being aligned with the National Register Historic District as called for in the city plan. This results in a lot of land being removed from the design review district (ex. the area around National Life and only a small amount of land being added that was not previously within the overlay district. The Cliffside neighborhood is currently in the design review overlay and as it is in the National Register District, the recommendation remains for it to stay in the design review overlay.	
156	2201.G Historic Design Review General Standards. Cite the Secretary of Interior Standards verbatim.	No change recommended. The only change to the text of the standards is to use “must” instead of “shall” which is consistent with usage throughout the regulations. Part 5 includes a statement that “must” and “shall” are synonymous.	
157	2201.H Historic Design Review Specific Standards. Clarify language related to non-historic replacements.	Replace the phrase “20th century” in various subsections with a more specific reference to replacements less than 50 years old as follows: (1) “...typically not including replacement windows and doors that are less than 50 years old...” (4) “...typically not including replacement roofing materials that are less than 50 years old...” (6) “...typically not including replacement siding that is less than 50 years old...”	
158	2201.H(6) Replacing Historic Siding. Do not allow use of fiber cement because it is not durable under wet conditions.	No change recommended.	
159	2201.H(10)(b) Need to fix reference.	Revise to read “Design Review Committee”	
160	Figure 3-07. Minimum Parking Ratios. Increase minimum parking space requirement for residential to 1.5 spaces per DU in RIV, MUR and HDR and to 2.0 spaces in MDR, LDR and RL. Concerned about on-street parking in neighborhoods that currently don't have cars parking on the street.	No change recommended. The intent is to set a the minimum requirement low so that the zoning does not require excess parking where it is not needed. On-street parking could not be used to meet the minimum parking requirements under the draft regulations. The minimum required parking must be on-site unless the DRB approves a plan for off-site (which would also have to be off-street) parking.	
161	3117.D Fueling Station. A convenience store is allowed as an accessory use to a fueling station but the size is limited to 3,000 sf. Do not limit the size of convenience stores.	No change recommended. The PC decided not to allow most retail and restaurant uses in the EG, where fueling stations are allowed, in order to guide retail and dining activity downtown. Limiting the size of convenience stores is consistent with that policy.	
162	3201 Design and Compatibility. Eliminate use of term “compatibility” from this section.	No further change recommended. See recommended addition of definition of “compatibility” above.	

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163 3401.B Infill Housing PUD Applicability. Allow infill housing PUDs in LDR district.	Revise to add Low Density Residential district to list.	
164 3401.B Infill Housing PUD Applicability. Do not allow infill housing PUDs in MDR district.	No change recommended.	
165 3401.C Infill Housing PUD Density Bonus. Reduce density bonuses from 25-50% to 20-40%.	No change recommended.	
166 3401.I Infill Housing PUD Parking. Do not eliminate parking requirement for senior or affordable housing in the MDR or LDR districts.	No change recommended.	
167 5301.S Add definition of solar energy device.	SOLAR ENERGY DEVICE means a device that transforms direct solar energy into thermal, chemical or electrical energy including, but not limited to, solar hot water systems and solar photovoltaic systems.	

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