

RESPONSE TO COMMENTS RECEIVED ON THE DRAFT MONTPELIER UNIFIED DEVELOPMENT REGULATIONS (7 MAR 2016)

COMMENT	RECOMMENDATION	PLANNING COMMISSION ACTION
229 1101.A(15) Exemptions. Revise to read “Grading, filling or excavating that results in the movement of not more than 20 cubic yards of material as long as it includes appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure or downstream water bodies...”	Revise to read “Grading, filling or excavating, which is not part of approved construction activities or is not commercial mining, extraction or quarrying, that: (a) Results in the movement of not more than 20 cubic yards...; and (b) Does not result in sedimentation of downstream waterways, or flooding or ponding of water on abutting property or public rights-of-way.”	
230 1203.E Expansion of Nonconforming Structures. Eliminate administrative review and require all expansions to nonconforming structures to obtain DRB approval.	No change recommended. This provision is consistent with goal of streamlining the permitting process. It does not allow further encroachment beyond the building line without DRB approval. It does not relieve the applicant from design review or flood hazard regulations when those are applicable.	
231 1204.C Reestablishment of Nonconforming Use. Reduce the period of time to reestablish a use discontinued due to damage to the structure from 5 years to 2 years.	No change recommended. It is common for reconstruction of damaged structures to take longer than 2 years often due to insurance issues. Section 1206 establishes a reasonable process for ensuring that a property is owner is diligently pursuing reconstruction after damage.	
232 2001 Base Zoning Districts. Keep the proposed zoning district boundaries and do not reduce proposed densities, particularly the MDR designation on upper Main Street and Sabin’s Pasture.	No change recommended.	
233 2109 MDR District. The re-zoning of 250 Main St. is spot zoning intended to benefit a private developer. While none of the zoning districts in the draft regulations fit this property well, it would be preferable for it to be in the proposed LDR rather than MDR district. Ideally, there would be special requirements just for this property that would limit redevelopment to adaptive re-use of the existing buildings and require preservation of the existing open space.	Essentially the same as comment 179. No change recommended.	
234 Figure 2-14 MDR Use Table. Multi-family housing be allowed in the MDR as a conditional use.	No change recommended. Up to 4-unit multi-family buildings would be allowed in the district. Multi-family buildings with 5+ units would be possible as an infill housing development PUD. This is consistent with the goals of balancing infill housing with protection of neighborhood character.	
235 2111 LDR District. Re-zone the properties on Elm St between the Recreation Field and the North Branch Nature Center from LDR to MUR.	No change recommended. While there are nonresidential uses in this area, they are allowed in the LDR district as either permitted (nature or recreational park) or conditional (college or university, child daycare) uses.	
236 Figure 3-01 Accessory Structures and Uses. Keep a minimum 5-foot setback for accessory structures.	No change recommended. Structures like berms, fences, walls, gates and mailboxes are typically installed along property lines.	
237 3008.C(3) Waiver of Parking Requirements. Eliminate waiver for on-site parking.	No change recommended. This provision gives the DRB the authority to modify the parking standards to meet needs of the use and the characteristics of the location.	
238 3203.E(4) Lighting Zones. List of districts needs to be updated.	Revise to read “(4) Lighting Zone 1 encompasses the Mixed Use Residential, High Density Residential, Medium Density Residential, Low Density Residential, Rural and Municipal zoning districts.”	
239 3205.C Solar Shading Standards. Change the 0.33 in the formula to 0.16 to better protect solar access on adjoining properties.	No change recommended. 0.33 results in an outcome that more closely achieves the standard that shading not exceed the shading caused by a hypothetical 25-foot wall on the property line.	
240 3401.A(2). The term “underutilized” is not defined.	Add to Subsection 5301.U “UNDERUTILIZED LOT means a developed lot that could be redeveloped or further developed under the standards of these regulations in a manner that would result in an increase in the number of dwelling units per acre and/or a higher floor area ratio on the lot.”	

NO CHANGE PROPOSED

CHANGE TO CORRECT/CLARIFY LANGUAGE

ORGANIZATIONAL CHANGE

CHANGE TO TECHNICAL STANDARD

POLICY RELATED CHANGE

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241	3401.C Infill Housing Density Bonus. It is unclear how non-dwelling unit housing types (nursing facilities, SROs, dormitories) would be treated under this section.	No change recommended. The density bonus applies to only dwelling units. The density of non-dwelling unit housing types is regulated by floor area ratio and this section does not offer any bonus for increased FAR.	
242	3402.J Cottage Cluster Community Buildings. Revise to read “The development may include one or more community buildings... that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters, storage, laundry, workshop and farming as follows...”	Revise to read “The development may include one or more community buildings... that would serve residents by providing amenities including, but not limited to, multi-purpose recreation or entertainment, food preparation and dining, laundry, library, daycare, guest quarters, or storage or workshop space as follows...”	
243	3404 New Neighborhood Development. Include density bonuses for affordable housing.	Recommend including the same bonus granted for infill housing PUDs (Subsection 3401.C) in this section. This will likely not be a meaningful incentive for the larger parcels like Sabin’s or Crestview that would have greater development potential than is likely to be realized under the base zoning district density, but could be meaningful for smaller projects.	
244	3404 New Neighborhood Development. A minimum percentage of single-family housing should not be required in a new neighborhood PUD as single-family housing is not an efficient use of the limited amount of developable land in the city, or at least the minimum required should be reduced (proposed at 30% minimum and 80% maximum).	No change recommended. The goal is to create diverse neighborhoods with a variety of housing options.	
245	34052.H Conservation Subdivision Community Buildings. Revise to read “The development may include one or more community buildings... that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters, storage, laundry, workshop and farming.”	Revise to read “The development may include one or more community buildings... that would serve residents by providing amenities including, but not limited to, multi-purpose recreation or entertainment, food preparation and dining, laundry, library, daycare, guest quarters, community gardening or farming, or storage or workshop space.”	
246	Berlin Street is being referred to as River Street.	Check uses of River Street throughout regulations and on map and change to Berlin Street where needed.	

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