

**Table of Contents**

<b>PART 1. GENERAL</b>	<b>1-1</b>
<b>Chapter 100. Legal Framework</b> .....	<b>1-1</b>
Section 1001. Authority and Enactment.....	1-1
Section 1002. Purpose.....	1-1
Section 1003. Construction of Regulations.....	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
<b>Chapter 110. Exemptions</b> .....	<b>1-3</b>
Section 1101. General Exemptions.....	1-3
Section 1102. Agriculture and Forestry.....	<del>1-6</del> 5
Section 1103. Utility, Energy and Telecommunications Infrastructure.....	<del>1-6</del> 5
<b>Chapter 120. Vested Rights &amp; Pre-Existing Development</b> .....	<b><del>1-7</del>6</b>
Section 1201. Prior Permits and Approvals.....	<del>1-7</del> 6
Section 1202. Complete Applications.....	<del>1-7</del> 6
Section 1203. Nonconformities.....	<del>1-7</del> 6
Section 1204. Abandonment.....	<del>1-8</del> 7
Section 1205. Incomplete Development.....	<del>1-8</del> 7
Section 1206. Damaged or Destroyed Structures.....	<del>1-8</del> 7
<b>Chapter 130. Miscellaneous Provisions</b> .....	<b><del>1-10</del>9</b>
Section 1301. Information Points.....	<del>1-10</del> 9
Section 1302. Illustrations.....	<del>1-10</del> 9
Section 1303. Calculating Time.....	<del>1-10</del> 9
<b>PART 2. ZONING DISTRICTS &amp; STANDARDS</b>	<b>2-1</b>
<b>Chapter 200. General Provisions</b> .....	<b>2-1</b>
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
<b>Chapter 210. Base Zoning Districts &amp; Neighborhoods</b> .....	<b>2-3</b>
Section 2101. Urban Center 1 (UC 1) District & Neighborhoods.....	2-3
Section 2102. Urban Center 2 (UC 2) District & Neighborhoods.....	2-6
Section 2103. Urban Center 3 (UC 3) District & Neighborhoods.....	2-8
Section 2104. Riverfront (RIV) District & Neighborhoods.....	2-10

## Chapter 110. Exemptions

i The purpose of this chapter is to allow minor development without a zoning permit and recognize the 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 development:

- (1) Normal maintenance and repair of an existing structure as long as there is no change to its use and involves no change in design, materials, or outward appearance.
- ~~(4)~~(2) 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 development beyond the minimum necessary to stabilize and secure the structure shall require a zoning permit (see Section 1206 and Section 3004).
- ~~(2)~~(3) Interior renovations including an increase in floor area (by finishing unfinished space) as long as there is no change to its exterior dimensions and no change in use or in the number of dwelling units.
- ~~(3)~~(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 3002 and Section 3003).
- ~~(4)~~(5) An antenna used for single-use local business radio dispatch purposes or for police, fire, ambulance, or similar emergency dispatch purposes.
- ~~(5)~~(6) 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.
- ~~(6)~~(7) 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.
- ~~(7)~~(8) 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 30 cubic yards of material for normal maintenance of roads, driveways, parking areas, yards, and personal or community gardens, and
  - (b) Provides appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure, or downstream waterbodies.
- ~~(8)~~(9) Construction or maintenance of a road, sidewalk, path, bridge, culvert, or other infrastructure within a public right-of-way.
  - (a) Parklets within a public right-of-way that receive approval under the parklets ordinance shall be exempt from review under these regulations.
- ~~(9)~~(10) Landscaping and outdoor lighting associated with single- and two-unit parcels.
- ~~(10)~~(11) The following are not considered subdivisions and therefore do not require zoning permits:
  - (a) The filing of boundary surveys or corrective deeds to repair boundary metes and

bounds or to correct technical errors provided the surveys and deeds are of existing parcels with known boundaries.

- (b) The merging of two or more parcels into one parcel.

~~(11)~~(12) Statutory exemptions:

- (a) Agriculture and Forestry as described in Section 1102;  
(b) Utilities, Energy, and Telecommunications as described in Section 1103.

~~(12)~~(13) Sign exemptions as described in Section 3012.D.

~~(13)~~ (14) Design review exemptions as described in Section 2201.

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

~~(1) Normal maintenance and repair of an existing structure as long as there is no change to its use and involves no change in design, materials, or outward appearance.~~

~~(2)~~(1) Any accessory building 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 3002 and Section 3003).

~~(3)~~(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%).

~~(4)~~(3) A swimming pool without a permanent foundation that conforms to setback requirements (see Section 3002 and Section 3003).

~~(5)~~(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 3002 and Section 3003).

~~(6)~~(5) An entry landing up to 25 square feet and any associated handicapped ramp or stairs provided they are uncovered and that none of these features extend into the right-of-way.

~~(7)~~(6) Bulkheads that conform to setback requirements.

~~(8)~~(7) Dormers.

~~(9)~~(8) 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 shall 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.

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## PART 2. ZONING DISTRICTS & STANDARDS

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### Chapter 200. General Provisions

i *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) Urban Center 3 (UC3) District (Section 2103)
- (4) Riverfront (RIV) District (Section 2104)
- (5) Eastern Gateway (EG) District (Section 2105)
- (6) Western Gateway (WG) District (Section 2106)
- (7) Mixed Use Residential (MUR) District (Section 2107)
- (8) Residential 1500 (RES 1.5) District (Section 2108)
- (9) Residential 3000 (RES 3) District (Section 2109)
- (10) Residential 6000 (RES 6) District (Section 2110)
- (11) Residential 9000 (RES 9) District (Section 2111)
- (12) Residential 24000 (RES 24) District (Section 2112)
- (13) Rural (RL) District (Section 2113)
- (14) Municipal (MUN) District (Section 2114)

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 shall 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 Design ~~Control~~ Review Overlay (DCO) 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.

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

3012.B **Applicability.** All signs shall be designed and installed in accordance with the provisions of this section. The applicant shall apply for and receive a zoning permit before any sign is erected, enlarged, replaced, redesigned, or altered in any way except as specifically exempted in Subsection 3012.D. Signs within the Design Review Overlay District shall also meet the requirements fo Section 2201, as applicable.

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

- (1) Off-premises signs, except for signs on a common scheme premises in accordance with Paragraph 3012.G(6).
- (2) On-premises signs more than 1,500 feet from the main entrance of the building, 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 this section.
- (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.
- (9) Internally illuminated signs except where specifically allowed under these regulations.
- (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 mounted or extending more than 35 feet above the ground or, if building mounted, above the building's roofline.
- (12) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.
- (13) Electronic message signs that display message content in more than one color, except as allowed for theater marquees in accordance with Paragraph 3012.I(1).
- (14) Any sign that is otherwise not allowed under these regulations.

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.

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## PART 4. ADMINISTRATIVE PROCEDURES

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### 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 shall appoint an Administrative Officer to administer these regulations.

4001.B The Administrative Officer shall:

- (1) Assist applicants in determining whether and which city permits or approvals shall 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.

4001.C The Administrative Officer shall 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 development within the Design ~~Control~~ Review Overlay District as follows:

- (1) The committee shall provide written comments and recommendations to the Administrative Officer regarding design modifications that would further the purposes of these regulations, which the Administrative Officer shall send to the applicant and Development Review Board (as applicable).



## Chapter 430. Development Review Procedures

### Section 4301. Design Review

- 4301.A The Administrative Officer ~~shall refer all~~ review any applications ~~requiring review under Subsection and for development~~ within the Design ~~Control~~ Review Overlay District ~~to determine the degree of review required per Subsection 2201.C~~ 2201.E. ~~For development requiring review under Section 2201.G, the Administrative Officer shall either: (i) conduct the review Administratively per Section 2201.G(5); or (ii) refer the application to the Design Review Committee prior to any review by the Development Review Board or to the Administrative Officer issuing a zoning permit.~~ per Section 2201.G(6)
- 4301.B ~~The Design Review Committee plans shall evaluate the design plan based on~~ be reviewed per the standards ~~and criteria in~~ of Section 2201.
- 4301.C ~~The~~ Any Design Review Committee meeting shall be noticed in accordance with the Open Meeting Law.
- 4301.D The Design Review Committee or Administrative Officer may recommend specific modifications to the proposed plans based on the standards and criteria in Section 2201.
- 4301.E Where the applicant agrees with the recommendations of the Design Review Committee or Administrative Officer, 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~~ shall make the final decision on the approval or denial of the application.
- 4301.F Where an applicant does not agree with the recommendations of the Design Review Committee or Administrative Officer, the applicant may, within 15 days, appeal the recommendation to the Development Review Board. Additional fees may apply based on the fee schedule.
- 4301.G The Development Review Board or Administrative Officer may deny or condition approval of an application based on the Design Review Committee's recommendations.
- 4301.H 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 shall notify the chair of the Conservation Commission of any application requiring Conservation Commission review. The Conservation Commission shall hold a hearing within 21 days of the Administrative Officer's notification.
- 4302.C The meeting shall be noticed in accordance with Open Meeting Law.