

TABLE OF CONTENTS

Table of Contents

| | |
|--|----------------|
| PART 1. GENERAL | 1-1 |
| Chapter 100. Legal Framework | 1-1 |
| Section 1001. Title, Enactment and Authority | 1-1 |
| Section 1002. Purpose | 1-1 |
| Section 1003. Equal Treatment of Housing | 1-1 |
| Section 1004. Applicability | 1-1 |
| Section 1005. Conflict with Other Laws | 1-2 |
| Section 1006. Effective Date | 1-2 |
| Section 1007. Amendment or Repeal | 1-2 |
| Section 1008. Severability | 1-2 |
| Section 1009. Disclaimer of Liability | 1-2 |
| Chapter 110. Exemptions | 1-3 |
| Section 1101. General Exemptions | 1-3 |
| Section 1102. Agriculture and Forestry | 1-5 |
| Section 1103. Utility, Energy and Telecommunications Infrastructure | 1-5 |
| Chapter 120. Vested Rights & Pre-Existing Development | 1-6 |
| Section 1201. Prior Permits and Approvals | 1-6 |
| Section 1202. Complete Applications | 1-6 |
| Section 1203. Nonconformities | 1-6 |
| Section 1204. Abandonment | 1-7 |
| Section 1205. Incomplete Land Development | 1-7 |
| Section 1206. Damaged or Destroyed Structures | 1-8 |
| Chapter 130. Miscellaneous Provisions | 1-9 |
| Section 1301. Information Points | 1-9 |
| Section 1302. Illustrations | 1-9 |
| Section 1303. Calculating Time | 1-9 |
| PART 2. ZONING DISTRICTS & STANDARDS | 2-1 |
| Chapter 200. General Provisions | 2-1 |
| Section 2001. Establishment of Base Zoning Districts & Neighborhoods | 2-1 |
| Section 2002. Establishment of Overlay Zoning Districts | 2-1 |
| Section 2003. Official Zoning Map | 2-2 |
| Section 2004. Zoning District Boundaries | 2-2 |
| Chapter 210. Base Zoning Districts & Neighborhoods | 2-3 |
| Section 2101. Urban Center 1 (UC 1) District & Neighborhoods | 2-3 |
| Section 2102. Urban Center 2 (UC 2) District | 2-6 |
| Section 2103. Riverfront (RIV) District & Neighborhoods | 2-8 |
| MONTPELIER UNIFIED DEVELOPMENT REGULATIONS | |
| FINAL DRAFT (12/8/2016) | |

Deleted: 2-9

Deleted: 12/8/16

TABLE OF CONTENTS

Section 2104. Eastern Gateway (EG) District & Neighborhoods [2-11](#)
Section 2105. Western Gateway (WG) District & Neighborhoods [2-13](#)
Section 2106. Mixed Use Residential (MUR) District & Neighborhoods [2-15](#)
Section 2107. Residential 1500 (RES 1.5) District [2-17](#)
Section 2108. Residential 3000 (RES 3) District & Neighborhoods [2-19](#)
Section 2109. Residential 6000 (RES 6) District & Neighborhoods [2-21](#)
Section 2110. Residential 9000 (RES 9) District & Neighborhoods [2-23](#)
Section 2111. Residential 17000 (RES 17) District [2-25](#)
Section 2112. Rural (RL) District & Neighborhoods [2-26](#)
Section 2113. Municipal (MUN) District & Neighborhoods [2-28](#)

Chapter 220. Overlay Zoning Districts [2-34](#)
Section 2201. Historic Design Review Overlay District [2-34](#)

Deleted: 2-14

PART 3. DEVELOPMENT STANDARDS [3-41](#)

Chapter 300. General Standards [3-41](#)
Section 3001. Use Standards [3-41](#)
Section 3002. Dimensional Standards [3-41](#)
Section 3003. Accessory Structures and Uses [3-48](#)
Section 3004. Demolition [3-49](#)
Section 3005. Riparian Areas [3-49](#)
Section 3006. Wetlands and Vernal Pools [3-51](#)
Section 3007. Steep Slopes [3-52](#)
Section 3008. Erosion Control [3-54](#)
Section 3009. Stormwater Management [3-55](#)
Section 3010. Access and Circulation [3-55](#)
Section 3011. Parking and Loading Areas [3-57](#)
Section 3012. Signs [3-62](#)

Chapter 310. Special Use Standards [3-72](#)
Section 3101. Fences and Walls [3-72](#)
Section 3102. Temporary Construction-Related Structures and Uses [3-72](#)
Section 3103. Community Facilities [3-73](#)
Section 3104. Accessory Dwelling Unit [3-73](#)
Section 3105. Home Occupation, Home Business and Home Industry [3-73](#)
Section 3106. Child Day Care Homes and Facilities [3-74](#)
Section 3107. Group Home [3-75](#)
Section 3108. Camping [3-75](#)
Section 3109. Campgrounds [3-75](#)
Section 3110. Bed-and-Breakfast or Inn [3-76](#)
Section 3111. Rooming or Boarding House [3-76](#)
Section 3112. Hotel or Motel [3-77](#)
Section 3113. Automobile Repair or Service [3-77](#)
Section 3114. Car Wash [3-78](#)
Section 3115. Drive-Through Facility or Drive-In Establishment [3-78](#)
Section 3116. Fueling Station [3-79](#)

Deleted: 12/8/16

TABLE OF CONTENTS

Section 3117. Neighborhood Market..... [3-79](#)
Section 3118. Mini-Warehouse (Self-Storage Facility) [3-80](#)
Section 3119. Satellite Dish Antennas [3-80](#)
Section 3120. Energy Generation Facilities [3-81](#)
Section 3121. Utility Facilities..... [3-81](#)
Section 3122. Wireless Communications Facilities [3-81](#)
Section 3123. Rural Enterprises [3-87](#)
Section 3124. Extraction Operations..... [3-88](#)

Chapter 320. Site Plan Standards [3-92](#)
Section 3201. Major/Minor Site Plan Determination [3-92](#)
Section 3202. Access and Circulation..... [3-92](#)
Section 3203. Landscaping and Screening [3-93](#)
Section 3204. Outdoor Lighting [3-96](#)
Section 3205. Outdoor Seating, Display or Storage [3-100](#)
Section 3206. Solar Access and Shading and Energy Conservation [3-101](#)
Section 3207. Design and Compatibility [3-103](#)

Chapter 330. Conditional Use Standards [3-106](#)
Section 3301. Applicability [3-106](#)
Section 3302. Capacity of Community Facilities and Utilities [3-106](#)
Section 3303. Traffic [3-106](#)
Section 3304. Character of the Neighborhood [3-107](#)
Section 3305. Performance Standards [3-108](#)
Section 3306. Conditions of Approval..... [3-109](#)

Chapter 340. Planned Unit Development Standards [3-110](#)
Section 3401. Infill Housing Development [3-110](#)
Section 3402. Cottage Cluster Development [3-111](#)
Section 3403. Manufactured Home Park..... [3-113](#)
Section 3404. New Neighborhood Development [3-114](#)
Section 3405. Conservation Subdivision [3-118](#)
Section 3406. Campus Development [3-120](#)

Chapter 350. Subdivision Standards [3-123](#)
Section 3501. Applicability [3-123](#)
Section 3502. Capacity of Community Facilities and Utilities [3-123](#)
Section 3503. Suitability of the Land [3-123](#)
Section 3504. Traffic [3-123](#)
Section 3505. Design and Configuration of Parcel Boundaries [3-124](#)
Section 3506. Design and Layout of Necessary Improvements..... [3-125](#)
Section 3507. Character of the Neighborhood and Settlement Pattern [3-130](#)
Section 3508. Renewable Energy and Energy Conservation [3-130](#)
Section 3509. Natural Resource Protection [3-130](#)
Section 3510. Lot Line Adjustment and Lot Merger [3-131](#)

TABLE OF CONTENTS

| | |
|---|-------------|
| PART 4. ADMINISTRATIVE PROCEDURES | 4-1 |
| Chapter 400. Functions and Responsibilities | 4-1 |
| Section 4001. Administrative Officer | 4-1 |
| Section 4002. Development Review Board | 4-1 |
| Section 4003. Advisory Committees | 4-1 |
| Chapter 410. Fees and Filing Requirements | 4-3 |
| Section 4101. Fee Schedule | 4-3 |
| Section 4102. Performance Bonds | 4-3 |
| Section 4103. As-Built Drawings | 4-3 |
| Chapter 420. Zoning Permit Procedures | 4-4 |
| Section 4201. Applying for a Zoning Permit | 4-4 |
| Section 4202. Reviewing and Referring a Zoning Permit Application | 4-5 |
| Section 4203. Approving or Denying a Zoning Permit Application | 4-5 |
| Section 4204. Zoning Permit Effect, Expiration and Extension | 4-6 |
| Section 4205. Amending a Zoning Permit or Site Plan | 4-6 |
| Section 4206. Revoking a Zoning Permit | 4-7 |
| Section 4207. Certificate of Compliance | 4-7 |
| Chapter 430. Development Review Procedures | 4-9 |
| Section 4301. Design Review | 4-9 |
| Section 4302. Conservation Commission Review | 4-9 |
| Section 4303. Site Plan Review | 4-10 |
| Section 4304. Conditional Use Review | 4-10 |
| Section 4305. Combined Review | 4-11 |
| Section 4306. Modification of Approved Plans | 4-11 |
| Chapter 440. Subdivision and PUD Review Procedures | 4-12 |
| Section 4401. Applicability | 4-12 |
| Section 4402. Pre-Application Conference | 4-12 |
| Section 4403. Sketch Plan Review | 4-12 |
| Section 4404. Final Plan Review | 4-13 |
| Section 4405. Subdivision Plat Filing | 4-13 |
| Section 4406. Modification of Approved Plats | 4-14 |
| Chapter 450. Notice, Hearing & Decision Procedures | 4-15 |
| Section 4501. Notifying the Public about a Hearing | 4-15 |
| Section 4502. Site Visits | 4-15 |
| Section 4503. Conducting a Hearing and Taking Evidence | 4-16 |
| Section 4504. Recessing a Hearing | 4-16 |
| Section 4505. Issuing a Decision | 4-16 |
| Chapter 460. Appeal Procedures | 4-19 |
| Section 4601. Appeal of an Administrative Action or Decision | 4-19 |
| Section 4602. Waivers | 4-20 |
| Section 4603. Variances | 4-20 |
| Section 4604. Appealing of a Development Review Board Decision | 4-21 |

Deleted: 12/8/16

TABLE OF CONTENTS

Chapter 470. Enforcement Procedures 4-23
Section 4701. Investigation and Action by the Administrative Officer..... 4-23
Section 4702. Liability and Penalties for Violations..... 4-23
Section 4703. Municipal Civil Complaint Ticket..... 4-23
Section 4704. Notice of Violation 4-24

PART 5. DEFINITIONS 5-1

Chapter 500. Interpretation 5-1
Section 5001. General..... 5-1

Chapter 510. Defined Terms..... 5-2

Deleted: 12/8/16

PART 1. GENERAL

Chapter 100. Legal Framework

The purpose of this chapter is to establish a legal foundation for these regulations.

Section 1001. Title, Enactment and Authority

1001.A These are the City of Montpelier's *Unified Development Regulations* and constitute the city's zoning and subdivision regulations.

1001.B The Montpelier City Council has adopted these regulations in accordance with and as authorized by the *Vermont Planning and Development Act*, 24 VSA Chapter 117.

Section 1002. Purpose

1002.A These regulations implement the policies of the *Montpelier Master Plan* and the *Vermont Planning and Development Act*. They are intended to:

- (1) Ensure that land development protects public health, safety and welfare;
- (2) Promote land development that protects and conserves natural, agricultural, scenic and historic resources;
- (3) [Promote](#) housing to meet the needs of residents; and
- (4) Promote approaches to land use and development that are consistent with smart growth principles.

Deleted: Allow for

Section 1003. Equal Treatment of Housing

1003.A These regulations are intended to allow the development of housing in accordance with statutory requirements as follows:

- (1) Mobile or manufactured homes, modular homes and prefabricated homes are allowed in Montpelier to the same extent as conventional homes.
- (2) Mobile or manufactured home parks are allowed to the same extent as other residential subdivisions or developments.
- (3) Multi-family housing is allowed in appropriate districts.

Section 1004. Applicability

1004.A Unless specifically exempted in these regulations (see Chapter 110), all land development in the City of Montpelier requires a zoning permit issued in accordance with these regulations.

Land development means constructing, installing, demolishing, reconstructing, converting, structurally altering, relocating or enlarging any structure; mining, excavating, filling or grading land; removing natural woody vegetation from within water setbacks; changing or extending the use of land or a structure; adjusting or relocating the boundary between two lots; or dividing a lot into two or more lots.

Deleted: 12/8/16

PART 1. GENERAL
Chapter 100. General

Section 1005. Conflict with Other Laws

- 1005.A If any provision of these regulations is more restrictive than any other law or regulation, the provision of these regulations will apply.
- 1005.B 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

Section 1006. Effective Date

- 1006.A The Montpelier City Council adopted these regulations on [INSERT ADOPTED DATE] and they became effective on [INSERT EFFECTIVE DATE].

Section 1007. Amendment or Repeal

- 1007.A These regulations may be amended or repealed at any time in accordance with state law and the city charter.

Section 1008. Severability

- 1008.A If a court of competent jurisdiction invalidates any provision of these regulations, that decision will not affect the validity, application or enforcement of the remaining provisions of these regulations.

Section 1009. Disclaimer of Liability

- 1009.A These regulations do not create any liability on the part of the city, its officials, agents, employees or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

Chapter 110. Exemptions

I *The purpose of this chapter is to allow minor land development without a zoning permit and recognize the land development that is exempted from local zoning by state or federal law.*

Section 1101. General Exemptions

1101.A A zoning permit is not required for the following land development:

- (1) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety and to protect the structure from the elements. Further land development beyond the minimum necessary to stabilize and secure the structure will require a zoning permit (see Section 1206 and Section 3004).
- (2) Normal maintenance and repair of an existing structure as long as there is no change to its use or exterior dimensions.
- (3) An increase in the floor area of a residence (by finishing unfinished space) as long as there is no change to its exterior dimensions and no change in the number of dwelling units.
- (4) Any unroofed garden structure (ex. arbor, trellis, pergola) that is not more than 10 feet in height and that conforms to setback requirements (see Section 3001).
- (5) A television antenna, radio antenna, satellite dish or similar device used to provide on-site communication service that meets the standards below. These devices may exceed district height requirements, but must conform to setback requirements. These devices should be installed on the least visible location on the building or property where they can reasonably function.
 - (a) A roof-, wall-, or ground-mounted dish antenna with a face(s) not more than 15 square feet in area.
 - (b) A roof- or wall-mounted antenna that does not extend more than 12 feet above the roofline of the building it is attached to.
 - (c) A freestanding amateur radio antenna and its supporting structure that does not extend more than 50 feet above the ground.
- (6) An antenna used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes.
- (7) Garage sales, yard sales, auctions or similar activities that do not occur on a property for more than 3 consecutive days and for more than 12 days in any calendar year.
- (8) Use of public or private land for hunting, fishing or trapping in accordance with state regulations. This does not include related recreational facilities, such as firing ranges or rod and gun clubs.
- (9) Minor 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 of material for normal maintenance of roads, driveways, parking areas, yards, and personal or community gardens, and

Deleted: 12/8/16

PART 1. GENERAL
Chapter 110. Exemptions

- (b) Provides appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure or downstream waterbodies.

(10) Construction or maintenance of a road, sidewalk, path, bridge, culvert or other infrastructure within a public right-of-way.

(11) Landscaping and outdoor lighting associated with single- and two-family parcels.

1101.B Except within the Historic Design Review Overlay District, a zoning permit is not required for the following land development:

- (1) Any accessory structure ancillary to a residential use that:
 - (a) Is less than 100 square feet in floor area;
 - (b) Is less than 10 feet in height if it has a flat roof or less than 12 feet in height if it has a pitched roof; and
 - (c) Conforms to setback and lot coverage requirements (see Section 3001).
- (2) A solar energy device installed on and projecting not more than 10 feet above a sloped roof, or a solar energy device of any height installed on a flat roof (any roof with a slope of not more than 5%).
- (3) A swimming pool without a permanent foundation that conforms to setback requirements (see Section 3001).
- (4) A patio, terrace, deck or similar unroofed structure ancillary to a residential use that is not more than 300 square feet in area and that conforms to setback and lot coverage requirements (see Section 3001).
- (5) An entry landing up to 25 square feet and any associated handicapped ramp or stairs provided that they are uncovered and that none of these features extend into the right-of-way.
- (6) Bulkheads that conform to setback requirements.
- (7) Dormers.

Deleted: 12/8/16

PART 1. GENERAL
Chapter 110. Exemptions

Section 1102. Agriculture and Forestry

1102.A A zoning permit is not required to farm or harvest timber in accordance with the state's regulations and accepted practices.

I *The Vermont Agency of Agriculture establishes and enforces various rules and regulations for farming, including the Accepted Agricultural Practices (AAPs). The Vermont Division of Forestry establishes and enforces various rules and regulations for timber harvesting, including the Acceptable Management Practices (AMPs).*

1102.B A zoning permit is not required to build a farm structure as follows:

- (1) The landowner must complete a zoning permit application.
- (2) The Administrative Officer will not charge an application fee and will not issue a zoning permit for an exempt farm structure.
- (3) Except for a fence or wall used for agricultural purposes, an exempt farm structure must meet setback requirements unless the applicant provides the Administrative Officer with a written waiver from the Vermont Secretary of Agriculture.
- (4) An exempt farm structure may exceed building height or footprint and lot coverage requirements.

1102.C A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

Section 1103. Utility, Energy and Telecommunications Infrastructure

1103.A A zoning permit is not required for any land development that receives a Certificate of Public Good from the Public Service Board including, but not limited to:

- (1) Electric transmission facilities;
- (2) Electric generation facilities (including small, net-metered renewable energy systems);
- (3) Gas pipelines; and
- (4) Telecommunication facilities.

1103.B A zoning permit is not required for telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

Deleted: 12/8/16

Chapter 120. Vested Rights & Pre-Existing Development

The purpose of this chapter is to preserve the rights of property owners to maintain lawfully established uses or structures and of applicants who have lawfully filed for and/or received permits or approvals when there are changes to these regulations. It is also to specify how these regulations affect pre-existing land development.

Section 1201. Prior Permits and Approvals

- 1201.A If the Administrative Officer lawfully issued a zoning permit before these regulations were adopted or amended, the applicant will not need a new or amended permit for the project except:
- (1) If the land development is not substantially completed or an extension is not received before the permit expires, the applicant will need to apply for a new zoning permit under the current regulations (see Section 4204).
- 1201.B If an applicant received approval for a phased project before these regulations were adopted or amended, the Administrative Officer will issue permits for the land development as approved irrespective of any change in these regulations except:
- (1) If the phased project as a whole is not substantially completed within the timeframe specified in the approval, the applicant will need to apply for a new permit under the current regulations.
- 1201.C If an applicant lawfully filed an approved subdivision plat in the city's land records, the plat will remain valid and will not expire irrespective of any change in these regulations.

Section 1202. Complete Applications

- 1202.A An application will be reviewed based on the regulations in effect when the Administrative Officer determines it is complete.

Section 1203. Nonconformities

- 1203.A This section applies to all nonconformities, which are lots, structures and uses that:
- (1) Legally existed on the effective date of these regulations;
 - (2) Do not comply or conform to the provisions of these regulations; and
 - (3) Did comply or conform to any and all applicable laws, ordinances and regulations in place at the time they were created, constructed or commenced.
- 1203.B A nonconformity may continue to exist unchanged indefinitely.
- 1203.C A lot that is legally subdivided, separately owned from surrounding properties, and existed as of the effective date of these regulations may be developed in accordance with all applicable provisions of these regulations even if it no longer conforms to one or more dimensional standards of the district(s) in which it located provided:
- (1) It is at least 3,000 square feet in area; and
 - (2) A circle with a diameter of at least 40 feet can be drawn within its boundaries.

PART 1. GENERAL
Chapter 120. Vested Rights & Pre-Existing Development

- 1203.D A nonconforming structure may undergo normal repair and maintenance provided that the degree of nonconformity is not increased.
- 1203.E The Administrative Officer may approve an enlargement or expansion of a nonconforming structure (without a waiver or variance) provided:
- (1) The addition does not encroach beyond the existing, nonconforming building line; and
 - (2) The structure is not subject to other conditions or restrictions from prior approvals or permits that would otherwise restrict the proposed addition.
- 1203.F The Development Review Board may approve a waiver to allow enlargement or expansion of a nonconforming structure beyond what is authorized in Subsection 1203.E (see Section 4602).
- 1203.G Nonconforming uses must not be enlarged, extended, expanded or intensified except as allowed below:
- (1) The Development Review Board may grant conditional use approval to allow a nonconforming use to fully utilize the structure in which it is located.
 - (2) The Development Review Board may grant conditional use approval to allow a nonconforming use to be changed to another nonconforming use if it determines the proposed use is of a less intensive nature and is more compatible with the uses allowed in the district.

Section 1204. Abandonment

- 1204.A A zoning permit, and any applicable approvals, will be required to re-establish a nonresidential use if it has been abandoned or replaced with a new use.
- (1) A use will be considered abandoned if the use has been discontinued for a period of six consecutive months. Intent to resume a nonconforming use will not confer the right to do so.
- 1204.B A lawful, vacant dwelling unit may be reoccupied at any time without a new zoning permit or any further approval under these regulations (city or state building, health and/or safety codes may apply).
- 1204.C A nonconforming use must not be re-established if it has been abandoned or replaced with a new use except:
- (1) If the nonconforming use has been abandoned as result of damage to the structure in which it was housed, the nonconforming use may be re-established if the structure is repaired or rebuilt in accordance with Section 1206 within 5 years of the damage occurring.

Section 1205. Incomplete Land Development

- 1205.A If land development authorized by a zoning permit is not completed, the applicant must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to or within 6 months after the permit expires (see Section 4204).

Deleted: 12/8/16

Section 1206. Damaged or Destroyed Structures

- 1206.A Within 6 months of a structure being damaged or destroyed by any cause, the owner must act to either:
- (1) Stabilize and secure the structure as necessary to protect public health and safety and to protect the structure from the elements, if the structure will be reconstructed; or
 - (2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.
- 1206.B 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:
- (1) The site does not pose a hazard to public health or safety; and
 - (2) The owner has been unable to meet the deadline due to factors beyond his/her control.
- 1206.C If a nonconforming structure is damaged or destroyed, the structure may be rebuilt and used as before provided:
- (1) The structure as reconstructed does not exceed the original floor area;
 - (2) The structure as reconstructed is not more nonconforming than the original structure; and
 - (3) The applicant receives a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

Chapter 130. Miscellaneous Provisions

Section 1301. Information Points

1301.A There are “information points” provided throughout these regulations, which are designated with the I symbol and italic print. These statements are intended to explain what topics are covered in a particular chapter or section, define a key terms or planning concepts mean, or provide similar guidance to readers. They are not to be interpreted as regulatory provisions.

Section 1302. Illustrations

1302.A There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision will take precedence.

Section 1303. Calculating Time

1303.A The calculation of time periods defined in these regulations as a specific number of days will be based on calendar days and will not include the first day (i.e., the day a hearing was warned) but will count the final day (i.e., the day a hearing was held).

PART 2. ZONING DISTRICTS & STANDARDS

Chapter 200. General Provisions

The purpose of this chapter is to establish zoning districts that implement the land use policies of the Montpelier Master Plan.

Section 2001. Establishment of Base Zoning Districts & Neighborhoods

2001.A These regulations establish the following zoning districts as shown on the Official Zoning Map and described in Chapter 210:

- (1) Urban Center 1 (UC1) District (Section 2101)
- (2) Urban Center 2 (UC2) District (Section 2102)
- (3) Riverfront (RIV) District (Section 2103)
- (4) Eastern Gateway (EG) District (Section 2104)
- (5) Western Gateway (WG) District (Section 2105)
- (6) Mixed Use Residential (MUR) District (Section 2106)
- (7) Residential 1500 (RES 1.5) District (Section 2107)
- (8) Residential 3000 (RES 3) District (Section 2108)
- (9) Residential 6000 (RES 6) District (Section 2109)
- (10) Residential 9000 (RES 9) District (Section 2110)
- (11) Residential 17000 (RES 17) District (Section 2111)
- (12) Rural (RL) District (Section 2112)
- (13) Municipal (MUN) District (Section 2113)

Deleted: High Density Residential

Deleted: HDR

Deleted: Medium Density Residential

Deleted: MDR

Deleted: Low Density Residential

Deleted: LDR

2001.B Each zoning district is further subdivided into neighborhoods as shown on the Official Zoning Map and described in Chapter 210.

2001.C The description of the neighborhoods in each zoning district 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.

Section 2002. Establishment of Overlay Zoning Districts

2002.A These regulations establish a Historic Design Review Overlay (HDRO) District as shown on the Official Zoning Map and described in Section 2201.

2002.B Overlay districts recognize areas that are unique in their environmental or built characteristics. These areas require special consideration to further the purposes of these regulations.

2002.C Within an overlay district the standards of both the base and overlay district apply.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 200. General Provisions

Section 2003. Official Zoning Map

2003.A The map(s) delineating the boundaries of the various base and overlay zoning districts established in this chapter are incorporated by reference into these regulations and adopted as part of these regulations, and constitute the Official Zoning Map.

2003.B The Official Zoning Map is on file in the city's planning department office. A small-scale, unofficial version of the map(s) is attached for convenience only.

Section 2004. Zoning District Boundaries

2004.A The Administrative Officer will interpret boundaries shown on the Official Zoning Map as specified below when a specific distance or measurement is not shown on the map:

- (1) Boundaries indicated as approximately following streets, railroad lines or rights-of-way will be construed to follow the centerlines of such streets, railroad lines or rights-of-way.
- (2) Boundaries indicated as approximately following lot lines or municipal boundaries will be construed to follow such lines or boundaries.
- (3) Boundaries indicated as approximately following rivers, streams or water bodies will be construed to follow the centerlines of such rivers, streams or water bodies.
- (4) If any of the above natural or built features as they exist on the ground vary from their depiction on the Official Zoning Map, boundaries will be construed to follow the features as they exist on the ground at the time of the interpretation except that:
 - (a) A boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.

Chapter 210. Base Zoning Districts & Neighborhoods

The purpose of this chapter is to describe the use and development standards that apply in each zoning district and neighborhood.

Section 2101. Urban Center 1 (UC 1) District & Neighborhoods

2101.A **Purpose.** The Urban Center 1 District encompasses the city's historic downtown, the Capitol Complex and adjacent mixed-use neighborhoods and corridors. The land in this district is served by city water and sewer, a gridded street network and public transit. The purpose of this district is to maintain a compact and walkable urban center by preserving historic character and encouraging compatible infill development.

2101.B **Neighborhood Character.** The Urban Center 1 District includes the following neighborhoods:

- (1) **Capitol Complex.** This neighborhood encompasses the Statehouse and surrounding state-owned properties, as well as adjacent private properties. Proposed land development should implement the *Capital District Master Plan*, protect historic character and allow for the continued use and operation of state facilities and supporting private development in this neighborhood.
- (2) **Downtown Business.** This neighborhood encompasses most of the city's historic downtown business district characterized primarily by multi-story, block commercial buildings directly fronting on the sidewalk. Proposed land development should promote a pedestrian-oriented and mixed-use downtown that preserves and is compatible with historic character by using traditional building forms and street-level storefront designs.
- (3) **Elm Street - Urban.** This neighborhood of historic row houses sits along the North Branch of the Winooski River. Across Elm Street, the terrain rises sharply forming a rocky cliff and steep wooded hillside. Proposed land development should promote the preservation and continued residential occupancy of these historic buildings in order to maintain the neighborhood's distinctive character. [This neighborhood also includes the properties at 1 and 7 Court Street and 6 Hillside Ave. These are similar in character and use to the rest of Elm Street except that 7 Court is a larger block style commercial building.](#)

2101.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Urban Center 1 district. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in [Figure 2-14](#).

2101.D **Dimensional Standards.** Figure 2-01 establishes the dimensional standards for development in the Urban Center 1 district.

2101.E **Architectural Standards.** The following standards apply when required under [1001.A](#):

- (1) Buildings with 3 or more stories must incorporate a base, middle and cap as described below:
 - (a) The base must include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which must be at least 2 inches deep and 4 inches high.

Deleted: ~~Barre Street.~~ This neighborhood encompasses the blocks along Barre Street immediately adjacent to the downtown business district. Once largely residential, many of the historic homes in this neighborhood have been converted into mixed-use or multi-unit buildings. The development pattern is primarily characterized by large, multi-story residential-style buildings on small lots with narrow front and side setbacks. Proposed land development should feature a mix of uses either within historic buildings or new construction that is compatible in scale and character to neighboring historic buildings. This neighborhood is well-suited for infill with higher-density, multi-family housing, particularly on sites that are currently developed at a lower density than allowed in this zoning district and/or with buildings that are not contributing historic structures.¶

Deleted: ~~Main Street.~~ This linear neighborhood extends out from the business district and historically developed with churches, civic buildings and grand houses. These buildings are located on small lots with shallow front and side yards. While there has been some infill development and conversion of the large homes to office and multi-family residential uses, the historic character of the neighborhood remains distinctive and well-preserved. That character should be enhanced by preserving historic buildings, retaining landscaped front yards and green strips with trees between the sidewalk and street, and ensuring that new construction is compatible in scale, form and placement with the historic pattern.¶

Deleted: ~~Figure 2-14~~Figure 2-11

Deleted: ~~Figure 2-14~~Figure 2-11

Deleted: Section 3201

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (b) The middle may include windows and/or balconies.
- (c) The cap must include the area from the top floor to the roof of the building, and must include a cornice or roof overhang.
- (2) Floor levels, windowsills, moldings and cornices must align with those of adjacent buildings to the maximum extent feasible.
- (3) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 48 feet in width and an average of 32 feet in width for a single, continuous facade.
- (4) Building facades must incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width must provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade must not exceed 80 feet.
- (5) Pedestrian access must be provided from the public sidewalk or street to the street-facing principal entrance(s) as follows:
 - (a) The street-facing principal entrance(s) and ground floor level must align with the sidewalk elevation to the maximum extent feasible.
 - (b) Within the Downtown Business Neighborhood, doors opening to the sidewalk must be recessed into the face of the building creating an entryway with not less than 15 square feet of floor space or must be covered by an awning, gallery or arcade.
 - (c) Within the Downtown Business Neighborhood, entry doors must not open out into the sidewalk in a manner that would restrict the sidewalk width to less than 4 feet.
 - (d) Within the Downtown Business Neighborhood, each detached building must have at least one street-facing principal entrance. For detached buildings exceeding 60 feet in width or attached buildings, there must be not more than 60 feet between the street-facing principal entrances.
- (6) The ground floor of building facades must be designed to encourage and complement pedestrian-oriented activity as follows:
 - (a) Building facades must feature ground-level windows or doors arranged so that interior spaces are visible from and/or accessible to the street on at least 40% of the facade length.
 - (b) Within the Downtown Business Neighborhood, at least 60% of the total surface area of the front ground floor elevation up to a height of 10 feet must be public entrances and transparent windows (including retail display windows).

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (c) Within the Downtown Business Neighborhood, ground floor residential units are prohibited along the street frontage.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

2101.F **Riverfront Standards.** To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:

- (1) Must meet the landscaping requirements of Section 3005 regarding setback areas that are not part of the riparian buffer (no riparian buffer is required).
- (2) Must remove any nonconforming impervious cover in accordance with Section 3005.
- (3) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to landscaping requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Figure 2-01. **Urban Center 1 Dimensional Standards**

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|--|---|----------------------------------|--|
| Lot size: 3,000 sf min Frontage: 30 ft min Coverage: 100% max | Front: 20 ft max Water: 10 ft min or as per Note 1 | Floor Area Ratio: 4.0 max | Frontage build-out: 70% min Height: 2 stories min, 60 ft max 5th & 6th Story Setback: 16 ft min |

Note 1 The setback will be 0 feet from the North Branch for buildings. Balconies may extend up to 7 feet beyond the water setback (over any waterway) provided the applicant obtains all necessary state and federal permits.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2102. Urban Center 2 (UC 2) District

2102.A Purpose. The Urban Center 2 District includes the existing high density developments along Main Street and Barre Street. The area is served by sewer and water and is located on major public transit routes. The purpose of this district is to maintain a compact walkable urban center by preserving the historic pattern of development.

2102.B Neighborhood Character. The Urban Center 2 District includes the following neighborhoods:

- (1) **Barre Street - West.** This neighborhood encompasses the blocks along Barre Street immediately adjacent to the downtown business district. Once largely residential, many of the historic homes in this neighborhood have been converted into mixed-use or multi-unit buildings. The development pattern is primarily characterized by large, multi-story residential-style buildings on small lots with narrow front and side setbacks. Proposed land development should feature a mix of uses either within historic buildings or new construction that is compatible in scale and character to neighboring historic buildings. This neighborhood is well-suited for infill with higher-density, multi-family housing, particularly on sites that are currently developed at a lower density than allowed in this zoning district and/or with buildings that are not contributing historic structures.
- (2) **Main Street.** This linear neighborhood extends out from the business district and historically developed with churches, civic buildings and grand houses. These buildings are located on small lots with shallow front and side yards. While there has been some infill development and conversion of the large homes to office and multi-family residential uses, the historic character of the neighborhood remains distinctive and well-preserved. That character should be enhanced by preserving historic buildings, retaining landscaped front yards and green strips with trees between the sidewalk and street, and ensuring that new construction is compatible in scale, form and placement with the historic pattern.

2102.C Use Standards. Figure 2-14 lists the uses that are permitted or conditional in the Urban Center 2 district. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in Figure 2-14.

2102.D Dimensional Standards. Figure 2-02 establishes the dimensional standards for development in the Urban Center 2 district.

2102.E Architectural Standards. The following standards apply when required under 1001.A:

- (1) Buildings with 3 or more stories must incorporate a base, middle and cap as described below:
 - (a) The base must include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which must be at least 2 inches deep and 4 inches high.
 - (b) The middle may include windows and/or balconies.
 - (c) The cap must include the area from the top floor to the roof of the building, and must include a cornice or roof overhang.
- (2) Floor levels, windowsills, moldings and cornices must align with those of adjacent buildings to the maximum extent feasible.

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (3) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 48 feet in width and an average of 32 feet in width for a single, continuous facade.
- (4) Building facades must incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width must provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade must not exceed 80 feet.
- (5) Pedestrian access must be provided from the public sidewalk or street to the street-facing principal entrance(s).
- (6) The street-facing principal entrance(s) and ground floor level must align with the sidewalk elevation to the maximum extent feasible.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

2102.F Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:

- (1) Must meet the landscaping requirements of Section 3005 regarding setback areas that are not part of the riparian buffer (no riparian buffer is required).
- (2) Must remove any nonconforming impervious cover in accordance with Section 3005.
- (3) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to landscaping requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Figure 2-02. Urban Center 2 Dimensional Standards

| <u>LOTS</u> | <u>SETBACKS</u> | <u>DENSITY</u> | <u>BUILDINGS</u> |
|---|--|----------------------------------|--|
| <u>Lot size: 3,000 sf min</u> <u>Frontage: 45 ft min</u> <u>Coverage: 90% max</u> | <u>Front: 5 ft min, 20 ft max</u> <u>Side: 5 ft min</u> <u>Rear: 10 ft min</u> <u>Water: 10 ft min or as per Note 1</u> | <u>Floor Area Ratio: 3.0 max</u> | <u>Frontage build-out: 70% min</u> <u>Height: 2 stories min, 60 ft max</u> <u>5th & 6th Story Setback: 16 ft min</u> |

Note 1 The setback will be 0 feet from the North Branch for buildings. Balconies may extend up to 7 feet beyond the water setback (over any waterway) provided the applicant obtains all necessary state and federal permits.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2103. Riverfront (RIV) District & Neighborhoods

2103.A **Purpose.** The Riverfront District includes land along Barre Street and Berlin Street on either side of the Winooski River. The land in this district is served by city water and sewer, a gridded street network and public transit. The district has historically been characterized by a mix of residential, commercial and industrial uses extending outward from downtown along the river. The purpose of this district is to encourage compact, higher-density infill development, particularly multi-family housing, within walking distance of downtown. This district is also intended to recognize the natural constraints and hazards created by the river corridor, and to encourage redevelopment of the riverfront as a public amenity and greenway corridor.

2103.B **Neighborhood Character.** The Riverfront District includes the following neighborhoods:

- (1) **Barre Street - East.** This neighborhood along Barre Street is more residential than the blocks closer to downtown. It includes both historic homes, now a mix of single-family and multi-unit buildings, as well as more recently constructed attached housing. There is a small neighborhood commercial center at the Sibley Avenue intersection. The buildings have shallow front and side yards. This neighborhood should continue to be primarily residential with a range of housing choices and opportunities for business activities that will not adversely affect quality of life in the neighborhood.
- (2) **Cross Roads.** This neighborhood near the intersection of Berlin Street and Northfield Street has an auto-oriented, highway commercial development pattern. This neighborhood should continue to be a service center for through travelers and those living or working in the city. However, incremental redevelopment should be encouraged that would maintain the neighborhood's service function, while also improving the walkability and visual character of this major entrance into the downtown. Higher-density, compact, walkable and mixed-use redevelopment and infill development that creates an attractive streetscape through the design of landscaping, signs, lighting and building facades should be encouraged.
- (3) **Route 2.** This neighborhood developed primarily as a commercial and industrial corridor along the Winooski River, highway and rail line. These regulations encourage the continued transformation of this area into a mixed-use neighborhood. Creative and adaptive re-use of historic buildings should be promoted, along with infill and redevelopment. The neighborhood is well-suited for larger-scale buildings and innovative designs that reference the area's historic industrial character and architectural forms. Efforts should be made to enhance public access – both physical and visual – to the river and to improve and capitalize on buildings that face the river.

2103.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Riverfront District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2103.D **Dimensional Standards.** [Figure 2-03](#) establishes the dimensional standards for development in the Riverfront District.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

2103.E **Architectural Standards.** The following standards apply when required under 1001.A:

- (1) Buildings with 3 or more stories must incorporate a base, middle and cap as described below:
 - (a) The base must include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which must be at least 2 inches deep and 4 inches high.
 - (b) The middle may include windows and/or balconies.
 - (c) The cap must include the area from the top floor to the roof of the building, and must include a cornice or roof overhang.
- (2) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.
- (3) Building facades must incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width must provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade must not exceed 80 feet.
- (4) Pedestrian access must be provided from the public sidewalk or street to the street-facing principal entrance(s).
- (5) The street-facing principal entrance(s) and ground floor level must align with the sidewalk elevation to the maximum extent feasible.
- (6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street.

2103.F **Riverfront Standards.** To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:

- (1) Must meet the landscaping requirements of Section 3005 regarding setback areas that are not part of the riparian buffer (no riparian buffer is required).
- (2) Must remove any nonconforming impervious cover in accordance with Section 3005.
- (3) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to landscaping requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Figure 2-03. Riverfront District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|---|---|--|
| Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 80% max | Front: 5 ft min, 20 ft max Side: 5 ft min Rear: 10 ft min Water: 10 ft min | Residential: 1 du/1,500 sf max Floor Area Ratio: 2.0 max | Footprint: 12,000 sf max Frontage build-out: 50% min Height: 2 stories min, 45 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2104. Eastern Gateway (EG) District & Neighborhoods

2104.A **Purpose.** The Eastern Gateway District includes land along the major arterial roadways at the eastern entrance to the city that is primarily developed for retail, service, auto-oriented and light industrial uses, as well as businesses that cater to the traveling public. The district is served by city water and sewer and is generally accessible from major transportation corridors. The purpose of this district is to encourage increased business activity, mixed-use redevelopment and infill development that enhances property values, the quality of construction and site design, and the overall aesthetics of this entrance to the city.

2104.B **Neighborhood Character.** The Eastern Gateway District includes the following neighborhoods:

- (1) **Eastern Corridor.** This neighborhood extends along Route 302 from the city line to the intersection with Route 2. It has developed as a typical low-density highway commercial corridor and accommodates many of the city's auto-oriented businesses. Proposed land development should promote infill development and mixed-use redevelopment that will enhance the aesthetic character of the corridor with well-designed buildings, landscaping and signage along the frontage.
- (2) **Farm and Factory.** This neighborhood at the city's southeastern edge is primarily industrial with a number of the businesses connected to agriculture. Proposed land development should support ongoing industrial uses and compatible mixed-use development and to enhance the character of this neighborhood with well-designed buildings, landscaping and signage, particularly along the Route 2 frontage.

2104.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Eastern Gateway District. The Development Review Board may approve a drive-through facility or and drive-in establishment as a conditional use.

2104.D **Dimensional Standards.** [Figure 2-04](#) establishes the dimensional standards for development in the Eastern Gateway District.

2104.E **Architectural Standards.** The following standards apply when required under [1001.A](#):

- (1) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.
- (2) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the front property line with materials that are compatible with the building's predominant exterior materials.
- (3) Vehicle bay doors and loading areas must be oriented away from the street, and to the side or rear of the lot.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Figure 2-04. Eastern Gateway District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|--|---|--------------------------|
| Lot size: 20,000 sf min Frontage: 120 ft min Coverage: 50% max | Front: 20 ft min Side: 20 ft min Rear: 30 ft min Water: 50 ft min | Residential: 1 du/5,000 sf max Nonresidential: 1.5 FAR max | Height: 45 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2105. Western Gateway (WG) District & Neighborhoods

2105.A **Purpose.** The Western Gateway District includes land along the major arterial roadways at the western entrance to the city that is primarily developed for office, governmental and civic uses. The district is served by city water and sewer and is generally accessible from major transportation corridors. The purpose of this district is to:

- (1) Encourage the ongoing use of this district for office, governmental and civic uses;
- (2) Protect significant views of the Statehouse as one enters the city; and
- (3) Enhance pedestrian connections between this district and downtown.

2105.B **Neighborhood Character.** The Western Gateway District includes the following neighborhoods:

- (1) **Office Park.** This neighborhood located on Dewey Hill near Exit 8 overlooks downtown and the river valley. Sitting atop the hill is the National Life building, a major employment center that houses both the corporation's offices and state government offices. There is a large amount of undeveloped land in this neighborhood. Proposed land development should promote further office and compatible light industrial and mixed-use development in this neighborhood. Use of context sensitive siting and design should be encouraged to fit new development into the sloped and wooded setting.
- (2) **Western Corridor.** This neighborhood follows the Winooski River west from downtown. There is limited opportunity for further development within this neighborhood due to the combination of floodplains, land dedicated to the interstate and Exit 8, and the Montpelier High School. Proposed land development should facilitate these ongoing uses and functions with an emphasis on enhancing the attractiveness of this gateway from the interstate into downtown and protecting significant views of the Statehouse.

2105.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Western Gateway District. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in [Figure 2-14](#).

2105.D **Dimensional Standards.** [Figure 2-05](#) establishes the dimensional standards for development in the Western Gateway District.

2105.E **Architectural Standards.** The following standards apply when required under [1001.A](#):

- (1) Building facades facing or parallel to the street must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (2) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-05. **Western Gateway District Dimensional Standards**

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|--|---|-------------------------------------|
| Lot size: 20,000 sf min Frontage: 120 ft min Coverage: 50% max | Front: 20 ft min Side: 20 ft min Rear: 30 ft min Water: 50 ft min | Residential: 1 du/4,000 sf max Nonresidential: 1.5 FAR max | Height: 24 ft min, 60 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2106. Mixed Use Residential (MUR) District & Neighborhoods

2106.A **Purpose.** The Mixed Use Residential District is composed mainly of traditional neighborhoods in proximity to the city's downtown that are predominately residential in form but that are more diverse in use. The land in this district is served by city water and sewer, a gridded network of neighborhood streets and public transit. The purpose of this district is to encourage infill development – including neighborhood-scale businesses and a range of housing choices – while preserving each neighborhood's distinct character and quality.

2106.B **Neighborhood Character.** The Mixed Use Residential District includes the following neighborhoods:

- (1) **College Hill – East State Street.** This neighborhood east of downtown includes the campus of the Vermont College of Fine Arts, as well as historic homes along major streets, many of which have been converted to multi-family or mixed-use buildings. The institutional properties have a substantial amount of greenspace that enhances the neighborhood. Proposed land development should protect the historic character and appeal of this neighborhood while allowing for compatible infill development and adaptive reuse of older institutional and residential structures.
- (2) **Court Street.** This neighborhood includes the lots fronting on or accessed from Court Street east of the State House, primarily developed with modest, historic homes, some of which have now been converted to office or multi-unit buildings. Proposed land development should protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location. The scale of these buildings and their proximity to the Capitol Complex and downtown makes this neighborhood particularly appropriate for a mix of office and residential uses.
- (3) **Lower East State Street.** This neighborhood provides a transition from the urban downtown to the mixed use college hill neighborhoods. The area includes high density residential housing with some mixed use and commercial uses primarily in historic buildings. Proposed land development should protect historic character and architectural appeal of this area as it will continue to be a critical walking and biking route into the downtown.
- (4) **Northfield Street - North.** This linear neighborhood begins a block south of the intersection of Northfield Street and Berlin Street and is largely defined by its terrain. The street is traversing a hill and the adjacent land is steeply sloped. Development has been fit into the terrain and wooded landscape where feasible, resulting a more rural character than found in other neighborhoods in this district. At the same time, this neighborhood is very close to downtown and on a main highway corridor. There is a sidewalk along Northfield Street, although the hill limits the walkability of the neighborhood. Proposed land development should feature a mix of residential and commercial uses on those lands suitable for development.
- (5) **Redstone.** This historic neighborhood, which extends up the hill west of the Capitol Complex and along Route 2, is primarily developed with residential structures, a number of which have been converted to offices. These regulations are intended to protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location as a gateway to downtown.

Deleted: es

Deleted: New England Culinary Institute and

Deleted: <#>**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. Proposed land development should 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.¶¶

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. Proposed land development should maintain the 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.¶¶

Deleted: <#>**Franklin Street - Southwest.** This diverse neighborhood extends along the North Branch of the Winooski River north of downtown with a dense mix of residential, commercial and industrial buildings, the later of which have been largely converted to residential use. A network of narrow streets serves the neighborhood, typically with sidewalks on one side. Small lots with shallow front and side yards and traditional homes with front porches are common features in the neighborhood. The result is a neighborhood with a diversity of building types and housing choices, which proposed land development should protect by featuring adaptive reuse of historic buildings and compatible – primarily residential – infill development.¶¶

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

(6) School Street. This neighborhood is a small transitional neighborhood that connects the urban downtown to the high density residential neighborhoods immediately adjacent to downtown. The neighborhood includes Montpelier Union Elementary School, the historic First Baptist Church, and other historic multifamily and commercial buildings. Proposed land development should protect the safe walkable neighborhood characteristics and maintain the traditional mix of uses found in this area.

(7) **The Meadow – Elm Street.** This traditional residential neighborhood along Elm Street is densely developed with historic homes close to the sidewalk on tree-lined streets. While many large homes have been converted to multi-family buildings, the neighborhood continues to have historic appeal. These regulations are intended to protect the residential scale and character of the neighborhood created by the primarily residential use, historic building stock, front yards, porches and walkable, tree-lined streets.

2106.C **Use Standards.** Figure 2-14 lists the uses that are permitted or conditional in the Mixed Use Residential District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2106.D **Dimensional Standards.** Figure 2-06 establishes the dimensional standards for development in the Mixed Use Residential District.

2106.E **Architectural Standards.** The following standards apply when required under 1001.A:

- (1) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet in length.
 - (c) Will not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
- (2) The principal entrance must open onto a street, sidewalk, plaza or public greenspace and must not open onto a parking lot.
- (3) Pedestrian access must be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building’s predominant exterior materials.

Figure 2-06. **Mixed Use Residential District Dimensional Standards**

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|---|---|---|
| Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 70% max | Front: 5 ft min, 30 ft max Side: 5 ft min Rear: 10 ft min Water: 25 ft min | Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR | Footprint: 6,000 sf max Height: 24 ft min, 40 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2107. Residential 1500 (RES 1.5) District

2107.A Purpose. The Residential 1500 District is composed mainly of traditional, higher-density residential neighborhoods close to downtown. The land in the district is served by city water and sewer, and a gridded network of neighborhood streets. The purpose of the district is to encourage infill residential development with a range of housing choices while preserving each neighborhood's distinct character and quality.

2107.B Neighborhood Character. The Residential 1500 District includes the following neighborhoods:

- (1) **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. Proposed land development should maintain the 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.
- (2) **Franklin Street - Southwest.** This diverse neighborhood extends along the North Branch of the Winooski River north of downtown with a dense mix of residential, commercial and industrial buildings, the later of which have been largely converted to residential use. A network of narrow streets serves the neighborhood, typically with sidewalks on one side. Small lots with shallow front and side yards and traditional homes with front porches are common features in the neighborhood. The result is a neighborhood with a diversity of building types and housing choices, which proposed land development should protect by featuring adaptive reuse of historic buildings and compatible – primarily residential – infill development.
- (3) **Liberty Street - West.** This traditional neighborhood adjacent to downtown is densely developed primarily with historic multi-story residences built close to the street on narrow lots. Many large homes have been converted to multi-family buildings and a smaller number to professional offices. These regulations are intended to protect the traditional residential character of this neighborhood while allowing compatible infill development and adaptive reuse of historic buildings. Efforts should be made to provide public recreation opportunities within walking distance for neighborhood residents.

2107.C Use Standards. Figure 2-14 lists the uses that are permitted or conditional in the Residential 1500 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2107.D Dimensional Standards. Figure 2-07 establishes the dimensional standards for development in the Residential 1500 District.

2107.E Architectural Standards. The following standards apply when required under 1001.A:

- (1) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- [create a distinct facade elevation.](#)
- [\(b\) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet in length.](#)
- [\(c\) Will not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.](#)
- [\(2\) The principal entrance must open onto a street, sidewalk, plaza or public greenspace and must not open onto a parking lot.](#)
- [\(3\) Pedestrian access must be provided from the public sidewalk or street to the principal entrance.](#)
- [\(4\) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building's predominant exterior materials.](#)

Figure 2-07. Residential 1500 District Dimensional Standards

| <u>LOTS</u> | <u>SETBACKS</u> | <u>DENSITY</u> | <u>BUILDINGS</u> |
|--|---|--|---|
| Lot size: 3,000 sf min | Front: 10 ft min, 30 ft max | Residential: 1 du/1,500 sf max | Footprint: 5,000 sf max |
| Frontage: 45 ft min | Side: 5 ft min | Floor Area Ratio: 1.0 FAR | Height: 35 ft max |
| Coverage: 60% max | Rear: 10 ft min | | |
| | Water: 25 ft min | | |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2108. Residential 3000 (RES 3) District & Neighborhoods

2108.A **Purpose.** The [Residential 3000](#) District is composed mainly of traditional residential neighborhoods close to downtown. The land in this district is served by city water and sewer, and a gridded network of neighborhood streets. The purpose of this district is to encourage infill residential development with a range of housing choices while preserving each neighborhood's distinct character and quality.

Deleted: High Density Residential

Deleted: HDR

Deleted: High Density Residential

2108.B **Neighborhood Character.** The [Residential 3000](#) District includes the following neighborhoods:

Deleted: High Density Residential

- (1) **College Hill - South.** This neighborhood east of downtown is primarily residential with homes located on small lots along narrow, tree-lined streets. Proposed land development should protect the historic character and appeal of this neighborhood while allowing for a moderate increase in residential density through compatible infill development, particularly with compact buildings, and conversion of existing buildings to multi-family occupancy.
- (2) **Franklin Street - Northeast.** This is a primarily single-family residential neighborhood with homes fit into the terrain, most with a compact development footprint. Proposed land development may feature a modest increase in residential density accomplished primarily through conversion of existing buildings to multi-family occupancy and with a limited amount of infill on suitable sites.
- (3) **Liberty Street - East.** This traditional neighborhood adjacent to downtown is densely developed primarily with historic multi-story residences built close to the street on small lots. These regulations are intended to protect the traditional residential character of this neighborhood while allowing some increase density through primarily through conversion of existing buildings to multi-family occupancy. Efforts should be made to provide public recreation opportunities within walking distance for neighborhood residents.
- (4) [Main Street - East. 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. Proposed land development should 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.](#)
- (5) **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. Proposed land development should protect the traditional residential development pattern and character, and avoid 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. Proposed land development may feature residential growth with a diversity of housing in this neighborhood, including the potential for multi-family housing development on suitable undeveloped sites

Deleted: west

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (6) **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. Proposed land development should maintain the existing pattern of development, and avoid significant increases in density. A portion of this neighborhood fronts on the heavily trafficked Berlin Street (Route 2). Proposed land development should protect the residential character of this portion of the highway and avoid the continued expansion of commercial activity eastward from the Cross Roads neighborhood.
- (7) **The Meadow - West.** This traditional residential neighborhood close to downtown and Hubbard Park is densely developed with historic, mostly single-family homes close to the sidewalk on tree-lined streets. These regulations are intended to protect the historic and family-friendly character of the neighborhood created by the primarily residential use, historic building stock, front yards, porches, walkable, tree-lined streets, and low levels of non-resident traffic.

2108.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the [Residential 3000](#) District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2108.D **Dimensional Standards.** [Figure 2-08](#) establishes the dimensional standards for development in the [Residential 3000](#) District.

2108.E **Architectural Standards.** The following standards apply when required under [1001.A](#):

- (1) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
- (2) The principal entrance must open onto a street, sidewalk, plaza or public greenspace and must not open onto a parking lot.
- (3) Pedestrian access must be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building’s predominant exterior materials.

Figure 2-08. [Residential 3000](#) District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|--|--|---|--|
| Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 60% max | Front: 10 ft min, 30 ft max Side: 5 ft min Rear: 10 ft min Water: 25 ft min | Residential: 1 du/3,000 sf max Floor Area Ratio: 1.0 FAR | Footprint: 5,000 sf max Height: 35 ft max |

Deleted: Figure 2-08Figure 2-06

Deleted: High Density Residential

Deleted: High Density Residential

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2109. Residential 6000 (RES 6) District & Neighborhoods

2109.A **Purpose.** The [Residential 6000](#) District is composed mainly of established residential neighborhoods. The land in this district is or could reasonably be served by city water and sewer, an interconnected street network and public transit. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

Deleted: Medium Density Residential

Deleted: MDR

Deleted: Medium Density Residential

2109.B **Neighborhoods Character.** The [Residential 6000](#) District includes the following neighborhoods:

Deleted: Medium Density Residential

(1) **Berlin Street.** This residential neighborhood is separated from downtown by a busy highway (Route 2) and the Winooski River. It is a mix of older and new homes, many with spacious yards, and has greater variability in setbacks and lot sizes. Many streets do not have sidewalks or a regular pattern of street trees like the older neighborhoods closer to downtown. While infill housing is encouraged, it should primarily be in the form of small-scale projects that do not substantially change the scale or density of development in the neighborhood. Efforts should be made to improve walkability between this neighborhood and the [Urban Center 1](#) and Riverfront districts and to provide public recreation opportunities within walking distance for neighborhood residents.

Deleted: Urban Center

(2) **College Hill - North.** This neighborhood northeast of downtown is primarily residential with historic homes located on lot of varying size. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating modest increases in density through compatible infill development and conversion of existing buildings to multi-family occupancy.

(3) **College Hill - Southeast.** This neighborhood east of downtown is primarily residential with homes located on small lots along narrow streets. It also includes a significant amount of undeveloped land associated with the college. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating a moderate increase in residential density through compatible infill development, particularly with compact buildings, and conversion of existing buildings to multi-family occupancy.

(4) [Redstone - North. This area northwest of the Capitol is primarily residential with homes located within a short walk of downtown. Proposed development should protect the character and appeal of this neighborhood while accommodating a moderate increase in residential density through compatible infill development and conversion of existing buildings to multi-family.](#)

(5) **Sabin's Pasture.** Sabin's Pasture is an undeveloped property that presents an opportunity to develop a new neighborhood that would extend outward from and connect to other developed city neighborhoods and corridors. Proposed land development should result in a new neighborhood built in accordance with traditional neighborhood development principles that incorporates a range of housing options, energy-efficient and compact building types, a walkable street network, and public recreation areas and open spaces.

2109.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the [Residential 6000](#) District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

2109.D **Dimensional Standards.** ~~Figure 2-09~~ establishes the dimensional standards for development in the Residential 6000 District.

Deleted: Figure 2-09Figure 2-07

Deleted: Medium Density Residential

2109.E **Architectural Standards.** The following standards apply when required under 1001.A:

- (1) Building facades must be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls will not exceed 20 feet.
 - (c) Will not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
- (2) The principal entrance must open onto a street, sidewalk, plaza or public greenspace and must not open onto a parking lot.
- (3) Pedestrian access must be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building must be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-09. Residential 6000 District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|--|---|--|
| Lot size: 6,000 sf min Frontage: 60 ft min Coverage: 50% max | Front: 15 ft min Side: 10 ft min Rear: 20 ft min Water: 25 ft min | Residential: 1 du/6,000 sf max Nonresidential: 0.5 FAR max | Footprint: 4,000 sf max Height: 35 ft max |

Deleted: Medium Density Residential

Deleted: , 40 ft max

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2110. Residential 9000 (RES 9) District & Neighborhoods

2110.A **Purpose.** The Residential 9000 District is composed mainly of established residential neighborhoods. Most of the land in this district is served by city water and sewer. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

Deleted: Low Density Residential

Deleted: LDR

Deleted: Low Density Residential

Deleted: located within the city's growth center and is

2110.B **Neighborhoods Character.** The Residential 9000 District includes the following neighborhoods:

Deleted: Low Density Residential

- (1) **Cliffside.** This small, hillside neighborhood sits between downtown and Hubbard Park. Its primarily single-family homes are nestled into the hillside in a wooded setting that offers views to downtown and the river valley below. Proposed land development may feature infill housing to the extent that it can be fit into the terrain and wooded setting without requiring extensive land disturbance or changes in natural drainage patterns.
- (2) **Crestview.** This neighborhood encompasses the portions of the undeveloped property at the western side of the city that is most suitable for development. It presents an opportunity to develop a new neighborhood in proximity to downtown and other developed city neighborhoods and corridors. Proposed land development should result in a new neighborhood built in accordance with traditional neighborhood development principles that incorporates a range of housing options, energy-efficient and compact building types, a walkable street network, and public recreation areas and open spaces.
- (3) **Elm Street.** This linear residential neighborhood extends along Elm Street (Route 12). While much of the suitable frontage has been developed, proposed land development may feature infill housing particularly where there is adequate depth to accommodate development behind the existing lots.
- (4) **Gallison Hill.** This outlying neighborhood extends up Gallison Hill Road off Route 2 at the eastern edge of the city. Its primarily single-family homes have been built over recent decades on generously sized lots created on former farmland. The neighborhood is adjacent to the U32 High School. Proposed land development may feature infill residential development, particularly on the larger parcels in this neighborhood.
- (5) **Murray Hill.** This is one of the city's more recent residential developments with single-family homes and townhouses accessed by several cul-de-sac streets and a substantial amount of open space. Proposed land development may feature infill residential development where infrastructure is available and to the extent feasible given the availability and ownership of land in this neighborhood.
- (6) **North Street.** This is a small, linear, transitional neighborhood between the traditional residential neighborhoods to the south and the rural lands to the north. There are a number of houses located close to the road and much of the frontage is wooded. Proposed land development may feature infill residential development where infrastructure is available or the land is capable to support growth.
- (7) **Northfield Street.** This typical, post-war suburban neighborhood features modest homes on spacious, landscaped lots, along with more recent duplexes and townhomes. There is a network of curvilinear streets, largely without sidewalks. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

- (8) **Park West.** This residential neighborhood grew over time up into the hills along several tree-lined streets behind the Capitol Complex and abutting Hubbard Park. This development pattern has resulted in a suburban neighborhood that offers a range of housing options and is appealing for families. Proposed land development may feature compatible infill housing and should protect the neighborhood’s character and quality of life.
- (9) **Stonewall Meadows.** This more recently developed neighborhood is a mix of modest single-family homes and attached, multi-unit buildings accessed by several cul-de-sac streets. There remains a considerable amount of undeveloped land in this neighborhood suitable for housing. Proposed land development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.
- (10) **Towne Street.** This small neighborhood is largely developed with single-family homes on spacious lots. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.
- (11) **Toy Town.** This small residential neighborhood is nestled between the interstate and the Winooski River at the western edge of the city. There is a limited amount of land available for additional growth. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

Deleted: <#>Towne Hill. This is a large neighborhood with residential developments separated by significant amounts of undeveloped land, including several large tracts of open farmland. City water and sewer is not available throughout the entire neighborhood. Proposed land development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.¶

2110.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the [Residential 9000](#) District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2110.D **Dimensional Standards.** [Figure 2-10](#) establishes the dimensional standards for development in the [Residential 9000](#) District.

Deleted: Figure 2-10Figure 2-08

Deleted: Low Density Residential

Figure 2-10. [Residential 9000](#) District Dimensional Standards

Deleted: Low Density Residential

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|--|---|--|
| Lot size: 9,000 sf min Frontage: 75 ft min Coverage: 40% max | Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min | Residential: 1 du/9,000 sf max Nonresidential: 0.5 FAR max | Footprint: 4,000 sf max Height: 35 ft max |

Deleted: , 40 ft max

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2111. Residential 17000 (RES 17) District

2111.A Purpose. The Residential 17000 District is composed of established neighborhoods on small lots mixed with larger undeveloped parcels. Most of the land in this district is served by either city water or sewer or, in many cases, both. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

2111.B Neighborhoods Character. The Residential 17000 District includes the following neighborhoods:

- (1) **Towne Hill.** This is a large neighborhood with residential developments separated by significant amounts of undeveloped land, including several large tracts of open farmland. City water and sewer is not available throughout the entire neighborhood. Proposed land development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.

2111.C Use Standards. Figure 2-14 lists the uses that are permitted or conditional in the Residential 17000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2111.D Dimensional Standards. Figure 2-11 establishes the dimensional standards for development in the Residential 9000 District.

Figure 2-11. Residential 17000 District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|---|--|--|--|
| Lot size: 17,000 sf min Frontage: 75 ft min Coverage: 30% max | Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min | Residential: 1 du/17,000 sf max Nonresidential: 0.5 FAR max | Footprint: 4,000 sf max Height: 35 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2112. Rural (RL) District & Neighborhoods

2112.A **Purpose.** The Rural District is composed mainly of large landholdings used for rural residential, agricultural, forestry, recreation, open space, conservation and other natural resource-based purposes. Generally, land in this district is not served by city water or sewer or by roads capable of accommodating heavy traffic. The purpose of this district is to maintain a low-density settlement pattern and rural character by clustering land development and protecting farmland, forestland, open space and important natural resources.

2112.B **Neighborhood Character.** The Rural District includes the following neighborhoods:

- (1) **Eastern Rural.** This neighborhood encompasses approximately 600 acres of land along the city's eastern boundary. It includes the golf course, productive farmland and a small amount of residential development, but most of the land is undeveloped forestland or former farmland returning to forest. This undeveloped land remains in large parcels. Proposed land development should discourage fragmentation of this land by following conservation subdivision principles that would cluster development while protecting large tracts of open space for conservation, forestry, farming and/or recreation uses.
- (2) **Highland.** This neighborhood encompasses approximately 200 acres of land along North Street and Main Street at the northern edge of the city. It is generally farmland and large, rural residential properties. Proposed land development should feature the continued productive use of this land for commercial agriculture, homesteading or rural residential estates.
- (3) **Hill Street.** This neighborhood encompasses approximately 300 acres of land along Hill Street at the southern edge of the city. It is a mix of open, productive farmland and undeveloped, wooded hillsides. There has been some residential development on smaller lots along the road frontage. Proposed land development should feature rural residential housing in this neighborhood, particularly when it is located off productive farmland.
- (4) **Pembroke Heights.** This neighborhood encompasses approximately 250 acres of land in the northwestern part of the city. It is largely undeveloped, wooded and steep. Proposed land development should facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.
- (5) **Southwestern Rural.** This neighborhood encompasses approximately 40 acres of land in the southwestern corner of the city, much of which is developed with the interstate highway. The remaining private land in this district is undeveloped and accessible only from Berlin. Proposed land development should facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.
- (6) **Western Rural.** This neighborhood encompasses approximately 200 acres of undeveloped, primarily wooded land along the city's western boundary. Its development potential is constrained by a number of factors including slopes and wetlands. Proposed land development facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

(7) **Wrightsville.** This neighborhood encompasses approximately 950 acres in the northern portion of the city, terminating at the Wrightsville Reservoir. It is a mix of open farmland in the valley along the North Branch of the Winooski River and wooded hillsides. There has been some residential development along Elm Street and Gould Hill Road. Proposed land development should discourage fragmentation of this land by following conservation subdivision principles that would cluster development while protecting large tracts of open space for conservation, forestry, farming and/or recreation uses. Efforts should be made to locate any new residential development off quality farmland and out of the floodplain.

2112.C **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Rural District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2112.D **Dimensional Standards.** [Figure 2-12](#) establishes the dimensional standards for development in the Rural District.

Figure 2-12. Rural District Dimensional Standards

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|--|--|--|--------------------------|
| Lot size: 2 ac min Frontage: 120 ft min Coverage: 20% max | Front: 20 ft min Side: 20 ft min Rear: 40 ft min Water: 50 ft min | Residential: 1 du/ 2 ac max Nonresidential: 0.2 FAR max | Height: 35 ft max |

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Section 2113. Municipal (MUN) District & Neighborhoods

- 2113.A **Purpose.** The Municipal District encompasses city-owned lands, including parks, recreation facilities, cemeteries and other facilities. The purpose of this district is to continue to use and conserve these properties as appropriate to provide municipal services and infrastructure.
- 2113.B **Use Standards.** [Figure 2-14](#) lists the uses that are permitted or conditional in the Municipal District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.
- 2113.C **Dimensional Standards.** [Figure 2-13](#) establishes the dimensional standards for development in the Municipal District.

Figure 2-13. **Municipal District Dimensional Standards**

| LOTS | SETBACKS | DENSITY | BUILDINGS |
|------|--|---------|-----------|
| n/a | Front: 20 ft min Side: 40 ft min Rear: 40 ft min Water: 50 ft min | n/a | n/a |

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Figure 2-14. Use Table

P = Permitted Use

C = Conditional Use

- = Use Not Allowed

| | ZONING DISTRICT | | | | | | | | | | | | |
|------------------------------------|-----------------|----------|----------------|----|----|----------------|----------|-------|-------|----------------|----------------------|----|-----|
| | UC 1 | UC 2 | RIV | EG | WG | MUR | RES 1.5 | RES 3 | RES 6 | RES 9 | RES 17 | RL | MUN |
| RESIDENTIAL | | | | | | | | | | | | | |
| One or two dwelling units | P | <u>P</u> | P | C | C | P | <u>P</u> | P | P | P | <u>P</u> | P | - |
| Three or four dwelling units | P | <u>P</u> | P | C | C | P | <u>P</u> | P | P | C | <u>C</u> | C | - |
| Multi-family dwellings (>4 units) | P | <u>P</u> | P | C | C | C | <u>C</u> | C | C | - | = | - | - |
| Specialized residential structures | P | <u>P</u> | P | C | C | C | <u>C</u> | C | C | C | <u>C</u> | C | - |
| Senior housing | P | <u>P</u> | P | C | C | P | <u>P</u> | P | C | C | <u>C</u> | C | - |
| Congregate living | P | <u>P</u> | P | C | C | C | <u>C</u> | C | C | C | <u>C</u> | - | - |
| Skilled-nursing services | P | <u>P</u> | P | C | C | C | <u>C</u> | C | C | C | <u>C</u> | - | - |
| LODGING | | | | | | | | | | | | | |
| Bed and breakfast | P | <u>P</u> | P | P | P | P | <u>P</u> | P | C | C | <u>C</u> | C | - |
| Inn | P | <u>P</u> | P | P | P | P | = | - | - | C ⁶ | <u>C⁶</u> | C | - |
| Temporary housing | P | <u>P</u> | P | C | C | C | <u>C</u> | C | C | C | <u>C</u> | - | - |
| Hotel or motel | P | <u>P</u> | P | P | P | C | = | - | - | - | = | - | - |
| COMMERCIAL | | | | | | | | | | | | | |
| Retail sales and service (indoor) | P | <u>P</u> | P | C | P | C ⁴ | = | - | - | - | = | - | - |
| Retail sales & service (outdoor) | - | - | C | P | C | C | - | - | - | - | - | - | - |
| Neighborhood market | - | = | - | - | - | - | <u>C</u> | C | C | C | <u>C</u> | - | - |
| Open market or market shop | - | = | P | P | C | C | = | - | - | - | = | - | - |
| Malls or shopping centers | C | <u>C</u> | C | C | - | - | = | - | - | - | = | - | - |
| Car wash | - | = | C | P | - | - | = | - | - | - | = | - | - |
| Fueling station | - | = | C ³ | P | - | - | = | - | - | - | = | - | - |

Deleted: HDR
 Deleted: MDR
 Deleted: LDR

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

| <i>P = Permitted Use</i> <i>C = Conditional Use</i> <i>- = Use Not Allowed</i> | ZONING DISTRICT | | | | | | | | | | | | |
|--|-----------------|----------------|-----|----|----|-----|---------|-------|-------|-------|--------|----|-----|
| | UC 1 | UC 2 | RIV | EG | WG | MUR | RES 1.5 | RES 3 | RES 6 | RES 9 | RES 17 | RL | MUN |
| Automobile repair and service | - | = | C | P | - | - | = | - | - | - | = | - | - |
| Automobile sales or rental establishment | - | = | - | P | - | - | = | - | - | - | = | - | - |
| Lumberyard & bldg material sales | - | = | C | P | - | - | = | - | - | - | = | - | - |
| Bank | P1 | P1 | P | C | P1 | - | = | - | - | - | = | - | - |
| Personal or professional services | P | P | P | P | P | P | = | - | - | - | = | - | - |
| Veterinary and animal services | P | P | P | P | P | - | = | - | - | - | = | C | - |
| Office | P | P | P | P | P | C | = | - | - | - | = | - | - |
| Restaurant | P | P | P | C | C | C | = | - | - | - | = | - | - |
| Restaurant, take-out | P | P | P | C | C | C | = | - | - | - | = | - | - |
| Bar or nightclub | P | P | C | C | C | - | = | - | - | - | = | - | - |
| Food service contractor | P | P | P | P | - | C | = | - | - | - | = | C | - |
| Contractor's yard (with outdoor storage) | - | = | C | P | - | - | = | - | - | - | = | C | - |
| INDUSTRIAL | | | | | | | | | | | | | |
| Light manufacturing | C ² | C ² | C | P | C | - | = | - | - | - | = | C | - |
| Manufacturing | C ² | C ² | C | P | C | - | = | - | - | - | = | - | - |
| Heavy manufacturing | - | = | - | C | C | - | = | - | - | - | = | - | - |
| Laboratory or technical facility | P | P | P | P | C | C | = | - | - | - | = | - | - |
| Warehouse or storage | C ² | C ² | C | P | C | - | = | - | - | - | = | C | - |
| Mini-warehouse | - | = | - | C | C | - | = | - | - | - | = | - | - |
| Large area distribution or transit warehouse | - | = | - | C | - | - | = | - | - | - | = | - | - |
| Tank farms | - | = | - | C | - | - | = | - | - | - | = | - | - |

- Deleted: HDR
- Deleted: MDR
- Deleted: LDR
- Formatted Table

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

| P = Permitted Use C = Conditional Use - = Use Not Allowed | ZONING DISTRICT | | | | | | | | | | | | |
|---|-----------------|----------|-----|----|----|-----|----------|-------|-------|-------|----------|----------------|-----|
| | UC 1 | UC 2 | RIV | EG | WG | MUR | RES 1.5 | RES 3 | RES 6 | RES 9 | RES 17 | RL | MUN |
| Wholesale trade establishment | C | <u>C</u> | C | P | C | - | = | - | - | - | = | - | - |
| Publishing | P | <u>P</u> | P | P | C | - | = | - | - | - | = | - | - |
| PUBLIC ASSEMBLY | | | | | | | | | | | | | |
| Performance theater | P | <u>P</u> | P | C | P | C | = | - | - | - | = | - | - |
| Movie theater | P | <u>P</u> | P | C | - | - | = | - | - | - | = | - | - |
| Amphitheater | P | <u>P</u> | P | C | P | - | = | - | - | - | = | C | P |
| Indoor games facility | P | <u>P</u> | P | C | - | C | = | - | - | - | = | - | C |
| Sports arena | C | <u>C</u> | C | C | - | C | = | - | - | - | = | - | C |
| Exhibition, convention or conference structure | P | <u>P</u> | P | P | P | C | = | - | - | - | = | - | C |
| Religious facility | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | P | - |
| Government facility, office or courthouse | P | <u>P</u> | P | - | P | C | = | - | - | - | = | - | P |
| Other community centers | P | <u>P</u> | P | C | P | C | = | - | - | - | = | C ⁵ | P |
| Fitness, sports, gym or athletic facility | P | <u>P</u> | P | C | P | C | = | - | - | - | = | C ⁵ | P |
| Golf course | - | = | - | - | - | - | = | - | - | - | = | C | P |
| Camps, camping and related establishments | - | = | - | - | - | - | = | - | - | - | = | C | C |
| Nature or recreational park | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | P | P |
| INSTITUTIONAL OR COMMUNITY FACILITY | | | | | | | | | | | | | |
| Hospital | C | <u>C</u> | C | C | P | - | = | - | - | - | = | - | - |
| Medical clinic building | P | <u>P</u> | P | C | P | C | = | - | - | - | = | - | - |
| Grade school | P | <u>P</u> | P | - | P | P | <u>P</u> | P | P | P | <u>P</u> | - | C |
| Academic institution | P | <u>P</u> | P | P | P | P | <u>C</u> | C | C | C | <u>C</u> | - | - |

Deleted: HDR
 Deleted: MDR
 Deleted: LDR

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

| P = Permitted Use C = Conditional Use - = Use Not Allowed | ZONING DISTRICT | | | | | | | | | | | | |
|---|-----------------|----------|-----|----|----|-----|----------|-------|-------|-------|----------|----|-----|
| | UC 1 | UC 2 | RIV | EG | WG | MUR | RES 1.5 | RES 3 | RES 6 | RES 9 | RES 17 | RL | MUN |
| Library | P | <u>P</u> | P | - | P | P | <u>C</u> | C | C | C | <u>C</u> | - | P |
| Museum, gallery or exhibition hall, or pavilion | P | <u>P</u> | P | - | P | P | <u>C</u> | C | C | C | <u>C</u> | C | P |
| Public safety facility | P | <u>P</u> | P | P | P | C | = | - | - | - | = | C | P |
| Cemetery | C | <u>C</u> | C | C | C | P | <u>P</u> | P | P | P | <u>P</u> | P | P |
| Funeral home or cremation facility | P | <u>P</u> | P | P | C | P | = | - | - | - | = | C | - |
| Child day care facility, licensed | P | <u>P</u> | P | C | P | P | <u>C</u> | C | C | C | <u>C</u> | C | C |
| Child day care home, registered | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | P | - |
| TRANSPORTATION FACILITY | | | | | | | | | | | | | |
| Surface parking | P | <u>P</u> | P | P | P | - | = | - | - | - | = | - | P |
| Parking structure or garage | P | <u>P</u> | P | P | P | - | = | - | - | - | = | - | P |
| Bus stop shelter | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | - | P |
| Bus maintenance facility | - | = | C | P | - | - | = | - | - | - | = | - | - |
| Rail transportation facility | P | <u>P</u> | P | P | P | - | = | - | - | - | = | - | - |
| Road passenger & transit services | P | <u>P</u> | P | P | P | C | = | - | - | - | = | - | C |
| Truck & freight transport. Services | - | = | - | C | C | - | = | - | - | - | = | - | - |
| UTILITIES | | | | | | | | | | | | | |
| Utility structures | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | P | P |
| Water supply related facility | C | <u>C</u> | C | P | P | - | = | - | - | - | = | P | P |
| Sewer related facility | C | <u>C</u> | C | C | C | - | = | - | - | - | = | C | P |
| Communication antenna | P | <u>P</u> | P | P | P | P | <u>P</u> | P | P | P | <u>P</u> | P | P |
| Communication tower | C | <u>C</u> | C | P | C | - | = | - | - | - | = | C | P |

Deleted: HDR
 Deleted: MDR
 Deleted: LDR

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

P = Permitted Use
C = Conditional Use
- = Use Not Allowed

| | ZONING DISTRICT | | | | | | | | | | | | |
|---|-----------------|------|-----|----|----|-----|---------|-------|-------|-------|--------|----|-----|
| | UC 1 | UC 2 | RIV | EG | WG | MUR | RES 1.5 | RES 3 | RES 6 | RES 9 | RES 17 | RL | MUN |
| MINING, AGRICULTURE AND FORESTRY | | | | | | | | | | | | | |
| Stable or equine facility | - | = | - | P | - | C | = | - | - | C | C | P | C |
| Composting facility | - | = | - | C | - | - | = | - | - | - | = | C | C |
| Greenhouse | P | P | P | P | - | C | = | - | - | C | C | P | P |
| Kennel | - | = | C | P | - | - | = | - | - | - | = | P | - |
| Mining, extracting, quarrying and stone cutting | - | = | - | C | C | - | = | - | - | - | = | C | - |
| Agriculture and forestry | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Rural enterprise | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Support functions for animal production | - | = | C | P | C | - | = | - | - | - | = | C | - |
| Game and fishing retreats and reserves | - | = | - | - | - | - | = | - | - | - | = | P | - |

Notes

- 1 Drive-through or drive-in establishment allowed with conditional use approval from the Development Review Board.
- 2 Use must not occupy more than 20,000 square feet of floor area and must be fully enclosed.
- 3 Use allowed only in the Cross Roads neighborhood and on the river side of Berlin Street / River Street.
- 4 Use must not occupy more than 3,000 square feet of floor area.
- 5 Use must not occupy more than 6,000 square feet of floor area.
- 6 Use is limited to a maximum of 20 guest rooms.

Deleted: HDR
 Deleted: MDR
 Deleted: LDR

Deleted: 12/8/16

Chapter 220. Overlay Zoning Districts

The purpose of this chapter is to establish overlay zoning districts that supplement or supersede the standards of the underlying zoning district in order to address special conditions or resources that require additional or modified regulations.

Section 2201. Historic Design Review Overlay District

2201.A **Boundary.** The Historic Design Review Overlay District includes all properties identified on the Official Zoning Map, but not including any properties within the Capitol Complex,

2201.B **Purpose.** The purpose of the Historic Design Review Overlay District is to protect the city's historic character by regulating exterior modifications to contributing historic structures and by requiring new structures within this district to be compatible with and respond to their setting and context in accordance with the principles summarized below:

- (1) Buildings should function to meet today's needs just as they met certain needs at the time they were built. The changes required to meet new demands should be a compromise between the existing integrity of the structure and new functions. Good preservation seeks both of these goals.
- (2) Every attempt should be made to preserve as much of a historic building's original design, architectural details and building materials as is reasonably possible. When it is necessary to introduce modern elements to a historic building exterior, every feasible effort should be made to maintain the building's overall architectural character.
- (3) New construction should be a product of its own time and not be a copy of an older architectural style with associated details no longer practical. The unity of an existing street or block should be a major consideration in the design of any new construction. Rather than copying a particular style, the new building should relate in materials, colors, form, massing, proportion and rhythm of common elements to those present on the street or block.

2201.C **Applicability.** All land development within the Historic Design Review Overlay District will require review by the Design Review Committee in accordance with Section 4301, except for the following:

- (1) Subdivision of land.
- (2) A change in use that will not result in any exterior modifications.
- (3) Normal repair and maintenance with materials of identical composition, type and appearance (includes any repainting of previously painted surfaces, irrespective of color, but does not include painting of existing, unpainted surfaces).
- (4) Exterior modifications to the rear of a noncontributing structure.
- (5) Demolition of a noncontributing structure.
- (6) The complete removal of a sign and its hardware, except that sign hardware installed into brick or masonry may remain in place.
- (7) The replacement of a sign provided that the proposed sign:
 - (a) Is the same or smaller dimensions than the sign being replaced;
 - (b) Is in the same location or is located entirely within the building's sign band;

Deleted: The Historic Design Review Overlay District includes all properties within the historic district(s) in Montpelier as listed in the National Register of Historic Places, but not including any properties within the Capitol Complex

Deleted: listed historic

Deleted: s

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

- (c) Is generally of the same material; and
 - (d) Does not require any new hardware to be installed into brick or masonry building elements.
- (8) Non-substantial alterations as determined in writing by the Administrative Officer.

2201.D **Consultation During Project Planning.** Owners of historic buildings are strongly encouraged to meet informally with the Design Review Committee when planning significant building repair, maintenance, renovation or expansions for assistance with implementing appropriate preservation, rehabilitation, restoration or reconstruction practices.

2201.E **Use Standards.** The use standards within the Historic Design Review Overlay District will be as specified in the base zoning district.

2201.F **Dimensional Standards.** The dimensional standards within the Historic Design Review Overlay District will be as specified in the base zoning district.

2201.G **General Standards.** Applicants must demonstrate that proposed exterior modifications within the Historic Design Review Overlay District conform to the standards below except as provided in Subsection 2201.H.

- (1) A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- (2) The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property must be avoided.
- (3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, must not be undertaken.
- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
- (6) Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence.
- (7) Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials must not be used.
- (8) Archeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
- (9) New additions, exterior alterations or related new construction must not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

integrity of the property and its environment.

- (10) New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2201.H **Specific Standards for Contributing Historic Structures.** When reviewing applications for certain exterior modifications to contributing historic structures, the Design Review Committee must interpret and apply the standards of Subsection 2201.G in accordance with the specific standards below.

- (1) **Architectural Standards.** Proposals for exterior modifications of contributing historic structures are exempt from the requirements to meet architectural standards of the base zoning district.
- (2) **Replacing Historic Windows or Doors.** Applicants may replace historic windows or doors (original to the building or dating to the building's period of significance, typically not including replacement windows or doors that are less than 50 years old) with an in-kind replacement that must:
 - (a) Have the same dimensions as the historic window or door;
 - (b) Have ~~the~~ same sash and pane configuration as the historic window or door, where applicable;
 - (c) Have ~~the~~ same design details as the historic window or door;
 - (d) Be constructed of the same or a comparable (in terms of durability and appearance) material as the historic window or door (for example, this may allow vinyl clad windows if they can meet other applicable criteria);
 - (e) Have ~~the same~~ glass-to-frame ratio as the historic window or door, where applicable;
 - (f) Have ~~the same~~ reveal as the historic window or door; and
 - (g) Incorporate either an integral muntin or exterior muntin grids that replicates the historic window or door as closely as possible, where applicable.
- (3) **Replacing Non-Historic Windows or Doors.** If applicants are proposing to replace windows or doors that are not original to the building or dating to the building's period of significance, reasonable efforts must be made to repair any loss of historic character resulting from an earlier inappropriate modification of the building such as:
 - (a) If size of historic window or door openings was changed, selecting a replacement that matches the historic dimensions rather than the more recent dimensions.
 - (b) If the structure retains some of its historic windows and doors, selecting a replacement that matching the sash and pane configuration and design details of the remaining historic windows or doors rather than the more recent windows or doors.
- (4) **Installing Storm Windows or Doors.** Applicants may install interior or exterior storm windows or doors over historic windows or doors in accordance with the following:
 - (a) Interior storms must be designed, installed and maintained to prevent the build-up of condensation that can damage historic windows or doors.

Deleted: essentially

Deleted: essentially

Deleted: essentially the same or similar

Deleted: essentially the same or similar

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

- (b) Exterior storms must be designed and installed to obscure the historic window or door to the least degree possible by using clear glass, replicating the frame width, matching the sash location, where applicable, and matching or coordinating the color of the historic window or door (for example, this would not allow storm windows with a milled aluminum finish).
- (5) **Replacing Historic Roofing Materials.** Applicants may replace historic roofing materials (original to the building or dating to the building's period of significance, typically not including replacement roofing materials that are less than 50 years old) with an in-kind replacement that must:
 - (a) Be constructed of the same material, a comparable material (in terms of durability and appearance), or a material that traditionally has been used on buildings of the same type in Montpelier (for example, this would allow standing seam metal roofing); and
 - (b) Replicate the color and patterning of the historic materials if they contribute significantly to the historic character of the building.
- (6) **Replacing Non-Historic Roofing Materials.** If applicants are proposing to replace roofing materials that are not original to the building or dating to the building's period of significance, they may choose:
 - (a) The same material as exists on the roof at the time of the application or a comparable material (in terms of durability and appearance).
 - (b) A roofing material that traditionally would have been used on buildings of the same type in Montpelier.
- (7) **Replacing Historic Siding.** Applicants may replace historic siding materials (original to the building or dating to the district's period of significance, typically not including replacement siding that is less than 50 years old) with an in-kind replacement that must:
 - (a) Be constructed of the same material or a material that closely replicates the appearance of the historic siding and is of comparable durability (for example, this would not allow metal or vinyl siding, but may allow contemporary materials like fiber cement clapboards that can meet the criteria below);
 - (b) Have the the same design details as the historic siding material;
 - (c) Have the the same dimensions and reveal as the historic siding material, where applicable;
 - (d) If masonry, have the same texture, color and pattern as the historic siding material;
 - (e) Not eliminate or cover historic trim or architectural elements such as cornices, moldings, door or window surrounds, columns, pilasters, brackets, bargeboards (if these elements are deteriorated, they must be replaced in-kind).
- (8) **Replacing Non-Historic Siding.** If applicants are proposing to replace siding materials that are not original to the building or dating to the building's period of significance reasonable efforts must be made to repair any loss of historic character resulting from an earlier inappropriate modification of the building such as:

Deleted: essentially

Deleted: essentially

Deleted: essentially

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

- (a) Uncovering and rehabilitating historic trim or architectural elements.
 - (b) Selecting a replacement material that matches the historic siding rather than the more recent replacement material.
- (9) **Removing, Replacing or Modifying Historic Porches.** Applicants:
- (a) May replace a historic porch in-kind so that the re-built porch has the same design details as the historic porch (this may include using contemporary materials such as composite decking or fiberglass columns provided they closely replicate the appearance of and have comparable durability to the historic materials).
 - (b) May modify a historic porch as necessary to meet current building code and accessibility standards. The applicant must make reasonable efforts to minimize loss of historic character and retain historic architectural elements and design details.
 - (c) May make minor alterations to the roof form or pitch to improve how the porch sheds water and snow in order to prevent future deterioration or damage.
 - (d) May expand a historic porch if the Design Review Board finds that the proposed design is compatible with the building's historic character and is comparable to porch designs that traditionally would have been found on buildings of the same type in Montpelier.
 - (e) May enclose a historic porch with glass in a manner that will not damage or obscure its architectural details.
 - (f) May otherwise enclose or remove a historic porch only if the Design Review Board finds that the proposed design is compatible with the building's historic character (for example, enclosure or removal of a side or rear porch may be allowed, but it is unlikely that a front porch could be enclosed or removed without diminishing the building's historic character).
- (10) **Removing, Replacing or Modifying Non-Historic Porches or Adding a Porch.** Applicants:
- (a) That are proposing to remove, replace or modify a porch that is not original to the building or dating to the building's period of significance must make reasonable efforts to repair any loss of historic character resulting from an earlier modification of the building. This may include opening up a porch that had been enclosed or restoring lost architectural details like railings or columns, for example.
 - (b) That are proposing to add a porch to a historic building must demonstrate that the proposed design is compatible with the building's historic character and is comparable to porch designs that traditionally would have been found on buildings of the same type in Montpelier.
- (11) **Exterior Painting.** Applicants:
- (a) May repaint any exterior surfaces that are already painted with no restriction on color. As specified in Subsection 2201.C(3), repainting previously painted surfaces will be considered normal repair and maintenance and will not require design review under this section.
 - (b) Must not paint unpainted masonry materials unless specifically recommended by

Deleted: essentially

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

the Design Review Committee.

- (c) Are encouraged to remove paint from materials that historically were not painted.
- (d) Are discouraged from painting exterior surfaces that are not already painted.

(12) **New or Replacement Signs.** The Design Review Committee will review new or replacement signs not exempted in Subsection 2201.C. for location, size, materials and hardware, but not for content.

2201.1 **Specific Standards for New Structures and Noncontributing Structures.** When reviewing applications for new structures or modifications to noncontributing structures, the Design Review Committee must interpret and apply the standards of Subsection 2201.G in accordance with the specific standards below.

- (1) New or modified structures must be compatible in form, scale, massing, proportion and rhythm with their historic context and must contribute to a pedestrian-oriented streetscape. Applicants are strongly encouraged to design compatible contemporary structures rather than duplicate or mimic the design of historic buildings in the district in accordance with the following principles:
 - (a) Design new buildings to be similar in massing, form, height and width to other buildings on the block.
 - (b) If new buildings will be wider than adjacent buildings, break up the building mass with changes in wall plane and roof form so that its appearance conforms to building widths on neighboring properties.
 - (c) If new buildings will be taller than adjacent buildings, place the taller portions of the building away from the street and adjacent buildings to either side and step the height down at the street facade and at the sides so that the height will be similar to the height of surrounding buildings.
 - (d) Design floor levels and story heights so that are similar to those of surrounding buildings to the maximum extent feasible. Where floor levels and story heights on adjacent properties are responding to changes in the terrain, the new building should fit into that pattern.
 - (e) Maintain a front setback and overall lot coverage that is similar to other properties on the block.
 - (f) Orient the primary facade of new buildings to the street and provide primary entrances on the street facade.
 - (g) Design new buildings to convey a human scale through use of massing, incorporating a variety of surface materials and textures, and a regular pattern of window and door openings.
 - (h) Enhance the primary facade and property frontage in a manner similar to other buildings on the block, which may include elements such as landscaping, fencing, porches, display windows, outdoor seating, awnings, etc.
 - (i) Subordinate any accessory buildings on the site by placing them to the side or rear of the lot.
 - (j) These principles may not apply to corner buildings if it is typical elsewhere in the

Deleted: 12/8/16

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 220. Overlay Zoning Districts

neighborhood for buildings on corner lots to be larger than adjacent buildings or to landmark buildings that are intended to be a focal point within the neighborhood.

- 2201.J **Specific Standards for Demolition of Contributing Structures.** The Development Review Board must approve the demolition of a contributing historic structure before the Administrative Officer may issue a zoning permit unless the Administrative Officer finds that the structure poses an imminent danger to public health, safety or welfare as follows:
- (1) The applicant must demonstrate that:
 - (a) It is not feasible to rehabilitate and/or re-use the structure in order to earn a reasonable economic return from the property.
 - (b) It is not feasible to move the structure to a new location on or off the property.
 - (c) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure to perform normal maintenance and repairs as necessary to prevent structural damage and deterioration.
 - (d) The non-feasibility of rehabilitation, re-use or relocation is not due to his/her failure to set reasonable rents or sales price, and/or diligently solicit and retain tenants, as applicable.
 - (e) The demolition is not primarily intended to allow development of additional surface parking.
 - (f) The demolition is necessary to allow him/her reasonable use of the property or demolition is part of a redevelopment plan that will provide a clear and substantial benefit to the community.
 - (2) The Development Review Board may waive the requirement to demonstrate conformance with Subparagraphs (1)(a) through (d) above upon the applicant demonstrating that the redevelopment plan:
 - (a) Will result in new construction with a similar footprint to the structure or portion of a structure proposed for demolition.
 - (b) Will allow for more efficient use of the site (ex., removing a single-story portion of a building and replacing it with new multi-story construction).
 - (c) Has been endorsed by the Design Review Committee.
 - (3) As a condition of approval for demolition, the Development Review Board:
 - (a) Will require the applicant to offer the structure for relocation for a period of at least 6 weeks before the Administrative Officer may issue a zoning permit for demolition unless it determines that it would not be feasible to relocate the structure.
 - (b) Will require the applicant to photographically document the structure and provide the photographs to the city before the Administrative Officer may issue a zoning permit for demolition.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS

Chapter 300. General Standards

Section 3001. Use Standards

- 3001.A **Applicability.** Land development must conform to the use standards for the applicable zoning district unless:
- (1) A subject use is a nonconformity and the proposed land development is in conformance with the requirements of Section 1203;
 - (2) The proposed land development will be approved as a planned unit development in accordance with the provisions of Chapter 440.
- 3001.B **Mixed Uses.** Any combination of permitted or conditional uses may be allowed on a single lot.
- 3001.C **Prohibited Uses.** A use not specifically listed is prohibited unless the Administrative Officer finds that the unlisted use:
- (1) Is materially similar to a listed use in accordance with Subsection 3001.D; or
 - (2) Is required to be permitted in a zoning district by state or federal law.
- 3001.D **Materially Similar Uses.** The Administrative Officer may determine that an unlisted use is materially similar to a listed use in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that listed use if it has:
- (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and
 - (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that listed use.

Section 3002. Dimensional Standards

- 3002.A **Applicability.** Land development must conform to the dimensional standards for the applicable zoning district unless:
- (1) A subject lot or structure is a nonconformity and the proposed land development is in conformance with the requirements of Section 1203;
 - (2) The applicant receives a waiver (Section 4602) or variance (Section 4603) to a dimensional standard from the Development Review Board; or
 - (3) The proposed land development will be approved as a planned unit development in accordance with the provisions of Chapter 440.
- 3002.B **Principal Buildings.** More than one principal building may be located on a lot as follows:
- (1) The total amount of development on the lot must not exceed the maximum density [or FAR](#) allowed in the district.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (2) Approval of multiple principal buildings on a lot will not constitute a right to subdivide or separately convey those structures. Structures cannot be conveyed separately without subdivision or PUD.

Deleted: <#>No more than 3 detached single- or two-family homes may be located on any lot unless approved as part of a planned unit development in accordance with the provisions of Chapter 440.¶

3002.C **Residential Density.** Residential density will be regulated in accordance with the following:

Deleted: <#>

Deleted: <#>except:

- (1) In the Urban Center 1, Urban Center 2, Riverfront and Mixed Use Residential districts, maximum residential density will be based on a lot's total acreage or square footage.
- (2) In all other districts, maximum residential density will be based on a lot's buildable rather than total acreage or square footage, which does not include:
- (a) Any land with a slope of 30% or more as mapped based on the city's best available GIS data or on a professionally prepared topographic survey submitted by the applicant and measured in accordance with Section 3006; and
- (b) Wetlands and their required buffers as mapped in the Vermont Significant Wetlands Inventory or delineated in a professionally prepared natural resource assessment submitted by the applicant.
- (3) Any nonconforming lot may be developed with one dwelling unit in accordance with these regulations irrespective of whether it has the required amount of buildable land required to meet the applicable district standard.
- (4) The number of dwelling units on a lot must not exceed the maximum density specified in each zoning district except:
- (a) Accessory apartments approved under Section 3104 will not count as a dwelling unit for the purposes of calculating density.
- (b) Any single-family dwelling on a conforming lot served by city water and sewer may be converted to a two-family dwelling irrespective of the district density standard provided that all other applicable standards of these regulations are met.

Deleted: <#>If land can be subdivided in accordance with these regulations; or¶
If the property will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.¶

Deleted: Urban Center

Deleted: i

Deleted: pre-existing

3002.D **Calculating Density.** Each base zoning district establishes the maximum density of development allowed on a lot. Those standards will be measured or calculated as described in this subsection.

- (1) **Nonresidential Development.** The density of nonresidential development will be measured as floor area ratio (FAR), which is the ratio of gross floor area to the total lot area as shown in Figure 3-04.
- (2) Residential Development. The density of residential development will be measured in square feet of lot area per dwelling units (sf/du). 1 acre = 43,560 square feet as shown in Figure 3-05.
- (3) Mixed Use Development. Proposals with both residential and non-residential development must not exceed the necessary square footage of the combined uses. For example, an 8,500 square foot lot in Mixed Use Residential has a maximum residential density of 1 unit per 1,500 square feet and an FAR of 1.0. If an applicant proposes three dwelling units (4,500 square feet used) then they would be allowed up to 4,000 square feet of non-residential use.
- (4) Off-street parking located within the footprint of a principal building will not be included in the calculation of floor area ratio.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

Figure 3-01. Illustrated Lot Dimensional Standards

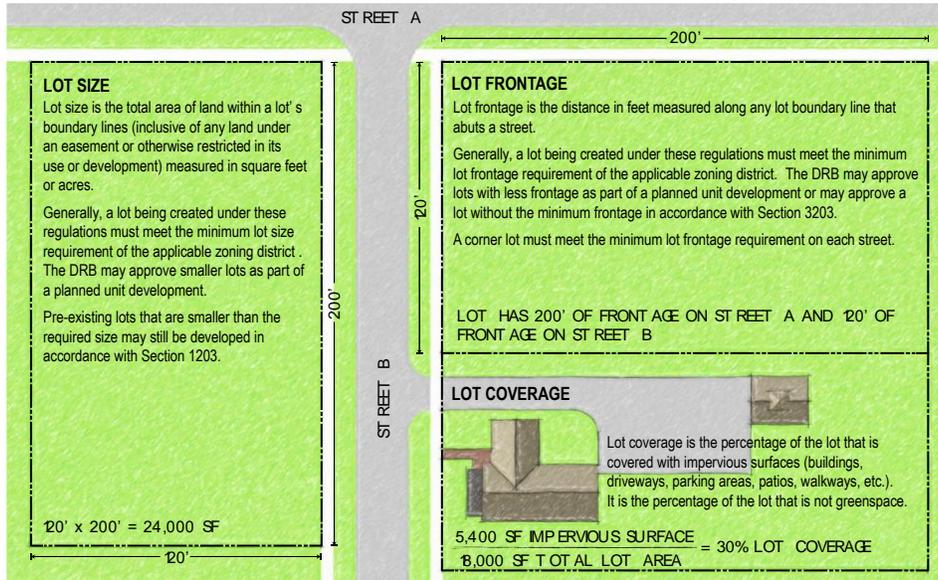
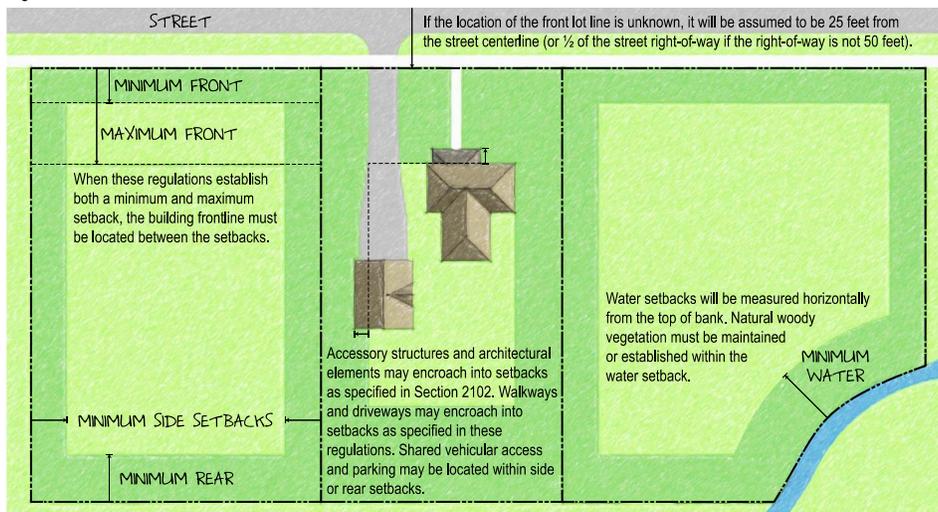


Figure 3-02. Illustrated Setback Dimensional Standards



Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

Figure 3-03. Illustrated Building Dimensional Standards

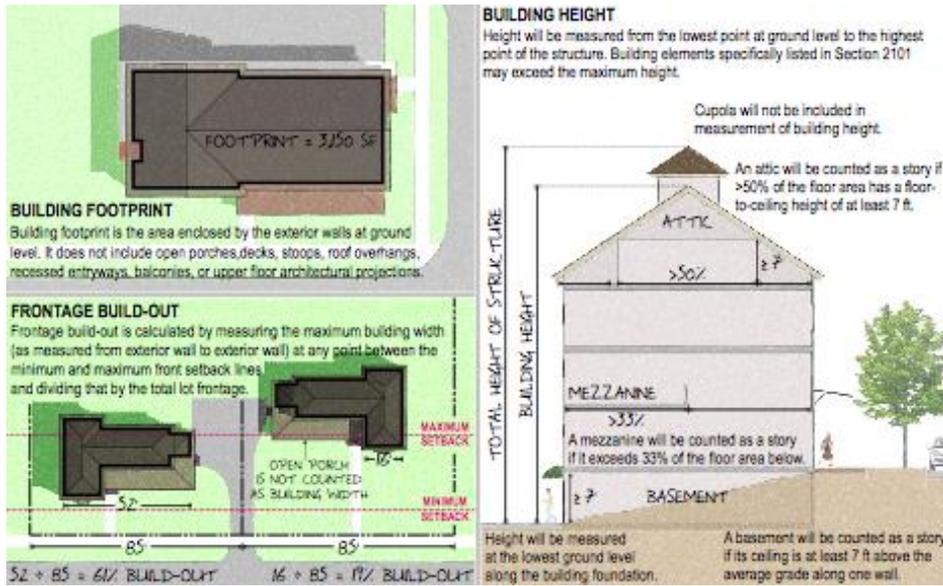


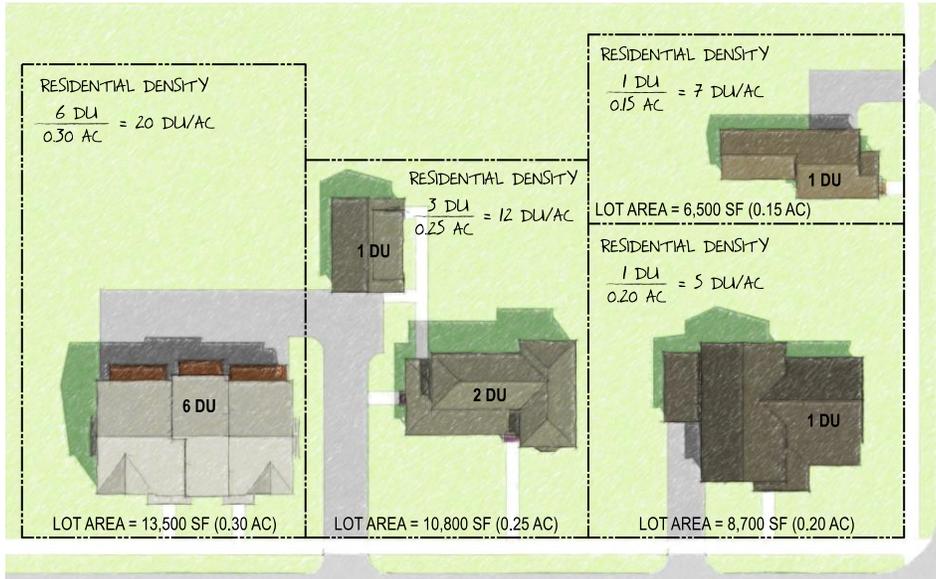
Figure 3-04. Floor Area Ratio (FAR) Illustrated



Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

Figure 3-05. Dwelling Units per Acre (du/ac) Illustrated



3002.E **Lot Size.** Lot size will be regulated in accordance with the following:

- (1) Any lot created under these regulations must meet the minimum lot size requirement for the district in which it is located unless approved as part of a planned unit development in accordance with the provisions of Chapter 440.
- (2) [Nonconforming lots are regulated](#) in accordance with Subsection 1203.C.
- (3) [A lot that has or will include land in more than one zoning district will meet the minimum lot size based on the proportional contribution of each zone. For example, a parcel proposed to have 2,000 square feet in MUR and 1,000 square feet in RES 6 will have 0.667% of an MUR lot \(2,000 divided by 3,000 sq ft min lot size\) and 0.167% of a RES 6 lot \(1,000 divided by 6,000\) so combined it would have 0.833% \(not enough for a legal lot\). Had that same scenario included 1,000 square feet in RES 3 rather than RES 6 it would count for 0.333% and make the total 1.0.](#)

Deleted: <#>An existing lot must not be reduced in size below the minimum lot size requirement for the district in which it is located unless the reduction is the result of land being acquired for a public purpose (ex. road widening).¶

3002.F **Street Frontage.** All lots must front on a public or private street as specified in each zoning district and in accordance with the following:

- (1) An existing lot without the minimum required frontage on public or private street must have access to such a street over an easement or right-of-way not less than 20 feet wide for single- and two-family residential lots and 50 feet wide for all other lots.
- (2) Lots that front on more than one street will only be required to meet minimum frontage requirements on one street [except](#).

Deleted: <#>A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the district that the portion of the lot with street frontage is located in. If the lot has street frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement

Deleted: .

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

(a) On lots in more than one zoning district the minimum frontage shall be maintained on at least one street in each district that has a street.

(3) All new lots created under these regulations must have the minimum frontage on a public or private street unless the Development Review Board:

- (a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of Chapter 440; or
- (b) Reduces the frontage requirement to not less than 15 feet for irregularly shaped lots or lots accessed by a shared driveway.

3002.G **Setbacks.** Buildings must be set back from streets, property lines and water bodies as specified in each zoning district and in accordance with the following:

(1) 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.

(2) Accessory structures and uses may encroach into a required setback as specified in [Section 3003](#).

(3) Driveways may encroach into a required setback as specified in Section 3010.

(4) To encourage a regular building pattern along a street, the Administrative Officer may reduce the minimum front setback requirement to allow a principal building to match the average setback of the two closest principal buildings on the same side of the street.

(5) Setbacks for buildings and similar structures will be measured to the foundation, support post, or outside wall unless the overhang, eaves, bay window, balconies, gutters, cornices, awnings or similar features is more than 3 feet in which case the setback will be measured to the drip edge. In no instance may a feature to extend over a property line except:

(a) In zoning districts with front setbacks of 0 feet, features may encroach into a street right-of-way with the approval of the city or state as applicable.

(6) Lots without frontage shall have no front or rear setback but will have sides setbacks from all property lines.

3002.H **Height.** No structure may exceed district height limits as measured in accordance with [this section](#) and as specified below:

(1) Minimum and/or maximum height requirements for principal [structures](#) are established for each zoning district.

(2) Accessory [structures](#) must not exceed the height requirements established in [Section 3003](#).

(3) Height limits do not apply to:

- (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
- (b) Skylights, parapet walls, cornices, chimneys, ventilators, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.

Deleted:

Deleted: buildings

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (4) Where a minimum building height is specified:
- (a) Buildings with a footprint of less than 6,000 square feet must maintain that height along the entire facade and for a depth of at least 20 feet.
 - (b) Buildings with a footprint of 6,000 square feet or more must maintain that height along at least 30% of the facade and for a depth of at least 30 feet.
- (5) Height shall be measured as the vertical distance from the highest point of the structure (excluding building elements in Paragraph (3) above) to the average of the highest and lowest points where the exterior wall meet the finish grade. See Figure 3-03.
- (6) When building height is measured in stories, the following will apply:
- (a) For residential buildings, a story must be at least 8 feet and no more than 16 feet in height from finished floor to finished ceiling.
 - (b) For nonresidential or mixed-use buildings, the first story must be at least 12 feet and no more than 24 feet in height from finished floor to finished ceiling. Upper stories must be at least 8 feet and no more than 16 feet from finished floor to finished ceiling. The Development Review Board may allow for increased story height to accommodate a particular commercial or industrial function.
 - (c) Mezzanines with a floor-to-ceiling height of at least 7 feet and exceeding 33% of the floor area below will be counted as an additional story.
 - (d) Below-grade parking levels will not count as a story.
- (7) Applicants may receive a waiver to minimum height or story requirements provided the applicant is proposing an industrial use. Applicants that receive a waiver shall build a two-story facade that gives the appearance of two stories consistent with the rules above.

Deleted: <#>Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.¶

Deleted: <#>When height is measured in feet, the measurement will be taken from the average finished grade and ground level to the highest portion of the structure excluding the building elements listed in Paragraph (3) above as shown in 1001.A.¶

3002.I Measuring Dimensional Standards. The dimensional standards for lots, setbacks and buildings will be measured as shown in Figure 3-01, Figure 3-02 and Figure 3-03.

- (1) Building footprint is a maximum cap for individual buildings and is not a cap of the cumulative total of all buildings.
- (2) Lots without frontage will not be required to meet frontage buildout for the district in which they are located.

3002.J Waivers. Applicants may request a waiver to dimensional standards not to exceed the maximum waiver in Figure 3-06. Applicants shall follow the process in Section 4602 and must demonstrate the request will meet the standards in Figure 4-02.

Figure 3-06. Waiver Limitations

| STANDARD | MAXIMUM WAIVER |
|-----------------|--|
| Lot | |
| Coverage | 5% or 2,000 sf more than district standard, whichever is less. |
| Setback | |
| Front (minimum) | May be reduced to the average on the block and side of the street that the subject property is located on. |
| Side | 10 ft less than district standard, but not to less than 5 ft |

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

| STANDARD | MAXIMUM WAIVER |
|---|---|
| Rear | 10 ft less than district standard, but not to less than 10 ft |
| Building | |
| Footprint | 10% more than district standard |
| Height (maximum) | 1 story more than district standard |
| Other Dimensional Standards | |
| The Development Review Board may modify any dimensional standard in these regulations by not more than 10%. | |

Formatted: Normal

Section 3003. Accessory Structures and Uses

3003.A **Applicability.** This section applies to any subordinate use of a structure or land that is clearly incidental to, and customarily found in conjunction with, the principal use or structure. Accessory structures and uses are allowed in all districts in accordance with this section.

3003.B **Establishment.** An accessory structure or use must not be converted to a principal structure or use without complying with dimensional requirements for primary structures.

Deleted: or use without a zoning permit and any applicable development approvals

3003.C **Dimensional and Density Standards.** Accessory structures and uses must meet all of the following:

(1) Except with regards to water setbacks, the accessory structures and uses may encroach into district setbacks as specifically authorized in Figure 3-07,

Deleted: T

(a) Where a base district setback is less than the setback in Figure 3-07, the smaller setback applies.

Deleted: Figure 3-06

Deleted: Figure 3-06

(2) The height of an accessory structure located within the minimum setback required for principal structures in the zoning district must not exceed the height specified in Figure 3-07,

Deleted: 15 feet unless otherwise

Deleted: Figure 3-06

(3) The height of an accessory structure located outside the minimum setback required for principal structures in the zoning district must not exceed the standard for a principal structure within the applicable zoning district.

Figure 3-07. Accessory Structures and Uses

| Structure | Location (Yard) | Setback | Max Height |
|--|-----------------|---------|------------|
| Arbors | Any | 0 ft | 12 ft |
| Berms | Any | 0 ft | - |
| Driveways | Any | 0 ft | - |
| Equipment, ancillary (unless otherwise specified in these regulations) | Rear or side | 5 ft | - |
| Fences (see Section 3101) | Any | 0 ft | 8 ft |
| Fire escapes, <u>entry stairs,</u> handicap ramps or similar safety/accessibility structures | Any | 0 ft | - |
| Flag poles | Any | 10 ft | 35 ft |
| <u>Garages, carports, pole barns, and similar large accessory structures (max 2 per lot unless meeting all the dimensional standards for principal buildings in the applicable district)</u> | Rear or side | 10 ft | 35 ft |
| Gates | Any | 0 ft | - |
| Heating and cooling units | Rear or side | 5 ft | - |
| Mailboxes | Any | 0 ft | - |

Deleted: Garages, carports, pole barns, or similar large accessory buildings (max 2 per lot unless meeting all the dimensional standards for principal buildings in the applicable district)

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

| Structure | Location (Yard) | Setback | Max Height |
|---|-----------------|--|------------|
| Pools, hot tubs, decks or patios | Rear or side | 5 ft | – |
| Parking areas | Rear or side | 5 ft in Urban Center 1 10 ft in all other districts 0 ft if shared | – |
| Retaining walls (see Section 3101) | Any | 0 ft | 12 ft |
| Sheds or similar small accessory buildings (max 3 per lot, max 200 sf footprint each) | Rear or side | 5 ft | 15 ft |
| Sidewalks | Any | 0 ft | – |
| Sports or recreation equipment | Any | 5 ft | 15 ft |
| Green stormwater infrastructure | Any | 0 ft | – |

Deleted: Overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, widow sills, chimneys, projections enclosing habitable space or similar architectural features

Deleted: Urban Center

Deleted: Porches (unenclosed), stoops, awnings or roof overhangs for sheltering people (excludes carports)

Deleted: Note 1. Up to 3 ft beyond district setback. Encroachment into a street right-of-way may be allowed within the Urban Center and Riverfront districts and with approval from the city or state as applicable including a construction and access permit from the Montpelier Department of Public Works.

Section 3004. Demolition

3004.A **Applicability.** A zoning permit is required to demolish a structure or part of a structure **except demolition of minor structures meeting the exemption under Chapter 110.**

Deleted: not exempted under

3004.B For demolition of a **contributing** structure within the Historic Design Review Overlay District, also see Section 2201.

Deleted: beyond ordinary repair and maintenance

3004.C Within 60 days after demolition is complete:

- (1) All structural materials and debris must be removed from the site;
- (2) The site must be restored to a natural grade; and
- (3) Groundcover must be re-established to prevent erosion unless otherwise specified as a condition of approval.

Section 3005. Riparian Areas

Deleted: Buffers

3005.A **Purpose.** The purpose of this section is to protect and enhance the overall quality, natural function, ecological health, scenic benefits, and recreation potential of the city's water resources by limiting or mitigating the impact of development within riparian areas.

3005.B **Applicability.** **The provisions of this section apply to land within the water setback as established in the base district and as measured below, except land within the [Urban Center 1](#), [Urban Center 2](#) or Riverfront districts.**

Deleted: The provisions of this section apply to land within 50 feet from the top of bank of all surface waters mapped in the Montpelier Natural Resources and Recreation Map not

3005.C **Measuring Water Setbacks.** **Water setbacks shall be measured from top of bank of all surface waters mapped on the Montpelier Natural Resources Map.**

Deleted: Urban Center

Deleted: Use of the Riparian Buffer

3005.D **Development in the Riparian Area.** **Except as outlined in Subsections [3005.E](#) and [3005.F](#) below, all development is prohibited in the riparian area.**

Deleted: Water-dependent uses, outdoor recreation uses, and uses within pre-existing buildings are allowed within the riparian area to the same extent as they are allowed in the zoning district. All other land development within the riparian area will require conditional use approval from the Development Review Board

- (1) **Applicants may request a waiver from the Development Review Board where this standard will create an undue burden. The development Review Board must find that the proposal meets the requirements in Subsection [3005.F](#).**

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

3005.E **Groundcover within Water Setbacks.** Applicants must establish or maintain a riparian buffer of natural woody vegetation from the top of bank a distance equal to or greater than half of the water setback for the applicable zoning district (i.e., a 50-foot water setback requires a 25-foot riparian buffer).

- (1) The water setback area that is not part of the required riparian buffer may be covered with mowed lawns, patios, decks, walkways, or other impervious area provided impervious cover does not exceed 20% of the entire riparian area.
- (2) The setback area that is not part of the required riparian buffer may be used for stormwater treatment and snow storage.
- (3) The applicant may apply for a waiver to remove woody vegetation from part of the riparian buffer to allow for the development of water access and the development of water-dependent uses.
 - (a) Applicants must submit waiver requests to the Conservation Commission for written comments before the Development Review Board will review the request.
 - (b) In addition to the requirements of Subsection 3005.F, the applicant must demonstrate that the amount of woody vegetation proposed to be removed will be minimized, that the location is not critical habitat, and that erosion and other environmental hazards are mitigated. The Development Review Board may require replacement of an equal amount of buffer in the water setback area.

! *A water-dependent structure or use means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.*

3005.F **Non-Conforming Development within the Riparian Buffer.** Non-conforming development within the riparian buffer will be regulated as follows:

- (1) A non-conforming building or developed site may be used for any purpose allowed in the zoning district.
- (2) Where an applicant proposes to expand a non-conforming structure or non-conforming site in the riparian area, a waiver will be required in accordance with Paragraph 3005.D(1).
- (3) When a proposal requiring major site plan approval occurs on a lot with a non-conforming riparian area, the applicant must bring the riparian area into conformance to the maximum extent feasible.
 - (a) Maximum extent feasible will be interpreted to mean that buffer material will be planted and maintained, impervious cover will be removed to meet maximum coverage, and similar non-conformities removed but that encroaching structures, especially primary structures will not be required to be removed.
- (4) On previously developed residential lots, natural woody vegetation will not have to be re-established on areas within the riparian setback maintained as lawns or gardens. Non-conforming lawn or garden areas within the riparian buffer must not be expanded except in accordance with this section. Landowners are encouraged to replace non-conforming lawn or garden areas with natural woody vegetation, which can provide multiple benefits including bank stabilization, filtration of runoff and wildlife habitat.

Deleted: <#>Natural woody vegetation must be maintained or re-established within the water setbacks specified for the zoning district except that:¶
The riparian setback does not apply to water-dependent structures and uses.¶
Up to 20% of the area within the water setback or 800 square feet, whichever is greater, may be used for water access, outdoor recreation, or outdoor seating. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.¶
The Development Review Board may allow natural woody vegetation to be removed or not re-established within a greater amount of the water setback if the applicant consults with and provides written comments from the Conservation Commission regarding the proposed use and development of the land within the setback. ¶

Deleted: Existing

Deleted: Pre-existing

Deleted: pre-existing

Deleted: <#>Pre-existing development must not be expanded into the riparian buffer except in accordance with this section.¶

Deleted: When a previously developed lot requires major site plan approval, the site must be brought into conformance with the standards of this section to the maximum extent feasible

Deleted: Pre-existing

Deleted: setback

Deleted: pre-existing

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

3005.G **Review Criteria.** When reviewing proposed development within the riparian area, the Development Review Board must find that:

- (1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the riparian area;
- (2) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions of the surface water and land within the riparian area; and
- (3) The proposed land development will be the minimum necessary to accommodate a reasonable use of the property.

Deleted: buffer

Deleted: buffer

Deleted: buffer

Deleted: The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the scenic qualities and recreational potential of the surface water and land within the riparian buffer

Section 3006. Wetlands and Vernal Pools

3006.A **Purpose.** This section is intended to preserve and protect the natural function and ecological health of the city's wetlands and vernal pools by minimizing or mitigating the impact of land development within or adjacent to them.

3006.B **Applicability.** The provisions of this section apply to any land identified as a wetland or vernal pool on the Montpelier Natural Resources Map, as well as any required buffer, except that:

- (1) Land development that obtains a state wetlands permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

Deleted: and Recreation

3006.C **Conditional Use.** Land development subject to this section will require a waiver from the Development Review Board meeting the standards in Subsection 3006.D.

3006.D **Development Standards.** Land development must be designed to:

- (1) Locate land development on portions of the lot outside wetlands, vernal pools or buffers.
- (2) Keep disturbance and clearing to a minimum within wetlands, vernal pools or buffers including any filling or removing of natural vegetation from wetlands, vernal pools or buffers.
- (3) Minimize earthwork and alteration of the natural grade of the land and natural drainage characteristics. Consider use of retaining walls to reduce the amount of cut and fill needed for slopes.
- (4) Limit road and utility crossings through wetlands, vernal pools or buffers and locate any unavoidable crossings at the narrowest section of the wetland, vernal pool or buffer. Consider use of existing crossings or shared driveways to access to upland areas on the lot.
- (5) Minimize the amount of impervious surface. Consider use of pervious materials.
- (6) Avoid water withdrawal or changes in drainage patterns that will direct water away from the wetland or vernal pool.
- (7) Avoid locating outdoor light fixtures within wetlands, vernal pools or buffers and use shielded light fixtures to direct artificial light away from wetlands, vernal pools or buffers.

Deleted: <#>Exemptions. The following activities will be exempted from the provisions of this section: ¶ Low impact development (LID) or green stormwater infrastructure (GSI) practices within a required buffer approved by the Vermont Agency of Natural Resources.¶ Stream stabilization, wetland restoration, or similar ecological activities approved by the Vermont Agency of Natural Resources.¶ Nature preserves, trails, or similar educational or passive recreation uses approved by the Vermont Agency of Natural Resources.¶ Water-dependent structures or uses approved by the Vermont Agency of Natural Resources.¶

Deleted: <#>Except as exempted in Subsection 3006.C,

Deleted: <#> 1

Deleted: <#>conditional use approval

Deleted: To the maximum extent feasible,

Deleted: 1

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (8) Maintain or establish densely planted areas between wetlands or vernal pools and nearby development and use native species to prevent the proliferation of invasive species and improve wildlife habitat.

Section 3007. Steep Slopes

3007.A **Purpose.** This section is intended to limit disturbing or clearing steep slopes for development in order to:

- (1) Protect public safety and property;
- (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality; and
- (3) Avoid the increased cost of providing services to remote or difficult to access land.

3007.B **Applicability.** The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amount(s) specified in [Figure 3-08](#).

3007.C **Definition.** For the purposes of this section, disturbing or clearing includes any activity that removes the existing, natural vegetative cover from the ground as a precursor to or component of land development. It does not include normal property maintenance or management activities such as removing hazard or diseased trees, or the harvesting of timber for personal use.

3007.D **Measuring Slope.** To determine the extents of steep slopes on the property, applicants may:

- (1) [Determine using the attached slope map.](#)
- (2) Rely on [other more accurate](#) elevation and slope data available from the city or state (see the Vermont Agency of Natural Resource's *Natural Resource Atlas*).
- (3) [Provide](#) a professionally prepared topographic survey.
- (4) Exclude isolated areas with slopes in excess of 15% that are less than 500 square feet in area, including any contiguous areas with slopes in excess of 15% on adjacent properties.

Deleted: the best available

Deleted: May

Deleted: p

3007.E **Conditional Use.** Any land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amount(s) specified in [Figure 3-08](#) will require conditional use approval from the Development Review Board. In addition to other applicable provisions of these regulations, the Development Review Board will consider the extent to which the proposed development conforms to the design guidelines established in Subsection 3007.H.

3007.F **Grading Plan.** An applicant must not propose to disturb or clear land in excess of the limit established in [Figure 3-08](#) unless he/she submits, and the Development Review Board approves, a grading plan signed and sealed by licensed engineer.

3007.G **Disturbance and Clearing Limits.** The Development Review Board may establish development envelopes and limit the amount of disturbance or clearing outside such envelopes as deemed necessary to further the purposes of this section.

3007.H **Design Guidelines.** To the maximum extent feasible, development on steep slopes [must](#) be

Deleted: should

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

designed to:

- (1) Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
- (2) Not create slopes steeper than 30%.
- (3) Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
- (4) Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
- (5) Produce a final grade that is compatible with surrounding natural terrain.
- (6) Create a harmonious transition between graded slopes and the natural terrain.
- (7) Avoid creating continuous unbroken slopes or linear slopes.
- (8) Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
- (9) Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
- (10) Consider use of retaining walls and terracing rather than cut-and-fill banks.
- (11) Vary the pad elevations on sites with multiple structures to follow the natural terrain.
- (12) Provide roads and drives that follow existing contours.
- (13) Use compact building forms and or multi-story buildings to minimize building footprint.
- (14) Use split- or multi-level building forms that step up or down the slope.
- (15) Use roof lines that follow or relate to the slope.

Figure 3-08. **Conditional Use Required**

| SLOPE | CONDITIONAL USE THRESHOLD |
|-------|--|
| >15% | Disturbing 4,000 sf or more of land in this slope category on the lot will require conditional use approval. |
| >20% | Disturbing 3,000 sf or more of land in this slope category on the lot will require conditional use approval. |
| >25% | Disturbing 2,000 sf or more of land in this slope category on the lot will require conditional use approval. |
| >30% | All development, disturbance or clearing of land in this slope category on the lot is prohibited. |

Deleted: to 20%

Deleted: to 25%

Deleted: to 30%

Figure 3-09. **Engineered Plan Required**

| SLOPE | DISTURBANCE OR CLEARING LIMIT |
|-------|---|
| >15% | No more than 40% of the land in this slope category on the lot may be disturbed without an engineered plan. |
| >20% | No more than 20% of the land in this slope category on the lot may be disturbed without an engineered plan. |
| >25% | No more than 10% of the land in this slope category on the lot may be disturbed without an engineered plan. |
| >30% | All development, disturbance or clearing of land in this slope category on the lot is prohibited. |

Deleted: to 20%

Deleted: to 25%

Deleted: to 30%

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

Section 3008. Erosion Control

- 3008.A **Purpose.** This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.
- 3008.B **Applicability.** All construction activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*). The provisions of this section apply to any land development that will disturb soil except that:
- (1) 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 upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.
- 3008.C **Erosion Control Plan Required.** Applicants must submit and implement a professionally prepared erosion control plan for construction activities that exceed the threshold amount(s) of soil disturbance specified in [Figure 3-10](#) in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.
- 3008.D **Erosion Control Practices.** Construction activities must be undertaken in accordance with the following practices:
- (1) Limit the size of the construction area to the minimum necessary to accommodate the proposed.
 - (2) Preserve significant existing trees within the construction area where possible.
 - (3) Mark site boundaries to identify the limits of construction with flags or fencing. The site boundaries should include storage and access areas. No soil compaction should occur outside the delineated construction area. Trees to be preserved within the construction area should be protected by fencing that at a minimum encloses the area around their drip line.
 - (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
 - (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto streets.
 - (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
 - (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or water bodies.
 - (8) Treat and filter any water pumped out of the construction area before allowing it to flow off the site or to be discharged to a storm drain or water body.

Deleted: development in order to reduce the potential for erosion, runoff, flooding and water quality impairment

Deleted:

Deleted: S

Deleted: should be preserved

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (9) Slow down any concentrated flows of runoff by installing stone check dams in drainage channels.
- (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete. All areas of disturbance should have permanent stabilization within 48 hours of reaching final grade with recognition that this may not be possible in every case, particularly for construction occurring between mid-October and mid-April.
- (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.
- (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (13) In order to promote water infiltration and plant health:
 - (a) Any compacted soil should be tilled prior to the final seeding and mulching; and
 - (b) Topsoil removed during construction must be stockpiled and spread back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it should be amended as needed.

Figure 3-10. Erosion Control Plan Required

| SLOPE | THRESHOLD FOR ENGINEERED PLAN |
|-------|---|
| >25% | An erosion control plan is required for development disturbing any amount of soil on the lot that is steeper than 25%. |
| >20% | An erosion control plan is required for development disturbing 2,500 sf or more of soil on the lot that is steeper than 20%. |
| >15% | An erosion control plan is required for development disturbing 5,000 sf or more of soil on the lot that is steeper than 15%. |
| >10% | An erosion control plan is required for development disturbing 10,000 sf or more of soil on the lot that is steeper than 10%. |

See Subsection 3007.D for guidance on measuring slope.

Section 3009. Stormwater Management
[\[reserved for future use\]](#)

Section 3010. Access and Circulation

- 3010.A **Purpose.** The provisions of this section are intended to promote safe and efficient access to and circulation within a property for vehicular, bicycle and pedestrian traffic.
- 3010.B **Vehicular Access.** All lots being developed or redeveloped must provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standards for Residential and Commercial Drives and the standards below. In the case of any conflict the city's public works specifications would take precedence over the B-71 standard or the standards of this section, and the standards of this section would take precedence over the B-71 standard:

Deleted: <#>Purpose. This section is intended to promote use of low impact development (LID) practices and green stormwater infrastructure (GSI) on development or redeveloped sites that preserve or restore the natural hydrology of the land in order to minimize stormwater-related water quality impairments and flooding.¶

¶ *Impervious surface means any surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.¶*

Applicability. All land development must include appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure or downstream water bodies in accordance with the provisions of this section except that:¶

Land development on a lot with less than 10% impervious surface cover (prior to the proposed development) that will not increase the amount of impervious surface by more than 4,000 square feet is exempted from the provisions of this section. The applicant must include all phases of proposed development when calculating the increased amount of impervious surface.¶

Land development on a lot with 10% or more impervious surface cover (prior to the proposed development) that will not increase the amount of impervious surface by more than 2,000 square feet is exempted from the provisions of this section. The applicant must include all phases of proposed development when calculating the increased amount of impervious surface.¶

Single- and Two-Family Residential Development. Land development on a single- or two-family residential property must demonstrate compliance with Subsection 3009.H and Subsection 3009.J.¶

Multi-Family Residential and Nonresidential Development. Land development on a multi-family, mixed-use or nonresidential property that:¶

Will result in less than 15,000 square feet of impervious surface (existing and proposed) on the lot must demonstrate compliance with Subsection 3009.I and Subsection 3009.J.¶

Will result in 15,000 square feet or more of impervious surface (existing and proposed) on the lot must submit a stormwater management plan prepared by a licensed or certified professional demonstrating that green stormwater infrastructure facilities will be provided to manage at least 1 inch of rainfall from all impervious surfaces on the lot in accordance with the current *Vermont Stormwater Manual* and compliance with Subsection 3009.J.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (1) **General.** All proposed land development must be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive-through lanes, bicyclists and pedestrians) within the site.
- (2) **State or Class 1 Highways.** Access to lots with frontage on a state or Class 1 highway must be in conformance with the following:
 - (a) Access to a corner lot fronting on a state or Class 1 highway must be from the secondary street unless otherwise approved by the Development Review Board upon the applicant demonstrating that access from the state or Class 1 highway will improve traffic circulation or safety.
 - (b) If the lot will be accessed from a state highway, the applicant must provide a letter of intent confirming that the Vermont Agency of Transportation is prepared to issue an access permit and setting out any proposed conditions on that permit.
- (3) **Number.** Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except as provided for below:
 - (a) A corner lot not fronting on a state or Class 1 highway may have one access point on each street provided that the spacing requirements specified below will be met.
 - (b) The Development Review Board may approve more than one access on a lot when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site.
- (4) **Spacing.** Access spacing will be measured from the inside curb or pavement edge of the proposed driveway to the inside curb or pavement edge of the adjacent or opposite driveway or street as shown in [Figure 3-12](#). Access points must be spaced as specified in [Figure 3-11](#). The Development Review Board may:
 - (a) Require greater spacing given anticipated traffic, road speed and sight distance.
 - (b) Reduce the spacing for residential driveways on low volume streets.
 - (c) Reduce the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the city or state, as applicable.
- (5) **Cross Access.** Proposed nonresidential or mixed-use land development must provide for cross access between adjacent properties whenever physically feasible. The Development Review Board may require construction of the access or a common access easement with agreement for later construction of the access as a condition of approval.
- (6) **Length.** Driveway length and internal circulation patterns must be adequate to prevent vehicles entering and exiting the site from causing queuing on the street.
- (7) **Emergency Vehicle Access.** All proposed land development must provide adequate access for emergency vehicles. The Development Review Board may require the applicant to provide fire lanes, pull-offs and/or turnarounds as necessary to accommodate emergency vehicles.
- (8) **Street Improvements.** The Development Review Board may require the applicant to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study.

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

(9) **Nonconformities.** Previously developed sites with nonconforming access must come into conformance with the provisions of this section when changes are proposed to the site layout, access, or circulation.

(a) The Development Review Board may approve a waiver for this requirement where the applicant demonstrates the proposal cannot come into compliance due to the physical characteristics of the lot or existing structures on the lot.

Deleted: ~~<#>Access Permit.~~ Before the Administrative Officer may issue a zoning permit for development to be served by a new curb cut on a state highway, the applicant must obtain a letter of intent or a highway access permit from the state.¶

Deleted: ~~<#>~~to the maximum extent feasible given the physical characteristics of the lot and the existing development when changes are proposed to the pre-existing site layout, access or circulation

Figure 3-11. Driveway Separation Standards

| | UC 1, UC 2, RIV & MUR | RES 1.5, RES 3, RES 6, RES 9 & RES 17 | All Other Districts |
|---|--------------------------|--|---------------------|
| Distance between Street Intersections and Driveways | 50 ft min | 100 ft min | 200 ft min |
| Distance between Driveways | 30 ft min | 45 ft min | 120 ft min |

Deleted: HDR

Deleted: MDR

Deleted: LDR

Figure 3-12. Illustrated Driveway Standards



Section 3011. Parking and Loading Areas

3011.A **Purpose.** The provisions of this section are intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian-friendly environment.

3011.B **Applicability.** Except within the Urban Center 1 and 2 districts, all development must provide off-street parking in accordance with this section and all nonresidential or mixed-use development must provide loading areas in accordance with this section.

Deleted: Urban Center

(1) Within the Urban Center 1 and 2 districts, there are no minimum parking or loading requirements, but any parking or loading areas that will be provided must meet the provisions of this section including specifically Paragraph 3011.G(5).

Deleted: ~~<#>~~There are no minimum parking or loading requirements within the Urban Center district.¶ Any on-site parking or loading areas that will be provided in the Urban Center district must be located and designed in accordance with the provisions of this section.¶

3011.C **Minimum Amount of Parking.** All development must provide off-street parking in accordance with the following:

- (1) The minimum number of spaces may be determined based on Figure 3-13,
- (2) If uncertainty exists as to which ratio in Figure 3-13 applies to a proposed use, the Administrative Officer will make a determination.

Deleted: Figure 3-12

Deleted: Figure 3-12

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (3) The Development Review Board may waive some or all off-street parking requirements to that extent that:
- (a) The applicant submits a parking study demonstrating that less parking will be needed;
 - (b) The applicant meets the requirements for shared parking in Paragraph 3011.E.
 - (c) There is adequate on-street or public parking available within 1,000 feet of the proposed development to meet all or a portion of the demand;
 - (d) There is an existing or proposed public transit stop within ¼ mile of the proposed development; and/or
 - (e) The proposed development will provide secure, enclosed bicycle storage and shower facilities for employees who bicycle, jog or walk to work.

3011.D **Maximum Amount of Parking.** The creation of more than twice the minimum amount of parking as calculated based on [Figure 3-13](#) must be approved by the Development Review Board in accordance with the following:

- (1) The applicant must submit a parking study demonstrating that the additional parking is necessary.
- (2) The Development Review Board may condition approval of any parking in excess of the minimum on the additional area being surfaced with pervious materials and/or being phased so that it is constructed only as warranted to meet future demand.

3011.E **Shared Parking.** A [shared](#) parking plan may be approved to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:
 - (a) Determining the minimum parking requirements based on [Figure 3-13](#) for each use as if it were a separate use.
 - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in [Figure 3-14](#), [The Administrative Officer will determine percentages based on comparing the proposed use to the use in Figure 3-14, that is most similar in parking demand](#).
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Any shared or off-site parking must be located within a 1,000-foot walk of the associated use(s). The parking area and building(s) served must be connected by a sidewalk or hard-surfaced walkway.
- (3) The applicant must submit a written agreement between the owners and lessees executed for a minimum of 20 years. Should the use(s), parties involved, or terms of the agreement change in a manner that would alter the amount of parking provided or required, a revised agreement will need to be submitted and approved in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of these regulations unless replacement parking is provided in accordance with this

Deleted: cooperative

Deleted: Figure 3-13

Deleted: Figure 3-13

Deleted: The Administrative Officer will establish percentages for any unlisted use

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

section.

- (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

3011.F **Loading Areas.** An applicant for a use that will regularly receive deliveries or generate shipments by truck must demonstrate that there will be adequate off-street space for loading and unloading without interfering with traffic circulation, access and parking.

3011.G **Locational Standards.** Off-street parking and loading areas must be located as follows:

- (1) Parking and loading areas must be located on the same lot as the use or structure it serves unless a **shared** parking plan is approved in accordance with Subsection 3011.E.
- (2) Parking and loading areas (inclusive of vehicle overhang) must **be located behind the front line of the building**. Irrespective, parking of personal vehicles is allowed within any lawful residential driveway.
- (3) Parking located behind buildings is encouraged in all zoning districts.
- (4) A loading area must be located to the side or rear of the building it serves.
- (5) Within the Urban Center 1, Urban Center 2 and Riverfront districts, the following standards apply:
 - (a) No additional off-street surface parking may be constructed between the street and the front line on the lot (this does not apply to lots where parking is the principal use).
 - (b) Land development requiring major site plan approval must remove any non-conforming off-street surface parking located between the street and front line of the principal building on the lot.

3011.H **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 8½ feet wide by 18 feet deep, except for compact car spaces approved by the Development Review Board. Each space must be accessible from a driveway or access aisle except for:
 - (a) Stacked spaces within a driveway serving not more than 4 dwelling units; or
 - (b) Tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.
- (2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be designed in accordance with accepted engineering standards.
- (3) **Loading Areas.** Loading areas must conform to the following minimum standards:
 - (a) Off-street loading areas for single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.
 - (b) Off-street truck loading areas for trailer trucks must have an overhead clearance of

Deleted: Required

Deleted: p

Deleted: cooperative

Deleted: Required

Deleted: p

Deleted: not be located within front, side or rear setbacks except that areas that will be shared by abutting lots may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Subsection 3011.E

Deleted: Specifically, required parking must be located on the lot in accordance with any parking standards specified for the zoning district in Part 2 of these regulations

Deleted: Urban Center

Deleted: Additional off-street surface parking must not be constructed between the street and the front line of the principal building on the lot (this does not apply to lots where parking is the principal use

Deleted: Land development requiring major site plan approval must remove any nonconforming off-street surface parking located between the street and the front line of the principal building on the lot to the maximum extent feasible given site-specific conditions

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.

- (4) **Turnarounds.** All off-street, non-residential parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a street right-of-way to the maximum extent feasible given the physical characteristics of the subject property.

3011.1 **Design, Construction and Maintenance Standards.** Off-street parking and loading areas must conform to the following:

- (1) **Pavement.** Off-street parking and loading areas must provide a firm, level surface appropriate for the anticipated level of use in all seasons in accordance with the following:
- (a) Parking areas for more than 20 vehicles, drive-through lanes and large truck loading areas must be surfaced with asphalt or concrete.
 - (b) The Development Review Board may modify the surfacing requirement for parking areas that will not be regularly used.
 - (c) Use of pervious pavement for lightly used parking areas is strongly encouraged.
- (2) **Layout.** Perpendicular (90 degree) parking is encouraged and angled parking should be avoided unless necessitated by site-specific conditions.
- (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all surface water and minimize erosion in accordance with the provisions of Section 3009. Run-off and/or eroded surface materials must not flow onto adjacent streets or properties.
- (4) **Snow Storage.** Snow cleared from off-street parking and loading areas must be stored on-site without obstructing vehicular or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the subject property and in accordance with the following:
- (a) If adequate space for snow storage is not available on-site, the snow must be removed from the property as necessary and disposed of in accordance with state regulations.
 - (b) Snow must not be cleared or stored in a location or manner that would damage required landscaping.
 - (c) Use of low impact development techniques to filter and infiltrate snowmelt is strongly encouraged.
- (5) **Markings and Edging.** Parking areas with more than 10 spaces must demarcate the parking spaces in accordance with the following:
- (a) If the surface is paintable, the spaces must be demarcated with painted lines.
 - (b) If the surface is not paintable, the spaces must be demarcated however practical.
 - (c) The markings must be kept clearly visible and distinct.
 - (d) Wheel stops, curbing, bollards or similar structural barriers must be used to delineate the end of a parking space and prevent vehicles from entering or

Deleted: <#>Accessibility Standards. Any applicant for site plan approval must certify that accessible parking, which complies with current Americans with Disabilities Act Standards, will be provided. ¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

extending over abutting yards, landscape islands, sidewalks or walkways.

- (e) Any area subject to vehicle overhang will not be included in the calculated area of a required walkway, island, buffer or yard.
- (6) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within parking areas as an allowed accessory use in any zoning district. Development that will create more than 40 parking spaces for residents or employees must provide at least 1 electric vehicle charging station per 20 parking spaces. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
- (7) **Maintenance.** Parking and loading areas must be maintained in good condition free of weeds, dirt, trash and debris.

Deleted: ¶
Landscaping. Parking lots must be landscaped in accordance with Subsection 3203.H except that: ¶
 Rear parking lots that will be screened from view at the street by the principal buildings may reduce the percentage of landscaping required under Subsection 3203.H from 40% to 25%.

3011.J **Nonconforming Parking and Loading Areas.** Sites with nonconforming parking and loading areas must come into conformance with the provisions of this section to the maximum extent feasible given the physical characteristics of the lot and the existing development when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation. When redesigning pre-existing parking and loading areas on a lot, the highest priority should be to eliminate any nonconforming parking within the minimum front setback. Any redevelopment of a previously developed site must provide the minimum amount of parking required under this section.

Deleted: Previously Developed Sites

Figure 3-13. Minimum Parking Ratios

| USE | MINIMUM PARKNG SPACES |
|--|--|
| Residential | |
| Single-family, accessory or multi-family dwelling | 1.0 per DU |
| Retirement housing, assisted living or nursing homes | 0.5 per DU (household living) or 0.3 per bed (congregate living) |
| Other residential | 1.0 per DU (household living) or 0.5 per bed (congregate living) |
| Lodging | |
| Bed and breakfast, inn, rooming or boarding house | 2.0 + 1.0 per guest room |
| Hotel or motel | 0.8 per guest room + 1.0 per 600 sf of public assembly space |
| Commercial | |
| Uses with high customer turnover | 1.0 per 300 sf of GFA |
| Uses with regular customer traffic | 1.0 per 450 sf of GFA |
| Uses with limited customer traffic | 1.0 per 600 sf of GFA |
| Uses with no regular customer traffic | 1.0 per 900 sf of GFA |
| Industrial | |
| Uses with no customer traffic | 1.0 per 1,500 sf of GFA |
| Uses with limited customer traffic | 1.0 per 900 sf of GFA |
| Uses with regular customer traffic | 1.0 per 600 sf of GFA |
| Public Assembly | |
| Facilities for mass assembly | 1.0 per 6 seats or 1.0 per 60 sf of assembly area if no seats |
| Public assembly with high visitor turnover | 1.0 per 300 sf of GFA |
| Public assembly with regular visitor traffic | 1.0 per 450 sf of GFA |
| Public assembly with limited visitor traffic | 1.0 per 600 sf of GFA |
| Institutional or Community Facility | |

- Deleted: Retail, dining or service**
- Deleted: u**
- Deleted: Retail, office or service**
- Deleted: u**
- Deleted: Office or service**
- Deleted: u**
- Deleted: Office or service**
- Deleted: u**
- Deleted: Manufacturing or storage u**
- Deleted: Research or development, data processing or similar office-like uses**
- Deleted: Wholesale trade, self-storage or industrial**
- Deleted: u**
- Deleted: places**
- Deleted: places**
- Deleted: places**
- Deleted: 12/8/16**

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

| USE | MINIMUM PARKNG SPACES |
|---|---|
| Hospital | 1.0 per 600 sf of GFA |
| Medical clinic building | 1.0 per 300 sf of GFA |
| Grade school | 0.1 per student + 1.0 per 300 sf of office space |
| College or university | 0.3 per student |
| Trade or specialty school | 1.0 per 300 sf of GFA |
| Library | 1.0 per 300 sf of GFA |
| Museum or exhibition hall | 1.0 per 1,200 sf of GFA |
| Public safety facility | 1.0 per employee + 1.0 per 300 sf of office space |
| Funeral home | 1.0 per 300 sf of GFA |
| Supervision or rehabilitative services | 1.0 per 600 sf of GFA |
| Social assistance, welfare or charitable services | 1.0 per 300 sf of GFA |
| Mining, Agriculture and Forestry | |
| Stable or equine facility or greenhouse | 1.0 per 600 sf of GFA |
| Kennel | 1.0 per 300 sf of GFA |
| Mining, extracting, quarrying and stone cutting | 1.0 per employee + 1.0 per facility vehicle |
| Support functions for animal production | 1.0 per 600 sf of GFA |

Notes. When calculation of minimum parking requirements based on these ratios results in a fractional number, the number of spaces must be rounded up to the nearest whole number.

If a proposed use is not listed, the Administrative Officer will set a ratio based on the listed use most similar to the proposed use.

DU = Dwelling Unit. GFA = Gross Floor Area.

High turnover uses are characterized primarily by an ongoing stream of customers or visitors arriving throughout the day and staying for a limited period of time (ex. convenience store, coffee shop or gym).

Uses with regular traffic are characterized by customers or visitors arriving primarily at an expected or appointed time, and staying for moderate period of time (ex. sit-down restaurant, theater, or medical office).

Uses with limited traffic are characterized by customers or visitors arriving infrequently and primarily by appointment (ex. attorney or accountant).

Figure 3-14. Shared Parking Percentages

| Land Use | Weekday | | Weekend | | Nighttime (12 AM – 6 AM) |
|----------------------|--------------------------|---------------------------|--------------------------|---------------------------|-----------------------------|
| | Daytime (9 AM – 4 PM) | Evening (6 PM – 11 PM) | Daytime (9 AM – 4 PM) | Evening (6 PM – 11 PM) | |
| Office or Industrial | 100% | 10% | 10% | 5% | 5% |
| Retail | 60% | 70% | 100% | 70% | 5% |
| Lodging | 70% | 100% | 70% | 100% | 70% |
| Dining | 50% | 100% | 70% | 100% | 5% |
| Other Commercial | 40% | 100% | 80% | 100% | 5% |
| Residential | 50% | 90% | 80% | 90% | 100% |

Section 3012. Signs

3012.A **Purpose.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

- (1) Protect public safety;
- (2) Promote effective identification, communication and wayfinding; and
- (3) Maintain and enhance an attractive visual environment that fosters a healthy economy.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

3012.B **Applicability.** All signs must be designed and installed in accordance with the provisions of this section. The applicant must apply for and receive a zoning permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in Subsection 3012.D.

Deleted: Administrative Officer must issue a zoning permit before any sign

3012.C **Prohibited Signs.** The following signs are prohibited:

- (1) Off-premise signs, except for signs on a common scheme premises in accordance with Paragraph 3012.G(6).
- (2) On-premise signs more than 1,500 feet from the main entrance of the advertised business or use, except for signs on a common scheme premises in accordance with Paragraph 3012.G(6).
- (3) Abandoned signs.
- (4) Signs attached to trees, utility poles, or public amenities such as public benches or streetlights.
- (5) Signs placed on any public property or public right-of-way, except for a portable sign in accordance with Paragraph 3012.G(11).
- (6) Signs that obstruct pedestrian traffic or visibility.
- (7) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.
- (8) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights except for electronic message signs in accordance with Paragraph 3012.G(7).
- (9) Internally illuminated signs.
- (10) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device except for revolving barber poles not more than 4 feet tall.
- (11) Signs that use obscene, lewd, vulgar or indecent words or images.
- (12) Signs more than 150 square feet in area.
- (13) Signs mounted or extending more than 35 feet above the ground or, if building mounted, above the building's roofline.
- (14) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

Deleted: a political sign in accordance with Subsection 3012.D or

Deleted: 3012.H(12)

3012.D **Exempt Signs.** The following signs do not require a zoning permit:

- (1) Public signs or notices erected or required by the city or state within the public right-of-way, including signs associated with public transit.
- (2) Government flags not more than 60 square feet in area when flown from a flag pole,
- (3) Signs for a garage sale, yard sale or similar sale of personal property that are not more than 4 square feet in area and are displayed not more than 2 days prior to the sale and removed within 24 hours after the sale.

Deleted: ,

Deleted: flags or banners

Deleted: Flags or insignia of a government not more than 60 square feet in area when displayed in accordance with applicable federal and state codes and flown from a pole not more than 40 feet in height

Deleted: <#>Political or campaign signs not more than 6 square feet in area. Campaign signs must not be displayed more than 60 days prior to the earliest date that ballots may be submitted. They must be removed within 7 days after the election except that campaign signs do not have to be removed between the primary and general election.¶
Signs for a special event, which is sponsored by a public or nonprofit organization and will be open to the general public, that are displayed not more than 15 days prior to the event and are removed within 3 days after the event.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (4) One real estate sign not more than 6 square feet in area per lot. For lots fronting on more than one street, one sign is allowed per street. Such signs must be removed within 1 week following the sale or lease of the property.
- (5) One construction site identification sign not more than 32 square feet in area per lot. Such signs must not be erected prior to work commencing on the project and must be removed not more than 3 days after the Administrative Officer issues a certificate of compliance for the project or upon completion of the work if no certificate of compliance is required.
- (6) One open flag not more than 15 square feet or open/closed sign not more than 2 square feet in area per business. The flag must be displayed only when the business is open. An open sign may be illuminated only when the business is open.
- (7) Posted, trespassing, hunting or similar signs not more than 2 square feet in area.
- (8) Non-illuminated name, address or similar identification signs not more than 2 square feet in area.
- (9) Non-advertising, decorative signs or banners on single-family or two-family residential property.

3012.E **Dimensional Standards.** [Figure 3-16](#) establishes the maximum sign area and height by zone to be calculated or measured as follows:

- (1) **Sign Area.** Sign area will be calculated by drawing one or more rectangles around all the components (ex. text, logos, symbols, graphics) that serve to communicate the sign's message in accordance with the following:
 - (a) Support components (ex. frames, bases, poles, posts, roofs, etc.) will not be included in the calculation of sign area unless they are integral to communicating the sign's message.
 - (b) Sign area only includes one side of a multi-sided sign provided that the message is the same on all sides (if it is not, each unique message component will be counted once in the calculation).
 - (c) The area of a nonrectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle(s) as specified in [Figure 3-17](#).
 - (d) See [Figure 3-17](#) for further guidance on calculating sign area.
- (2) **Sign Height.** The height of a ground-mounted sign will be measured from the lowest point on the ground at the base of the sign to the highest point of the sign, including any support component (ex. post, roof, etc.). See [Figure 3-16](#) for further guidance on measuring sign height.

3012.F **General Standards.** Signs must conform to the following:

- (1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.
- (2) Permanent ground-mounted signs must be self-supporting structures built on and attached to concrete foundations.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (3) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.
- (4) Signs must not be designed or located in a manner that would obstruct access to any fire escape, required exit, window or door.
- (5) Sign lighting must meet the provisions of Subsection [3012.H](#).
- (6) Signs must not be displayed more than 14 days before the associated use commences.

3012.G **Specific Standards.** Signs must conform to the following:

- (1) **Wall Signs.** Wall signs are allowed as specified in [Figure 3-15](#) and in accordance with the following:
 - (a) A building or tenant may have multiple wall signs.
 - (b) Wall signs may be mounted on any facade facing a street, public right-of-way or parking lot.
 - (c) The total area of all wall signs will be counted towards the maximum amount of building-mounted signs specified in [Figure 3-16](#).
 - (d) The width of a wall sign must not exceed 80% of the width of the building frontage associated with the tenant space (for multi-use buildings) or building frontage (for single-use buildings).
 - (e) The sign may be illuminated in accordance with Subsection [3012.H](#).
 - (f) Wall signs that project more than 6 inches from the wall must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
 - (g) Wall signs may encroach into required setbacks or over sidewalks.
 - (h) Signs that project more than 18 inches from the wall will be considered a projecting sign.
- (2) **Projecting Signs.** Projecting signs are allowed as specified in [Figure 3-15](#) when designed and placed for the purpose of identifying the business by a pedestrian walking along the same side of the street as the business or under a building arcade or canopy in accordance with the following:
 - (a) There must not be more than one projecting sign per customer entrance.
 - (b) The sign must not exceed 12 square feet in area.
 - (c) The area of a projecting sign will be counted towards the maximum amount of building-mounted signs specified in [Figure 3-16](#).
 - (d) The sign may be illuminated in accordance with Subsection [3012.H](#).
 - (e) The sign and its support structure must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
 - (f) The sign and its support structure must not project more than 6 feet from the wall of the building on which it is mounted.
 - (g) The sign and its support structure may encroach into required setbacks and over sidewalks to within 1 foot of the curb.

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (h) Projecting signs must not be mounted above the second floor, except that blade signs may be mounted at ground or second floor level and extend more than one story in height.
 - (i) Projecting signs must not be located closer than 24 feet to each other.
- (3) **Directory Signs.** Building-mounted directory signs are allowed as specified in [Figure 3-15](#) to identify uses that must be accessed from inside the building and in accordance with the following:
- (a) There must not be more than one directory sign per shared building entrance.
 - (b) The sign must not exceed 12 square feet in area.
 - (c) The sign must be located at or adjacent to a building entrance.
 - (d) The sign may be illuminated in accordance with Subsection [3012.H](#).
 - (e) The area of a directory sign will be counted towards the maximum amount of building-mounted signs specified in [Figure 3-16](#).
- (4) **Signs for Upper Floor Uses.** Building-mounted signs identifying upper floor uses are allowed as specified in [Figure 3-15](#) and in accordance with the following:
- (a) There must not be more than one sign per upper floor use.
 - (b) The sign may be a wall or projecting sign.
 - (c) The sign must be mounted above the ground floor level at the height and location of the advertised use. The preferred mounting location for a second floor projecting sign is beside a related window and not higher than the top of the window.
 - (d) The sign may be illuminated in accordance with Subsection [3012.H](#).
 - (e) The area of upper floor use signs will be counted towards the maximum amount of building-mounted signs specified in [Figure 3-16](#).
 - (f) If there will be multiple upper floor use signs mounted on a building, they must be compatible in type, scale and placement.
- (5) **Ground-mounted signs.** Ground-mounted signs are allowed as specified in [Figure 3-15](#) and in accordance with the following:
- (a) There must not be more than one ground-mounted sign per parcel, except that parcels with frontage on more than one street may have one ground-mounted sign on each street frontage.
 - (b) The maximum size and height of a ground-mounted sign is specified in [Figure 3-16](#).
 - (c) The sign may be located within required setbacks, but must be set back at least 3 feet from the property line. Signs more than 6 feet in height must be set back from the property line at least a distance equal to 50% of their height.
 - (d) The sign may be illuminated in accordance with Subsection [3012.H](#).
 - (e) Ground-mounted signs must not be located closer than 50 feet to one another.
 - (f) Multi-use ground-mounted signs must not include any information other than the

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

name of the site, its address and/or the name of tenants.

- (g) Ground-mounted entrance signs must not include any information other than the name of the site or subdivision and its address.
- (6) **Common Scheme Premises Signs.** A single development site that consists of multiple lots sharing a common entrance from the street may have a multi-use ground-mounted sign, irrespective of whether the advertised use is located on the same lot as the sign or the ownership of the lots.
- (7) **Electronic Message Signs.** Electronic message signs are allowed as specified in [Figure 3-15](#) and in accordance with the following:
 - (a) There must not be more than one electronic message sign per use except as specifically authorized in Subsection [3012.I](#).
 - (b) Single-color, changeable-copy electronic message signs must not exceed 12 square feet in area.
 - (c) Multi-color changeable-copy electronic message signs are prohibited, except for theater marquees in accordance with Paragraph [3012.I\(1\)](#).
 - (d) Changeable-copy electronic message signs must not flash, scroll, fade, brighten, dim or otherwise be animated or create the effect of movement.
 - (e) The sign must not change its message more than once every 15 minutes.
 - (f) The brightness of the sign must not be of such an intensity as to cause unsafe conditions. Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels.
- (8) **Awnings and Similar Accessory Structures.** Signs on awnings or similar accessory structures attached to a building will be considered wall signs for the purposes of determining the total number and area of signs allowed on a site. Umbrellas or similar detached accessory structures will also be considered wall signs if more than 10% of their surface area is covered with advertising messages intended to be legible from off the premises.
- (9) **Instructional and Wayfinding Signs.** Instructional and wayfinding signs not designed to be legible from off the premises or for advertising purposes are allowed without limitation and will not be counted when determining the total number and area of signs allowed on a site.
- (10) **Temporary Signs.** Temporary signs are allowed to advertise openings, sales or similar special events as specified in [Figure 3-15](#) and in accordance with the following:
 - (a) There must not be more than one temporary sign per site except that multi-use sites in Sign Zone 2 may have not more than one temporary sign per use.
 - (b) A temporary sign must not be displayed more than 7 consecutive days and more than a total of 14 days in any calendar year.
 - (c) A temporary sign must be securely attached to a building or a permanent ground-mounted sign.

Deleted: . Monument signs are the preferred type of entrance sign

Deleted: except that time-temperature signs may switch messages once every 4 seconds

Deleted: <#>Window Signs. Window signs:¶
Will be considered wall signs for the purposes of determining the total number and area of signs allowed on a site.¶
Must not obscure more than 25% of any ground-level window, whether the sign(s) are permanent or temporary, on the interior or exterior of the window, or physically mounted on the window or otherwise mounted so as to be primarily viewed through the window.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

- (d) A temporary sign must not be more than 20 square feet in area.
 - (e) Temporary signs will not count towards the total amount of signs allowed under [Figure 3-16](#).
 - (f) A temporary sign must not be illuminated.
- (11) **Portable Signs.** Portable signs are allowed to advertise daily specials, sales or similar information as specified in [Figure 3-15](#) and in accordance with with the city's sandwich board guidelines (available from the Department of Public Works) and the following:
- (a) There must not be more than one portable sign per business.
 - (b) A portable sign may only be placed out when the business is open.
 - (c) A portable sign must not be more than 8 square feet in area and 4 feet in height.
 - (d) A portable sign will not count towards the total amount of signs allowed under [Figure 3-16](#).
 - (e) A portable sign may be placed on the public sidewalk not more than 12 feet from the associated customer entrance provided that the sign does not restrict the sidewalk to a clear width of less than 4 feet.
 - (f) A portable sign must not be illuminated.

3012.H **Sign Lighting.** All sign lighting must conform to the following:

- (1) **Externally Illuminated Signs.** External illumination for signs will be considered Class 1 lighting and must conform to the standards of Subsection 3204.F. All upward directed sign lighting is prohibited.
- (2) **Luminous Tube and Fixed-Copy Electronic Message Signs.** Luminous tube and fixed-copy electronic message signs will not count towards the site's total outdoor lighting output provided the lighting is located within the sign message area. Any lighting extending beyond the sign message area will be treated as Class 3 lighting and will count towards the site's total outdoor lighting output. Also see Paragraph [3012.G\(7\)](#).
- (3) **High Intensity Lights.** The use of laser source lights, searchlights or other high intensity lights for advertising purposes is prohibited.
- (4) **Time Limits.** Sign lighting must be turned off by 9 p.m. within Lighting Zone 1 and 11 p.m. within Lighting Zone 2, or the close of business if later. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood.

3012.I **Special Use Signs.** There are special standards for the following uses:

- (1) **Theaters.** In addition to the signs otherwise allowed under this section, a theater may have either:
 - (a) A marquee, which may advertise current or upcoming movies, shows or performances. The marquee may project not more than 6 feet from the building and may be not more than 4 feet high and 12 feet wide. The three faces of the marquee may be used as signs. The marquee will not count towards the total amount of signs allowed under [Figure 3-16](#). In Sign Zones 1 and 2, the marquee may

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

use a multi-color, changeable-copy electronic message sign and will not be subject to the size limitation of Paragraph [3012.G\(7\)](#) (the multiple faces of the marquee will be considered one electronic message sign).

- (b) Temporary wall or window signs, which may advertise current or upcoming movies, shows or performances. These signs may be mounted in permanently installed frames. These signs will not count towards the total amount of signs allowed under [Figure 3-16](#) or be subject to the limitations of Paragraph [1001.A\(1\)](#) or Paragraph [3012.G\(10\)](#). The total area of these signs must not exceed 32 square feet except that multiplexes may have another 8 square feet of signage per additional theater.

- (2) **Fueling Stations.** In addition to the signs otherwise allowed under this section, a fueling station may have either:

- (a) One pricing sign affixed to each pump or not more than one pricing sign affixed to each side of the canopy. Such pricing signs will not count towards the total amount of signs allowed under [Figure 3-16](#). Each sign must not be more than 3 square feet in area. Pricing signs may be single-color changeable-copy electronic message signs provided that the standards of Paragraph [3012.G\(7\)](#) are met (the multiple pricing signs will be considered one electronic message sign).
- (b) One free-standing pricing sign per street frontage. The pricing sign will count towards the total amount of signs allowed under [Figure 3-16](#). The pricing sign may be a single-color changeable-copy electronic message sign provided that the standards of Paragraph [3012.G\(7\)](#) are met.

- (3) **Farm Stands or Markets.** In addition to the signs otherwise allowed under this section, a farm stand or market may display not more than 4 non-illuminated signs advertising seasonal products. Such signs will not count towards the total amount of signs allowed under [Figure 3-16](#). Each sign must not be more than 4 square feet in area and must not be displayed more than 90 days in any calendar year.

3012.J **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.

3012.K **Sign Maintenance.** All signs must be maintained in a safe, legible, functional and well-kept condition that is substantially the same as when they were constructed or installed.

3012.L **Sign Removal.** All signs must be removed within 90 days of its associated use being changed or terminated (if the sign is nonconforming see Subsection [3012.M](#)). For lawful, conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered and the support components may remain. If the support components are not going to be reused, they must be removed prior to the Administrative Officer issuing a zoning permit for any new signs on the property.

3012.M **Nonconforming Signs.** The following apply to lawfully existing, nonconforming signs:

- (1) A nonconforming sign must not be altered, modified or reconstructed except if:
 - (a) The alteration, modification, reconstruction or relocation will bring the sign into

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

conformance with these regulations.

- (b) The alteration, modification or reconstruction of the sign will be limited to the replacement of a sign panel, replacing individual letters or logos within the same area, repainting a sign face with no change in the sign's area or primary content (ex. business name or logo). No changes beyond normal repair and maintenance will be allowed to the structure or framing, and the sign must not be relocated.
- (2) Otherwise a nonconforming sign must be brought into conformance with these regulations when:
 - (a) There is a substantial improvement to the exterior of the building housing the use advertised on the sign.
 - (b) The sign has been damaged to the extent that the cost of repair or restoration will exceed 30% of the replacement value of the sign immediately prior to the damage.
- (3) A nonconforming sign must be removed within 7 days of its associated use being changed or terminated. Both the message and support elements of the sign must be removed. The Development Review Board may allow a nonconforming sign to remain after the use is terminated upon determining that the nonconforming sign has artistic, historic or landmark value to the city and is an essential component of the unique identity of a neighborhood, site or building.
- (4) The following nonconforming signs have been determined to have artistic, historic or landmark value to the city:
 - (a) The roof sign at 118 Main Street;
 - (b) The clock in front of 13 State Street;
 - (c) The marquee at 93 State Street; and
 - (d) The canopies and projecting signs at 100 State Street.

Deleted: <#>There is a change in the primary content of the sign (ex. business name or logo).¶

Deleted: <#>**Violations.** In addition to the enforcement procedures of Chapter 470, the City of Montpelier may remove any sign found to be in violation of this section or to be posing a hazard at the owner's expense.¶

Figure 3-15. **Sign Types Allowed**

| | UC 1 & 2 | EG | WG, RIV & MUR | All other districts |
|------------------------------------|----------|----|---------------|---------------------|
| Wall Sign | Y | Y | Y | Y |
| Projecting Sign | Y | Y | - | - |
| Directory Sign | Y | Y | Y | Y |
| Signs for Upper Floor Uses | Y | Y | - | - |
| Ground-Mounted Sign, Multiple Uses | Y | Y | Y | Y |
| Ground-Mounted Sign, Single Use | Y | Y | Y | Y |
| Ground-Mounted Sign, Entrance | Y | Y | Y | Y |
| Electronic Message Sign | - | Y | - | - |
| Temporary Sign | Y | Y | Y | Y |
| Portable Sign | Y | Y | Y | Y |

- Deleted: ZONE 1
- Deleted: ZONE
- Deleted: 2
- Deleted: ZONE 3
- Deleted: ZONE 4
- Deleted: -

Figure 3-16. **Maximum Sign Area and Height**

| | UC 1 & 2 | EG | WG, RIV & MUR | All other districts |
|----------------------------|----------|--------|---------------|---------------------|
| Building-Mounted Sign Area | 2.0 sf | 2.5 sf | 0.3 sf | 0.2 sf |

- Deleted: ZONE 1
- Deleted: ZONE 2
- Deleted: ZONE 3
- Deleted: ZONE 4
- Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

| | | | | |
|---|---|---|--------|--------|
| (per foot of building frontage) | | | | |
| Building-Mounted Sign Area (building setback >200 ft from street) | - | 3.0 sf | 0.6 sf | 0.4 sf |
| Building-Mounted Sign Area (multi-story commercial building) | extra 12 sf per upper story of commercial | extra 18 sf per upper story of commercial | - | - |
| Ground-Mounted Sign Area | - | 32 sf | 12 sf | 8 sf |
| Ground-Mounted Sign Area (multiple uses) | - | extra 8 sf per use | - | - |
| Ground-Mounted Sign Height | - | 12 ft | 12 ft | 8 ft |

Deleted: 20

Figure 3-17. Sign Area Adjustment for Nonrectangular Signs

| IF NEGATIVE SPACE COMPRISES: | THEN REDUCE THE CALCULATED SIGN AREA BY: |
|--|---|
| 30% to <50% of the Sign Area Rectangle | 15% |
| 50% to <70% of the Sign Area Rectangle | 30% |
| 70% or more of the Sign Area Rectangle | 45% |

Deleted: 12/8/16

Chapter 310. Special Use Standards

This chapter establishes supplemental regulations that address the unique development challenges of certain land development. It includes additional standards, exceptions to the standards or alternative standards for particular uses, structures and facilities.

Section 3101. Fences and Walls

3101.A **Applicability.** All fences and walls must be designed and located in accordance with the provisions of this section.

Deleted: non-agricultural

3101.B **Location.** Fences or walls are not subject to setbacks,

Deleted: and may be located within required setbacks

3101.C **Orientation.** The support posts must be placed on and faced towards the inside of the subject property and the finished surface of the fence or wall must face the abutting property or street.

3101.D **Front Yard.** Fences or walls located within a front yard must not exceed a height of 4½ feet and must not obscure vision above a height of 3 feet at any intersection.

3101.E **Side or Rear Yard.** Fences or walls located within a side or rear yard must not exceed a height of 6 feet except:

- (1) Where a higher fence is approved by the Development Review Board or required under these regulations for buffer, screening or security purposes.
- (2) Where the fence or wall abuts Interstate 89 or a state or Class 1 highway, the maximum height will be 8 feet.
- (3) Where the ground floor elevation of the principal building is at least 4 feet higher than the elevation at the base of the fence or wall, the maximum height will be 8 feet.

3101.F **Materials.** A fence or wall must not be constructed of barbed wire, razor wire or similar materials capable of inflicting significant physical injury unless required by state or federal regulation.

Section 3102. Temporary Construction-Related Structures and Uses

3102.A The Administrative Officer may issue a permit to allow temporary structures and uses in conjunction with and to be located on the site of approved land development including, but not limited to, offices, trailers, dumpsters, storage buildings and signs in accordance with this subsection.

3102.B A construction dumpster must:

- (1) Not be located so that it impedes pedestrian or vehicular access to and from adjoining properties, or otherwise creates an unsafe condition for pedestrian and vehicular traffic;
- (2) Clearly identify the owner's name and telephone number;
- (3) Be clearly labeled for the purpose of collecting construction materials only; and

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (4) Be routinely emptied so it does not create unsightly or dangerous conditions on the property.

Section 3103. Community Facilities

3103.A Land development associated with a community facility requires approval under these regulations and may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking, loading facilities, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use,

3103.B Community facilities include:

- (1) Institutions and facilities owned and operated by the city or state;
- (2) Schools and other educational facilities certified by the state;
- (3) Places of worship and other religious facilities;
- (4) Hospitals certified by the state; and
- (5) Waste management facilities certified by the state.

Section 3104. Accessory Dwelling Unit

3104.A The Administrative Officer may issue a zoning permit for one accessory dwelling unit (ADU) within or associated with any owner-occupied, single-family dwelling that meets all the following:

- (1) The ADU is an efficiency or one-bedroom apartment that is clearly subordinate to the primary dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.
- (2) The ADU does not exceed 900 square feet or 30% of the total habitable floor area of the primary dwelling (prior to creation of the ADU), whichever is greater.
- (3) The ADU meets applicable dimensional standards and parking requirements (see Section 3010).
- (4) The owner will reside on the property in either the primary or accessory dwelling unit.

Section 3105. Home Occupation, Home Business and Home Industry

3105.A Purpose. The purpose of this section is to ensure these regulations do not infringe on the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the area in which it is located. These rules should also provide appropriate guidance for home businesses and industries to allow modest uses of one's dwelling provided the neighborhood is protected from undue impacts.

3105.B Applicability. The provisions of this section apply to proposed home office, home businesses and home industries.

3105.C Home Office. No zoning permit will be required for a home office provided:

- (1) All activities occur inside of the principal dwelling;

Deleted: must meet the same standards as comparable types of private development unless meeting the standard(s) will interfere with the intended function or use of the facility or infrastructure

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (2) The office only employs residents of the dwelling; and
- (3) The activity does not involve signs, public access, or any outdoor storage or display.

3105.D Home Business. Home businesses are considered accessory uses to residential uses and are permitted uses in all zoning districts. Home businesses must:

- (1) Be conducted by the residents of the dwelling and up to two non-resident employees on-site at any time.
- (2) Be conducted within the principal dwelling or an accessory structure on the same lot.
- (3) Not occupy more than 1,000 square feet of gross floor area.
- (4) Not generate more than 10 additional vehicle trips per day.
- (5) Be conforming with respect to parking requirements.
- (6) Not have commercial vehicles other than passenger vehicles (e.g. cars, vans, pick up trucks) associated with the business parked on the premises.
- (7) Have not more than one sign (see Section 3012).
- (8) Not allow outdoor storage or display.

3105.E Home Industry. Home industries are considered accessory uses to residential uses and are conditional uses in all zoning districts. Home Industries must meet the following:

- (1) The business must be conducted on-site by residents of the dwelling, and up to three non-resident employees on-site at any time.
- (2) Any exterior storage of materials and equipment associated with the home industry must be limited to a clearly designated area approved by the Development Review Board. The area must meet all applicable setbacks and avoid adverse impacts to neighboring properties or the public right-of-way.
 - (a) The Development Review Board may require greater setbacks or require screening as a condition of approval.
- (3) Commercial vehicles associated with the home industry must be parked within designated parking areas approved by the Development Review Board.
 - (a) The Development Review Board may require greater setbacks or require screening as a condition of approval.
- (4) On-site sales or service are limited to the sales of goods or services produced on premises.
 - (a) The Development Review Board may limit days and hours of operation as a condition of approval.
- (5) The business does not have more than one sign (see Section 3012).

Section 3106. Child Day Care Homes and Facilities

3106.A A child day care home is considered a permitted single family residential use of property if the applicant meets all of the following;

Deleted: Family

Deleted: The Administrative Officer may issue a zoning permit for a family child care home that meets all of the following

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (1) A resident of the dwelling operates the family childcare home.
- (2) The family child care home is registered or licensed by the state.
- (3) The family child care home serves no more than 6 full-time and 4 part-time children in accordance with statute.

3106.B A child day care home that serves more than six full time and four part time children will be reviewed as listed on Figure 2-14.

3106.C All licensed child day care facilities will be reviewed as listed on Figure 2-14.

Section 3107. Group Home

- 3107.A A residential care home or group home operated under state licensing or registration that will serve not more than 8 residents who have a handicap or disability as defined in statute and that will not be located closer than 1,000 feet to another existing or permitted group home is a by-right use of a single-family dwelling.
- 3107.B No zoning permit is required for a lawful single-family dwelling to be used as a group home.
- 3107.C A zoning permit may be required for other associated land development to the same extent as would be required if the property was occupied by any household.

Section 3108. Camping

- 3108.A Camping is allowed on private property in accordance with the following:
- (1) A lot that is occupied by more than 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) will be considered a campground (see Section 3109).
 - (2) A zoning permit will be required if one or more camping units will be located on the premises and occupied for more than 7 consecutive days in accordance with the standards below:
 - (a) Camping units must not be located within required district setbacks.
 - (b) On developed lots that are less than 2 acres in area, camping units must be located to the side or rear of the building.
 - (c) Camping units must not be located on the premises and occupied for more than a total of 90 days in any calendar year. Storage of unoccupied camping units must conform to the requirements of Section 3205.
 - (d) Camping units must meet applicable city and state requirements for water supply and wastewater systems.
 - (3) No permit will be required for a camping unit located on a lot with a dwelling and used by residents of that dwelling for recreational purposes.

Section 3109. Campgrounds

- 3109.A Campgrounds may be allowed in specified districts in accordance with the following:

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (1) Any parcel of land occupied by or designed to accommodate more than 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) will be considered a campground under these regulations.
- (2) No campsite or cabin may be occupied between November 1 and March 31 except for primitive campsites accessory to a lawful park or recreation area.
- (3) A campground must not exceed a maximum density of 10 campsites or cabins per acre.
- (4) A campground must have a resident manager. This provision will not apply to a site that provides primitive campsites as an accessory use to a park or recreation area.
- (5) A campground may include one single-family dwelling for the campground manager, which may be occupied year-round.

Section 3110. Bed-and-Breakfast or Inn

3110.A **Bed-and-Breakfasts.** A single-family dwelling may be used as a bed-and-breakfast in specified zoning districts in accordance with the following:

- (1) A bed-and-breakfast must not rent out more than 5 guest bedrooms.
- (2) The maximum occupancy period must be less than 30 days.
- (3) A resident of the dwelling must operate the bed-and-breakfast.
- (4) Meals must not be provided to the general public.
- (5) [Guests may be housed in the dwelling and/or any accessory building on the property.](#)

3110.B **Inns.** Inns are allowed specified districts in accordance with the following:

- (1) An inn must be residential in scale and character. Guests may be housed in the dwelling and/or any accessory buildings on the property.
- (2) The number of guest rooms must not exceed 1 per 400 square feet of gross floor area.
- (3) The maximum occupancy period must be less than 30 days.
- (4) An inn may include accessory uses such as restaurants, event venues, fitness centers or spas that are open to the general public and not otherwise allowed in the zoning district upon review and approval by the Development Review Board as a conditional use.
- (5) The inn must have a resident manager.

Section 3111. Rooming or Boarding House

3111.A A single-family dwelling may be used as a rooming or boarding house in specified zoning districts in accordance with the following:

- (1) A rooming or boarding house must not rent out more than 5 rooms unless approved by the Development Review Board as a conditional use.
- (2) A resident of the dwelling must operate the rooming or boarding house.
- (3) No more than 2 adults may be housed in each room.
- (4) Rooms must not be offered for rent for less than a continuous period of 30 days.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (5) Rooms must not include private kitchen facilities.
- (6) Renters must share common kitchen and and may share common bathroom facilities.
- (7) Meals may be provided to renters, but must not be provided to the general public.

Section 3112. Hotel or Motel

3112.A The number of guest rooms in a hotel or motel must not exceed 1 per 400 square feet of gross floor area.

- (1) Guests of hotels or motels are limited to less than 30 consecutive days and not more than 90 days in any 365-day period unless residing in an extended stay unit as described below.

3112.B Extended stay rooms will be allowed after review and approval by the Development Review Board as a conditional use and in accordance with the provisions below.

- (1) Extended stay units must be furnished apartment type units rented on a short-term basis each with a kitchen (including stove with an oven or microwave oven, minimum 12 cubic foot refrigerator, sink, and cooking and eating utensils), bath, living space, and separate bedroom/sleeping space.
- (2) Extended stay occupancy will be defined a guest room that is registered to or occupied by the same guests for a continuous period of 30 or more than days.
- (3) All guest rooms designed or used for extended stay occupancy must be a minimum of 220 square feet in area and must include full bathroom and kitchen facilities.
 - (a) A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination.
A full kitchen includes a sink, refrigerator, and a stove, range top or oven.
- (4) A minimum of 100 square feet of usable open space suitable for passive recreation and accessible to all guests will be required per extended stay guest room. The open space area must not be less than 30 feet in any dimension.

Section 3113. Automobile Repair or Service

3113.A All automobile repair or service activities, including body work, painting, lubrication and motor vehicle washing, must be carried out within an enclosed building.

3113.B Automobile repair bays must not face the street except within the Eastern Gateway district where repair bays may face the street if they are located at least 120 feet from the front lot line.

3113.C The following activities and equipment will be permitted only behind the building frontline:

- (1) Storage of vehicle parts.
- (2) Temporary storage of vehicles being repaired.
- (3) Vacuuming and cleaning equipment.

Deleted: may

Deleted: An extended stay hotel or motel will be allowed only after review and approval by the Development Review Board as a conditional use. An extended stay hotel or motel must be operated in accordance with the standards below or it will be considered a residential use and will be subject to all applicable regulations and codes for dwellings:

Deleted: An extended stay hotel or motel includes any facility in which 50% or more of the guest rooms have facilities for the storage, refrigeration and preparation of food and are advertised, designed or utilized for weekly or monthly occupancy

Deleted: ~~Single Room Occupancy (SRO) Facility~~

A single room occupancy facility may be allowed in specified zoning districts (listed as a specialized residential structure) in accordance with the following:

The facility will not be subject to the residential density standard of the applicable zoning district. It will be subject to the floor area ratio standard of the applicable zoning district.

The facility must have a resident manager. The size and occupancy limits (below) will not apply to the manager's dwelling unit. The Development Review Board may waive the requirement for a resident manager for a facility with less than 10 units.

The facility must provide a common area on each floor that is at least 200 square feet in area.

The facility must provide a minimum of 50 square feet per unit of usable common outdoor space accessible to all residents. This may include yards, porches, decks, balconies, courtyards or similar spaces.

The facility must provide laundry facilities in a separate room on each floor at a minimum ratio of one washer and one dryer per 20 units.

The facility must provide a cleaning supply room or utility closet on each floor that includes a utility sink with hot and cold running water. This may be combined with the laundry facilities.

The facility must provide at least one secure, enclosed bicycle storage space for every 2 units.

The minimum parking requirement will be reduced to one parking space for every 2 units.

If the units do not include private full kitchens, the facility must provide a common full kitchen facility on each floor.

A full kitchen includes a sink, refrigerator, and a stove, range top or oven.

A common kitchen may be part of the required common area, but the kitchen space must not be counted towards the required amount of common area.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

3113.D A non-operable, disabled, wrecked or partially dismantled vehicle must not be stored outside an enclosed building for more than 14 days.

Section 3114. Car Wash

3114.A The provisions of this section apply to any car wash established as a permanent use. They do not apply to any temporary car-washing fundraising events that occur for no more than 3 consecutive days or the washing of personal vehicles on the owner's property.

3114.B All car washing and drying activities must be carried out within a fully enclosed building except that self-service bays may be open on two sides.

3114.C Vacuuming equipment must be located behind the building frontline.

3114.D Cleaning bays must not face the street except within the Eastern Gateway district where cleaning bays may face the street if they are located at least 120 feet from the front lot line.

3114.E Car washes must contain all wastewater onsite and prevent it from running off the property or into municipal storm drains.

Section 3115. Drive-Through Facility or Drive-In Establishment

3115.A Drive-through facilities or drive-in establishments may be allowed in specified districts in association with specified uses in accordance with the following:

- (1) A drive-through facility is composed of one or more stacking lanes and a service area. The stacking lane is the space occupied by vehicles queuing for drive-through service. The service area includes all the space and elements (menu boards, pick-up windows, transaction windows, speakers, automated teller machines, etc.) used to provide drive-through service.
- (2) Stacking lanes (where vehicles queue for service) and service areas must be located to the side or rear of the building.
- (3) Stacking lanes must be clearly signed, marked and separated from travel lanes.
- (4) Stacking lanes must not block access to parking, loading and service areas.
- (5) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.
- (6) No stacking lane or space may be located within a minimum required setback.
- (7) Each stacking space within a stacking lane must be a minimum of 18 feet in length by 9 feet in width.
- (8) The service area must incorporate a roof overhang, canopy, awning or similar structure that provides weather protection.
- (9) Drive-through facilities and drive-in establishments must be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

Section 3116. Fueling Station

- 3116.A **Lots.** A fueling station must be located on a lot that is at least 20,000 square feet in area with at least 150 feet of frontage.
- 3116.B **Fuel Pumps and Islands.** All fuel pumps and islands must be set back at least 30 feet or the district minimum from all property lines, whichever is greater. Fuel pumps and islands must not be located between the principal building and the street.
- 3116.C **Canopies.** Fueling station canopies must be designed in accordance with the following:
- (1) Canopies must be set back at least 20 feet from all property lines or the district minimum, if greater.
 - (2) Canopies must not exceed 16 feet in height if flat or 24 feet in height if sloped.
 - (3) Canopies must be architecturally integrated with the principal building on the site through the use of the same or compatible materials, colors and roof pitch.
 - (4) Only the underside of canopies may be illuminated. Light fixtures must be recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches. Canopy lighting must be in accordance with Paragraph 3204.G(3).
 - (5) Signage other than pricing and franchise or corporate identification elements must not be mounted on or incorporated into freestanding canopies.
 - (6) Pricing signs must not extend above the top edge or roofline of the canopy or below the bottom edge or underside of the canopy (see Paragraph [3012.I\(2\)](#) for further guidance on pricing signs).
 - (7) Signs may be mounted on or incorporated into a canopy that is attached to a building to the same extent as otherwise allowed on that building. Canopy frontage will not be considered building frontage when calculating the maximum sign area of building-mounted signs in accordance with [Figure 3-16](#).
- 3116.D **Convenience Store.** A convenience store may be an accessory use to a fueling station. The floor area of convenience store must not exceed 3,500 square feet.

Section 3117. Neighborhood Market

- 3117.A A neighborhood market is a small retail food store that devotes at least 40% of the selling area to staple foods. Staple foods are food items intended primarily for home preparation and consumption such as meat, poultry, fish, bread, cereals, vegetables, fruits, juices and dairy products.
- 3117.B A neighborhood market may include accessory food service.
- 3117.C A neighborhood market must front on one of the following major streets: Bailey Avenue, Berlin Street, College Street, Elm Street, Main Street, Northfield Street, Route 2, Terrace Street, or Towne Hill Road.
- 3117.D Parking requirements for a neighborhood market will be 1 space per 600 square feet of gross floor area provided that parking is allowed on the street in front of the market and the applicant provides bicycle parking.

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

3117.E No more than two markets will be allowed within any neighborhood (as defined on the zoning map).

Section 3118. Mini-Warehouse (Self-Storage Facility)

3118.A A self-storage facility that is not located within a mixed-use development must be located on a lot that is at least 2 acres and not more than 5 acres in size.

3118.B Within the Rural District, a self-storage facility will only be allowed if it will be:

- (1) An adaptive re-use of a historic barn that maintains the architectural integrity of the building exterior as viewed from public vantage points: or,
- (2) In a location that will be fully screened from public view.

Deleted: .

3118.C Mini-storage buildings fronting on the street must be oriented with their short side facing the street to the maximum extent feasible. If storage unit doors will face the street, the Development Review Board may require additional fencing or screening as deemed necessary to provide a pedestrian-friendly and attractive streetscape.

3118.D All mini-storage buildings on the premises must be compatible in design, materials and color with one another. The building exteriors must use muted or neutral colors that would help blend the buildings into the surrounding landscape and must not use intense or vibrant colors that would call attention to the buildings.

3118.E No outside or unenclosed storage will be permitted.

3118.F No storage of hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil will be permitted.

3118.G No business activity other than the rental of storage units may be conducted on the premises unless the self-storage facility is a component of an approved mixed-use development.

3118.H No vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property may be conducted on the premises,

Deleted: by an employee, storage unit renter or other person

Section 3119. Satellite Dish Antennas

3119.A **Applicability.** The standards of this subsection apply to satellite dish antennas not exempted in Section 1101 or Section 1103.

3119.B **Location.** To the maximum extent feasible without restricting its operation, a satellite dish antenna must not be located or mounted:

- (1) In the minimum front or side setback;
- (2) Between the principal building and the street, except if located on an accessory structure; and
- (3) On the roof or wall of a building that faces the street.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- 3119.C **Screening.** A ground-mounted satellite dish antenna must be screened from view from streets and adjacent properties to the maximum extent feasible without restricting its operation.
- 3119.D **Height.** A roof-mounted satellite dish antenna may exceed district height requirements provided that it does not extend more than 10 feet above the roof surface.

Section 3120. Energy Generation Facilities

- 3120.A **Applicability.** The standards of this subsection apply to energy generation facilities not exempted in Section 1101 or Section 1103.
- 3120.B **Setbacks.** An energy generation structure must be set back a distance equal to the structure's height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted.
- 3120.C **Height.** The height of a ground-mounted solar energy generating apparatus must not exceed 35 feet. The height of a wind energy apparatus must not exceed 120 feet.
- 3120.D **Removal.** A facility that has been out-of-service for more than 180 days will be considered abandoned and must be removed unless the owner can demonstrate to the Administrative Officer an intent to resume the energy generation use within 2 years.

Deleted: A solar energy generating apparatus mounted on a building roof must not extend more than 10 feet above the roof surface.

Deleted: at a specified future time

Section 3121. Utility Facilities

- 3121.A **Applicability.** The standards of this subsection apply to utility facilities not exempted in Section 1103.
- 3121.B **District Standards.** Minimum lot size and frontage requirements will not apply to parcels owned by utilities and used for utility facilities.
- 3121.C **Site Security.** Utility facilities must be designed and maintained to prevent unauthorized access and protect public safety.
- 3121.D **Buffer.** A landscaped buffer at least 25 feet deep must be provided around the site perimeter.

Section 3122. Wireless Communications Facilities

- 3122.A **Purpose.** The purpose of this subsection is to:
- (1) Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
 - (2) Accommodate the growing need and demand for wireless communications facilities;
 - (3) Encourage the location and collocation of wireless communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional antenna support structures;
 - (4) Provide for the replacement and/or removal of nonconforming or discontinued antennas and antenna support structures; and

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the City of Montpelier.

3122.B **Applicability.** Except as specifically exempted in Section 1103, the standards of this subsection apply to the installation, construction or modification of the following wireless communications facilities:

- (1) Existing and proposed antennas and supporting structures;
- (2) Replacement antennas and supporting structures;
- (3) Broadcast antennas and supporting structures;
- (4) Collocated and combined antennas on existing antenna supporting structures;
- (5) Roof-mounted antennas and supporting structures;
- (6) Surface-mounted antennas;
- (7) Stealth wireless communications facilities; and
- (8) Amateur radio antennas and support structures with an overall height greater than 50 feet.

3122.C **De Minimis Impact.** The Administrative Officer may administratively approve and issue a zoning permit for an application for a wireless communication facility if he/she determines that it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Administrative Officer will only consider an application to have a de minimis impact if it meets all of the following:

- (1) The height and width of the facility or support structure, excluding equipment, antennas or ancillary improvements, will not increase;
- (2) The total amount of impervious surface, including access roads, associated with the facility or support structure will not increase by more than 300 square feet;
- (3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet from the facility or support structure; and
- (4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.

3122.D **Pre-Application Conference.** Prior to submitting an application for a wireless communication facility under this subsection (excluding applications determined to have de minimis impact), the applicant must meet with the Administrative Officer for a pre-application conference. Among the matters to be addressed at the pre-application conference are:

- (1) The proposed location, type of facility, overall height and number of antennas;
- (2) The expected date of application and preliminary schedule for development review;

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (3) The ability of any proposed antenna supporting structure to accommodate future collocations;
- (4) Alternative locations or facility configurations that may result in reduced impacts on adjacent properties and the surrounding neighborhood;
- (5) Compatible colors for the proposed facility;
- (6) The vantage points from which any required photo-simulated, post-construction renderings must be oriented; and
- (7) Application requirements.

3122.E **Application Requirements.** Applicants for a wireless communication facility may be required to submit any the following to determine compliance with the provisions of this subsection:

- (1) A signed statement from the facility's owner or owner's agent state that the radio frequency emissions comply with Federal Communications Commission (FCC) standards for such emissions.
- (2) Proof that the proposed wireless communications facility has been designed to withstand sustained winds of 110 mph and at 15-second wind gust of 130 mph.
- (3) Proof that the proposed antenna supporting structure has been designed so that, in the event of a structural failure, the facility will collapse within the boundaries of the lot on which it is located.
- (4) An FCC license, and construction development approval if applicable, to transmit radio signals in the City of Montpelier.
- (5) The name, address and telephone contact information for the owner of any proposed or existing antenna supporting structure, and a statement that such information will be updated annually or more frequently if there is a change in ownership. Failure to report annually for two consecutive years will be considered evidence of possible discontinuance.
- (6) A stamped structural analysis of the proposed wireless communications facility prepared by a professional engineer, indicating the proposed and future loading capacity of the facility.
- (7) Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures and ancillary appurtenances as they would look after construction from locations determined during the pre-application conference.
- (8) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace.
- (9) Shared use plan.
- (10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility.
- (11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

3122.F **Siting Priorities.** No antenna supporting structure will be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility. In order to justify the construction of an antenna supporting structure, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

- (1) Collocated or combined antennas;
- (2) Surface-mounted antennas;
- (3) Roof-mounted antenna supporting facility; and
- (4) Stealth wireless communications facility.

3122.G **Collocated or Combined Antennas.** The following standards will apply to all collocated or combined antennas:

- (1) Collocations must not increase the overall height of an antenna supporting structure except in accordance with Paragraph [3122.K\(1\)](#), below.
- (2) Collocations will be approved only in accordance with the standards for visual impact and antenna type expressed in Paragraph [3122.K\(4\)](#), below.
- (3) Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.

3122.H **Surface-Mounted Antennas.** The following standards will apply to all surface-mounted antennas:

- (1) Surface-mounted antennas and associated ancillary appurtenances must maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible.
- (2) Transmission lines must be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.
- (3) Surface-mounted antennas must be placed at least 15 feet above the ground and, where proposed to be placed on a building, must be placed so that no portion of the antenna is less than 3 feet below the roof line.
- (4) Surface-mounted antennas will be approved only in accordance with the standards for visual impact and antenna-type expressed in Paragraph [3122.K\(4\)](#), below.

3122.I **Roof-Mounted Antenna Supporting Facilities.** The following standards will apply to all roof-mounted antennas:

- (1) Roof-mounted antennas may be placed only on commercial, industrial, institutional or multi-family buildings at least 35 feet in height.
- (2) The roof-mounted antenna, attachment device, equipment enclosure, and/or any ancillary appurtenance must not extend above the roof line of the building to which it is attached by more than 20 feet.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (3) Roof-mounted structures must have a monopole-type construction.
- (4) Roof-mounted structures will be approved only in accordance with the standards for visual impact and antenna type expressed in Paragraph [3122.K\(4\)](#), below.
- (5) Roof-mounted structures, ancillary appurtenances, and equipment enclosures must maintain a galvanized gray finish unless the Development Review Board finds that another color will be more contextually compatible.
- (6) Transmission lines placed on the exterior of a building must be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.
- (7) No signs may be placed on any roof-mounted structure, ancillary appurtenances or equipment enclosures.
- (8) Roof-mounted structures must be screened by a parapet or other device in order to minimize their visual impact from the lot lines of the subject property. Roof-mounted facilities must be placed as near to the center of the roof as possible.

3122.J **Stealth Wireless Communications Facilities.** No stealth facility may have antennas or ancillary equipment that is readily identifiable from a public vantage point as wireless communications equipment. Stealth facilities must be designed so that they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the Development Review Board will consider the following:

- (1) Overall height;
- (2) The compatibility of the proposed facility with surrounding built and natural features;
- (3) Scale;
- (4) Color;
- (5) The extent to which the proposed facility blends with the surrounding environment;
- (6) The extent to which the proposed facility has been designed to reasonably replicate a contextually-appropriate non-wireless structure or feature (ex. silo, flagpole, or tree); and
- (7) The extent to which the proposed facility is not readily identifiable as a wireless communications facility.

3122.K **Antenna Supporting Structures.** The following standards will apply to all antenna supporting structures:

- (1) Antenna supporting structures must be set back a distance at least equal to their overall height from all lot lines (this does not include any guy-wire anchors). A nonconforming replacement structure must not be placed any closer to a lot line than the original structure and the height must not be increased if the minimum setback cannot be met.
- (2) Antenna supporting structures must have a monopole-type construction except that broadcast structures taller than 200 feet, amateur radio antennas, and AM broadcast antennas may have a lattice-type construction.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (3) Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.
- (4) Antennas must be configured on antenna supporting structures in a manner that is consistent with the character of neighborhood and that minimizes adverse visual impacts on adjacent properties. Antenna types that may be permitted (in order of preference) include: (i) flush-mounted; (ii) panel; (iii) whip; and (iv) dish. In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.
- (5) No lights, signals or other illumination will be permitted on any antenna supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
- (6) Site lighting may be placed in association with an approved equipment enclosure in accordance with Section 3204 of these regulations. Site lighting must remain unlit except when authorized personnel are present.
- (7) No signs may be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or any fence or wall except for hazard notification signs as required by state or federal law and one required identification sign not larger than 2 square feet attached to the access gate that lists the federal registration number (if applicable), name of the owner or contact person, and an emergency contact number.
- (8) Antenna supporting structures must be designed to accommodate future collocations. The applicant must submit a shared use plan that commits the owner of the proposed antenna support structure to accommodate future collocations where reasonable and feasible.
- (9) A fence at least 8 feet in height from the finished grade with a locked gate and a landscaped buffer at least 25 feet deep must enclose the base of the antenna supporting structure and associated equipment enclosures.

3122.L **Discontinuance.** The following applies to any antennas and antenna supporting structures that have not been legally used for a period of at least 180 days:

- (1) The Administrative Officer may make a preliminary determination of discontinuance and may request documentation from the property owner regarding the structure's usage.
- (2) If the owner does not provide evidence that the structure remains in use or that resumption of its use is eminent, the Administrative Officer may make a final determination that use of the structure has been discontinued. Upon make that determination, the Administrative Officer must send the property owner a written notice of discontinuance by certified mail.
- (3) If the property owner does not respond to the notice of discontinuance within 90 days and adequately demonstrate that the structure is not discontinued, the Administrative Officer will send the property owner a declaration of discontinuance by certified mail.

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (4) Within 120 days of the Administrative Officer issuing the declaration of discontinuance, the property owner must either:
 - (a) Dismantle and remove the facility; or
 - (b) Apply for a permit under this subsection to reactive the use of the structure as a wireless communications facility in full conformance with all applicable provisions of these regulations

Section 3123. Rural Enterprises

3123.A **Purpose.** This section recognizes that Vermont’s rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate rural enterprises that support economically viable farm and/or forest lands in the city and region by:

- (1) Adding value to local farm or forest products;
- (2) Direct marketing of local farm or forest products;
- (3) Engaging in agritourism or education; and/or
- (4) Offering goods or services needed for farming or forestry.

3123.B **Applicability.** Rural enterprises not otherwise provided for [in these regulations](#) may be allowed in any district following review and approval by the Development Review Board as a conditional use in accordance with the provisions of this section.

3123.C **Standards.** A rural enterprise must meet the following standards:

- (1) Retail or food service or manufacturing uses must have the sale or use of local farm or forest products as a core element of the business.
 - (a) [Local farm or forest products shall be interpreted to be within the State of Vermont.](#)
- (2) Any agricultural buildings converted, modified or expanded to accommodate the business must retain their original form, massing and style, particularly as viewed from public vantage points.
- (3) If the enterprise will be located in a rural setting:
 - (a) New structures must be similar in form, massing and style to residential or agricultural buildings typical in the area.
 - (b) [The overall character of the property as viewed from public vantage points must be predominately rural and agricultural and must not be predominately commercial or industrial.](#)
- (4) [Any agricultural land and current or former agricultural buildings may be used or adaptively reused for public assembly uses.](#)

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

Section 3124. Extraction Operations

3124.A **Applicability.** The provisions of this subsection apply to quarrying and sand or gravel excavation as specified below:

- (1) Quarrying is a land development activity principally designed to mine, extract or remove limestone, minerals or bedrock materials for commercial purposes.
- (2) Sand or gravel excavation is a land development activity principally designed to mine, extract or remove unconsolidated sediments for commercial purposes.
- (3) The provisions of this section do not apply to cut and fill operations associated with approved land development.

3124.B **Pre-Existing Sites.** An expansion of a pre-existing or previously approved extraction site will require a complete review of the use as if an original application was being made. The review will consider the relationship and coordination of activities between the original site and the expanded portion of the site. The additional and cumulative impacts that will be caused by the combined operations on factors such as the environment, traffic, safety, noise, air pollution, neighborhoods and adjacent land uses will be of principal concern during this review.

3124.C **Setback Distances.** [Figure 3-18](#) establishes minimum setback distances for specific on-site activities associated with an extraction operation from adjacent property.

3124.D **Buffer Yards.** A minimum buffer yard of 100 feet must be maintained adjacent to all property boundaries and street rights-of-way in accordance with the following:

- (1) No excavation or storage of equipment or materials may occur within the buffer yard.
- (2) Natural vegetation must be maintained or supplemented as needed within the buffer yard. The Development Review Board may require additional screening, including berms, to protect adjacent property owners from the impacts of the excavation activity.
- (3) The Development Review Board may approve the location of vegetated earthen berms for erosion control or stormwater management purposes within the buffer yard.

3124.E **Operational Standards.** The following minimum operational standards will apply to all excavation operations unless otherwise approved by the Development Review Board:

- (1) Any topsoil removed from the surface and retained on the site for reapplication to disturbed areas during reclamation must be carefully removed and stockpiled to prevent erosion.
- (2) Extraction activities must be phased. A new phase must not begin until at least 50% of the active/current phase is reclaimed in accordance with the approved reclamation plan and the Administrative Officer has verified completion of the reclamation. The Development Review Board may place conditions on the size and sequence of the phases.
- (3) The applicant must submit and implement plans for erosion control and stormwater management. The Administrative Officer may periodically inspect the site to ensure compliance with erosion control and stormwater management plans.

Deleted: <#>Signs. In addition to signs allowed in accordance with Section 3012, a rural enterprise may display not more than 6 temporary signs advertising products currently in season as follows:¶
Each sign must be no more than 8 square feet in area. ¶
The signs may be installed on an approved free-standing sign or structure or the applicant may install not more than 3 permanent support structures for the seasonal signs provided that the overall height (included the mounted signs) will not exceed 8 feet. ¶
An individual seasonal sign may not be displayed for more than 90 days in any calendar year.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (4) An excavation operation must not cause the drainage of a wetland except as permitted by the Vermont Agency of Natural Resources.
- (5) No excavation activity may occur within riparian areas as established in [Section 3005](#).
- (6) Operational activities, including blasting, excavation, processing and hauling are prohibited between the hours 7 p.m. (or dusk if earlier) and 7 a.m. The Development Review Board may further limit hours as deemed necessary to mitigate impacts to adjacent properties and streets.
- (7) Designated truck routes must be used for all hauling and access to the site to the maximum extent feasible. Upon the recommendation of the Department of Public Works, the Development Review Board may impose weight limits on truck leaving the site if the streets serving the site are not suitable for heavy truck traffic.
- (8) A 6-foot continuous security fence must be provided around the entire perimeter of the [site](#) on which quarrying activity will take place. The Development Review Board may impose additional fencing requirements on portions of the site abutting residential areas, community facilities, other public gathering places.
- (9) The applicant must install warning signs on the property and along haul routes as deemed necessary to protect safety and general welfare in the area.
- (10) Operations must maintain compliance with local standards (see [Section 3305](#)) for noise, dust and vibration. All equipment and machinery must be operated and maintained in such a manner as to minimize dust, noise and vibration. Access and haul roads must be maintained in a dust-free condition by surfacing, watering or other treatment on a regular basis.
- (11) Stockpiles must not exceed 50 feet in height. The Development Review Board may further restrict the height of stockpiles as necessary to mitigate their visibility from public vantage points and adjacent property.

Deleted: property

3124.F **Reclamation Standards.** Sites must be reclaimed at the completion of extraction activities in accordance with the following:

- (1) No approvals or permits for subsequent land development on the extraction site will be issued prior to reclamation of the site.
- (2) Topsoil capable of sustaining vegetative growth must be provided and evenly spread on all disturbed areas.
- (3) Disturbed areas must be stabilized and seeded at the earliest possible time following completion of extraction operations in an area in accordance with the approved erosion control plan. Progressive reclamation practices must be implemented to continue to reclaim and stabilize disturbed areas prior to moving to a new phase. Final reclamation of each phase must be completed within 6 months of the completion of each phase of the operation.
- (4) All equipment, stockpiles, debris, signs, and other materials or improvements associated with excavation must be removed from the site after completion of the activity.
- (5) Erosion control measures must be kept in place until permanent vegetation has been established on the site and erosion is controlled.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (6) If the extraction activities will result in the creation of a water body, at the completion of the operation the water body must have a natural form with variation in shoreline and depth.
- (7) Following reclamation, no slope on the site must exceed a 30% slope (horizontal to vertical) over a distance of 30 feet. The Development Review Board may require a flatter angle if it is shown that the site will not be stable at a 30% slope or that vegetation cannot be established on the 30% slope. The Development Review Board may waive this requirement for areas of exposed ledge.
- (8) In addition to being seeded to prevent erosion, the reclaimed site must be landscaped. The applicant must submit a landscape plan that best suits the ultimate proposed use and design of the site provided that at least 8 deciduous and 8 evergreen large trees are planted for each disturbed acre.
- (9) The applicant must submit a master plan for the post reclamation use of the site that demonstrates that the reclaimed site will be suitable for a use allowed in the district and for development in accordance with the applicable provisions of these regulations.

3124.G **Performance Bond.** The Development Review Board may require the applicant to provide a performance bond or other financial security in an amount satisfactory to and approved by the city to ensure that all standards are fully met during operation and that proper site reclamation is completed in a timely manner. Failure to stabilize the site, failure to make necessary repairs and improvements to streets damaged by the excavation activity, failure to reclaim the site as specified in the approved reclamation plan, or any other inconsistencies between the approved operation and reclamation plans and the actual extraction or reclamation activities carried out will be cause for the City of Montpelier to redeem the performance bond or other financial security to make the necessary corrections.

3124.H **Inspection and Monitoring.** As a condition of approval, the Development Review Board may require that the Administrative Officer inspect the site at a specified interval to ensure that the extraction activity is being undertaken in accordance with the approved plans. As a condition of approval, the Development Review Board may require on-going monitoring of the operation to ensure that extraction activities are not adversely impacting the natural environment, the surrounding neighborhood or public infrastructure.

3124.I **Review Criteria.** The Development Review Board must find that the proposed extraction activity will meet the conditional use criteria and that it will:

- (1) Not result in a danger to life or property due to: steep or unstable slopes; unsafe access to the property; excessive traffic; or proximity to existing or planned neighborhoods, parks and roadways.
- (2) Adequately mitigate visual, noise, dust and/or excessive on- or off-site environmental impacts on existing or planned neighborhoods, parks and roadways.
- (3) Adequately mitigate the effects of the use of trucks and heavy equipment on road safety and maintenance and will not cause excessive congestion of public roads providing access to the site.
- (4) Not adversely affect the quality of air, groundwater or surface water, and will minimize impacts of significant ecological resources and natural communities.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 310. Special Use Standards

- (5) Not result in negative impacts on drainage patterns or stormwater management facilities.
- (6) Adequately restore the site following completion of the excavation activity so that upon completion any adverse affects to scenic quality, natural landscapes, wildlife or habitat will be mitigated.
- (7) Provide buffers to screen unsightly features of the excavation operation year-round from public vantage points and adjoining properties.
- (8) Be appropriate in intensity and anticipated duration given the size and location of activity.

Figure 3-18. Setback Distances for Extraction Activities

| Required Distance from Adjacent Property in the: | EG District | RL District | All Other Districts |
|--|-------------|-------------|---------------------|
| Excavation areas with an elevation change >10 ft | 100 ft min | 150 ft min | 250 ft min |
| Stockpiles (long-term storage) | 100 ft min | 150 ft min | 250 ft min |
| Stockpiles (short-term storage) and loading points | 100 ft min | 200 ft min | 300 ft min |
| Crushing or processing | 100 ft min | 500 ft min | 1,000 ft min |
| Blasting (from a developed property) | 300 ft min | 500 ft min | 1,000 ft min |

Deleted: 12/8/16

Chapter 320. Site Plan Standards

The purpose of this chapter is to establish additional standards for proposed land development subject to site plan review (land development other than one- and two-family dwellings).

Section 3201. Major/Minor Site Plan Determination

3201.A **Classification.** The Administrative Officer will classify site plans as specified below:

- (1) The following will require major site plan review:
 - (a) Construction of new principal buildings.
 - (b) Major renovations of existing principal buildings.
 - (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
 - (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
 - (e) Construction an addition to an existing building of more than 2,000 square feet.
- (2) All other applications will require minor site plan review.

Section 3202. Access and Circulation

3202.A **Bicycle Access.** Bicycle access and storage may be required in accordance with the following:

- (1) ~~If bicycle racks are required, they must be located within 200 feet of the entrance,~~
- (2) The Development Review Board may require sites with high traffic volumes to incorporate designated bicycle lanes or paths that provide safe and convenient routes between the street and the bicycle parking area(s) on the site. Bicycle lanes adjacent to vehicular travel lanes must be at least 4 feet wide. Separated bicycle or multi-use paths must be at least 8 feet wide.

3202.B **Pedestrian Access.** All development must provide safe and convenient pedestrian access in accordance with the following:

- (1) **Public Sidewalks.** A sidewalk must be provided along the street frontage if a sidewalk exists along either side of that street within ¼ mile of the subject property in accordance with the following:
 - (a) 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.
 - (b) Public sidewalks and crosswalks must be constructed in accordance with the city's public works specifications.
 - (c) If public sidewalks will not be constructed within the street right-of-way, the applicant must provide a maintenance easement.
 - (d) ~~An applicant may request a waiver to modify the public sidewalk requirements,~~

Deleted: <#>Public Transit. If development will be located on an existing or proposed transit route, the Development Review Board may require the applicant to provide a designated bus stop and/or shelter on the site as deemed appropriate given the project location, proposed use and anticipated traffic.¶

Deleted: <#>the standards specified for the zoning district in Part 2 of these regulations and

Deleted: Any required bicycle racks must be located within 200 feet of a building entrance. Bicycle racks should be covered whenever feasible

Deleted: the standards specified for the zoning district in Part 2 of these regulations and

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

[but any request must include a recommendation in support of the waiver from the Director of Public Works.](#)

- (2) **Internal Walkways.** Continuous internal pedestrian walkways must be provided as follows:
 - (a) Walkways must connect pedestrians to public sidewalks, transit stops, crosswalks, building entrances, bicycle and vehicle parking areas, adjacent development, and community spaces on or adjoining the site.
 - (b) Walkways not exceeding 30 feet in length must be at least 3 feet wide. Walkways more than 30 feet in length must be at least 4 feet wide.
 - (c) Walkways must be hard-surfaced.
 - (d) Walkways must be separated or distinguished from driving and parking surfaces by a landscaped buffer, change in elevation and/or change in surface material.
- (3) **Parking Areas.** Walkways must be provided between the parking area(s) and building entrance(s). Parking lots with more than 40 spaces must have designated internal walkways that separate pedestrian and vehicular traffic.

Deleted: The Development Review Board may waive or modify the sidewalk requirement as recommended by the Department of Public Works

Deleted: <#>The applicant must certify that an accessible route, which complies with current Americans with Disabilities Act Standards, will connect any accessible parking spaces, passenger loading zones, streets, sidewalks and/or transit stops to an accessible building entrance.¶

Section 3203. Landscaping and Screening

3203.A **Purpose.** The provisions of this section are intended to protect quality of life and community character by:

- (1) Enhancing the appearance of the built environment as viewed from public vantage points;
- (2) Creating shade along sidewalks and walkways, and within parking lots;
- (3) Providing a landscaped buffer between residential and nonresidential land uses; and
- (4) Screening land uses and development that create visual clutter and distraction.

3203.B **Landscape Plans.** Applications for major site plan review must include a landscape plan prepared by a licensed landscape architect or certified horticulturalist.

3203.C **Landscape Design.** Generally, landscaping should be designed to fit into and enhance the site's natural features and setting. Landscape plans that feature a mix of plant materials arranged in informally shaped and spaced groupings are strongly encouraged.

3203.D **Plant Materials.** Plant materials must meet the planting specifications in [Figure 3-19](#). Use of native plant materials is strongly encouraged. Use of invasive plant materials is prohibited (for a current list contact the Invasive Plant Coordinator at the Vermont Department of Forests, Parks and Recreation). Applicants are strongly encouraged to retain existing mature vegetation on development sites to meet landscaping and screening requirements.

3203.E **Maintenance.** Landscaping required under this section or as a condition of approval must be maintained in a healthy condition. Dead or dying plants must be replaced within 1 growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in [Figure 3-19](#).

3203.F **Street Trees.** [Applications requiring major site plan approval within any district except the rural district are required to provide street trees along](#) existing and new streets in

Deleted: Except within the Rural District, street trees are required along

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

accordance with the following:

- (1) Street trees must be planted within 5 feet of the edge of the street right-of-way unless otherwise recommended by the Department of Public Works.
- (2) If a planting area at least 5 feet wide within or immediately adjacent to the street right-of-way does not exist, or is not feasible to establish as determined by the Department of Public Works, the Development Review Board may waive the street tree requirement.
- (3) Street trees must be:
 - (a) Large trees where there are no existing or proposed overhead utility lines.
 - (b) Medium trees where there are existing or proposed overhead utility lines 35 feet or more in height.
 - (c) Small trees where there are existing or proposed overhead utility lines less than 35 feet in height.
- (4) The Development Review Board may waive the requirement for large street trees and allow the applicant to plant medium or small trees to accommodate sites with existing buildings or similar obstructions that could conflict with large trees as they mature.
- (5) Street trees must generally be planted with even, linear spacing. Large trees must be planted at a minimum ratio of one for every 50 feet of frontage. Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage. The spacing may be shifted to accommodate site features or maintain sight distance.
- (6) Use of a diversity of tree species is strongly encouraged.
- (7) Preservation of existing trees to meet this requirement is strongly encouraged.
- (8) The Development Review Board may waive the location, spacing and alignment to allow existing trees within 6 feet of the edge of the street right-of-way to meet street tree requirements.

3203.G **Site Landscaping.** Except within the [Urban Center 1](#), [Urban Center 2](#) and Riverfront districts, sites must be landscaped in accordance with the following:

- (1) A minimum of 1 shrub is required for each 5 feet and 1 tree is required for each 30 feet of exterior principal building perimeter.
- (2) Landscaping should be used or installed to:
 - (a) Provide direction to and enhance building entrances;
 - (b) Enhance and shade walkways;
 - (c) Provide visual breaks along blank building facades; and/or
 - (d) Intercept and filter stormwater runoff (ex. rain garden).
- (3) Plant materials should be planted in groupings and should be distributed around the areas of the site visible from public vantage points.

3203.H **Parking Lot Landscaping.** Parking lots (not including vehicle sales lots) with more than 10 spaces must be landscaped with medium and/or large trees to create a tree canopy that will

Deleted: Urban Center

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

provide shade for a minimum of 40% of the parking lot in accordance with the following:

Deleted: 5

- (1) Each large tree will be considered to provide 1,200 square feet of shade.
- (2) Each medium tree will be considered to provide 600 square feet of shade.
- (3) Trees must be planted within an island at least 9 feet wide by 18 feet deep.
- (4) Incorporating parking lot landscaping into the site's stormwater management system is strongly encouraged.
- (5) [Rear parking lots that will be screened from view at the street by the principal buildings may reduce the percentage of landscaping required under this subsection from 40% to 25%](#)

3203.1 **Screening.** The site plan must include landscaped buffers, berms, fences, walls, screens, camouflage or similar mechanisms to minimize impacts of proposed development on adjacent properties and public views in accordance with the following:

- (1) **Intent.** The purpose of screening is to minimize the visibility and impacts of incompatible, disruptive or visually unappealing aspects of proposed development on the surrounding neighborhood. This is not to be interpreted to mean that all views of the area or element to be screened must be fully blocked, rather screening should be used to soften and break up views and to create visual interest elsewhere on the site so that the area or element to be screened no longer dominates the view.
- (2) **Side and Rear Yards.** The Development Review Board may require an applicant to retain or establish a landscaped buffer and/or fencing along side or rear lot lines when a more intensive use is proposed to locate adjacent to a less intensive use.
- (3) **Parking Lots.** Parking lots must be screened from view from the street and abutting properties.
- (4) **Utilities.** All utility boxes, pump stations, substations, and similar aboveground utilities must be screened from view from the street and abutting properties.
- (5) **Service Areas.** Off-street loading areas, refuse and outdoor storage areas, mechanical equipment and similar utilitarian site features areas must be screened.
- (6) **Building-Mounted Equipment.** Mechanical equipment and utilities mounted on building walls or roofs must be designed and located to minimize their visibility from the street and adjoining property in accordance with the following:
 - (a) Wall-mounted equipment or utilities must be painted or otherwise colored to match building materials to the maximum extent feasible.
 - (b) Rooftop equipment or utilities must be enclosed or screen by building walls or parapets that will be compatible with the form, design and materials of the building.
- (7) **Fences and Walls.** In addition to the standards of Section 3101, fences or walls used as a buffer or screen must conform to the following:
 - (a) The fence or wall must be opaque between a height of 1 and 5 feet above the ground.
 - (b) Use of corrugated or galvanized steel or metal sheets, and chain link fencing with

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

inserts are prohibited.

- (8) **Berms.** Landscaped berms are encouraged as an effective means of screening parking and loading or other utilitarian site features from view. Berms must be designed in accordance with the following:
 - (a) Berms must not have a slope greater than 30%.
 - (b) The surface of the berm not planted with trees or shrubs must be covered with perennial herbaceous or woody ground cover and/or mulch.
 - (c) Berms should have an organic shape that replicates natural landform.
- (9) **Landscaped Buffers.** Vegetative buffers that feature a mix of evergreen and deciduous plant materials arranged in informally shaped and spaced groupings are strongly encouraged. Existing mature vegetation should be retained to provide buffers between adjoining properties to the maximum extent feasible.

Figure 3-19. Parking Lot Landscaping Illustrated Standards



Figure 3-20. Planting Specifications

| Plant Material | Minimum Caliper | Minimum Height | Minimum Planting Area | Mature or Maintained Height |
|----------------|---|----------------------------|-----------------------|-----------------------------|
| Large Tree | 2 inches for single-trunk trees (measured at 6 in above grade) | 6 ft for multi-trunk trees | 100 sf | ≥50 ft |
| Medium Tree | | | 24 sf | 30 to <50 ft |
| Small Tree | | | 16 sf | <30 ft |
| Large Shrub | - | 2 ft | 12 sf | ≥6 ft |
| Medium Shrub | - | 1 ft | 8 sf | 3 to <6 ft |
| Small Shrub | - | 1 ft | 6 sf | <3 ft |

Section 3204. Outdoor Lighting

3204.A **Purpose.** Outdoor lighting will be regulated to reduce its obtrusive and disruptive aspects, and will be limited to the minimum necessary for safety, security and nighttime use of property. It is the intent of this section to maintain a dark night sky and reduce light trespass, glare and energy use by encouraging lighting designs that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient lamps, and discouraging the use of poorly shielded or directed light fixtures.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

3204.B **Applicability.** All outdoor lighting must be installed in accordance with the provisions of this section except for:

- (1) Streetlights.
- (2) Decorative holiday lighting using low-wattage lamps that is illuminated for no more than 90 days in any calendar year.
- (3) Outdoor lighting incidental to permitted construction or the maintenance, repair or construction of public facilities or infrastructure, or to work conducted in the public interest such as law enforcement or emergency response.

3204.C **Lighting Plans.** Applications for major [site plan approval](#) must include a lighting plan prepared by a qualified professional lighting designer or engineer.

Deleted: projects

3204.D **Previously Developed Sites.** When development is proposed on a site with nonconforming lighting, the applicant must bring the entire site, including any previously installed and proposed new outdoor lighting, into conformance with this section.

3204.E **Lighting Classes and Zones.** This section regulates outdoor lighting based on the following classes and zones:

- (1) **Class 1 Lighting** includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work activities occur after dark, display areas, assembly areas like amphitheaters, recreational facilities, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.
- (2) **Class 2 Lighting** includes all outdoor lighting used for illumination of walkways, roadways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.
- (3) **Class 3 Lighting** includes all outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting, landscape lighting and similar applications.
- (4) **Lighting Zone 1** encompasses the Mixed Use Residential, [Residential 1500](#), [Residential 3000](#), [Residential 6000](#), [Residential 9000](#), Rural and Municipal zoning districts.
- (5) **Lighting Zone 2** encompasses the [Urban Center 1](#), [Urban Center 2](#), Riverfront, Eastern Gateway and Western Gateway zoning districts.

Deleted: High Density Residential

Deleted: Medium Density Residential

Deleted: Low Density Residential

Deleted: Urban Center

3204.F **General Standards.** All outdoor lighting must be kept to the minimum required for safety, security, and the intended use in accordance with the following:

- (1) **Shielding.** All nonexempt outdoor light fixtures must be shielded as specified in [Figure 3-21](#). All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.
- (2) **Total Output.** Total output from all nonexempt outdoor light fixtures on a site must not exceed the limits specified in [Figure 3-22](#).

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

- (3) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lower light levels with more uniformity provide safer and more efficient lighting than higher light levels with less uniformity. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are strongly discouraged.
- (4) **Allowed Lamp Types.** All lamps must conform to the types specified in [Figure 3-21](#) and must be Energy Star certified.
- (5) **Spot Light Aiming.** Light fixtures containing spot or flood lamps:
 - (a) Must be aimed no higher than 45° above straight down.
 - (b) Will be considered fully shielded when aimed straight down.
 - (c) Will be considered partially shielded when aimed above straight down.
 - (d) With high-intensity light output are discouraged.
- (6) **Light Trespass.** Any outdoor light fixture containing a lamp with an initial output of more than 10,000 lumens that will be located within 50 feet of residential property or a public right-of-way must use an internal or external “house side” shield. The light fixture and shield must be oriented to minimize light trespass over the adjacent property or right-of-way.
- (7) **Freestanding Lights.** Freestanding light fixtures:
 - (a) Must not exceed 25 feet in height.
 - (b) Should not be more than 12 feet in height when used to light walkways and other pedestrian-oriented spaces.
 - (c) May be located within front setbacks.
 - (d) Must be set back from side and rear property lines at least a distance equal to their height except if located within a shared parking or loading area, or if the adjoining properties are commonly owned.
- (8) **Internally Illuminated Architecture.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated and that is not a sign will be considered partially shielded, Class 3 lighting.
- (9) **Luminous Tube Lighting.** Luminous tube lighting does not require shielding but it will be considered partially shielded lighting for the purposes of calculating total outdoor light output for the site.
- (10) **Indoor Lighting.** Any indoor light fixture within a non-residential structure containing a lamp with an initial output of 2,000 lumens or more that is mounted such that any part of the fixture is lower than the height of a window or door must be fully shielded.
- (11) **Time Limits.** Outdoor lighting must be extinguished as specified in [Figure 3-21](#). The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood. Use of timers, dimmers and sensors is encouraged.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

3204.G **Special Use Lighting.** There are special standards for the following uses:

- (1) **Recreation Facilities.** Lighting for outdoor recreation facilities:
 - (a) Will be considered Class 1 Lighting and will be exempt from the lumens per acre limit specified in [Figure 3-22](#).
 - (b) Must be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - (c) Must use fixtures that are fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.
 - (d) Must use fixtures that are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
 - (e) Must be extinguished within 30 minutes of the cessation of play.
 - (f) Must not be illuminated after 11 p.m. Illumination of the facility will be permitted after 11 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.
- (2) **Frontage Row of Vehicle Display Areas.** Lighting for the frontage row of vehicle display areas will be considered Class 1 Lighting and must conform to the following:
 - (a) All frontage row vehicle display area lighting must use properly installed and maintained fully-shielded light fixtures.
 - (b) The total outdoor light output for the frontage row of vehicle display areas will be exempt from the lumens per acre limit specified in [Figure 3-22](#), but must not exceed 60 lumens per square foot.
 - (c) Any frontage row of vehicle display light that exceeds the lumens per acre limit specified in [Figure 3-22](#) must be turned off after 9 p.m., or 30 minutes after the close of business if later.
 - (d) Lighting for the frontage row of vehicle display areas remaining on after the time limit will be considered Class 2 Lighting and must conform to the standards of Subsection 3204.F.
- (3) **Fueling Station Canopies.** Lighting for fueling station canopies will be considered Class 1 Lighting and must conform to the following:
 - (a) All light fixtures mounted on or recessed into the lower surface of fueling station canopies must be fully shielded and use flat lenses.
 - (b) The total light output used for illuminating fueling station canopies must not exceed 60 lumens per square foot of canopy.
 - (c) The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per acre limit as specified in [Figure 3-22](#).

3204.H **Security Lighting.** The Development Review Board may approve security lighting in accordance with the following:

- (1) No provision of this section will be interpreted to prohibit the minimum security lighting required to meet state or federal code.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

- (2) The Development Review Board may waive or modify the lighting time limits for security lighting used in association with on-site electronic or video surveillance systems or when the premises will be occupied or staffed over night.
- (3) The use of timers and sensors to automatically activate and deactivate security lighting is strongly encouraged.

Figure 3-21. Light Fixture Shielding, Lamp Type and Time Limits

| | ZONE 1 | ZONE 2 | LAMP TYPE | LIGHTING EXTINGUISHED |
|-------------------------------------|--------------------|--------------------|---|---|
| CLASS 1 LIGHTING | | | | |
| Initial output <2,000 lumens | Fully shielded | Partially shielded | All types | – |
| Initial output 2,000 lumens or more | Fully shielded | Fully shielded | All types | – |
| CLASS 2 LIGHTING | | | | |
| Initial output <2,000 lumens | Fully shielded | Partially shielded | All types | After 11 p.m. (or 30 min after close of business if later) if the light is located more than 50 ft from the nearest building, display area or storage area. |
| Initial output 2,000 lumens or more | Fully shielded | Fully shielded | "warm white" LED High-pressure sodium Low-pressure sodium | |
| CLASS 3 LIGHTING | | | | |
| Initial output <2,000 lumens | Partially shielded | Partially shielded | All types | After 11 p.m. (or close of business if later) |
| Initial output 2,000 lumens or more | Prohibited | Prohibited | – | |

Figure 3-22. Total Outdoor Light Outputs

| | ZONE 1 | ZONE 2 |
|---|------------------------|------------------------|
| Commercial, Industrial or Mixed Use | | |
| All light fixtures (fully + partially shielded) | 50,000 lumens/acre | 100,000 lumens/acre |
| Partially shielded light fixtures only | 5,000 lumens/acre | 10,000 lumens/acre |
| Multi-Family Residential | | |
| All light fixtures (fully + partially shielded) | 10,000 lumens/dwelling | 10,000 lumens/dwelling |
| Partially shielded light fixtures only | 3,000 lumens/dwelling | 3,000 lumens/dwelling |

Section 3205. Outdoor Seating, Display or Storage

3205.A **Applicability.** The standards of this section apply to [outdoor seating and service, and to](#) keeping any goods, material or merchandise in an unroofed area for more than 24 hours.

Deleted: , junk

3205.B **Outdoor Seating and Service.** Outdoor seating and service areas for patrons may be permitted as an accessory use in accordance with the following:

- (1) The site plan must show the location and boundaries of the outdoor seating and service area.
- (2) Outdoor seating and service areas may be located on the sidewalk in the [Urban Center 1, Urban Center 2](#) and Riverfront districts in accordance with applicable city ordinances and in consultation with the Department of Public Works. In all other districts, outdoor seating and service areas must be located outside required setbacks.

Deleted: Urban Center

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

- (3) Outdoor seating and service areas must not be placed or located where they will interfere with pedestrian or vehicular access and circulation, building entrances, vehicular parking, loading areas, emergency access or egress, utilities or other service areas.
- (4) Outdoor seating and service areas must be level and surfaced with asphalt, concrete or other suitable all-weather material.
- (5) The Development Review Board may place limits on the hours outdoor seating and service areas may be used and the level of noise that may be generated as necessary to protect the character of the neighborhood.

3205.C **Outdoor Display.** Outdoor display of retail goods, wares and merchandise may be permitted as an accessory use in accordance with the following:

- (1) The site plan must show the location and boundaries of the outdoor display area.
- (2) Retail goods may be displayed on the sidewalk in the [Urban Center 1, Urban Center 2](#) and Riverfront districts in accordance with applicable city ordinances and in consultation with the Department of Public Works. In all other districts, outdoor display areas must be located outside required setbacks.
- (3) Merchandise must not be placed or located where it will interfere with pedestrian or vehicular access and circulation, building entrances, vehicular parking, loading areas, emergency access or egress, utilities or other service areas.
- (4) Merchandise must be placed on a firm, level surface.

Deleted: Urban Center

3205.D **Outdoor Storage.** The keeping any materials, goods, equipment, unregistered vehicles, or other items not for sale in an unroofed area for more than 24 hours may be allowed as an accessory use in accordance with the following:

- (1) The site plan must show the location and boundaries of the outdoor storage area.
- (2) Outdoor storage areas must not be located within required setbacks.
- (3) Except within the Eastern Gateway district, outdoor storage areas must not be located between the principal building and the street unless otherwise approved by the Development Review Board upon its determination that the storage area cannot reasonably be located elsewhere on the site and will not detract from the character of the neighborhood.
- (4) Outdoor storage areas must be fenced in and screened from view from the street and surrounding properties.

Deleted: junk,

Section 3206. Solar Access and Shading [and Energy Conservation](#)

3206.A **Purpose.** The city's energy goals and policies strongly encourage solar heating and cooling of buildings, solar heated hot water, solar generated electricity [and energy conservation](#). While the use of solar energy systems is optional, these regulations protect the right to solar access by ensuring that proposed development does not unreasonably reduce the ability to use solar energy on neighboring properties. [The provisions of this section are also intended to increase the energy efficiency of proposed land development.](#)

Deleted: and

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

3206.B **Applicability.** The standards of this section apply to any land development requiring major site plan review not located within the [Urban Center 1](#), [Urban Center 2](#) or Riverfront districts.

Deleted: Urban Center

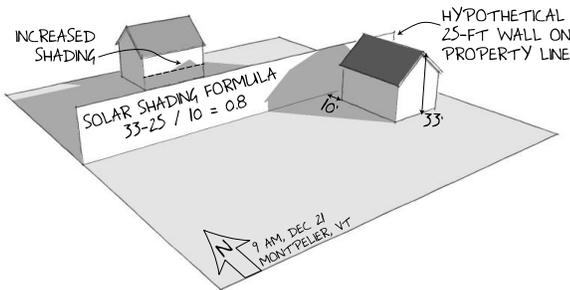
3206.C **Solar Access and Shading.** Proposed land development must not shade existing yards, walls or roofs oriented within 15° of true south on abutting lots to a greater extent than a hypothetical 25-foot high wall constructed on the property line between the hours of 9 a.m. and 3 p.m. on December 21. Applicants may demonstrate conformance with this standard by either:

Deleted: General Standards

- (1) Showing that the building height minus 25 feet and then divided by the distance between the building and the property line equals 0.25 or less; or
- (2) Submitting a solar shading diagram.

3206.D **Waivers.** The Development Review Board may waive or modify the provisions of this section for previously developed lots that already shade abutting property to a greater extent than allowed under this section provided that the amount of shading is not increased further.

Figure 3-23. Solar Shading Diagram



3206.E **Energy Code.** The applicant must demonstrate that the proposed development [subject to the Vermont Residential Building Energy Standards or Commercial Building Energy Standards](#) will meet the applicable stretch code for residential or commercial by submitting an energy certificate in accordance with Subsection 4207.E.

Deleted: ~~Energy Conservation~~
Purpose. The city's energy goals and policies strongly encourage energy conservation. The provisions of this section are intended to increase the energy efficiency of proposed land development.¶
Applicability. The provisions of this section apply to all proposed development subject to the Vermont Residential Building Energy Standards or Commercial Building Energy Standards.¶

3206.F **Solar Siting.** Unless the Development Review Board determines that use of solar energy is not feasible due to site-specific conditions, the roof surface of new buildings must:

- (1) Be flat or oriented so that its long axis is within 30° of a true east-west direction.
- (2) Be physically and structurally capable of supporting at least 75 square feet of solar collectors per dwelling unit in the building or, for nonresidential buildings, capable of providing at least ½ the anticipated hot water needs of the building.
- (3) Have unimpeded solar access.

3206.G **Alternative Transportation.** The applicant must demonstrate that the proposed development enables energy-efficient modes of transportation such as walking, biking, transit, electric vehicles, and carpooling or car sharing as feasible and appropriate given the location and use.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

Section 3207. Design and Compatibility

3207.A Purpose. This section is intended to ensure that proposed land development will:

- (1) Be compatible with and enhance the visual appearance of the street and neighborhood (as defined in Part 2 of these regulations) in which they are located.
- (2) Exhibit consistent design integrity in all building components including, but not limited to, roof forms, windows and entrances (proportion and placement), building materials, facade details, fencing and landscaping.

3207.B Applicability. All projects requiring major site shall meet the requirements of this section.

- (1) Projects reviewed under Section 2201 are exempt from the requirements of this section.

3207.C Standards. Applicants must design land development requiring major site plan approval to:

(1) Architectural Standards

- (a) In districts with architectural standards, projects must meet the standards required in that district.
- (2) Form and Massing
 - (a) Appear similar in mass and scale to structures typical of the neighborhood.
 - (b) Match the building and roof forms that are typical of the neighborhood.
 - (c) Avoid large box-like forms with continuous unrelieved surfaces by incorporating articulation to reduce buildings' perceived bulk.
 - (d) Limit overall building size or designing buildings with features to break up building bulk such as changes in wall plane (instead of a long flat wall), changes in roof form and height, or major full-height recesses (typically at least 8 feet deep) along the length of the building that successfully break the building into smaller discrete masses.
 - (e) Have window recesses, window trim, doorways, columns, overhangs and other architectural elements with depth adequate to create shadow and architectural relief.
 - (f) Have facades that provide a pedestrian scale and orientation through overhangs, eaves, awnings, display windows and architectural ornamentation.

(3) Compatibility

- (a) Align building facades with the established setbacks on the block.
- (b) Locate and orient buildings to respect the need for privacy, light, and air of surrounding structures, especially adjoining residences.
- (c) Locate the tallest portions of new buildings away from adjoining residential properties, in order to provide height transitions between taller and lower buildings, and to maximize light, air, and privacy for dwelling units.
- (d) Reduce the visual and shadow impact of upper stories on adjoining residential properties through means such as stepping back the upper floors from the stories below, tucking the top story inside a pitched roof, using pitched roofs with dormers, etc.

Deleted: Architectural Standards

Deleted: Certain zoning districts include specific architectural standards that apply to all land development that requires major site plan approval

Deleted: <#>Design Review. If the proposed land development subject to the standards of this section also requires design review under Section 2201, the Development Review Board will consider endorsement by the Design Review Committee to mean that the proposed land development also conforms to the standards of this section and to any architectural standards for the applicable zoning district. ¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

- (e) Protect privacy through means such as offsetting windows of adjacent units, locating minor windows above eye level, using opaque glass for minor windows, placing accessory structures along lot lines, using architectural and landscape elements to create separation between outdoor spaces on adjoining lots, preventing glare or light trespass onto adjoining property, etc.

(4) Materials

- (a) Use high quality building materials that convey a sense of durability and permanence, and that will last for the life of the building.
- (b) Use a complimentary palette of materials on all sides of buildings.
- (c) Have material changes located at interior corners or other logical terminations and not at external corners.

(5) Windows and Entries

- (a) Orient entrances in a manner similar to the established pattern on the block.
- (b) Consider the overall composition of the building facade when locating and sizing window openings.
- (c) Emphasize public building entrances with architectural and landscape treatment.
- (d) Provide access to all dwelling units from private entrances that are separated from public entrances to non-residential portions of the building.

(6) Energy

- (a) Meet the applicable stretch code for residential or commercial buildings as demonstrated by the applicant submitting an energy certificate in accordance with Subsection 4207.E.
- (b) Unless the [applicant demonstrates](#) that use of solar energy is not feasible due to neighborhood compatibility and/or site specific conditions, be sited and designed so that the roof will be appropriately oriented and structurally capable of accommodating solar collectors.

(7) Residential Storage

- (a) Provide all new dwelling units with secured, bulk storage areas.

(8) Service Areas

- (a) Ensure that service areas do not detract from the overall quality of public, common and residential outdoor use areas.
- (b) Minimize the impact (noise, light, odors, etc.) of service areas on residents.
- (c) Locate ancillary facilities (such as trash receptacles and utility meters) within buildings, not along building facades, to the maximum extent feasible. If ancillary facilities cannot be incorporated into a building, locate them at the rear of the site in freestanding, enclosed structures designed to be compatible with the architecture of the principal building.
- (d) Locate utilities underground to the maximum extent feasible given site-specific conditions.
- (e) Locate electrical panels to minimize their visibility from the street, in locations

Deleted: Development Review Board determines

Deleted: so residents do not store bulk goods on outdoor balconies, patios or other places that are visible from public or residential areas

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 320. Site Plan Standards

such as side yard walls, and/or behind landscaped areas, and integrate them into the design of the buildings to the maximum extent feasible.

(f) Minimize the visibility of loading areas from public and residential areas by screening them with screen walls, landscaping, and other devices.

3207.D [An applicant may request a waiver to the provisions in this section, including any architectural standards in Part 2, through the process and standards established in Section 4602.](#)

Deleted: Conformance with these Regulations¶
Proposed development must conform to all other applicable provisions of these regulations, including but not limited to the use, dimensional, density, streetscape and architectural standards of the applicable zoning district in Part 2, and the general standards in Chapter 300.¶

Deleted: 12/8/16

Chapter 330. Conditional Use Standards

Section 3301. Applicability

3301.A All land development listed as a conditional use in Part 2 of these regulations must conform to the standards of this chapter.

Section 3302. Capacity of Community Facilities and Utilities

3302.A The applicant must demonstrate that the proposed development will not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Street infrastructure and maintenance.
- (4) Parks and recreation facilities.
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.

Section 3303. Traffic

3303.A **Standards.** The applicant must demonstrate:

- (1) That the volume, type and timing of traffic generated by the proposed development will not be substantially greater than what would normally occur at nearby uses or at other uses permitted in the neighborhood.
- (2) That the traffic generated by the proposed development will not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.
- (3) That reasonable measures have been taken to minimize and/or mitigate the amount of vehicular traffic generated by the proposed development.

3303.B **Traffic Impact Study.** A traffic impact study prepared by a qualified professional in accordance with VTrans' traffic impact study policy must be included in any application for proposed development that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour. The Development Review Board may require any applicant to submit a professionally prepared traffic impact study as deemed necessary to determine compliance with this section, particularly if traffic is anticipated to impact an intersection with a level of service of E or F.

3303.C **Mitigation Measures.** The Development Review Board may require the applicant to mitigate transportation impacts as a condition of approval, including paying for all or a portion of off-site improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 330. Conditional Use Standards

Section 3304. Character of the Neighborhood

3304.A **Establishment of Neighborhoods.** Neighborhoods are established and their character described in Part 2 of these regulations. When the subject property adjoins land in a different neighborhood (including across the street), potential impacts on both neighborhoods will be considered under this section.

3304.B **Character of the Neighborhood.** Neighborhood character is the sum of the elements and qualities that distinguish an area. To be compatible with and enhance neighborhood character, proposed development must be located and designed in accordance with the following:

- (1) **Architectural Compatibility.** New development must be architecturally compatible with the neighborhood through relationships of scale, massing, siting, detail and materials. Architectural compatibility does not mean replicating what already exists. Rather, each project should contribute to the character of the neighborhood by designing a unique, distinctive building that reflects the best qualities of the surrounding neighborhood. The result should be an architecturally diverse neighborhood with shared common qualities. New development must be designed and located:
 - (a) So that the visible mass conforms to the scale of the neighborhood as viewed from the street.
 - (b) To maintain perceived building heights that are appropriate to the neighborhood in order to avoid interfering with views from nearby properties and buildings, and excessively shading adjoining properties and buildings.
 - (c) With articulated wall planes that create variety and reduce perceived scale.
- (2) **Yards, Lot Coverage and Landscaping.** New development must maintain a sense of open space that is appropriate to the neighborhood by balancing the size of the building's footprint with the mass of the structure and the size of the lot. This does not mean that new development cannot reduce the total amount of greenspace within the neighborhood. Rather, the balance of building area to open space must be typical of the neighborhood and the structure must be sized and located on the site to maintain the pattern of greenspace existing in the neighborhood. New development must be designed and located:
 - (a) To maintain the neighborhood's existing setback patterns.
 - (b) To incorporate landscaping into required setback areas to maximize the perception of open space, reduce the perceived scale of buildings and create curb appeal.
- (3) **Lighting and Noise.** New development must not generate a substantially greater amount of outdoor lighting or noise than other uses already established in the neighborhood or than what would be typical of the uses permitted in the district. This does not mean that new development cannot increase the total lighting and noise levels within the neighborhood. Rather, the increment of increase cannot be disproportionate and the applicant must take reasonable efforts to minimize the impact on the surrounding neighborhood. The Development Review Board may limit hours of operation as a condition of approval.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 330. Conditional Use Standards

3304.C **Standards.** The applicant must demonstrate that the proposed development will be compatible with the character of the neighborhood.

Deleted: and enhance

Section 3305. Performance Standards

3305.A **Purpose.** The provisions of this section are intended to protect neighborhood character and quality of life by preventing land use and development from creating or contributing to adverse off-site impacts.

3305.B **Noise.** Noise emanating off site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of other properties. Generating noise in excess of the sound levels specified in the *Montpelier Noise Control Ordinance* (Montpelier Code of Ordinances, Chapter 11, Article 10) is prohibited.

3305.C **Glare.** Lighting must not be used or directed in such a manner that it produces glare on streets, on nearby property, or in the windows of nearby buildings. Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.

3305.D **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of other properties is prohibited.

3305.E **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited except that:

- (1) This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction.
- (2) The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose.

3305.F **Electrical or Radio Interference.** Creating interference with electrical or radio apparatus beyond the property line is prohibited.

3305.G **Waste Storage.** Storage of wastes that attract insects or rodents, generate odor, or otherwise create a health hazard is prohibited. All waste must be stored in appropriate storage containers or structures unless specifically approved otherwise by the Development Review Board.

3305.H **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash, smoke, particulate matter or other airborne solids that accumulate at any point beyond the property line or that interfere with the reasonable use and enjoyment of other properties is prohibited except when related to approved construction activities.

Deleted: <#>Not substantially impair or diminish the use and value of developed property in the neighborhood for the purposes already established.¶
Not impair or impede the lawful development of property within the neighborhood for the uses allowed in the district.¶
Settlement Pattern¶
Standards. The applicant must demonstrate that the proposed development will:¶
Be compatible with or extend the city's traditional settlement pattern as a compact urban center.¶
Make efficient use of land, energy streets, utilities and other supporting infrastructure.¶
Not contribute to a pattern of strip development if not located in an area already characterized by strip development.¶
Incorporate infill to minimize the characteristics of strip development if located in an area already characterized by strip development.¶
Definition. Strip development means linear commercial development along a public highway that is characterized by:¶
Broad highway frontage.¶
Predominance of single-story buildings.¶
Limited reliance on shared highway access.¶
Lack of connection to any existing settlement except by highway.¶
Lack of coordination with surrounding land uses.¶
Limited accessibility for pedestrians.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 330. Conditional Use Standards

3305.I **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. Such materials must be securely stored within a fully enclosed building or tank.

Section 3306. Conditions of Approval

3306.A The Development Review Board may place conditions on any approval as deemed necessary to further the purposes of these regulations and ensure conformance with all applicable provisions of these regulations (see Subsection 4505.E).

3306.B The Development Review Board may require the applicant to mitigate any impacts of proposed development as a condition of approval through measures that may include, but are not limited to:

- (1) Paying for all or a portion of off-site improvements to community facilities and utilities deemed necessary to accommodate the proposed development.
- (2) Phasing proposed development so that the rate of growth will not exceed the city's ability to provide community facilities and utilities.
- (3) Paying for all or a portion of off-site transportation improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development.
- (4) Setting aside land for recreation purposes such as playgrounds, parks, trails and/or multi-use paths.
- (5) Setting aside land for conservation purposes and protecting it from future development.

Deleted: <#>Conformance with these Regulations¶
Proposed development must conform to all other applicable provisions of these regulations, including but not limited to the use, dimensional, density, streetscape and architectural standards of the applicable zoning district and the site plan standards.¶

Deleted: 12/8/16

Chapter 340. Planned Unit Development Standards

The purpose of this chapter is to provide flexibility for land development types and patterns that further the goals of the Montpelier City Plan.

Section 3401. Infill Housing Development

3401.A **Purpose.** The purpose of this section is to:

- (1) Encourage an increase in the amount of housing generally, and affordable housing in particular, located in downtown and surrounding neighborhoods.
- (2) Allow for further residential development on vacant or underutilized lots within developed neighborhoods
- (3) Ensure that infill housing development will respect the mass and scale of surrounding development, reflect the character of the existing streetscape, maintain the privacy of adjacent residences and fit comfortably into the existing neighborhood.

3401.B **Applicability.** Infill housing developments are permitted in the Riverfront, Mixed Use Residential, ~~Residential 1500, Residential 3000, Residential 6000 and Residential 9000~~ districts on parcels not more than 2 acres in size.

3401.C **Density Bonus.** ~~Applicants may apply for~~ a density bonus of up to 25% if each of the additional dwelling units meets at least two of the following criteria or 50% if each of the additional dwelling units meets at least three of the following criteria:

- (1) The unit will be affordable, as defined in these regulations.
- (2) The unit will qualify as senior housing, as defined in these regulations.
- (3) The unit will be visitable or accessible, as defined in these regulations.
- (4) The unit will have a total habitable floor area of 1,200 square feet or less.
- (5) The unit will achieve a HERS (home energy rating system) index score of 50 or less.
- (6) The unit will have direct access to at least 60 square feet of private or semi-private outdoor space such as a porch, deck, balcony, patio, courtyard or atrium.

3401.D **Dimensional Standards.** ~~Applicants may apply to:~~

- (1) Modify lot size, frontage and setback requirements within the site except that the development must meet:
 - (a) Setback standards for the applicable district around the perimeter of the site; and
 - (b) The water setback standards for the applicable district.
- (2) Increase the maximum building height by up to 10 feet above the district standard.
- (3) ~~Not increase the maximum lot coverage or building footprint standard of the applicable district.~~

Deleted: High Density Residential

Deleted: Medium Density Residential

Deleted: Low Density Residential

Deleted: The Development Review Board may approve

Deleted: The Development Review Board may

Deleted: <#>Increase the maximum floor area ratio to 125% of the district standard.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

3401.E **Use Standards.** Any residential uses will be permitted within an infill housing development whether or not they are allowed within the applicable district. Non-residential uses are not allowed within an infill housing development irrespective of whether they are allowed within the applicable district.

3401.F **Common Open Space.** Infill housing development must provide a minimum of 400 square feet of common open space usable for passive outdoor recreation per dwelling unit in accordance with the following:

- (1) The Development Review Board may waive all or a portion of the common open space requirement if all dwelling units within the proposed development will have private yards.
- (2) The Development Review Board may waive all or a portion of the common open space requirement if the proposed development will be located within ¼-mile walk of a public park, school yard, or the State House Lawn.
- (3) The common open space must be accessible to all residents of the development.
- (4) The common open space must not be less than 30 feet in any dimension.
- (5) The Development Review Board may waive or modify the requirements of this subsection as necessary to allow for reasonable redevelopment or reuse of previously developed sites.

3401.G **Pedestrian Facilities.** Walkways must be constructed within the site as necessary to connect buildings with each other and with destinations including, but not limited to, parking, adjoining streets and sidewalks, mailboxes, trash disposal, and on-site amenities such as open space and recreation areas.

3401.H **Parking.** In addition to all other applicable provisions of these regulations, infill housing development must provide parking in accordance with the following:

- (1) There will be no minimum parking requirement for senior or affordable dwelling units.
- (2) No parking will be permitted in front yards, except within an approved driveway.

Section 3402. Cottage Cluster Development

3402.A **Purpose.** The purpose of this section is to address the need for smaller, more diverse and more affordable housing choices in the city in response to changing household demographics and living preferences.

3402.B **Applicability.** Cottage cluster developments are permitted in the [Residential 3000](#), [Residential 6000](#) and [Residential 9000](#) districts.

3402.C **Density Standards.** The maximum density for a cottage cluster development will be 200% the residential density allowed in the applicable zoning district.

3402.D **Dimensional Standards.** The Development Review Board may:

- (1) Modify lot size, frontage and setback requirements within the site except that the development must meet:

Deleted: <#>**Streetscape and Architectural Standards.**
Infill housing development must meet any streetscape and architectural standards for the applicable district. ¶

Deleted: , the Vermont College Green

Deleted: High Density Residential

Deleted: Medium Density Residential

Deleted: Low Density Residential

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (a) Setback standards for the applicable district around the perimeter of the site; and
 - (b) The water setback standards for the applicable district.
- (2) May increase the maximum lot coverage to 60% if the standard in the applicable district is less.

3402.E **Use Standards.** Nonresidential principal uses are prohibited within a cottage cluster development, irrespective of the standards of the applicable zoning district.

3402.F **Cluster Size.** The development must be designed as one or more clusters composed of 4 to 12 cottages arranged around a common open space.

3402.G **Cottage Design.** A cottage as allowed under this section must be a single-family detached dwelling that:

- (1) Is not more than 2 stories high.
 - (a) All portions of the building more than 18 feet above ground must be within the roof pitch.
 - (b) No portion of the building may exceed 25 feet in height.
- (2) Has a footprint of not more than 1,600 square feet.
 - (a) Attached garages will be included in the footprint calculation.
 - (b) Attached garages must not have a footprint of more than 576 square feet.
- (3) Has a total floor area that does not exceed 180% of its footprint.
 - (a) Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet will not be included in the floor area calculation.
- (4) Has a pitched roof with a minimum slope of 6:12.
 - (a) Secondary roofs (porches, sheds, dormers, etc.) may have a lower slope.
- (5) Has a roofed, open porch at least 80 square feet in size with a minimum dimension of 8 feet on any side that offers a view of a common open space.
- (6) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.

3402.H **Common Open Space.** The development must include one or more common open spaces in accordance with the following:

- (1) A minimum of 400 square feet of common open space is required per cottage.
- (2) Each cottage must have a principal entryway that faces a common open space and that is not separated from the open space by a street or driveway. Garage doors must not face the common open space.
- (3) A minimum of 50% of the cottages must directly abut a common open space and each cottage must be connected to a common open space by a walkway not more than 60 feet long.
- (4) A common open space must have cottages abutting on at least two sides.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- 3402.I **Accessory Buildings.** Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 576 square feet and a height of not more than 18 feet except:
- (1) A private, detached carriage house that includes an accessory dwelling unit may have a footprint of not more than 60% of the associated cottage and a height of not more than 18 feet.
 - (2) Shared or common accessory buildings must have a footprint of not more than 1,200 square feet and a height of not more than 18 feet.
- 3402.J **Community Buildings.** The development may include one or more community buildings that are clearly incidental to the cottages and 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:
- (1) A community building must be commonly-owned by the residents.
 - (2) A community building must be compatible in scale, design and height to the cottages.
- 3402.K **Vehicular Access and Parking.** The development must provide vehicular access and parking in accordance with the following:
- (1) Vehicular access and on-site parking will not be required to/on each lot or cottage.
 - (a) The development may provide one or more common off-street parking areas or structures with pedestrian walkways connecting the parking and the cottages.
 - (2) Vehicular access and parking must not be located within the front yard or the common open space, or between the cottages and the common open space.
 - (3) Vehicular access and parking should be:
 - (a) Located primarily around the periphery of the development or each cottage cluster.
 - (b) Designed to have minimal visibility from the common open space and from public vantage points beyond the development.
 - (4) Shared driveways, rear alleys and narrow lanes should be used to the maximum extent feasible.
 - (5) Unless otherwise approved by the Development Review Board, vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of these regulations.

Section 3403. Manufactured Home Park

- 3403.A **Applicability.** The provisions of this subsection apply to all manufactured home parks.
- 3403.B **Standards.** The following standards apply to manufactured home parks:
- (1) Manufactured home parks will be allowed in any district where detached single-family dwellings are a permitted use and where there is not a minimum two-story height requirement.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (2) A new or expanded manufactured home park must be approved as a planned unit development in accordance with the provisions of Chapter 440.
- (3) The maximum residential density within a manufactured home park will be 200% of the density allowed in the applicable zoning district.
- (4) The dimensional standards for lots, setbacks and buildings in the applicable zoning district will not apply within a manufactured home park but:
 - (a) The park must meet all applicable dimensional standards around its perimeter; and
 - (b) The lot coverage for the park as a whole must not exceed the maximum amount for the applicable district.
- (5) Each manufactured home must be located on a delineated site not less than 2,000 square feet in area or 200% of the footprint of the manufactured home, whichever is greater.
- (6) Any manufactured home park with more than 10 homes must provide a minimum of 400 square feet of common open space suitable for passive recreation use per home.
- (7) A manufactured home must not be located closer than 20 feet to any other dwelling within the park.
- (8) All the homes within a manufactured home park must be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or improve traffic safety.
- (9) A manufactured home park may include one or more community buildings or facilities to serve residents.

Section 3404. New Neighborhood Development

3404.A **Purpose.** The purpose of this section is to encourage development of new neighborhoods in a manner consistent with the traditional development principles and patterns of the neighborhoods built in Montpelier before 1940. Traditional neighborhood developments:

- (1) Combine a variety of housing types in proximity to small-scale commercial and civic uses in a compact, walkable neighborhood setting;
- (2) Feature a highly interconnected street network, sidewalks and building setbacks appropriate to create a public realm built on a human scale;
- (3) Provide parks or open space areas to maximize protection of significant natural resources, enhance neighborhood character and quality of life, and accommodate passive recreation and enjoyment of nature;
- (4) May not be appropriate where severe environmental constraints, such as steep slopes, wetlands or streams, preclude street interconnections and high impervious surface coverage (a conservation subdivision in accordance with Section 3405 may be more appropriate for such sites); and
- (5) Promote clustering of housing units to preserve recreational areas around open space with an emphasis on creating contiguous area of open space

Deleted: .

Deleted: .

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

3404.B **Applicability.** New neighborhood developments are:

- (1) Allowed in the Riverfront, Mixed Use Residential, Residential 3000, Residential 6000 and Residential 9000 districts on parcels that are 2 acres or more in size. If a parcel proposed for a new neighborhood development includes land in the Rural district, that land may be counted when calculating the maximum development potential of the project, but the number of dwelling units developed in the portion of the property in the Rural district must not exceed the base density of the Rural district (no transfer of density from higher density districts into Rural district and no additional housing through density bonuses).
- (2) Required for any development of 40 dwelling units or more in a 10-year period on a parcel that is 10 acres or larger and that is not located in the Urban Center 1 or Rural district.

Deleted: High Density Residential

Deleted: Medium Density Residential

Deleted: Low Density Residential

Deleted: but at least 80% of the land in the Rural district must be set aside as open space in accordance with Subsection 3404.J

Deleted: Urban Center

3404.C **Density Bonus.** The Development Review Board may approve a density bonus of up to 25% if each of the additional dwelling units meets at least two of the following criteria or 50% if each of the additional dwelling units meets at least three of the following criteria:

- (1) The unit will be affordable, as defined in these regulations.
- (2) The unit will qualify as senior housing, as defined in these regulations.
- (3) The unit will be visitable or accessible, as defined in these regulations.
- (4) The unit will have a total habitable floor area of 1,200 square feet or less.
- (5) The unit will achieve a HERS (home energy rating system) index score of 50 or less.
- (6) The unit will have direct access to at least 60 square feet of private or semi-private outdoor space such as a porch, deck, balcony, patio, courtyard or atrium.

3404.D **Dimensional Standards.** The Development Review Board may:

- (1) Modify lot size, frontage and setback requirements within the site except that the development must meet:
 - (a) Setback standards for the applicable district around the perimeter of the site; and
 - (b) The water setback standards for the applicable district.
- (2) Modify the maximum coverage requirements on individual lots provided that the lot coverage for the development as a whole does not exceed the standard of the applicable district.
- (3) Modify the building height and footprint requirements of the applicable district to allow up to 25% of the total floor area within the development to be located within buildings that may be up to 45 feet in height with a footprint of up to 18,000 square feet.

3404.E **Use.** The uses allowed within a new neighborhood development will be as established in the applicable zoning district except that:

- (1) All residential uses will be permitted within a new neighborhood development whether or not they are allowed within the applicable district.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (2) The development must include a mix of housing types including both single-family and multi-family units as follows:
 - (a) Single-family detached homes must comprise between 20% and 80% of the total number of dwellings units within the development.
 - (b) No more than 75% of the dwelling units other than single-family detached homes may be the same type (ex. duplex, townhouse, apartment, etc.).
- (3) The development may include office, retail and service uses, as well as any nonresidential uses allowed in the applicable zoning district, as follows:
 - (a) The total nonresidential floor area within the development must not exceed an amount equal to 300 square feet for each dwelling unit located within the development.
 - (b) An individual office, retail or service use not otherwise allowed in the applicable zoning district must not occupy more than 3,000 square feet of floor area.
 - (c) At least 60% of the nonresidential floor area within the development must be located in mixed-use buildings that do not exceed a footprint of 6,000 square feet.

3404.F **Site Design.** A licensed landscape architect must design and layout the project as follows:

- (1) Blocks must generally be rectilinear in shape except where topographic or other physical site conditions necessitate a curvilinear or irregular shape.
- (2) Buildings must define the streetscape through use of uniform setbacks along a build-to line for each block.
- (3) Buildings must be located to the front of lots and relate to the street both functionally and visually except:
 - (a) Multiple principal buildings may be grouped and organized around features such as courtyards or greens that encourage walking and incidental social interaction.
- (4) Buildings must be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.

3404.G **Street Design.** Streets within a new neighborhood development must be designed:

- (1) With a modified grid pattern adapted to the topography and other physical site conditions.
- (2) With cul-de-sacs and other dead-end streets only as necessary to accommodate topographic or other physical site condition, or where future street connections are planned.
- (3) To accommodate future street connections to adjacent neighborhoods or developable land to the maximum extent feasible given topographic or other physical site conditions and pre-existing development patterns.
- (4) To minimize pavement width.
- (5) With sidewalks and street trees.
- (6) To discourage through and high speed traffic to the maximum extent feasible.

Deleted: <#>At least 60% of the lots within the development must accommodate buildings sited with their long axis oriented within 30 degrees of true east-west.¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

3404.H **Building Design.** Buildings within a new neighborhood development must be designed in accordance with the following:

- (1) Buildings within the development must reflect the traditional development patterns of Montpelier's neighborhoods, which include variation in building form, massing, architectural details, colors and materials.
- (2) All principal buildings must front on and have an entrance oriented to a street or common open space.
- (3) At least 50% of single-family dwellings must have an open front porch at least 60 square feet in size with a minimum dimension of 6 feet on any side.
- (4) Each multi-family dwelling must have access to a private or semi-private outdoor living space such as a yard, patio, courtyard, rooftop, terrace or balcony.

Deleted: <#>Principal buildings must meet any architectural standards for the applicable district.¶

Deleted: <#>pre-1940

3404.I **Parking and Garages.** Within a new neighborhood development:

- (1) There will be no minimum parking requirements.
- (2) Garage doors must not be oriented to the street unless they are located at least 8 feet behind the front line of the principal building.
- (3) No parking will be permitted between the front of the building and the street except within a driveway serving a single- or two-family home.
- (4) Loading and service areas must not be oriented to the street and must adjoin alleys or parking areas to the rear of the principal building.

3404.J **Open Space.** Applicants must design a new neighborhood development to include open space areas as follows:

- (1) At a minimum ¼ acre or 5% of the parcel, whichever is greater, must be set aside as permanently protected open space.
- (2) Land classified as [resources identified on the Montpelier Natural Resources Map adopted with these regulations, or as appears on the Official Map if so adopted](#), must be set aside as permanently protected open space up to an amount not to exceed 40% of the parcel. The applicant must consult with the Montpelier Conservation Commission on what land should be protected if all of the land classified as [resources identified on the Montpelier Natural Resources Map adopted with these regulations, or as appears on the Official Map if so adopted](#), on the parcel will not be protected open space based on its natural resource values and location.
- (3) Open space must be contiguous with or connected to open space, conserved land or [resources identified on the Montpelier Natural Resources Map adopted with these regulations, or as appears on the Official Map if so adopted](#), on adjoining parcels to the maximum extent feasible.
- (4) Open space may be used for conservation, agriculture, silviculture, renewable energy production and/or passive recreation in accordance with the terms of any easement and conditions of approval.

Deleted: Priority Conservation Areas on the Montpelier Natural Resources and Recreation Map

Deleted: C

Deleted: Priority Conservation Areas

Deleted: <#>Offer the open space to the City of Montpelier for use as a public park or conservation area. ¶
If the City of Montpelier chooses to not accept ownership of the open space, the applicant must appropriately protect it from future development by conveyance of an easement to the City of Montpelier or a qualified conservation organization. ¶

Deleted: <#>Priority Conservation Areas

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

Section 3405. Conservation Subdivision

3405.A **Purpose.** The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space and rural character.

3405.B **Applicability.** Conservation subdivisions are:

- (1) Allowed in the [Residential 9000](#), [Residential 17000](#) and Rural districts.
- (2) Allowed on any site with significant natural resource constraints that preclude reasonable use of the infill housing or new neighborhood development types.
- (3) Required for subdivision of 3 lots or more in a 10-year period in the Rural district.

3405.C **Density.** The density of a conservation subdivision must not exceed the maximum density for a conventional subdivision based on the applicable zoning district standards.

3405.D **Dimensional Standards.** The dimensional standards for lots, setbacks and buildings in the base zoning district will not apply within a conservation subdivision. The development must meet all applicable dimensional standards around its perimeter.

3405.E **Use.** Nonresidential principal uses are prohibited within a conservation subdivision except for community buildings. All forms of residential use and buildings will be permitted within a conservation subdivision except for multi-family buildings with 5 or more dwelling units and live-work units.

3405.F **Conservation Areas.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:

- (1) The following will be considered primary conservation resources and must be included in the conservation area:
 - (a) Wetlands and vernal pools as shown on the Montpelier Natural Resources Map;
 - (b) Mapped flood hazard and river corridor areas; and
 - (c) Severely steep slopes (30% or greater);
- (2) The following will be considered secondary conservation resources and must be included in the conservation area to [protect them to](#) the maximum extent feasible:
 - (a) Primary agricultural soils;
 - (b) Natural communities as shown on the Montpelier Natural Resources Map;
 - (c) Riparian buffers (see Section 3005);
 - (d) Moderately steep slopes (15% to <30%);
 - (e) Woodlands that are part of a contiguous forest block at least 50 acres in size; and
- (3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
- (4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the city, state and/or a land trust or conservancy.

Deleted: <#>Where trails exist or are planned (as indicated by the trail corridors shown on the Montpelier Natural Resources and Recreation Map) within open space, the applicant must accommodate non-motorized public access to a degree compatible with the natural resource values of the land.¶ Access to the remainder of the open space may be public, limited to residents within the development, or restricted for conservation purposes in accordance with the terms of any easement and conditions of approval.¶

Deleted: Low Density Residential

Deleted: and Recreation

Deleted: <#>Priority Conservation Areas shown on the Montpelier Natural Resources and Recreation Map.¶

Deleted: and Recreation

Deleted: <#>Scenic views into the property from public vantage points.¶

Deleted: . The conservation easement must prohibit further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (5) Conservation areas must not be cleared, graded, filled or subject to construction except:
- (a) The Development Review Board may allow streets and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the conservation subdivision to be developed. Disturbance of the conservation area must be the minimum necessary to provide adequate access.
 - (b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas, if recommended by the Conservation Commission upon their determination that such development will not result in undue adverse impacts on the conservation resources intended to be protected by inclusion in a conservation area.
 - (c) Trails, community gardens and other passive recreation amenities may be developed within conservation areas in accordance with the approved subdivision plan and terms of the easement.
 - (d) Accepted agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use in accordance with the approved subdivision plan and terms of the easement.
 - (e) Land within conservation areas may be maintained for scenic views and/or managed for conservation purposes in accordance the approved subdivision plan and terms of the easement.

3405.G **Development Areas.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:

- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or dwelling units surrounded by open space.
- (2) At least 40% of the lots or dwelling units must abut a conservation area.
- (3) All lots or dwelling units not directly abutting a conservation area must have direct pedestrian access to the conservation area(s) from a continuous system of sidewalks, paths or trails. The Development Review Board may waive the access requirement for conservation areas intended for agricultural use.
- (4) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
- (5) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing streets).

3405.H **Community Buildings.** A conservation subdivision 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. The subdivision residents must commonly own any community building.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- 3405.I **Conservation Commission Review.** The application for a conservation subdivision will require review by the Montpelier Conservation Commission with with the Conservation Commission submitting findings and recommendations to the applicant and DRB.
- 3405.J **Application Requirements.** In addition to all other applicable requirements, the applicant must submit:
- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see Subsection 3405.F) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
 - (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see Subsection 3405.F) and any public or conserved lands over an aerial photo base map.

Section 3406. Campus Development

- 3406.A **Purpose.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of major light industrial, office or institutional uses.
- 3406.B **Applicability.** Campus developments are permitted in the Urban Center 1, Urban Center 2, Riverfront, Mixed Use Residential, Eastern Gateway and Western Gateway districts. For the purposes of this section, a campus is a self-contained development that includes multiple buildings and/or lots that:
- (1) Are commonly owned and/or managed;
 - (2) Are located in proximity to and related to one another;
 - (3) Are oriented and organized around common open space areas;
 - (4) Share access, parking and other facilities or amenities;
 - (5) Are connected with pedestrian walkways;
 - (6) Accommodate primarily light industrial, office and/or institutional uses that have a similar, shared or common purpose; and
 - (7) Are a minimum of 5 acres in size.
- 3406.C **Dimensional Standards.** The Development Review Board may waive the dimensional standards for lots, setbacks and buildings in the base zoning district within a campus development. The development must meet all applicable setbacks around its perimeter. Lot coverage for the development as a whole must not exceed 70% or the district maximum, whichever is less.
- 3406.D **Density of Development.** Floor area ratio and density for the development as a whole must not exceed the maximum for the applicable district.

Deleted: Urban Center

Deleted: and

Formatted: Space After: 6 pt

Formatted: Don't keep lines together

Deleted: .

Deleted: will not apply

Deleted: dimensional standards

Deleted: There will be no maximum residential density within a campus development.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

3406.E **Use.** Uses will be allowed within a campus development as follows:

- (1) Any use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use if listed in the Master Plan as incidental to or supportive of the primary purpose of the campus development.
- (2) The Development Review Board may approve uses in the Master Plan not otherwise allowed in the base zoning district provided the applicant receives conditional use approval and demonstrates that the proposed use is incidental to or supportive of the principal purpose of the campus development.
- (3) Retail, service or similar customer-oriented uses that are designed and operated primarily to serve campus residents or employees may also be available for the public.
- (4) Any use not listed in the Master Plan as incidental to and supportive of the primary use of the campus development will be regulated as allowed in the based zoning district.

Deleted: Any office or institutional use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use

Deleted: within a campus development as a conditional use upon determining that

Deleted: may be allowed within a campus development provided

Deleted: they

3406.F **Building Design.** Buildings within a campus development must be designed as follows:

- (1) Buildings taller than 3 stories must be set back a distance equal to or exceeding twice their height from parcels abutting the perimeter of the campus development. The Development Review Board may reduce this setback requirement to the district minimum if the proposed development within the campus will be compatible in scale and intensity with the existing or planned development pattern on the abutting parcel(s).
- (2) Buildings must be oriented to streets, common open space areas or pedestrian walkways. Buildings must not be oriented to parking lots.
- (3) The Development Review Board may waive building massing (footprint and height requirements) provided the increased scale of buildings is balanced appropriately with open space and landscaping.

3406.G **Open Space.** At least 30% of the total area of the campus must be reserved as common open space, including parks, greens or quads developed for passive recreational use but excluding outdoor areas developed for active recreational use (ex. sports courts or fields).

3406.H **Pedestrian Access.** All principal buildings within a campus development must be connected with a system of sidewalk or paths. The Development Review Board may require the applicant to extend sidewalks along nearby public streets into the campus.

3406.I **Vehicular Access.** Vehicular access to a campus development must be provided in a manner that minimizes traffic impacts on neighborhoods streets. To the maximum extent feasible, vehicular access must be provided from an arterial street.

3406.J **Parking.** Applicants must provide a shared parking plan consistent with Section 3010 that addresses the parking needs of all uses. Where a campus owns both sides of a street, the applicant may count on-street parking in the supply of available parking although this should not be interpreted to mean that on-street parking is dedicated for use only by the campus.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

3406.K **Signage.** The campus development must have an approved common scheme signage plan and the campus will be considered a "common scheme premises" for the purposes of regulating signage under Section 3012. The campus may have an entrance sign not more than 64 square feet in area and 20 feet in height at its principal street entrance. Any secondary entrance may have a sign that is not more than 32 square feet in area and 12 feet in height. All other signage must be designed and located so as to be primarily visible from within the campus.

3406.L **Master Plan Application Requirements.** In addition to other application requirements, the applicant must submit a Campus Master Plan that includes:

- (1) A site plan showing boundary lines, existing buildings, open space, pedestrian and vehicular access, parking lots and other impervious cover. If appropriate, a second site plan may be included that identifies the locations for proposed new buildings, open space, pedestrian and vehicular access, parking lots, and other impervious cover will be located.
- (2) Within the written text:
 - (a) A statement describing the principal purpose of the campus development;
 - (b) Any request for waivers to dimensional standards consistent with Subsection 3406.C;
 - (c) A description of the amount of residential and non-residential development and how it is consistent with Subsection 3406.D;
 - (d) A list of uses to be approved as a base of principal and accessory uses that can be amended by issuance of a permit consistent with Subsection 3406.E;
 - (e) For any new construction, describe consistency with the requirements of Subsection 3406.F or present any request for waivers consistent with Subsection 3406.F;
 - (f) Description of compliance with the open space standards of Subsection 3406.G;
 - (g) If any supporting information is needed to the site plan on compliance with pedestrian and vehicular access as described in Subsections 3406.H and 3406.I;
 - (h) A shared parking plan describing compliance with provisions of Subsection 3406.J; and
 - (i) A sign plan consistent with Subsection 3406.K.

3406.M **Permits and Amendments to the Master Plan.** Unless otherwise noted in Subsection 3406.E, individual permits for development consistent with the approved master plan will be administrative. Applications for development not consistent with the approved master plan will require an amendment to the master plan as described in Subsection 3406.L.

- (1) Approved master plans will not expire. Proposed developments requiring major site plan approval must occur within 5 years or such approval will expire. This provision will not apply to the shared parking plan or sign plan.

Deleted: 12/8/16

Chapter 350. Subdivision Standards

Section 3501. Applicability

3501.A All subdivision of land must conform to the standards of this chapter.

Section 3502. Capacity of Community Facilities and Utilities

3502.A The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Street infrastructure and maintenance.
- (4) Parks and recreation facilities.
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.
- (6) Solid waste disposal services and facilities

Section 3503. Suitability of the Land

3503.A The land to be subdivided must be suitable for use without endangering public health or safety, and causing undue adverse impacts on the environment, neighboring properties or the character of the area.

3503.B Land subject to periodic flooding, poor drainage, inadequate capability to support development or other hazardous conditions must not be subdivided unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

Section 3504. Traffic

3504.A **Standards.** The applicant must demonstrate:

- (1) That the traffic generated by the proposed subdivision will not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.
- (2) That reasonable measures have been taken to minimize and/or mitigate the amount of vehicular traffic generated by the proposed subdivision.

3504.B **Traffic Impact Study.** A traffic impact study prepared by a qualified professional in accordance with VTrans' traffic impact study policy must be included in an application for any proposed subdivision that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour. The Development Review Board may require any applicant to submit a professionally prepared traffic impact study as deemed necessary to determine compliance with this section, particularly if traffic is anticipated to impact an intersection with a level of service of E or F.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

3504.C **Mitigation Measures.** The Development Review Board may require the applicant to mitigate transportation impacts as a condition of approval, including paying for all or a portion of off-site improvements deemed necessary to accommodate anticipated traffic resulting from the proposed subdivision.

Section 3505. Design and Configuration of Parcel Boundaries

3505.A **Lot Arrangement.** The applicant must design the subdivision:

- (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
- (2) To connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.
- (3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots not intended for conservation purposes in accordance with the standards of these regulations.
- (4) So that there will be no foreseeable difficulties in providing access to buildings on lots not intended for conservation purposes from an approved street.
- (5) To avoid direct access from arterial streets or state or Class 1 highways. The Development Review Board may required shared access or other means to minimize new access points along arterial streets or highways.
- (6) To allow further subdivision on any remaining undivided land and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
- (7) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.

3505.B **Lot Dimensions.** The applicant must design the subdivision:

- (1) So that all lots front on a street.
- (2) So that lot dimensions meet the minimum standards for the zoning district.
- (3) So that generally side lot lines are at right angles to straight street lines or radial to curved street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (4) So that generally rear lot lines are parallel to street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (5) To avoid flag and other irregularly shaped lots except when desirable to respond to the site's topography and natural features.
- (6) To minimize the number of lots with frontage on more than one street.
- (7) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

Section 3506. Design and Layout of Necessary Improvements

3506.A **Streets.** Applicants must design and construct all new streets within a subdivision in accordance with this subsection.

- (1) **General.** Applicants must design and construct all new streets within a subdivision to:
 - (a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).
 - (b) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles.
 - (c) Provide efficient access to property and avoid congestion on existing streets.
 - (d) Logically extend and improve the connectivity of the city's existing street network.
 - (e) Fit into the landscape and follow the natural terrain to the greatest extent feasible.
 - (f) Provide for livable neighborhoods and attractive streetscapes.
 - (g) Not be excessively wide in order to calm traffic and minimize impervious surface.
- (2) **Topography and Arrangement.** New streets must be:
 - (a) Designed to relate appropriately to the pre-existing topography and provide adequate drainage.
 - (b) Graded and laid out to conform as closely as possible to the pre-existing topography.
 - (c) Integrated into the city's existing street network to the maximum extent feasible.
 - (d) Extended to the boundary lines of the parcel(s) being subdivided to facilitate the coordinated development of adjacent undeveloped land unless prevented by topography or other physical conditions.
 - (e) Designed to discourage through and high-speed traffic.
 - (f) Designed to minimize the amount of impervious surface necessary to provide convenient and safe access to property.
 - (g) Designed to minimize the number of stream crossings.
 - (h) Oriented to create lots that facilitate passive solar design to the maximum extent feasible.
 - (i) Designed to terminate with views of prominent buildings or open spaces to the maximum extent feasible.
- (3) **Connectivity.** Discontinuous street systems are inefficient and cause undue congestion, while a well-connected street system disperses traffic efficiently and improves walkability. Accordingly, cul-de-sac or dead-end streets are prohibited except that the Development Review Board may approve cul-de-sacs or dead-end streets [if one of the following applies](#):
 - (a) As stubs to permit future expansion. The Development Review Board may require construction of street stubs or condition approval on a future agreement to extend streets when adjacent property is developed.
 - (b) Where topography or other physical conditions make construction of through streets impossible or undesirable.

Deleted: <#>Development Envelopes. The applicant must designate one or more development envelopes on any lot more than 1 acre in size that is not intended for conservation purposes in accordance with the following:¶
Development envelopes identify and limit the area(s) of a lot where structures, parking and associated site development must be located. Access and utilities may be located outside a development envelope.¶
A development envelope must not include any land within zoning district setbacks.¶
A development envelope generally must not include any natural resources or Priority Conservation Areas shown on the Montpelier Natural Resources and Recreation Map.¶
For lots less than 1 acre in size, the zoning district setback requirements may be used to define the development envelope.¶
For lots 1 acre or more in size, a development envelope generally must be limited to not more than ½ acre if one principal building will be located on an individual lot or not more than 2 acres if multiple principal buildings will be located on a common lot. The Development Review Board may adjust these standards as deemed appropriate given the specific characteristics of the subject property and the proposed subdivision.¶

Deleted: . A vehicular way that provides access to more than 3 lots will be considered a street

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

- (c) To serve not more than 5 lots.
- (4) **Access Management.** Applicants must implement proper access management techniques that follow VTrans' Access Management Program Guidelines in the design of new streets.
- (5) **Access Points.** A subdivision with more than 10 lots or 40 dwelling units must have at least two access points from public streets. The Development Review Board may waive or modify this requirement as recommended by the Technical Review Committee for sites with physical conditions that make provision of a second access impractical. The Development Review Board allow the secondary access to be limited to emergency access. The Development Review Board may require a secondary or emergency access for smaller subdivisions or developments when deemed necessary to protect public safety.
- (6) **Design Standards and Construction Specifications.** Applicants must:
 - (a) Design new streets to the *VTrans A-76 Standards for Town and Development Roads* except as otherwise specified in this section; and
 - (b) Construct new streets in accordance with the city's Public Works Specifications.
- (7) **Design Speed.** Applicants must design new roads for a speed of 30 miles per hour or less.
- (8) **Width.** Applicants must design new roads in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:
 - (a) For streets with a traffic volume of less than 100 trips per day on average, lane widths must be at least 8 feet and not more than 9 feet.
 - (b) For streets with a traffic volume of 100 trips per day or more on average, lane widths must be at least 9 feet and not more than 10 feet with 2-foot shoulders on both sides.
 - (c) For streets intended to accommodate on-street parking, a parking lane at least 7 feet and not more than 9 feet wide may be located on one or both sides.
 - (d) For alleys intended to provide access to rear parking or service areas for lots that front on another street, a total paved width of at least 10 feet and not more than 18 feet.
- (9) **Intersections.** New streets must be:
 - (a) Laid out to intersect as close to 90 degrees as physically possible. They must not intersect at less than 75 degrees or more than 105 degrees.
 - (b) Designed with directly opposed intersections whenever feasible. If not directly opposed, the centerline offset of street intersections must be at least 150 feet.
 - (c) Designed with an intersection approach that does not exceed a 3% grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting street.
 - (d) Designed with a curb radius at the intersection that does not exceed 30 feet as measured from the edge of the traveled way. Applicants are strongly encouraged to use the smallest curb radius that can safely accommodate anticipated vehicular

Deleted: <#>Where the development site abuts the interstate or a previously developed site where a through connection is not possible.¶

Deleted: <#> or 10 dwelling units

Deleted: generally

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

traffic to minimize conflict between vehicles and pedestrians. The Development Review Board may allow a larger curb radius to respond to site-specific physical conditions or uses with heavy truck traffic.

- (10) **Drainage.** New streets must be designed:
- (a) With drainage facilities to divert run-off to vegetated areas.
 - (b) To maintain or establish a buffer of natural woody vegetation between streets and surface waters at least 50 feet wide. The Development Review Board may waive or modify the buffer requirement to respond to site-specific physical conditions.
 - (c) Not to block the flow of drainage in existing ditches, swales or gutters.
 - (d) Not to unreasonably contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure.
 - (e) With culverts where needed that are sized to convey anticipated peaks stormwater flows and that are not less than 18 inches in diameter.
 - (f) With culverts that extend at least 2 feet beyond the edge of the street and that are installed to minimize erosion damage at the inlet and outlet.
- (11) **Grade.** New streets must generally conform to the topography and must not exceed a maximum grade of 10% as measured over any 100-foot section. The Development Review Board may allow short segments to exceed the maximum grade to respond to the site's topography and natural features. The Development Review Board may allow short street segments with steeper grades when recommended by the Department of Public Works.
- (12) **Cross-Slope.** All streets must have a cross-slope of at least 1% and not more than 3%.
- (13) **Planting Strip.** The planting strip must be located between the curb or edge of pavement and the sidewalk parallel with the street. Planting strips designed to collect and infiltrate stormwater runoff are encouraged.
- (14) **Street Trees.** The applicant must plant trees along new streets in accordance with Subsection 3203.F of these regulations.
- (15) **Street Lights.** The applicant:
- (a) Should provide streetlights only as necessary for safety and security.
 - (b) Should consider locating streetlights at intersections, crosswalks and high-traffic areas.
 - (c) [Must meet the requirements of Section 3204.](#)
- (16) **Street Names and Signs.** The applicant must name streets and install street signs in accordance with state and city requirements.

3506.B **Pedestrian and Bicycle Facilities.** The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

- (1) **Sidewalks.** Except within the Rural District, applicants must install sidewalks along both sides of new streets. The Development Review Board may allow a sidewalk to be constructed on only one side of a street if the density of the subdivision or development will be less than 4 dwelling units per acre. Sidewalks must be at least 5 feet wide and constructed of concrete or a similar material with equivalent durability in accordance with city Public Works Specifications.
- (2) **Paths.** Applicants must install pedestrian and/or multi-use paths as necessary to provide access within the subdivision to common lands or facilities, parking areas or similar amenities, as well as between buildings [and to allow access to public trails and greenways](#).

Deleted: Private

3506.C **Water and Wastewater Facilities.** The applicant must design the subdivision to provide potable water and wastewater facilities in accordance with the following:

- (1) Any subdivision within the city's water service area must be connected to the municipal system. The applicant must provide water service to each lot not intended for conservation purposes in accordance with the city's Public Works Specifications.
- (2) Any subdivision within the city's sewer service area must be connected to the municipal system. The applicant must provide sewer service to each lot not intended for conservation purposes in accordance with the city's Public Works Specifications.
- (3) Any subdivision not within the city's water or sewer service areas must demonstrate compliance with the state's wastewater system and potable water supply rules.

Deleted: ~~Public Trails and Greenways.~~ The Montpelier Natural Resources and Recreation Map identifies areas with high potential for linking neighborhoods with each other and with parks and protected natural areas through creation of public trails or greenways. Applicants must incorporate those trail or greenway linkages into their subdivision plans.¶

3506.D **Firefighting Facilities.** The applicant must design the subdivision to provide water for fire protection in accordance with the following:

- (1) Within any subdivision that will be connected to the city's water system, the applicant must install fire hydrants in accordance with the city's Public Works Specifications.
- (2) Within any subdivision that will not be connected to the city's water system, the Development Review Board may require the applicant to install a fire pond or make other appropriate provisions to facilitate firefighting.

3506.E **Public and Private Utilities.** The applicant must design the subdivision to provide utility service to each lot not intended for conservation purposes in accordance with the following:

- (1) All utilities must be located underground unless prevented by ledge or other physical conditions.
- (2) Utilities must be located within street rights-of-way to the maximum extent feasible. The applicant must provide the city with a maintenance and access easement for any utilities not located within a street right-of-way.

3506.F **Landscaping.** The applicant must design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping (which may be installed when lots are subsequently developed) as necessary to:

- (1) [Maintain and provide privacy both for adjoining property owners and between lots within the subdivision.](#)
- (2) Enhance the appearance of street frontages and shade streets and sidewalks.

Deleted: ~~Maintain and enhance the character of the neighborhood.~~¶

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

- (3) Maintain or establish vegetated buffers along waterways and other natural areas.
- (4) Utilize green stormwater infrastructure practices.

Deleted: <#>Provide shade and windbreaks that further energy conservation goals.¶

3506.G **Erosion Control.** The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 3008.

3506.H **Stormwater Management.** The applicant must design the subdivision with adequate drainage and stormwater infrastructure in accordance with Section 3009 and city specifications.

3506.I **Parks and Recreation Areas.** The applicant must design the subdivision with appropriate areas and facilities for active and passive outdoor recreation in accordance with the following:

- (1) All subdivisions with more than 10 lots or dwelling units must provide a minimum of 400 square feet per dwelling unit of common recreation areas or facilities except:
 - (a) No common recreation areas or facilities will be required for single-family residential subdivisions with a density of one home per acre or lower.
 - (b) The Development Review Board may waive or modify the requirement for common recreation areas or facilities for subdivisions located within ¼ mile walk of a public park, school yard, the Vermont College Green or the Statehouse Lawn.
- (2) Land set aside for recreation areas or facilities must be suitable for active or passive outdoor recreation.
- (3) Each lot within the subdivision must have convenient access to the common recreation areas or facilities.

Deleted: <#>The use of low impact development and green stormwater infrastructure techniques is strongly encouraged.¶
The stormwater management system must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.¶
The stormwater drainage system must be separate and independent of any sanitary sewer system.¶

3506.J **Monuments and Lot Corner Markers.** The applicant must install:

- (1) Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.
- (2) Lot corner markers at corners and angle points of all lots in accordance with state statute.

3506.K **Construction and Maintenance of Necessary Improvements.** The applicant must:

- (1) Construct the necessary improvements in accordance with all conditions of approval and city specifications before the Administrative Officer may issue any zoning permits for further land development within the subdivision.
- (2) Maintain necessary improvements while lots within the subdivision are being sold and/or developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under this section will be maintained once lots have been sold and/or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents with the city along with the final plat.

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

Section 3507. Character of the Neighborhood and Settlement Pattern

3507.A **Establishment of Neighborhoods.** Neighborhoods are established and their character described in Part 2 of these regulations. When the subject property adjoins land in a different neighborhood (including across the street), potential impacts on both neighborhoods will be considered under this section.

3507.B **Standards.** The applicant must demonstrate that the proposed subdivision will:

- (1) Be compatible with or extend the city's traditional settlement pattern as a compact urban center.
- (2) Not contribute to a pattern of strip development.
- (3) Be compatible with the character of the neighborhood.

Deleted: and enhance

Section 3508. Renewable Energy and Energy Conservation

3508.A **Applicability.** The general standards of this section apply to all subdivisions. The remaining provisions of this section apply to any subdivision with more than 10 lots.

3508.B **Solar Orientation.** Unless the Development Review Board determines that solar orientation is not feasible due to site-specific conditions such as topography, existing vegetation or other physical limitations, the applicant must demonstrate that a minimum of 80% of the lots within a residential subdivision comply with one of the options below:

- (1) The lot has a:
 - (a) Front lot line that is oriented within 30 degrees of a true east-west axis; and
 - (b) North-south dimension of at least 90 feet. The north-south dimension will be measured along a line beginning at the midpoint of northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary.
- (2) Development envelope that will allow a typical single-family home or other residential structure to be built on the lot with:
 - (a) Its long axis oriented within 30 degrees of a true east-west axis; and
 - (b) At least 80% of its ground floor south wall unshaded by existing structures or vegetation.

Deleted: <#>Not substantially impair or diminish the use and value of developed property in the neighborhood for the purposes already established.¶
Not impair or impede the lawful development of property within the neighborhood for the uses permitted in the district.¶

Deleted: or dwelling units

Deleted: <#>**General Standards.** To the maximum extent feasible given topography, orientation and vegetation, the applicant must design the subdivision:¶
So that the maximum number of lots will receive direct sunlight sufficient for using solar energy systems.¶
With streets, lot lines and development envelopes that will accommodate buildings oriented with their long axis oriented within 30 degrees of true east-west.¶
With the highest densities sited on south-facing slopes and the lowest densities sited on north-facing slopes.¶
With appropriate protections for each lot's solar access.¶

Section 3509. Natural Resource Protection

3509.A **General.** The applicant must demonstrate that the proposed subdivision has been designed and located to avoid, or if avoidance is not feasible then to minimize and mitigate, adverse impacts to any natural resource areas identified on the Montpelier Natural Resources Map in accordance with the following:

Deleted: <#>**Community Energy System.** If solar orientation is not feasible, the applicant must set aside suitable land to accommodate a small renewable energy system sized to provide at least 50% of the electricity required to serve development within the subdivision. The Development Review Board may waive this requirement if the applicant can demonstrate that no suitable land exists on the site.¶

Deleted: <#>and Open Space

Deleted: and Recreation

Deleted: 12/8/16

PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

- (1) **Conservation Commission Review.** The Administrative Officer will forward an application for a proposed subdivision that will include any natural resource areas or their required buffers identified on the Montpelier Natural Resources Map to the Conservation Commission for review. The Conservation Commission, following the process established in Section 4302 may make recommendations on the application to the Development Review Board. Applicants are strongly encouraged to meet with the Conservation Commission prior to submitting an application for subdivision on a site with or adjoining mapped natural resources.
- (2) **Natural Resource Assessment.** Where a proposed development will disturb or otherwise impact a natural resource area on the Montpelier Natural Resource Map, the applicant must submit a professionally prepared natural resource assessment. The assessment must identify the potential impacts of the proposed development on the natural resource areas within or adjacent to the project site and mitigation methods for each.

Section 3510. Lot Line Adjustment and Lot Merger

3510.A The Administrative Officer may approve the realignment, relocation or elimination of a boundary line between adjoining lots provided that the proposed change:

- (1) Will not result in an increase in the number of lots;
- (2) Will not result in a nonconformity (see Section 1203), but it may involve an existing nonconformity provided that the degree of nonconformity is not increased; and
- (3) Will not violate any conditions of a prior permit or approval.

Deleted: or otherwise impact

Deleted: and Recreation

Deleted: The Conservation Commission may make recommendations

Deleted: The Conservation Commission may recommend and the Development Review may require an applicant to submit a professionally prepared natural resource assessment if proposed development will disturb or otherwise impact any natural resource areas or their required buffers identified on the Montpelier Natural Resources and Recreation Map

Deleted: <#>**Debris.** The applicant must dispose of all debris generated during the course of construction of subdivision improvements (ex. stumps, limbs, brush, weeds, boulders, rocks, etc.) in accordance with the following:¶

The applicant must indicate any area within the subdivision proposed for the burial of such debris on the plat.¶

On-site burial of debris must not be located:¶

Within 200 feet of a private water supply;¶

Within 50 feet of a property line or street right-of-way;¶

Within the special flood hazard area;¶

Within wetlands, riparian areas, or their required buffers; or¶

Within 200 feet of the source isolation zone of a public water supply or the source of a public water supply, whichever is greater.¶

Soil Preservation. The applicant must:¶

Stockpile any topsoil removed during the course of construction of subdivision improvements on-site.¶

Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted.¶

Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments.¶

Not remove any sand, gravel or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

¶

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES

Chapter 400. Functions and Responsibilities

The purpose of this chapter is to identify the various city employees, officials and committee members involved in reviewing development applications and administering these regulations.

Section 4001. Administrative Officer

4001.A The City Manager will appoint an Administrative Officer to administer these regulations.

Deleted: s

4001.B The Administrative Officer must:

- (1) Assist applicants in determining whether and which city permits or approvals will be needed for a project;
- (2) Provide applicants with application forms;
- (3) Maintain records;
- (4) Respond to complaints and violations; and
- (5) Perform all other tasks necessary to administer these regulations.

Deleted: <#>Inspect projects during construction; ¶

4001.C The Administrative Officer must enforce the provisions of these regulations literally and may only issue a zoning permit for development that conforms to these regulations.

Section 4002. Development Review Board

4002.A The Development Review Board performs development review functions as specified in these regulations and in accordance with their adopted rules of procedure.

4002.B The City Council appoints members to the Development Review Board as specified in the city charter (see 24 V.S.A. App. § 5-806).

4002.C The Administrative Officer refers applications to the Development Review Board as required under these regulations.

Section 4003. Advisory Committees

4003.A **Design Review Committee.** The City Council appoints members to the Design Review Committee. In accordance with the provisions of Section 2201 and Section 4301, the Design Review Committee reviews applications for land development within the Design Review Overlay District as follows:

- (1) The committee will provide written comments and recommendations to the Administrative Officer regarding design modifications that would further the purposes of these regulations, which the Administrative Officer will send to the applicant and Development Review Board (as applicable).

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 400. Functions & Responsibilities

- (2) The committee's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the permit or decision.

4003.B **Conservation Commission.** The City Council appoints members to the Conservation Commission. The Conservation Commission will review applications as specified in these regulations as follows:

- (1) The commission will provide written comments and recommendations on the natural resource impacts of the application to the Administrative Officer, which the Administrative Officer will send to the applicant and Development Review Board (as applicable).
- (2) The commission's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the permit or decision.

4003.C **Technical Review Committee.** The Technical Review Committee is an advisory staff committee comprised of representatives from city departments that reviews development applications as requested by the Administrative Officer as follows:

- (1) Committee members may provide written comments and recommendations to the Administrative Officer, which the Administrative Officer will send to the applicant and Development Review Board (as applicable), indicating all requirements and identifiable impacts of the proposed project.
 - (a) In assessing those impacts, committee members must consider the cumulative impact of land development.
- (2) The committee's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and/or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the permit or decision.

Deleted: As specified in these regulations, the Administrative Officer or Development Review Board may request that the Conservation Commission review applications for projects that due to their size, nature or location have the potential to affect environmental quality as follows

Deleted: environmental

Deleted: conservation

Deleted: aspects

Deleted: 12/8/16

Chapter 410. Fees and Filing Requirements

The purpose of this chapter is to authorize administrative actions such as charging fees to cover the cost of administering these regulations and requiring performance bonds to ensure compliance with these regulations.

Section 4101. Fee Schedule

4101.A The City Council establishes fees for administering these regulations that may include the cost of:

- (1) Posting and publishing notices, holding public hearings, recording documents and conducting periodic inspections during construction.
- (2) An independent technical or legal review of an application when deemed necessary to ensure compliance with these regulations.
- (3) Monitoring and inspection when deemed necessary to ensure compliance with these regulations.

Section 4102. Performance Bonds

4102.A The Administrative Officer or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to insure the completion of required improvements.

4102.B The amount, form, manner of execution and period of the bond or surety must meet statutory requirements (see 24 V.S.A. § 4464(b)) and be satisfactory to the City Attorney.

4102.C The City of Montpelier will only release a bond or surety after certification by the applicant and determination by the Administrative Officer that the required improvements have been satisfactorily completed.

Section 4103. As-Built Drawings

4103.A The Administrative Officer or Development Review Board may require an applicant to file as-built drawings as a condition of approval.

4103.B As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the city.

Deleted: 12/8/16

Chapter 420. Zoning Permit Procedures

The purpose of this chapter is to establish the process that applicants will follow to apply for zoning permits and the process the Administrative Officer will follow to review and act on zoning permit applications, and issue and administer zoning permits and related development approvals.

Section 4201. Applying for a Zoning Permit

- 4201.A Prior to applying for a zoning permit or related development approval, applicants are encouraged to meet with the Administrative Officer for a preliminary review of the proposal and a discussion of the applicable provisions of these regulations, permitting requirements, application materials, fees, and review procedures.
- 4201.B The Administrative Officer will determine whether proposed land development will require a zoning permit or any other type of development approval and will provide applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
- 4201.C The Administrative Officer will notify the prospective applicant of any fees, including impact fees, or other charges that may apply to the proposed land development.
- 4201.D The Administrative Officer will provide the applicant with a copy of the state energy standards for residential or commercial buildings as applicable.
- 4201.E [The Administrative Officer will notify the prospective applicant of the need to contact the Vermont Access Board regarding compliance with Americans with Disabilities Act \(ADA\) requirements.](#)
- 4201.F To apply for a zoning permit or related development approval, the applicant must submit the completed form(s), supporting materials and fees to the Administrative Officer.
- 4201.G The Administrative Officer may:
- (1) Waive an application requirement upon finding the information is not necessary to determine compliance with these regulations.
 - (2) Require an applicant to provide additional information as necessary to determine compliance with these regulations.
- 4201.H The Administrative Officer must determine whether the application is complete promptly after the applicant submits it and inform the applicant in writing of his/her determination as follows:
- (1) If the application is incomplete, the Administrative Officer must inform the applicant of what additional information is required.
- 4201.I If the Administrative Officer does not determine whether an application is complete within 7 days after written request by the applicant, the applicant may file an appeal with the Development Review Board as specified in Section 4601, but will not be able to file for a “deemed approval” of the application (see Subsection 4202.B).

Deleted: 5

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 420. Zoning Permit Procedures

4201.J The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4601.

Section 4202. Reviewing and Referring a Zoning Permit Application

4202.A Once the Administrative Officer determines that an application is complete, he/she must act within 30 days to approve, deny or refer it to the Development Review Board.

- (1) If the application must be referred to a state agency or other entity for comment, the 30-day time limit will not commence until that comment period has elapsed or comments have been submitted, whichever is sooner.
- (2) If the application requires other permits or approvals before the Administrative Officer may issue a permit, the 30-day time limit will not commence until the applicant has submitted evidence that he/she has received the necessary permits or approvals.

4202.B If the Administrative Officer does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

Section 4203. Approving or Denying a Zoning Permit Application

4203.A The Administrative Officer must approve or deny applications in writing and specifically provide the following information:

- (1) When approving an application, the Administrative Officer must inform the applicant that he/she must:
 - (a) Post a notice of the zoning permit in a visible location on the subject property throughout the 15-day appeal period; and
 - (b) Not commence the land use or development until the appeal period has ended.
- (2) When denying an application, the Administrative Officer must:
 - (a) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
 - (b) Include a copy of Section 4601, which explains the appeal process.

4203.B The Administrative Officer may issue a zoning permit with conditions as necessary to ensure compliance with these regulations.

4203.C The Administrative Officer must:

- (1) Post a copy of the zoning permit in at least one public place within 3 days after issuing it, which must remain posted throughout the 15-day appeal period;
- (2) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the City Clerk for recording within 30 days after it becomes effective;
- (3) File a copy of the permit as part of his/her office records; and
- (4) Provide a copy of the permit to the City Assessor.

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 420. Zoning Permit Procedures

Section 4204. Zoning Permit Effect, Expiration and Extension

4204.A A zoning permit takes effect on the 16th day after the Administrative Officer issues it provided that no appeal is lawfully filed during the previous 15 days.

- (1) If an appeal is filed, the zoning permit will not take effect until the appeal is decided.

4204.B The applicant may request that a zoning permit and any associated Development Review Board approvals not take effect until he/she has obtained all permits and approvals necessary to commence the land development as follows:

- (1) It will be the applicant's responsibility to notify the Administrative Officer when he/she is ready to commence the land development and request that the zoning permit and any associated approvals take effect.
- (2) If the applicant does not request that the permit take effect within 2 years of approval, the applicant will need to request a renewal of that approval from the [Administrative Officer or](#) Development Review Board in accordance with all regulations in effect at the time of the request for renewal.

Deleted: the Development Review Board

4204.C A zoning permit and any associated Development Review Board approval expires two years from the date the zoning permit takes effect unless:

- (1) The Development Review Board specifies otherwise as a condition of approval;
- (2) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration; or
- (3) Prior to the zoning permit's expiration, the applicant requests and receives an extension of not more than 12 months from the Administrative Officer.
 - (a) The Administrative Officer may only grant one such extension upon finding that any improvements completed to date conform to the permit requirements and these regulations.

4204.D If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

Section 4205. Amending a Zoning Permit or Site Plan

4205.A Upon written request from the applicant, the Administrative Officer may [prior to completion and occupancy](#), amend a zoning permit or approved site plan upon finding that the proposed change:

- (1) Is a minor modification that conforms to all applicable provisions of these regulations;
- (2) Is not a material change; and
- (3) Does not affect the type, character or intensity of the approved development or use to the extent specified below:
 - (a) Any proposed change must not result in an increased requirement for parking or loading spaces.
 - (b) Any proposed change in building footprint must not exceed [5%](#) or [100 square feet](#), whichever is less.

Deleted: 10

Deleted: 5

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 420. Zoning Permit Procedures

- (c) Any proposed substitution of planting materials must not change the overall landscape design concept.

I *A material change means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.*

4205.B The Administrative Officer may:

- (1) Require that the owners of properties adjoining the subject property be notified and have an opportunity to comment prior to acting on the amendment request.
- (2) Decline to amend an approved site plan and refer the request to the Development Review Board (see [Section 4306](#)).
- (3) Require the applicant to submit an application for a new zoning permit.

4205.C [Once land development for a permit is complete, a new application is required for any amendments.](#)

Section 4206. Revoking a Zoning Permit

4206.A If an applicant omitted or misstated a material fact on an application or at a hearing, the Administrative Officer may revoke a zoning permit that was issued based on that information.

Section 4207. Certificate of Compliance

4207.A The applicant must receive a certificate of compliance from the Administrative Officer before any land development authorized by Development Review Board approval may be occupied or used and prior to the expiration of a zoning permit except for any land development subject solely to design review.

4207.B The Administrative Officer must act on a complete application for a certificate of compliance promptly and in all cases within 30 days.

4207.C The Administrative Officer may inspect the subject property and consult with other city departments or state agencies as necessary to determine compliance.

4207.D If the Administrative Officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4207.E The Administrative Officer may only issue a certificate of compliance upon finding that:

- (1) The fully completed land development conforms to the requirements of the zoning permit and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations;
- (2) All infrastructure connections are fully complete and conform to Department of Public Works Specifications, permit requirements and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations;

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 420. Zoning Permit Procedures

- (3) The applicant has filed any required documents with the city including, but not limited to, as-built drawings, floodplain elevation certificate, floodproofing certificate, energy certificate, wastewater permit or allocation, access permit, or stormwater permit; and
- (4) The applicant has paid all required fees, including impact fees if applicable.

4207.F The Administrative Officer must approve or deny applications for a certificate of compliance in writing.

4207.G If denying an application, the Administrative Officer must:

- (1) State the reasons for the denial;
- (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (3) Include a copy of Section 4601, which explain the appeal process.

4207.H If the Administrative Officer denies the application for a certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.

4207.I If the Administrative Officer denies the application for a certificate of compliance and finds a violation of these regulations, he/she must commence appropriate enforcement action under Chapter 470.

4207.J The Administrative Officer may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:

- (1) The Administrative Officer may require the applicant to submit a performance bond in accordance with Section 4102 to insure full completion of the outstanding required improvements.
- (2) The applicant must apply for a permanent certificate of compliance prior to the temporary certificate expiring.

Chapter 430. Development Review Procedures

Section 4301. Design Review

- 4301.A The Administrative Officer must refer all applications for land development within the Design Review Overlay District not specifically exempted in Section 2201 to the Design Review Committee prior to any review by the Development Review Board or to the Administrative Officer issuing a zoning permit.
- 4301.B The Design Review Committee must evaluate the design plan based on the standards and criteria in Section 2201.
- 4301.C The Design Review Committee may recommend specific modifications to the proposed plans based on the standards and criteria in Section 2201.
- 4301.D Where the applicant agrees with the recommendations of the Design Review Committee and the application otherwise does not need review by the Development Review Board for other approvals, the application shall return to the Administrative Officer for final decision on the approval or denial of the application.
- 4301.E The Development Review Board or Administrative Officer may deny or condition approval of an application based on the Design Review Committee's recommendations.
- 4301.F The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4601.

Section 4302. Conservation Commission Review

- 4302.A Applicability. Where Conservation Commission review is required under these regulations, the following process applies.
- 4302.B The Administrative Officer must notify the chair of the Conservation Commission of any application requiring Conservation Commission review. The commission must hold a hearing within 21 days of the Administrative Officer's notification.
- 4302.C The hearing will be noticed in accordance with Subsection 4501.B.
- 4302.D The Conservation Commission must review the proposal based on the criteria and standards of the applicable provisions of these regulations where the commission has jurisdiction to comment.
- 4302.E The Conservation Commission will provide written recommendations to the Administrative Officer within seven days of the close of the hearing. The Administrative Officer will forward such recommendation to the applicant, interested persons appearing at the hearing and, if applicable, the Development Review Board for consideration.

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 430. Development Review Procedures

4302.F The Conservation Commissions comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and/or Development Review Board, but will not be considered binding on the applicant unless incorporated into the permit or decision.

Section 4303. Site Plan Review

4303.A **Applicability.** All land development other than single-family and two-family uses requires site plan approval.

4303.B **Minor Site Plan Review.** The Administrative Officer will review minor site plans in accordance with the following:

- (1) The Administrative Officer will forward the application to the Technical Review Committee, Design Review Committee or other advisory committee as applicable.
- (2) The Administrative Officer must approve or deny a complete site plan application within 30 days.
- (3) To approve a site plan, the Administrative Officer must find that it conforms to the applicable site plan standards in Chapter 320.
- (4) The Administrative Officer may approve a site plan with conditions as necessary to ensure compliance with these regulations.
- (5) The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4601.

4303.C **Major Site Plan Review.** The Development Review Board will review major site plans in accordance with the following:

- (1) The Development Review Board must hold a public hearing and act on a site plan application in accordance with Section 4501 and Section 4505.
- (2) To approve a site plan, the Development Review Board must find that the site plan conforms to the site plan standards in Chapter 320.

Section 4304. Conditional Use Review

4304.A The specific land uses that require conditional use approval from the Development Review Board are listed in Chapter 210 for each zoning district.

4304.B The Development Review Board must hold a public hearing and act on a conditional use application in accordance with Section 4501 and Section 4505.

4304.C To approve a conditional use, the Development Review Board must find that the application conforms to the conditional use standards in Chapter 330.

Deleted: ¶

Deleted: <#>Classification. The Administrative Officer will classify site plans as specified below:¶
The following will require major site plan review:¶
Commencement of new conditional uses.¶
Construction of new principal buildings.¶
Major renovations of existing principal buildings.¶
Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.¶
Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.¶
All other applications will require minor site plan review.¶

Deleted: ,

Deleted: or refer

Deleted: to the Development Review Board

Deleted: 60

Deleted: all applicable standards of these regulations including but not limited to

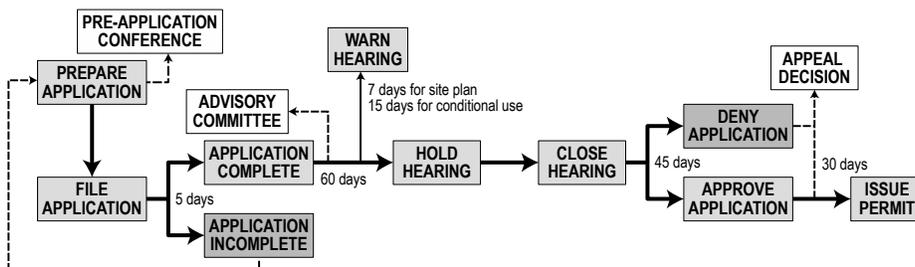
Deleted: all applicable standards of these regulations including but not limited to

Deleted: all applicable standards of these regulations including but not limited to

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 430. Development Review Procedures

Figure 4-01. Major Site Plan and Conditional Use Review Flow Chart



Section 4305. Combined Review

- 4305.A When land development requires more than one approval, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the application.
- 4305.B The hearing for a combined review must be warned as per Section 4501. The notice must:
 - (1) Include a statement that the hearing will be a combined review of the proposed land development; and
 - (2) List each type of review the Development Review Board will conduct.
- 4305.C All hearing and decision requirements, and all deadlines applicable to each review process will apply.
- 4305.D The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.

Section 4306. Modification of Approved Plans

- 4306.A The Development Review Board must review any request to amend an approved plan that the Administrative Officer cannot approve under Section 4205.
- 4306.B The process for applying for an amendment will be the same as for the original approval.
- 4306.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plan affected by the proposed amendment.

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 440. Subdivision and PUD Review Procedures

Chapter 440. Subdivision and PUD Review Procedures

The purpose of this chapter is to establish the requirements for applicants seeking approval to subdivide land or undertake a planned unit development (PUD) and the procedures the city will use review subdivision applications.

Section 4401. Applicability

4401.A A planned unit development (PUD) will require approval as a subdivision in accordance with the provisions of this chapter.

- (1) If a planned unit development requires site plan or conditional use approval, the Development Review Board will conduct that review concurrently with subdivision review as authorized in ~~Section 4305~~,

Deleted: Section 4304

4401.B ~~A landowner must not lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer or agree to sell any land in a subdivision or land development whether by reference to or other use of a plat of that subdivision or land development or otherwise, or erect any structure on that land, unless final plat has been prepared in full compliance with these regulations and said plat recorded in the land records of the City of Montpelier. [§4451(b)].~~

Deleted: A landowner must not subdivide land without first recording an approved subdivision plat in the city's land records in full conformance with this chapter.

4401.C A landowner may file boundary surveys and/or corrective deeds to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries without obtaining approval under this chapter.

Section 4402. Pre-Application Conference

4402.A The applicant must schedule a pre-application conference with the Administrative Officer prior to filing an application for subdivision review to discuss the proposed subdivision, application requirements and review process.

Section 4403. Sketch Plan Review

4403.A The applicant must file a complete application and sketch plan for consideration by the Development Review Board.

4403.B The purpose of sketch plan review is to provide the applicant with an opportunity to consult with and receive feedback from the Development Review Board prior to spending time and money preparing detailed plans.

4403.C The Administrative Officer may forward the sketch plan to the Technical Review Committee or other advisory committee for comment as appropriate prior to the sketch plan meeting with the Development Review Board.

4403.D The Development Review Board must hold a meeting to review the sketch plan within 60 days of its filing.

4403.E The sketch plan meeting must be warned as specified in Section 4501.

4403.F Following the sketch plan meeting, the Development Review Board will:

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 440. Subdivision and PUD Review Procedures

- (1) Make recommendations to guide the applicant in preparation of more detailed plans.
- (2) Request any additional application materials deemed necessary to determine compliance with these regulations.
- (3) Request that advisory committees review and make recommendations on the application as appropriate.

Deleted: <#>Determine whether the applicant is ready to move forward to the next step of the review process.¶

4403.G The Development Review Board's determinations and recommendations will be recorded in the minutes and provided to the applicant, but those actions will not constitute a formal decision on the subdivision plan.

Deleted: <#>Determine whether the applicant will be required to file a preliminary plan for review or whether the applicant may skip preliminary plan review.¶
This determination will be based on the characteristics of the property and the proposed subdivision.¶

4403.H [After the Development Review Board has concluded its meeting on sketch plan and provided comments to the applicant, the applicant will have one year to file the materials required for final plat.](#)

Deleted: After the Development Review Board determines that the applicant is ready to move forward, the applicant will have one year to file the materials required for the next step of the review process

Section 4404. Final Plan Review

4404.A The applicant must file a complete application and final subdivision plan for consideration by the Development Review Board.

4404.B The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and assure that all conditions imposed on the preliminary plan have been met.

4404.C The Development Review Board must hold a public hearing and act on a final subdivision in accordance with Section 4501 and Section 4505.

4404.D The Development Review Board's approval of a final plan will not constitute the city's acceptance of any street, easement, open space or other feature shown on the plan. Action by the City Council is required to accept any street, easement, open space or other feature.

Deleted: <#>Preliminary Plan Review¶
When required by the Development Review Board, the applicant must file a complete application and preliminary subdivision plan for consideration by the Development Review Board.¶
The purpose of preliminary review is to examine the proposed subdivision in detail, take public comment on the plan, evaluate the plan's conformance with the purposes and specific standards of these regulations, and determine whether modifications or conditions will be necessary to ensure that conformance.¶
The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with Section 4501 and Section 4505.¶
The Development Review Board must issue a written decision that includes:¶
Findings of fact that address the applicable standards of these regulations;¶
Any conditions of approval;¶
Any specific changes required in the final subdivision plan;¶
The issues to be analyzed and addressed in the final subdivision application; and¶
Any additional application materials deemed necessary to determine compliance with these regulations.¶
Copies of the written decision will be:¶
Attached to a set of the preliminary plans and returned to the applicant; and¶
Forwarded to the Director of Public Works.¶
If the Development Review Board approves the preliminary plan, the applicant will have 6 months to file the final subdivision plan.¶

Section 4405. Subdivision Plat Filing

4405.A After the Development Review Board approves the final plan, the applicant must file a final subdivision plat for filing in the city's land records within 180 days except:

- (1) If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the decision.
- (2) Upon written request by the applicant prior to the expiration of the 180 days, the Administrative Officer may grant a 90-day extension to the filing deadline if other local or state permits are still pending.

4405.B The form and content of the final subdivision plat must meet all city and state requirements (see 27 VSA § 1403).

4405.C Prior to being filed in the land records, the Chair of the Development Review Board must sign the final subdivision plat.

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 440. Subdivision and PUD Review Procedures

- (1) If a final plat is recorded without that signature, it will be considered null and void unless re-approved by the Development Review Board.

4405.D No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed except in accordance with [Section 4406](#).

- (1) If a modified plat is recorded in violation of this requirement, it will be considered null and void unless re-approved by the Development Review Board.

4405.E Once properly filed, a final subdivision plat will not expire.

Section 4406. Modification of Approved Plats

4406.A The Development Review Board must review any request to amend an approved plat except:

- (1) The Director of Public Works may issue a written authorization modifying the design of any public improvement at any time before or during construction provided that the modification would not result in a material change to the approved development.

- (a) A copy of any such authorization must be sent to the Administrative Officer.

4406.B The process for applying for an amendment will be the same as for the original approval.

4406.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.

Chapter 450. Notice, Hearing & Decision Procedures

Section 4501. Notifying the Public about a Hearing

- 4501.A The Administrative Officer must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision applications by all of the following:
- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Montpelier.
 - (2) Posting the date, place and purpose of the hearing at City Hall and at least one other public place within Montpelier.
 - (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted on the subject property within public view.
 - (a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
 - (4) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing.
 - (a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.
- 4501.B The Administrative Officer must notify the public at least 7 days before a hearing for any other Development Review Board actions by all of the following:
- (1) Posting the date, place and purpose of the hearing at City Hall and at least two other public places within Montpelier.
 - (2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing.
 - (a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.
- 4501.C A defect in the form or substance of the public notice requirements will not invalidate any Development Review Board action or decision when a reasonable effort has been made to provide adequate posting and notice.

Section 4502. Site Visits

- 4502.A The Administrative Officer or Development Review Board may require an applicant to grant them access to the subject property prior to making a decision on an application when deemed necessary to ensure compliance with these regulations.
- 4502.B A site visit must be warned as a public meeting in accordance with Section 4501 and open to the public if a quorum of the Development Review Board will be present.

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 450. Notice, Hearing & Notice Procedures

Section 4503. Conducting a Hearing and Taking Evidence

- 4503.A The Development Review Board must hold a public hearing within 60 days of the Administrative Officer determining that an application is complete unless otherwise specified in these regulations.
- 4503.B The Development Review Board must conduct public hearings, hear testimony and take evidence according to its adopted rules of procedures.
- 4503.C All hearings must be open to the public as follows:
- (1) Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing.
 - (2) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- 4503.D The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the Development Review Board will be considering his/her application.
- (1) The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
 - (2) In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- 4503.E Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed hearing.

Section 4504. Recessing a Hearing

- 4504.A The Development Review Board may recess a hearing on any application pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
- 4504.B If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

Section 4505. Issuing a Decision

- 4505.A Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application.
- 4505.B The Development Review Board may discuss and make a decision on the application either in open public session or in a closed deliberative session.

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 450. Notice, Hearing & Notice Procedures

- 4505.C If the Development Review Board does not issue a decision within 45 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 4505.D The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.
- 4505.E The Development Review Board may attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
- (1) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
 - (2) [Required improvements to public facilities or infrastructure to serve the proposed development;](#)
 - (3) [Paying for all or a portion of off-site improvements to community facilities and utilities deemed necessary to accommodate the proposed development;](#)
 - (4) [Paying for all or a portion of off-site transportation improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development;](#)
 - (5) Schedule or phasing of development, [so that the rate of growth will not exceed the city's ability to provide community facilities and utilities;](#)
 - (6) Inspection or monitoring; and/or
 - (7) Performance bonds.
- 4505.F Any conditions or limitations must be specifically described in the Development Review Board's written decision.
- 4505.G If the Development Review Board attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant must submit an amended site or subdivision plan that satisfies those conditions prior to Administrative Officer issuing a zoning permit.
- 4505.H The Development Review Board must send a copy of the decision to applicant (by certified mail) and all others who participated in the hearing, and must file a copy of the decision with the Administrative Officer.
- 4505.I Following Development Review Board approval of a waiver, variance, site plan or conditional use application, the Administrative Officer will issue a zoning permit.
- (1) Any conditions attached to the Development Review Board's approval will be considered part of that zoning permit.
- 4505.J If the approved development is not substantially completed or the use commenced before the zoning permit expires (see Section 4204), the development approval will expire with the zoning permit.

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 450. Notice, Hearing & Notice Procedures

- 4505.K If the approved development is substantially completed or the use commenced before the zoning permit expires (see Section 4204), the development approval will remain in effect unless the use or development is abandoned or discontinued (see Section 1204).
- 4505.L Development Review Board approvals and any related conditions run with the land (they remain in effect irrespective of whether the property changes ownership).

Deleted: 12/8/16

Chapter 460. Appeal Procedures

The purpose of this chapter is to establish the procedures for appealing an action taken or decision made under these regulations.

Section 4601. Appeal of an Administrative Action or Decision

4601.A An interested person may appeal any action or decision of the Administrative Officer to the Development Review Board.

An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on his/her property, or a group of 10 people voting or owning property in the city. The full definition is found in Paragraph 5101.I(1).

4601.B To appeal, an interested person must file a notice of appeal and any applicable fees with the Administrative Officer within 15 days of the date the Administrative Officer's action or decision.

Deleted: two copies of

4601.C A notice of appeal must be in writing and must include all of the following information:

- (1) The name and address of the appellant (the person filing the appeal);
- (2) A copy of the Administrative Officer's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);
- (3) A brief description of the subject property;
- (4) A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied; and
- (5) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.

4601.D A notice of appeal may also include a request for a stay of enforcement. To request a stay of enforcement, the appellant must include a sworn statement with the notice of appeal that irreparable damage will directly result if the Development Review Board does not grant the stay.

4601.E The Administrative Officer will forward a copy of the notice of appeal to the Development Review Board.

4601.F The Development Review Board must either:

- (1) Hold a public hearing and act on the appeal in accordance with Section 4501 and Section 4505.
- (2) Reject the appeal without a hearing and render a decision within 10 days of the notice being filed, if the Development Review Board determines that it decided the issues in an earlier appeal.

4601.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action taken or decision made by the Administrative Officer.

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 460. Appeal Procedures

4601.H If no person appeals a decision of the Administrative Officer within 15 days of the decision, that decision is deemed final.

Section 4602. Waivers

4602.A Where authorized in these regulations, the Development Review Board may approve waivers that authorize adjustments to the standards of these regulations as specified in these regulations except:

- (1) The Development Review Board must not approve a waiver to allow a subdivision that will create a lot that does not conform to the applicable provisions of these regulations.

4602.B The applicant must file a complete zoning permit application and a written request for a waiver with the Administrative Officer that includes all of the following:

- (1) A brief description of the subject property and project.
- (2) A reference to specific dimensional standard(s) of these regulations that the applicant is requesting a waiver from.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver.

4602.C To approve a waiver, the Development Review Board must find that all of the applicable criteria specified in [Figure 4-02](#) for waivers have been met.

4602.D The Development Review Board must hold a public hearing and act on the waiver request in accordance with Section 4501 and Section 4505.

- (1) If the applicant is requesting a waiver from the required setback from a state highway, notice must also be sent to the Vermont Secretary of Transportation.

Section 4603. Variances

4603.A The Development Review Board:

- (1) May approve variances that authorize more substantial adjustments to the standards of these regulations under the specific circumstances described below.
- (2) Must not approve a variance to allow a prohibited use.
- (3) Must not approve a variance to allow the subdivision of a lot that does not conform to the applicable provisions of these regulations.

4603.B The applicant must file a complete zoning permit application and a written request for a variance with the Administrative Officer that includes all of the following:

- (1) A brief description of the subject property and project.
- (2) A reference to specific provision(s) of these regulations that the applicant is requesting a variance from.
- (3) The specific modification(s) that the applicant is requesting.

Deleted: If no interested person appeals the Administrative Officer's action or decision to the Development Review Board within 15 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time

Deleted: The

Deleted: dimensional

Deleted: in Figure 4-02 and elsewhere

Deleted: the

Deleted: of

Deleted: <#>Waiver Limitations||
STANDARD

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 460. Appeal Procedures

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance.

4603.C The Development Review Board must hold a public hearing and act on the variance request in accordance with Section 4501 and Section 4505.

(1) If the applicant is requesting a variance from the required setback from a state highway, notice must also be sent to the Vermont Secretary of Transportation.

4603.D To approve a variance, the Development Review Board must find that all of the applicable criteria specified in [Figure 4-02](#) have been met.

(1) There are specific variance criteria that apply to renewable energy structures.

(2) For all other variance requests, the general variance criteria apply.

Figure 4-02. Waiver and Variance Review Criteria

| CRITERIA | WAIVER | GENERAL VARIANCE | RENEWABLE ENERGY VARIANCE |
|---|--------|------------------|---------------------------|
| 1 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. | - | | - |
| 2 Those physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property. | - | | - |
| 3 The applicant has not created the unnecessary hardship. | - | | |
| 4 The proposed land development will not alter the character of the area or district in which the property is located. | | | |
| 5 The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property. | | | |
| 6 The proposed land development will not be detrimental to public health, safety or welfare. | | | |
| 7 The applicant is proposing the least deviation possible from these regulations that will afford relief. | - | | |
| 8 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations. | - | - | |
| 9 The proposed land development will not reduce access to renewable energy resources on adjacent property. | - | - | |
| 10 The proposed land development is beneficial or necessary for the continued reasonable use of the property. | | - | - |

Section 4604. Appealing of a Development Review Board Decision

4604.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board’s action or decision to the Environmental Division of the Vermont Superior Court within 30 days.

An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on his/her property, or a group of 10 people voting or owning property in the city. The full definition is found in Paragraph 5101.1(1).

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 460. Appeal Procedures

- 4604.B The appellant must send a notice of appeal to every interested person who participated in the hearing. The interested person list will be available from the Administrative Officer.
- 4604.C When the Administrative Officer issues a zoning permit to implement the Development Review Board approval, it is a ministerial action that cannot be appealed under Section 4601.
- 4604.D If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.
- 4604.E Except as otherwise provided by state statute, an appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action taken or decision made by the Development Review Board.
- 4604.F If no person appeals a decision of the Development Review Board within 30 days of the decision, that decision is deemed final,

Deleted: If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 470. Enforcement Procedures

Chapter 470. Enforcement Procedures

Section 4701. Investigation and Action by the Administrative Officer

- 4701.A The Administrative Officer must investigate alleged violations of these regulations. The commencement or continuation of any land development which is not in conformance with the provisions of these regulations will constitute a violation.
- 4701.B The Administrative Officer may not enter upon any private property for the purposes of inspection and investigation except by permission of the landowner or per a search warrant duly issued by a court (13 VSA 4701)."
- 4701.C Upon discovery of a violation, the Administrative Officer must first provide the property owner with a notice of violation as described in Section 4704.
- 4701.D The Administrative Officer must take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:
- (1) Requiring the applicant to apply for a new zoning permit.
 - (2) Requiring the immediate correction or cessation of a violating use.
 - (3) Denying a certificate of compliance.
 - (4) Imposing fines and penalties to the maximum extent allowed under state law until the property owner remedies the violation.
- 4701.E Upon determining that a violation of these regulations exists, the Administrative Officer may issue a municipal civil complaint ticket (see Section 4703) as he/she deems appropriate.
- 4701.F The Administrative Officer must not enforce any violation of these regulations that has existed for more than 15 years.
- 4701.G The Administrative Officer must not enforce any violation of a zoning permit that was not filed in the city's land records.

Section 4702. Liability and Penalties for Violations

- 4702.A The property owner will be held responsible for the violation and be subject to any penalties imposed under this chapter.
- 4702.B A violation of these regulations is a civil offense.
- 4702.C Each day that a violation exists constitutes a separate offense.

Section 4703. Municipal Civil Complaint Ticket

- 4703.A The Administrative Officer may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

Deleted: A violation includes, but is not limited to:

Deleted: <#>Commencing any land development, including signs and changes in use, for which an approval or permit is required without first obtaining such an approval or permit.¶
Failing to comply with all requirements, representations and conditions of any approved plan or permit.¶
Commencing or continuing any land development if the permit authorizing the work has expired.¶
Selling, transferring or offering to sell or transfer any land unless a final subdivision plat has been approved and filed in full compliance with these regulations.¶

Deleted: <#>The Administrative Officer may enter onto any property as necessary to investigate an alleged violation of these regulations.

Commented [BS1]: This is the change that was approved, but it is not legally necessary to issue an NOV if the violation is going to be pursued through the municipal ticketing system.

Deleted: <#>If the owner or occupant refuses to allow the Administrative Officer onto the property, the Administrative Officer may seek a warrant as authorized by state law.¶

Deleted: <#>Referring the matter to the Development Review Board for review.¶

Deleted: <#>removal of a violating structure

Deleted: must either

Deleted: or a notice of violation (see Section 4704)

Deleted: <#>If any enforcement action results in the need for the Administrative Officer to issue a new zoning permit for the subject property, the application fee will be twice the standard application fee.¶

Deleted: 12/8/16

PART 4. ADMINISTRATIVE PROCEDURES
Chapter 470. Enforcement Procedures

4703.B A violation ticketed under this section will be punishable by a fine of:

- (1) \$75 for a first offense, with a waiver fee of \$50.
- (2) \$200 for a second offense ticketed for the same violation within 1 year, with a waiver fee of \$150.
- (3) \$500 for a third and any subsequent offense ticketed for the same violation within 1 year, with a waiver fee of \$250.

Deleted: 100

Deleted: 250

Deleted: 125

4703.C Upon the fourth offense, the city may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

Section 4704. Notice of Violation

4704.A The Administrative Officer may issue a notice of violation for any violation of these regulations.

4704.B The Administrative Officer must:

- (1) Send a notice of violation to the property owner by certified mail that:
 - (a) Describes the violation;
 - (b) Identifies the specific provision(s) of these regulations being violated;
 - (c) States the specific action required to cure the violation;
 - (d) States that if the violation is not cured within 7 days, the city may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;
 - (e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and
 - (f) States that the notice of violation may be appealed as per Section 4601.
- (2) Deliver a copy of a notice of violation to the City Clerk for recording.

4704.C Upon failure of the property owner to cure a violation of these regulations after receipt of a notice of violation, the Administrative Officer may institute appropriate court action on behalf of the city.

Deleted: must

Deleted: 12/8/16

PART 5. DEFINITIONS

Chapter 500. Interpretation

Section 5001. General

- 5001.A The words used in these regulations have their standard dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations.
- 5001.B The words defined in these regulations have the specific meaning stated unless the context clearly indicates that they have another meaning.
- 5001.C The definitions identified as being from state statute are intended to be consistent with that statute.
- 5001.D These regulations use “must” and “will” to express that something is required. They use “must not” and “will not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.
- 5001.E These regulations use “parcel” and “lot” interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed.
- 5001.F These regulations use “site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
- 5001.G These regulations use “landowner,” “applicant,” “subdivider” and “developer” to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.
- 5001.H These regulations use “business” to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise.
- 5001.I These regulations use “home,” “residence” or “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

Chapter 510. Defined Terms

5101.A

- (1) **ABANDON** means to cease from actively using land or any premises for its intended use in accordance with the provisions of Chapter 120.
- (2) **ABANDONED SIGN** (see definition of **SIGN, ABANDONED**).
- (3) **ACADEMIC INSTITUTION** means an institution of higher learning that grants undergraduate and/or graduate degrees, or an institution that provides vocational, technical or specialized education that trains students for a particular job or teaches particular skills.
- (4) **ACCESSIBLE** means a site, building, dwelling or other facility that complies with the standards of the Americans with Disabilities Act (ADA) and that can be approached, entered and used by people with physical disabilities or impairments.
- (5) **ACCEPTABLE MANAGEMENT PRACTICES** means the most recently adopted state laws and regulations governing timber harvesting in Vermont.
- (6) **ACCEPTED AGRICULTURAL PRACTICES** means the most recently adopted state laws and regulations governing farming in Vermont.
- (7) **AFFORDABLE HOUSING** as defined in state law means ownership or rental housing with a total housing cost that does not exceed 30% of the household income of a household earning 80% of the median income in Washington County, and that is subject to covenants or restrictions that will preserve that affordability for at least 15 years
- (8) **AGRICULTURE** (see definition of **FARMING**).
- (9) **AMPHITHEATER** means a site or open-air structure designed to present performances typically with spectators sitting out on a sloping lawn around a stage. A roofed, but open-walled structure may be built over the stage and/or seating area.
- (10) **ARTERIAL STREET** means a major, high-capacity street that connects minor, low-capacity residential streets to highways and major destinations. For the purposes of these regulations, all state highways and Class 1 and 2 city streets will be considered arterial streets.
- (11) **ASSISTED LIVING** means one or more structures intended to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license. Care providers may also live on-site or provide these services from their home.
- (12) **ATTIC** means the space immediately below the roof of a building. For the purposes of determining height, an attic will be considered a full story if more than 50% of the floor area has a height of 7 feet or more between the top of the joists and the bottom of the rafters.
- (13) **AUTOMOBILE REPAIR AND SERVICE** means a specialized structure or part of a structure with bays intended for automobile repair and service. See [Section 3113](#),

Deleted: Section 3114

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

5101.B

(14) **AUTOMOBILE SALES OR RENTAL ESTABLISHMENT** means a retail establishment that sells motor vehicles from a showroom and/or an open lot, or that provides tangible goods such as vehicles, equipment or machinery to consumer or business customers in return for periodic rental or lease payments.

Deleted: . It may also provide repair and maintenance services as an accessory use

(1) **BANK** means the use of a structure or part of a structure for the custody, loan, exchange, issue, managing money, for the extension of credit, or for facilitating the transmission of funds.

Deleted: intended

(2) **BAR OR NIGHTCLUB** means an establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may also offer limited food and live entertainment.

(3) **BASEMENT** means a part of a building that is entirely or partly below ground. For the purposes of determining height, a basement will be considered a full story if its ceiling height will be at least 7 feet above the average grade along one of the building's walls.

(4) **BAY** means a principal division of a wall or other portion of a building marked off by vertical or traverse supports.

(5) **BED AND BREAKFAST** means one or more structures intended to provide short-term accommodations for travelers operated primarily in owner-occupied private homes. May include serving breakfast to guests only. See Section 3110.

(6) **BEDROOM** means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.

(7) **BICYCLE RACK** means a 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.

(8) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.

(9) **BUILDING, ACCESSORY** means a building that is clearly and customarily incidental and subordinate to the principal building on the lot.

(10) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.

(11) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.

(12) **BUILDING, PRINCIPAL** means the main or predominate building in which the principal use on the lot is located.

(13) **BUILDING FACADE** means the front of a building or any of its sides facing a street or other public space.

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (14) **BUILDING FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (15) **BUILDING FRONTLINE** means a line extending parallel from the exterior front wall of a building.
- (16) **BUILDING PERIMETER** means the total length of a building's exterior walls at ground level.
- (17) **BUS MAINTENANCE FACILITY** means a site or structure intended for the storage, dispatching, maintaining and/repairing buses.
- (18) **BUS STOP SHELTER** means a roofed structure for people to wait under at a bus stop.

5101.C

- (1) **CALIPER** means the minimum diameter of a tree measured 4½ feet above the ground.
- (2) **CAMPS, CAMPING AND RELATED ESTABLISHMENTS** means a site designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicle, or to provide overnight recreation camping or outdoor adventure retreats. These establishments may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. See Section 3108.
- (3) **CAMPSITE** means a designated area within a campground that is designed to accommodate one camping unit including, but not limited to, a tent, lean-to, camping cabin, recreational vehicle, motor home, travel trailer, or camper.
- (4) **CAMPSITE, PRIMITIVE** means a designated area for camping that generally is not accessible to motor vehicles and does not provide utilities or facilities such as electricity, water or wastewater connections.
- (5) **CARWASH** means a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.
- (6) **CEMETERY** means a site or structure intended to inter or otherwise store the remains of deceased people or animals.
- (7) **CENTERLINE RADIUS** means the minimum radius of a circle formed by a curve that is tangent to the centerline of the street.
- (8) **CHANGE OF USE** means:
 - (a) An increase in the intensity of an existing use or an increase in intensity beyond a limit established under an existing permit;
 - (b) The expansion of a use into space previously not dedicated to that use;
 - (c) The replacement of an existing or permitted use with a new use; or
 - (d) The addition of a use to a structure or land.
- (9) **CHILD DAY CARE HOME, REGISTERED** means the accessory use of a dwelling to provide care primarily for infants and preschool-age children, as well as older children when school is not in session. See Section 3106.

Deleted: 6 inches

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (10) **CHILD DAY CARE FACILITY, LICENSED** means a licensed establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.
- (11) **COMMUNICATION ANTENNA** means devices used to transmit or receive radio, television or other wireless communications and related structures and equipment, but excludes support structures. See [Section 3122](#).
- (12) **COMMUNICATION TOWER** means structures used to support communication antennas and related structures and equipment. See [Section 3122](#).
- (13) **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.
- (14) **COMPOSTING FACILITY** means a facility for composting animal and vegetable wastes.
- (15) **COMPUTER DATA CENTER** means a structure or part of a structure intended to house computer systems and associated components such as telecommunications and storage systems. It generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices.
- (16) **CONGREGATE LIVING** means one or more structures intended to provide housing and services to residents such as meals, housekeeping, laundry, transportation, recreation or other convenience services.
- (17) **CONTRACTOR'S YARD** means an establishment that provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction, building maintenance or property maintenance trades. It may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office. A contractor is a person who builds, demolishes or performs additions, alterations, reconstruction, installation and repairs to structures.
- (18) **CORNER RADIUS** means the minimum radius of the curb or edge of pavement at a street intersection.

5101.D

- (1) **DAMAGED STRUCTURE** means a structure that has suffered an unintentional partial loss that is feasible to repair.
- (2) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) **DEMOLISH** means to intentionally remove all or part of a structure.
- (4) **DEMOLITION** means the intentional destruction and physical removal of a structure or portion of a structure from a lot.

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (5) **DEMOLITION BY NEGLECT** means a failure to perform the normal repair and maintenance needed to prevent deterioration of a structure that has, or will if sustained, result in structural damage and render the structure hazardous or unsafe.
- (6) **DESTROYED STRUCTURE** means a structure that has suffered an unintentional total loss that is not feasible to repair.
- (7) **DEVELOPMENT**. See definition of **LAND DEVELOPMENT**.
- (8) **DEVELOPMENT ENVELOPE** means a specific area of a lot, delineated on a recorded subdivision plat, within which land development must be located and outside of which no land development may be located, unless otherwise provided.
- (9) **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.
- (10) **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.
- (11) **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.
- (12) **DWELLING OR DWELLING UNIT** means a structure or portion of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and that is not less than 250 square feet in area.
- (13) **DWELLING, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot (see Section 3104).
- (14) **DWELLING, ONE OR TWO UNITS** means one or two dwelling units each intended for habitation by one household with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (15) **DWELLING, THREE OR FOUR UNITS** means three or four dwelling units each intended for habitation by one household with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.
- (16) **DWELLING, MULTI-FAMILY (5+ UNITS)** means a structure or part of a structure containing five or more dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

Deleted: 0

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

5101.E

- (1) **EXHIBITION, CONVENTION OR CONFERENCE STRUCTURE** means a structure or part of a structure that includes large, flat open spaces such as auditoriums, banquet halls, exhibition halls, and meeting rooms typically used to host special events, trade shows, conventions, receptions, and similar activities.

5101.F

- (1) **FACADE** (see definition of **BUILDING FACADE**).
- (2) **FARM** means one or more parcels of land managed as a unit and primarily devoted to farming.
- (3) **FARM STAND** means a building or structure located on a farm and used for the sale of agricultural products produced primarily on that farm.
- (4) **FARM STRUCTURE** (as defined in 24 V.S.A. § 4413(d)) means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, storing crops or livestock feed, or carrying out other practices associated with farming in accordance with accepted agricultural practices, but specifically excluding any dwelling for human habitation, and that is used for agricultural production that meets one or more of the following (from the Vermont Agency of Agriculture, Food and Markets Accepted Agricultural Practice Regulations):
- (a) Is used in connection with the sale of \$1,000 or more of agricultural products in a normal year;
 - (b) Is used in connection with the raising, feeding, and management of at least the following number of adult animals: 4 equines; 5 cattle or American bison; 15 swine; 15 goats; 15 sheep; 15 fallow deer; 15 red deer; 50 turkeys; 50 geese; 100 laying hens; 250 broilers, pheasant, Chukar partridge, or Coturnix quail; 3 camelids; 4 ratites (ostriches, rheas, and emus); 30 rabbits; 100 ducks; or 1,000 pounds of cultured trout;
 - (c) Is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
 - (d) Is on a farm with a business and farm management plan approved by the Secretary of the Vermont Agency of Agriculture, Food and Markets.
- (5) **FARMING** (as defined in 10 V.S.A. § 6001(22)) means the:
- (a) Cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
 - (b) Raising, feeding, or management of livestock, poultry, fish, or bees; or the operation of greenhouses;
 - (c) Production of maple syrup;
 - (d) On-site storage, preparation and sale of agricultural products principally produced on the farm;
 - (e) On-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (f) Raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.
- (6) **FITNESS, RECREATIONAL SPORTS, GYM OR ATHLETIC FACILITY** means an establishment that offers fitness or recreational sports facilities and services such as fitness clubs, gyms and sports courts.
- (7) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (8) **FLOOR AREA RATIO** means the ratio of gross floor area to the total lot area.
- (9) **FOOD SERVICE CONTRACTOR** means an establishment that provides food services to institutional, governmental, commercial or industrial clients. It may be co-located on its client's site or may be based off-site. Includes catering kitchens and commercial kitchens that may be leased to multiple food service providers.
- (10) **FORESTRY** as defined by the Vermont Department of Forests, Parks and Recreation means growing and harvesting trees or timber under proper forest management for purposes other than their fruit.
- (11) **FRANCHISE OR CORPORATE ARCHITECTURE** means a standardized design that is trademarked or identified with a particular chain or corporation and that is replicated in multiple locations with minimal variation.
- (12) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular chain or corporation and that are used in various applications to identify or promote that chain or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (13) **FUELING STATION** means sites and structures that are specialized for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. See [Section 3116](#).
- (14) **FUNERAL HOME OR CREMATION FACILITY** means a structure or part of a structure intended to prepare deceased people or animals for burial or cremation, to cremate the remains of deceased people or animals, and/or to hold funeral services.

5101.G

- (1) **GAME AND FISHING RETREATS AND RESERVES** means establishments that engage in commercial hunting or trapping, or that operate commercial or recreational game or hunting preserves.
- (2) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (3) **GOLF COURSE** means a site designed for playing golf. These establishments may provide facilities and services such as a clubhouse, restrooms, locker rooms, equipment sales or rental, instruction, food and beverage service, maintenance or storage facilities, and/or practice or driving ranges.
- (4) **GOVERNMENT FACILITY, OFFICE OR COURTHOUSE** means a structure designed for the assembly of public officials and employees to conduct public discourse and to administer government programs and activities, excludes public safety facility.

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (5) **GREEN STORMWATER INFRASTRUCTURE (GSI)** means a range of soil-water-plant systems and practices that intercept and capture stormwater near the source in order to infiltrate a portion of it into the ground, evaporate a portion of it into the air, and/or in some cases release a portion of it slowly back into municipal or community stormwater systems (as compared to conventional stormwater systems that are designed to divert water away from a site quickly).
- (6) **GREENHOUSE** means an enclosed structure with or without climate control facilities for growing, displaying and selling plants in a controlled environment.
- (7) **GROSS FLOOR AREA** means the sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic or mezzanine with a floor-to-ceiling height of 7 feet or more.

Deleted: GSI provides multiple benefits and functions such as reduced and delayed stormwater flows, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflows, urban heat island mitigation, improved air quality, additional wildlife habitat and recreational space, improved human health, and increased land values.

5101.H

- (1) **HANDICAP OR DISABILITY** (as defined in 9 V.S.A. § 4501) means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (2) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- (3) **HAZARDOUS WASTE** (as defined in 10 V.S.A. § 6602(4)) means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.
- (4) **HISTORIC SITE OR STRUCTURE** (as defined in 10 V.S.A. § 6601(9)) means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Properties, or a site or structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (5) **HOLIDAY LIGHTS** means outdoor lighting used for temporary decorative purposes to celebrate a specific holiday.
- (6) **HOSPITAL** means an institution used to provide healthcare services to people primarily as inpatients that is operated under a state license.
- (7) **HOTEL OR MOTEL** means one or more structures intended to provide short-term accommodations for travelers. They may also offer food services, recreational services, convention hosting, laundry services, etc. See Section 3112.
- (8) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the living and cooking facilities.

5101.1

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.
- (2) **INDOOR GAMES FACILITY** means, the use of a structure or site to accommodate a large number of people playing within the facility such as a bowling alley or skating rink, which typically does not provide much seating for spectators.
- (3) **INFORMATION SERVICES OR DATA PROCESSING INDUSTRIES** means an establishment that provides electronic data processing services or that supply information to the news media including internet access or service providers, and electronic library or archive services.
- (4) **INN** means one or more structures intended to provide short-term accommodations for travelers operated primarily in private homes. Meals and alcoholic beverages may also be provided as a secondary service to guests and other patrons. See Section 3110.
- (5) **INTERESTED PERSON** (as defined in 24 V.S.A. § 4465(b)) means:
 - (a) The applicant;
 - (b) The City of Montpelier or any adjoining municipality;
 - (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under these regulations is not or will not be in accord with the *Montpelier Master Plan* or these regulations.
 - (d) Any 10 people, who may be any combination of Montpelier voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the *Montpelier Master Plan* or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
 - (e) Any department and administrative subdivision of the state owning property or any interest in property in Montpelier; or
 - (f) The Vermont Agency of Commerce and Community Development
- (6) **IRREGULARLY SHAPED LOT** means either a triangular lot with 3 sides or a multi-sided lot with more than 4 sides.

Deleted: a

Deleted: designed

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

5101.J

- (1) **JUNK** (as defined in 24 V.S.A. § 2241(5)) means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.
- (2) **JUNK MOTOR VEHICLE** (as defined in 24 V.S.A. § 2241(6)) means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5101.K

- (1) **KENNEL** means a site or structure where dogs, cats or other domestic animals are bred, raised and/or boarded.

5101.L

- (1) **LABORATORY OR TECHNICAL FACILITY** means the use of a structure or part of a structure: for scientific, medical, pharmaceutical, engineering, electronic or similar technical research, investigation, testing or experimentation; used for the production, recording, broadcast and/or distribution of radio, television, sound, movie and similar media products and programs; ~~to house computer systems and associated components such as telecommunications and storage systems (it generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices); or to provide~~ electronic data processing services or that supply information to the news media including internet access or service providers, and electronic library or archive services.
- (2) **LAND DEVELOPMENT** means:
 - (a) The construction, installation, demolition, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
 - (b) Mining, excavating, filling or grading land;
 - (c) Any change in, or extension of, the use of land or a structure;
 - (d) The removal of natural woody vegetation within water setbacks;
 - (e) The adjustment or relocation of the boundary between two lots; or
 - (f) The division of a lot into two or more lots.
- (3) **LIBRARY** means a structure or portion of structure containing collections of books, periodicals, films, recorded music or similar media for people to use, borrow or refer to.
- (4) **LIGHT FIXTURE, FULLY SHIELDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.

Deleted: used

Deleted: intended

Deleted: that

Deleted: s

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (5) **LIGHT FIXTURE, LUMINOUS TUBE** means a light fixture created by or containing gas discharge tubes that emit light or glow when electric voltage is applied.
- (6) **LIGHT FIXTURE, PARTIALLY SHIELDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.
- (7) **LOCALLY PRODUCED** means agricultural or silvicultural products that are raised, grown or harvested within Vermont.
- (8) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.
- (9) **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.
- (10) **LOW IMPACT DEVELOPMENT (LID)** means land planning and design approaches that seek to maintain a site's pre-development ecological and hydrological functions by protecting, enhancing, or mimicking natural processes. LID approaches include a range of non-structural practices that guide and minimize the impact of development such as following conservation design principles, minimizing soil disturbance and compaction, preserving natural drainage and water flow patterns, protecting riparian and other sensitive areas, reducing impervious surface area, disconnecting untreated stormwater run-off from waterways and storm drains.
- (11) **LUMBER YARD AND BUILDING MATERIAL SALES** means a retail establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures.

Deleted: or within 30 miles of Vermont

5101.M

- (1) **MAJOR RENOVATION** means extensive alteration work on the exterior shell of the building, and may include additional work on primary structural components, mechanical, electric and plumbing systems, and/or site work. Typically, the extent and nature of the work is such that the building cannot be used for its intended purpose while the work is in progress.
- (2) **MALLS, SHOPPING CENTERS OR COLLECTIONS OF SHOPS** means a site with one or more structures intended to house a group of retail establishments.
- (3) **MANUFACTURED HOME** (as defined in 10 V.S.A. § 6201(1)) means a structure that is:
 - (a) Built on a permanent chassis;
 - (b) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;
 - (c) Transportable in one or more sections; and
 - (d) Certified as complying with the construction and safety standards established

Deleted: in addition to work

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

under Title 24 of the U.S. Code by the federal Department of Housing and Urban Development.

- (4) **MANUFACTURED HOME PARK** (as defined in 10 V.S.A. § 6201(2)) means any parcel or development site that contains or is designed to accommodate more than two manufactured homes. This definition specifically excludes the use of manufactured homes as farm worker housing and the retail sales or storage of manufactured homes.
- (5) **MANUFACTURING** means creation of goods entirely within an enclosed structure that does rely on special power, water or waste disposal systems for operation (ex. brewery, distillery, ice cream manufacturing, etc.).
- (6) **MANUFACTURING, LIGHT** means creation of goods entirely within an enclosed structure that does not rely on special power, water or waste disposal systems for operation (ex. bakery or or small wood shop).
- (7) **MANUFACTURING, HEAVY** means large, specialized sites and/or structures intended for heavy industrial uses such as manufacturing or processing plants that commonly house complex operations and operate continuously.
- (8) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (9) **MEDIA BROADCAST FACILITY OR STUDIO** means the use of a structure or part of a structure for the production, recording, broadcast and/or distribution of radio, television, sound, movie and similar media products and programs.
- (10) **MEDICAL CLINIC** means the use of a structure or part of a structure to provide healthcare services to people primarily as outpatients.
- (11) **MINING, EXTRACTING, QUARRYING AND STONE CUTTING** means establishments that dredge, quarry, mine, or develop mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. May include on-site processing such as crushing, grinding, washing or screening. See [Section 3124](#).
- (12) **MIXED USE** means land development that includes more than one principal uses.
- (13) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.
- (14) **MULTIPLE USE** means a building or site developed with more than one principal use.
- (15) **MUSEUM, GALLERY OR EXHIBITION HALL OR PAVILION** means an institution where objects of historical, scientific, artistic or cultural interest are stored, studied and/or exhibited.

5101.N

- (1) **NATURE OR RECREATIONAL PARK** means a site designed to accommodate primarily passive recreation and appreciation of nature with a minimum of improvements or structures.
- (2) **NEIGHBORHOOD MARKET** means a small retail food store that offers staple and convenience food items, and may include accessory sale of prepared food for on-site consumption or take-out.

Deleted: , excluding any use specifically defined this chapter

Deleted: used

Deleted: used

Deleted: both residential and nonresidential

Deleted: <#>**MIXED-USE BUILDING** means a multi-story building that includes at least one dwelling unit and one principal nonresidential use.¶
MIXED-USE DEVELOPMENT means a single development site that includes at least one principal residential building and one principal nonresidential building, or multiple mixed-use buildings. The plan for the site must be unified and coordinated with the buildings in close proximity to one another and the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means. ¶

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (3) **NONCONFORMITY** means a structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.
- (4) **NORMAL REPAIR AND MAINTENANCE** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

Deleted: <#>NOISE means an unwanted sound that may disturb or annoy the average person.¶

5101.O

- (1) **OFFICE** means an establishment that provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc., or that provides social assistance services directly to individuals other than residential or accommodation services.
- (2) **OPEN MARKET OR MARKET SHOP** means retail sales conducted primarily from outdoor areas, open air structures and/or buildings with stalls. Includes farmers' markets and flea markets.
- (3) **OTHER COMMUNITY CENTERS** means any structure designed for mass assembly not otherwise defined in this chapter such as community centers, senior centers, reception halls and wedding halls, or an establishment that provides services other than residential or accommodation services to the elderly and disabled such as group support, companionship, day care, homemaker services, etc.
- (4) **OTHER SPECIALIZED RESIDENTIAL STRUCTURES** means any structures intended for habitation not otherwise defined in this chapter such as barracks, dormitories, single-room occupancies, homeless shelters, emergency shelters, or other structurally converted buildings. Excludes lodging uses.
- (5) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (6) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5101.P

- (1) **PARCEL**. See definition of LOT.
- (2) **PARKING STRUCTURE OR GARAGE** means a structure or part of a structure intended to store passenger vehicles typically in multiple levels traversed via ramps and/or within or below a building.
- (3) **PARKING, SURFACE** means an outdoor site used to store passenger vehicles or site intended to store passenger vehicles at ground level under a roofed, open-air structure.
- (4) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth or other impervious materials in order to make a firm, level surface.
- (5) **PAVEMENT** means asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth or other impervious materials used to cover the ground in order to make a firm, level surface.

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (6) **PERSONAL OR PROFESSIONAL SERVICES** means an establishment that sells specialized skills or knowledge, performs scientific, technical or professional services, that offers personal services such as laundry, dry cleaning drop-off, hair or nail care, diet centers, spas, tailoring, shoe repair, etc. or that that provides services such as landscaping, pest control, janitorial activities, carpet cleaning, and similar services for buildings and dwellings. Excludes veterinary services.
- (7) **PREVIOUSLY DEVELOPED LOT** means a lot that has been altered by land use, construction or paving that would, if undertaken anew, require a permit under these regulations. Land that has been altered for agriculture, forestry or conservation purposes will not be considered previously developed. A lot for which a permit has been issued, but the land development has not commenced, will not be considered previously developed.
- (8) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that:
 - (a) Is accessible to public view;
 - (b) Is intended for the enjoyment of the general public; and
 - (c) Does not identify or draw attention to a business, profession or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises.
- (9) **PUBLIC SAFETY FACILITY** means ~~the use of~~ a structure or part of a structure to provide public safety services such as a fire station, ambulance station, police station or emergency operation center.
- (10) **PUBLISHING** means an establishment that issues copies of works such as newspapers, books, periodicals, maps, posters, databases and software in one or more formats including traditional print formats, digital media formats and online formats.

Deleted: intended

5101.Q

5101.R

- (1) **RAIL TRANSPORTATION FACILITY** means an establishment that provides rail passenger or freight transportation, or rail transportation support.
- (2) **RELIGIOUS FACILITY** means a structure that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities.
- (3) **RESTAURANT** means an establishment that prepares meals, snacks and beverages primarily for consumption on the premises.
- (4) **RESTAURANT, TAKE-OUT** means an establishment that prepares meals, snacks and beverages primarily for consumption off the premises.
- (5) **RETAIL SALES AND SERVICE (INDOORS)** means a structure or part of a structure intended for the sale of products to consumers, primarily for off-site consumption or use, excluding any use specifically defined this chapter.

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (6) **RETAIL SALES AND SERVICE (OUTDOORS)** means a site intended for the sale of products to consumers, primarily for off-site consumption or use, where the inventory is primarily stored or displayed outside an enclosed structure, excluding any use specifically defined in this chapter.
- (7) **ROAD PASSENGER AND TRANSIT SERVICES** means an establishment that provides passenger transportation such as public transit, school bus and taxi services.
- (8) **ROOMING AND BOARDING HOUSE** means one or more structures intended to provide accommodations operated primarily in private homes that will typically serve as the boarder's principal residence, that often serves a specific group or membership (ex. fraternity or sorority house, club, worker housing), and that commonly includes meals, housekeeping and/or laundry services. See Section 3111.
- (9) **RURAL ENTERPRISE** means a business that supports economically viable farm and/or forest lands in the city and region by adding value to local farm or forest products. Direct marketing of local farm or forest products, engaging in agri-tourism or – education, or offering goods and services needed for farming or forestry. See [Section 3123](#).

5101.S

- (1) **SCHOOL, GRADE** means an institution used to educate children from pre-school through grade 12 that is operated under a state license.
- (2) **SENIOR HOUSING** means one or more structures intended to provide housing for older adults (commonly limited to those age 55 or older, but may also include some younger residents with disabilities), and which may also provide services to residents such as meals, housekeeping, laundry, transportation, recreation, and/or and/or assistance with daily activities such as dressing, grooming, bathing. At least 80% of the occupied units within a senior housing community or facility must be occupied by at least one person age 55 or older.
- (3) **SEWER RELATED FACILITY** means facilities for storing, pumping and/or treating sewage.
- (4) **SHRUB, LARGE** means a shrub with a mature or maintained height of at least 6 feet.
- (5) **SHRUB, MEDIUM** means a shrub with a mature or maintained height of at least 3 and less than 6 feet.
- (6) **SHRUB, SMALL** means a shrub with a mature or maintained height of less than 3 feet.
- (7) **SIGN** means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from public rights-of-way or other properties. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.
- (8) **SIGN, ABANDONED** means:
 - (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;

Deleted: <#>SERVICES, ADMINISTRATIVE AND BUSINESS means an establishment that provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc.¶
SERVICES FOR THE ELDERLY AND DISABLED means an establishment that provides services to the elderly and disabled such as group support, companionship, day care, homemaker services, etc. Excludes residential or accommodation services.¶
SERVICES TO BUILDINGS AND DWELLINGS means an establishment that provides services such as landscaping, pest control, janitorial activities, carpet cleaning, and similar services for buildings and dwellings.¶
SERVICES, PERSONAL means an establishment that offers personal services such as laundry or dry cleaning, hair or nail care, diet centers, spas, tailoring, shoe repair, etc.¶

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
- (c) A sign that has not been maintained.
- (9) **SIGN, ELECTRONIC MESSAGE** means a sign whose message may be changed by electronic means.
- (10) **SIGN BAND** means the flat, horizontal area on a building facade usually located immediately above the storefront and below the second story window sill where signs may be attached.
- (11) **SITE PLAN** means a map and any supporting graphics or documentation drawn to scale that depicts proposed land development including, but not limited to the location and relationship of the structures, streets, driveways, parking areas, sidewalks, paths, walkways, utilities, open space, landscaping, grading, waterways, outdoor lighting, outdoor use areas, signage and other site or development features.
- (12) **SKILLED-NURSING SERVICES** means one or more structures intended to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing and convalescent homes.
- (13) **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.
- (14) **SPORTS ARENA** means a structure or site designed to accommodate a large number of spectators typically watching a sports event although arenas may also host other types of performances or activities.
- (15) **STABLE OR EQUINE FACILITY** means a site or structure intended to house, train or care for horses. May include horse trot tracks or other training facilities, and veterinary facilities.
- (16) **STORY** means the portion of a building between the surface of any floor and the ceiling above it. Attics and basements are not considered stories for the purposes of measuring building height.
- (17) **STREET** means any vehicular way that serves as the principal means of providing access to abutting property and that is not a driveway.
- (18) **STRIP DEVELOPMENT** means a linear development pattern along an arterial street or highway that is generally characterized by:
 - (a) Broad street frontage;
 - (b) Predominance of single-story buildings;
 - (c) Predominance of single-use buildings and properties;
 - (d) Predominance of parking and auto-oriented features visible from the frontage;
 - (e) Limited provision for shared or cross access;
 - (f) Limited provision for access by walking, biking or transit; and/or
 - (g) Lack of coordination with and connections to surrounding neighborhoods and land uses except by vehicle and by the street.

Deleted: <#>**SOCIAL ASSISTANCE, WELFARE AND CHARITABLE SERVICES** means an establishment that provides social assistance services directly to individuals. Excludes residential or accommodation services.¶

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (19) **STRUCTURAL ALTERATION** means a change in the dimension or configuration of a structure's roof, or any exterior walls or other supporting members, including but not limited to, any change in the dimension, location or number of windows or doors.
- (20) **STRUCTURE** (as defined in as defined in 24 V.S.A. § 4303(27)) means an assembly of materials for occupancy or use.
- (21) **STRUCTURE, ACCESSORY** means a detached subordinate structure, the use of which is clearly and customarily incidental to that of a principal structure or use.
- (22) **STRUCTURE, DAMAGED.** See definition of **DAMAGED STRUCTURE**.
- (23) **STRUCTURE, DESTROYED.** See definition of **DESTROYED STRUCTURE**.
- (24) **STRUCTURE, PRINCIPAL** means the structure on a lot from which the principal use is conducted. On a lot with a single- or two-family dwelling, the dwelling will be considered the principal structure.
- (25) **SUBDIVISION** means any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term also includes the development of a parcel of land as a planned unit development.
- (26) **SUBSTANTIAL MODIFICATIONS.** See definition of **MAJOR RENOVATION**.
- (27) **SUBSTANTIALLY COMPLETE** means that construction or development has been completed to a point where a structure or site can be safely used for its intended purpose.
- (28) **SUPPORT FUNCTIONS FOR ANIMAL PRODUCTION** means establishments that perform support activities related to raising livestock such as breeding services, livestock sales or auctions, and slaughterhouses or slaughtering services.
- (29) **SURFACE WATER, MAPPED** means a river, stream (whether perennial or intermittent), lake or pond included in the [Montpelier Natural Resources Map](#).

5101.T

- (1) **TANK FARMS** means a site developed with one or more tanks that typically store fuels, oils and similar liquid products. Includes sale and distribution of such products.
- (2) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.
- (3) **TEMPORARY HOUSING** means emergency shelters or homeless shelters.
- (4) **THEATER, MOVIE** means [the use of](#) a structure or part of a structure to show movies or motion pictures typically designed with a protection screen and fixed seats arranged on a sloping or stepped floor. Also includes cineplexes containing two or more movie theaters.
- (5) **THEATER, PERFORMANCE** means [the use of](#) a structure or part of a structure to house dramatic presentations, stage entertainments, concerts typically designed with a stage and fixed seats arranged on a sloping or stepped floor.

Deleted: <#>**SUBSTANTIAL IMPROVEMENT** means any combination of repair, reconstruction, alteration, modification, addition, new construction or other improvement to a site or structure within any 5-year period that has a cumulative cost of 50% or more of the site or structure's market value at the time of the first improvement¶

Deleted: Vermont Hydrography GIS dataset or in the
Deleted: and Recreation

Deleted: intended

Deleted: intended

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (6) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (7) **TREE, LARGE** means a tree with a mature height of at least 50 feet.
- (8) **TREE, MEDIUM** means a tree with a mature height of at least 30 and less than 50 feet.
- (9) **TREE, SMALL** means a tree with a mature height of less than 30 feet.
- (10) **TRUCK AND FREIGHT TRANSPORTATION SERVICES** means an establishment that accommodates or supports over-the-road transportation of cargo using motor vehicles such as trucks and tractor-trailers.

5101.U

- (1) **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.
- (2) **USE** means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (3) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly and customarily incidental and subordinate to the principal use.
- (4) **USE, PRINCIPAL** means the main or predominate use of a lot or structure (or a portion of a lot or structure).
- (5) **UTILITY STRUCTURES** means electric lines and distribution facilities, phone lines, cable lines, gas lines and distribution facilities, water supply lines, steam and air conditioning lines, and/or sewer and stormwater lines.

5101.V

- (1) **VEHICLE.** See definition of **MOTOR VEHICLE.**
- (2) **VERNACULAR ARCHITECTURE** means the ordinary residential and agricultural building styles common in 18th and 19th century Vermont, that were designed and constructed by local builders, usually with very simple architectural details and ornamentation, and that evolved over time based on local needs, climate, construction materials, customs and traditions.
- (3) **VETERINARY AND ANIMAL SERVICES** means establishments with licensed practitioners of veterinary medicine for animals, that provide testing services for licensed veterinary practitioners, that sell pets or pet supplies, and/or that offer animal services such as grooming or training.
- (4) **VISITABLE** means a dwelling unit designed to make it easier for people with physical disabilities and impairments to live in and visit. Such units must have at least one zero-step entrance approached by an accessible route, wide passage doors (at least 32 inches clear space), and a half bath (and preferably a full bath) on the main floor.

5101.W

Deleted: <#>**TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.¶
TRUCK, TRAILER means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.¶

Deleted: 12/8/16

PART 5. DEFINITIONS
Chapter 510. Defined Terms

- (1) **WAREHOUSE OR STORAGE** means a site, structure or part of a structure intended for storage and distribution uses. Excludes mini-warehouse, large area distribution or transit warehouse and tank farm.
- (2) **WAREHOUSE, LARGE AREA DISTRIBUTION OR TRANSIT** means one or more large structures used to store, repack and/or distribute goods.
- (3) **WAREHOUSE, MINI** means a site, structure or part of a structure intended to provide individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods (commonly called self-storage facilities). See [Section 3118](#).
- (4) **WATER DEPENDENT STRUCTURE OR USE** means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.
- (5) **WATER SUPPLY RELATED FACILITY** means water supply pump stations, dams, water tanks, wells, water treatment and/or purification facilities and reservoirs.
- (6) **WETLAND** (as defined in 24 V.S.A. § 4303(32)) means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mudflats, bogs and ponds.
- (7) **WETLAND, MAPPED** means a wetland included in the Montpelier Natural Resources Map.
- (8) **WHOLESALE TRADE ESTABLISHMENT** means an establishment that sells to or arranges the purchase of goods by other businesses, and that normally operates from a warehouse or office and has little to no display of merchandise.

Deleted: the Vermont Significant Wetlands Inventory or in

Deleted: and Recreation

5101.X

5101.Y

- (1) **YARD** means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.
- (2) **YARD, FRONT** means the yard that is located between the street and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) **YARD, REQUIRED** means a yard or portion of a yard that is the depth required by the minimum setback established in the zoning district.
- (5) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards.

5101.Z

Deleted: 12/8/16