PART 1. GENERAL
Chapter 100. Legal Framework

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

Section 1001. Authority and Enactment

1001.A These Unified Development Regulations are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4).

1001.B These regulations have been enacted in accordance with the Vermont Municipal Planning and Development Act (24 V.S.A. Chapter 117 hereinafter referred to as “the Act”) and the Charter of the City of Montpelier.

Section 1002. Purpose

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

1. Ensure that development protects public health, safety and welfare;
2. Promote 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.

Section 1003. Construction of Regulations

1003.A These regulations are intended to include all required provisions and to abide by all limitations established under the Act including:

1. Equal treatment of housing and required provisions for affordable housing under §4412(1) of the Act.

1003.B Other limitations required under state law may be discussed in other places of these regulations where appropriate.

Section 1004. Applicability

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

1004.B Development includes:

1. The construction, reconstruction, conversion, structural alteration, relocation, enlargement or demolition of any building, other structure, or part thereof;
2. Any earthwork including mining, excavation, filling or grading of land;
3. The paving of unpaved surfaces;
4. Removal or disturbance of vegetation in the following:
(a) Removal of natural woody vegetation from riparian buffers;
(b) Disturbance of vegetation, soils, or forest canopy within the first 50 feet of the
delineated boundary of a wetland or vernal pool;
(c) Disturbing or clearing land, which exceeds the threshold amount(s) specified in
Figure 3-09;

(4)(5) Any change in use of any structure or land or part thereof;
(6)(8) The subdivision of a parcel which includes:
(a) The division of a parcel into two or more parcels;
(b) Any resubdivision, amendments to subdivisions, amendments to conditions of plat
approval, and boundary line adjustments; and
(c) Creation of easements or rights of way to allow access to parcels that lack frontage.

Section 1005. Conflict with Other Laws
1005.A If any provision of these regulations is more restrictive than any other law or regulation,
then the provision of these regulations shall apply.

1005.B Other city approvals or permits may be required for proposed 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 September 25, 2019 and they
became effective on October 16, 2019.

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 shall not affect the validity, application, or enforcement of the remaining
provisions of these regulations.
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 received permits or approvals when there are changes to these regulations. It is also to specify how these regulations effect pre-existing development.

Section 1201. Prior Permits and Approvals

1201A If the Administrative Officer lawfully issued a zoning permit before these regulations were adopted or amended, the applicant shall not need a new or amended permit for the project except:

(1) If the development is not substantially completed or an extension is not received before the permit expires, then the applicant shall apply for a new zoning permit under the current regulations (see Section 4204).

1201B If an applicant received approval for a phased project before these regulations were adopted or amended, then the Administrative Officer shall issue permits for the 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, then the applicant shall apply for a new permit under the current regulations.

1201C If an applicant lawfully filed an approved subdivision plat in the city’s land records, the plat shall remain valid and shall not expire irrespective of any change in these regulations.

Section 1202. Complete Applications

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

Section 1203. Nonconformities

1203A Applicability. Unless more specific rules exist elsewhere in these regulations regarding nonconformities, the following will apply to all nonconforming parcels, nonconforming structures, and nonconforming uses.

1203B Nonconforming parcel. A parcel that is legally subdivided and in independent and separate and nonaffiliated ownership from surrounding properties, and existed as of the effective date of these regulations may be developed even if the parcel no longer conforms to one or more dimensional standards of the district(s) provided:

(1) Where a parcel is served by, and able to connect to, sewer and water service, such development in in accordance with all other applicable provisions of these regulations.

1203B(2) Where a parcel is not served by, and able to connect to, sewer and water service, that is legally subdivided, separately owned from surrounding properties, and existed as of the effective date of these regulations may be developed such development is 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 is located provided and the following:

* MONTPELIER UNIFIED DEVELOPMENT REGULATIONS
DRAFT AMENDMENTS AS OF SEPTEMBER 8, 2020/8, 2020
PART 1. GENERAL
Chapter 120. Vested Rights & Pre-Existing Development

(b) The parcel is at least 3,000 square feet in area; and

(ii) A circle with a diameter of at least 40 feet can be drawn within the parcel’s boundaries.

1203.C Nonconforming structure. The following rules apply to nonconforming structures:

1. A nonconforming structure may undergo normal repair and maintenance provided the degree of nonconformity is not increased.

2. A nonconforming structure shall not be altered, enlarged, or expanded unless the degree of nonconformity is not increased.

3. The phrase “the degree of nonconformity is not increased” means that there will be no horizontal, vertical, or volumetric increase to portions or features of a structure that are nonconforming.

4. An applicant may request a waiver to allow an alteration, enlargement, or expansion of a nonconforming portion of a structure in the same manner, and to the same extent, as conforming structures (see Subsection 3002.1 and Section 4602).

1203.D Nonconforming uses. The following rules apply to nonconforming uses:

1. Nonconforming uses shall not be enlarged, extended, expanded, or intensified except as allowed below:

   (a) An applicant may request a waiver to allow a nonconforming use to utilize more of the structure in which it is located.

   (b) An applicant may request conditional use approval to allow a nonconforming use to be changed to another nonconforming use. The applicant must demonstrate that the proposed use is of a less intensive nature and is more compatible with the uses allowed in the applicable zoning district than the current nonconforming use. This provision does not apply to applications proposing to change for a nonconforming use to a conforming use.

2. A nonconforming use shall not be re-established if it has been abandoned or replaced with a new use except:

   (a) If the nonconforming use was in a damaged structure or destroyed structure then the use may be re-established if the structure is repaired or rebuilt in accordance with Section 1206.

Section 1204. Abandonment

1204.A A use shall be considered abandoned if the use has been discontinued for a period of one year. Intent to resume a use shall not confer the right to do so.

1. A zoning permit, and any applicable approvals, shall be required to re-establish a non-residential use if it has been abandoned or replaced with a new use.

2. A zoning permit, and any applicable approvals, shall not be required to re-establish a residential use unless the dwelling unit has been removed or replaced with a new use.
Chapter 130. Legal Considerations

Section 1301. Reasonable Accommodations for Accessibility

1301A Policy. It is the policy of the City of Montpelier, pursuant to the Federal Fair Housing Amendments Act, the Federal Americans with Disabilities Act, and the Vermont Fair Housing and Public Accommodations Act, to provide landlords, employers, individuals with disabilities, and others reasonable accommodation to ensure equal accessibility to housing, employment, recreation, commercial businesses, and anywhere else able-bodied persons may access.

1301B Purpose. This section establishes the procedures for making requests for reasonable accommodation and standards for review under these Unified Development Regulations. As used herein, “disability” shall have the same meaning as ascribed to the term disability under 9 V.S.A. §4501(2) and the term handicap under 42 U.S.C. §3602(4).

1301C Request for reasonable accommodation. A request for reasonable accommodation shall be in writing and provide the following information:

1. An application for the project as required under these Unified Development Regulations.

2. A written statement identifying what accommodation is being sought (e.g., wheelchair ramp, van accessible parking space, elevator), the provision or requirement that is preventing the approval of the ramp under the UDR, why the provision cannot be met, and how the project is proposing the minimum deviation necessary to accommodate the need.

1301D Standards of review. The following standards apply to any request for accommodation:

1. The accommodation shall meet the provisions of these regulations if reasonably possible as determined by the Administrative Officer.

2. If the accommodation cannot meet the provisions of these regulations then the approval must be the minimum deviation necessary to meet the accommodation in order for the Administrative Officer to approve.

3. If the accommodation is not the minimum deviation from the regulations, as determined by the Administrative Officer, then the request must be reviewed by the Development Review Board to determine if the request will have a undue adverse effect upon the character of the neighborhood, as this rule is applied in Section 3304.

4. No accommodation can be approved in a City Right of Way without approval of the Director of Public Works.

5. No accommodation shall interfere with line of sight for any vehicle or pedestrian way.

6. All accommodations shall still get all other required approvals in these regulations, as applicable (e.g., including Design Review).
Chapter 130. Miscellaneous Provisions

Section 1304. Section 1401. Information Points
1304.1 Section 1401. Information Points. 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. Section 1402. Illustrations
1302.1 Section 1402. Illustrations. 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 shall take precedence.

Section 1303. Section 1403. Calculating Time
1303.1 Section 1403. Calculating Time. The calculation of time periods defined in these regulations as a specific number of days shall be based on calendar days and shall not include the first day (i.e., the day a hearing was warned) but shall count the final day (i.e., the day a hearing was held).
**PART 2. ZONING DISTRICTS & STANDARDS**

Chapter 210. Base Zoning Districts & Neighborhoods

**Figure 2-15. Use Table**

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>UC 1</th>
<th>UC 2</th>
<th>UC 3</th>
<th>RIV</th>
<th>EG</th>
<th>WG</th>
<th>MUR</th>
<th>RES 1.5</th>
<th>RES 3</th>
<th>RES 6</th>
<th>RES 9</th>
<th>RES 24</th>
<th>RL</th>
<th>MUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>One and two dwelling-units</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>P</td>
</tr>
<tr>
<td>Three and four dwelling-units</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-unit dwellings (5 or more units)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>C</td>
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</tr>
<tr>
<td>Group home, major</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Senior housing/Residential care home, major</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<td>P</td>
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<td>P</td>
<td>C</td>
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<tr>
<td>Congregate living</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>C</td>
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<tr>
<td>Skilled-nursing services, major</td>
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<td>P</td>
<td>P</td>
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**LODGING**

<table>
<thead>
<tr>
<th>LODGING</th>
<th>UC 1</th>
<th>UC 2</th>
<th>UC 3</th>
<th>RIV</th>
<th>EG</th>
<th>WG</th>
<th>MUR</th>
<th>RES 1.5</th>
<th>RES 3</th>
<th>RES 6</th>
<th>RES 9</th>
<th>RES 24</th>
<th>RL</th>
<th>MUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>C</td>
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<td>P</td>
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<td>Temporary housing</td>
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<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<td>C</td>
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<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>Hotel or motel</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>

**COMMERCIAL**

<table>
<thead>
<tr>
<th>COMMERCIAL</th>
<th>UC 1</th>
<th>UC 2</th>
<th>UC 3</th>
<th>RIV</th>
<th>EG</th>
<th>WG</th>
<th>MUR</th>
<th>RES 1.5</th>
<th>RES 3</th>
<th>RES 6</th>
<th>RES 9</th>
<th>RES 24</th>
<th>RL</th>
<th>MUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail sales and service (indoor)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Retail sales &amp; service (outdoor)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Neighborhood market</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<td>Open market or market shop</td>
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<td>P</td>
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<td>P</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Malls or shopping centers</td>
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<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>P</td>
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</tr>
<tr>
<td>Car wash</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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</tr>
</tbody>
</table>

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**MONTPELIER UNIFIED DEVELOPMENT REGULATIONS**

DRAFT AMENDMENTS AS OF SEPTEMBER 16, 2020
PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

(3) The proposed development will be or was approved as a planned unit development in accordance with the provisions of Chapter 440 or under a previous set of zoning regulations.

3002.B Principal Buildings. More than one principal building may be located on a parcel as follows:

(1) The total amount of development on the parcel shall not exceed the maximum density or FAR allowed in the district.

(2) Approval of multiple principal buildings on a parcel shall not constitute a right to subdivide or separately convey those structures.

3002.C Residential Density. Residential density shall be regulated in accordance with Section 3111 and the following:

(1) Maximum residential density shall be based on a parcel’s total acreage or square footage.

(2) Any nonconforming parcel 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.

(3) The number of dwelling units on a parcel shall not exceed the maximum density specified in each zoning district except:

(a) Accessory dwelling units approved under Section 3104 shall not count as a dwelling unit for the purposes of calculating density.

(b) At a minimum, any conforming parcel served by city water and sewer may be used for two dwelling units irrespective of the district density standard provided that all other applicable standards of these regulations are met. Further, any parcel served by sewer and water may be subdivided such that two dwelling units are on a conforming parcel irrespective of the district density provided all other applicable standards of these regulations are met.

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

(1) Nonresidential Development. The density of nonresidential development and congregate living uses (see Section 3111) shall be measured as floor area ratio (FAR), which is the ratio of gross floor area, to the total parcel area as shown in Figure 3-04.

(2) Residential Development. The density of residential development shall be measured in square feet of parcel area per dwelling units (sf/du). 1 acre = 43,560 square feet as shown in Figure 3-05. See also Section 3111.

(3) Mixed Use Development. Proposals with both residential and non-residential development shall not exceed the necessary square footage of the combined uses. For example, an 8,500-square foot parcel 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.
PART 3: DEVELOPMENT STANDARDS
Chapter 300. General Standards

(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 ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment shall 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.

(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 shall 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

<table>
<thead>
<tr>
<th>SLOPE</th>
<th>THRESHOLD FOR ENGINEERED PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥10%</td>
<td>An erosion control plan is required for development disturbing 10,000 sf or more of soil on the parcel that is slope greater than or equal to 10%.</td>
</tr>
<tr>
<td>≥15%</td>
<td>An erosion control plan is required for development disturbing 8,000 sf or more of soil on the parcel that is slope greater than or equal to 15%.</td>
</tr>
<tr>
<td>≥20%</td>
<td>An erosion control plan is required for development disturbing 6,000 sf or more of soil on the parcel that is slope greater than or equal to 20%.</td>
</tr>
<tr>
<td>≥25%</td>
<td>An erosion control plan is required for development disturbing any amount of soil on the parcel that is slope greater than or equal to 25%.</td>
</tr>
</tbody>
</table>

See Subsection 3007.D for guidance on measuring slope.
strongly encouraged.

(4) Markings and Edging. Parking areas with more than 10 spaces shall demarcate the parking spaces in accordance with the following:

(a) If the surface is paintable, the spaces shall be demarcated with painted lines.
(b) If the surface is not paintable, the spaces shall be demarcated however practical.
(c) The markings shall be kept clearly visible and distinct.
(d) Wheel stops, curbing, bollards or similar structural barriers shall be used to delineate the end of a parking space and prevent vehicles from entering or extending over abutting yards, landscape islands, sidewalks, or walkways.
(e) Any area subject to vehicle overhang shall not be included in the calculated area of a required walkway, island, buffer, or yard.

(5) 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 shall provide at least 1 electric vehicle charging station per 20 parking spaces. Additional parking shall not be required when parking spaces are converted and reserved for charging vehicles and such spaces shall count towards the minimum parking required under this section.

(6) Maintenance. Parking and loading areas shall be maintained in good condition free of weeds, dirt, trash, and debris.

3011J Nonconforming Parking and Loading Areas. Sites with nonconforming parking and loading areas shall come into conformance with the provisions of this section to the maximum extent feasible given the physical characteristics of the parcel 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 or circulation. When redesigning pre-existing parking and loading areas on a parcel, the highest priority should be to eliminate any nonconforming parking within the minimum front setback. Any redevelopment of a previously developed site shall provide the minimum amount of parking required under this section.

Figure 3-13. Minimum Parking Ratios

<table>
<thead>
<tr>
<th>USE</th>
<th>MINIMUM PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single-unit accessory or multi-unit residential dwelling units including accessory dwelling units</td>
<td>1.0 per DU</td>
</tr>
<tr>
<td>Retirement housing, assisted living or nursing homes/Residential care homes: major and group homes: major</td>
<td>0.5 per DU (household living) or 0.3 per bed (congregate living)</td>
</tr>
<tr>
<td>Other residential/Congregate living</td>
<td>1.0 per DU (household living) or 0.5 per bed (congregate living)</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast, inn, boarding house</td>
<td>2.0 + 1.0 per guest room</td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>0.8 per guest room + 1.0 per 600 sf of public assembly space</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Uses with high customer turnover</td>
<td>1.0 per 300 sf of GFA</td>
</tr>
<tr>
<td>Uses with regular customer traffic</td>
<td>1.0 per 450 sf of GFA</td>
</tr>
<tr>
<td>Uses with limited customer traffic</td>
<td>1.0 per 600 sf of GFA</td>
</tr>
</tbody>
</table>

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PART 3. DEVELOPMENT STANDARDS
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(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 shall not count towards the maximum area of signs allowed under Figure 3-16. Each sign shall not be more than 4 square feet in area and shall not be displayed more than a total of 90 days in any calendar year.

301.2.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.

301.2.K **Sign Removal.** All signs shall be removed within 90 days after its associated use, building, or land occupant changes, closes, or terminates (if the sign is nonconforming see Subsection 301.2.L). For lawful, conforming signs, only the message components of the sign associated with the changed, closed, or terminated use, building, or land occupant shall be removed or covered and the support components may remain. If the support components are not going to be reused, they shall be removed before the Administrative Officer may issue a zoning permit for any new signs on the property.

301.2.L **Nonconforming Signs.** The following applies to any sign that has become a nonconformity:

1. A nonconforming sign shall not be altered, modified, or reconstructed unless:
   (a) The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or
   (b) The alteration, modification, or reconstruction of the sign will not change the area or primary content of the sign (e.g. business name or logo) and will be limited to replacement of a sign panel, or replacing individual letters or logos within the same area, or repainting a sign face. No changes beyond normal repair and maintenance shall be allowed to the structure or framing, and the sign shall not be relocated.

2. Otherwise, a nonconforming sign shall be brought into conformance with these regulations when:
   (a) There is a substantial improvement to the exterior of the building occupied by the use or building occupant associated with the sign.
   (b) The sign has been damaged to the extent that the cost of repair or restoration exceeds 30% of the replacement value of the sign immediately prior to the damage.

3. A nonconforming sign shall be removed within 90 days after its associated use, building, or land occupant changes, closes, or terminates. Both the message and support elements of the sign shall be removed. The Development Review Board may allow a nonconforming sign to remain after the associated use, building or land occupant changes or terminates 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.

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Chapter 310. Special Use Standards

This chapter establishes supplemental regulations that address the unique development challenges of certain development. It includes a description of 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 shall be designed and located in accordance with the provisions of this section.

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

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

3101.D Front Yard. Fences or walls located within a front yard shall not exceed a height of 4½ feet and the applicant shall demonstrate that the fence will not interfere with line of sight of pedestrians, bicycles, or vehicles in the right-of-way.

3101.E Side or Rear Yard. Fences or walls located within a side or rear yard shall 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 shall 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 shall be 8 feet.

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

3101.G As screening. Fences or walls used as a buffer or screening shall conform to the following:

(1) The fence or wall shall be opaque between the heights of 1 and 4 feet above the ground.

(2) Use of corrugated or galvanized metal sheets and chain link fences with inserts are prohibited.

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 development including, but not limited to, offices, trailers, dumpsters, storage buildings and signs in accordance with this subsection.

3102.B A construction dumpster on private property shall:
PART 3. DEVELOPMENT STANDARDS
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(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

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

3102.C A construction dumpster on public property shall receive approval from the Director of Public Works.

3102.D Temporary permits may be issued by the Administrative Officer for a period not exceeding 120 days provided such permits are conditioned upon removal of the structure or use upon expiration of the permit. Such permits may be renewed for additional periods not exceeding 90 days if the Administrative Officer finds that the construction requires it.

Section 3103. Community Facilities

3103.A Development associated with a community facility requires approval under these regulations but such reviews shall be limited to only those provisions allowed under the Act §4413(a)(1).

3103.B Community facilities include:

(1) State- or community-owned and operated institutions and facilities;

(2) Public and private schools and other institutions certified by the Agency of Education;

(3) Churches and other places of worship, convents, and parish houses;

(4) Public and private hospitals;

(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159;

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a.

Section 3104. Accessory Dwelling Unit

3104.A Any parcel classified as a single dwelling-unit may have The Administrative Officer shall issue a zoning permit for one accessory dwelling unit (ADU) within, or associated with an appurtenant to, the primary unit provided the ADU any property containing one single-unit dwelling that meets all the following:

(1) The ADU is an efficiency or one-bedroom apartment that is clearly subordinate to, and distinct from, 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.

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(3) The single dwelling unit with the ADU meets all other applicable requirements for a single-unit dwelling without an ADU/dimensional standards and parking requirements (see Section 3011).

Section 3105. Home Occupation Office, Home Business and Home Industry

3105A 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.

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

3105C Home Office. No zoning permit shall be required for a home office provided:
   (1) All activities occur inside of the principal dwelling;
   (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.

3105D Home Business. Home businesses are considered accessory uses to residential uses and are permitted uses in all zoning districts. Home businesses shall:
   (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 parcel.
   (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) Not have more than one sign (see Section 3012).
   (8) Not allow outdoor storage or display.

3105E Home Industry. Home industries are considered accessory uses to residential uses and are conditional uses in all zoning districts. Home Industries shall meet the following:
   (1) The business shall 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 shall be limited to a clearly designated area approved by the Development Review Board. The area shall meet all applicable setbacks and avoid adverse impacts to neighboring properties or the public right-of-way.

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(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 shall 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, by-right, to be a permitted single unit residential use of property if the applicant meets all of the following:

(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 shall be reviewed as listed on Figure 2-15.

3106.C All licensed child day care facilities shall be reviewed as listed on Figure 2-15.

Section 3107. Group Homes and Residential Care Homes

3107.A A residential care home or group home or residential care 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 is a by-right use of a single-unit dwelling.

3107.B Group homes or residential care homes operated under state licensing or registration that do not meet the requirements above shall be regulated as a Group Home – Major or Residential Care Home – Major, as applicable, as listed on Figure 2-15.

Section 3108. Camping

3108.A Camping is allowed on private property in accordance with the following:

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

1. An inn shall be residential in scale and character. Guests may be housed in the dwelling or any accessory buildings on the property.
2. The number of guest rooms shall not exceed 1 per 400 square feet of gross floor area.
3. The maximum occupancy period shall 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 shall have a resident manager.

Section 3111. Rooming and Boarding House Residential Uses

3111.A A single-unit dwelling may be used as a rooming or boarding house in specified zoning districts in accordance with the following: Residential uses are separated into three groups:

1. A rooming and boarding house shall not rent out more than 4 rooms unless approved by the Development Review Board as a conditional use. Those that have independent dwelling units including one dwelling unit (4a), two units, three units, four units, and multifamily (see Figure 2-15).
   (a) The essential provisions of a dwelling unit are those as defined in 3101.D.
   (b) Dwelling units are limited by the residential density as set by the zoning district in which the parcel is located.
2. A resident of the dwelling shall operate the rooming or boarding house. Those residential use which shares at least one essential provision of a dwelling unit (e.g., living, sleeping, eating, cooking, and sanitation) shall be considered congregate living (see Figure 2-15).
   (a) No more than 2 adults may be housed in each room. This could include residential uses as dormitories, rooming and boarding facilities, and certain co-housing arrangements.
   (b) Congregate living is limited by the FAR as set by the zoning district in which the parcel is located.
3. Rooms shall not be offered for rent for less than a continuous period of 30 days. Those uses that are under state registration or licensure include group homes (see Section 3107) and residential care homes (see Section 3107).
   (a) Renters shall share common kitchen and may share common bathroom facilities. Group homes and Residential care homes are limited by either the number of dwelling units or FAR, as applicable depending on whether the facility is composed of independent dwelling units or is a congregate living arrangement.

3111.B Meals may be provided to renters, but shall not be provided to the general public. In the review of residential use the following applies:

1. The method of construction is not a consideration in the approval of any dwelling unit or congregate facility.
PART 3. DEVELOPMENT STANDARDS
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(a) Mobile homes, modular housing, prefabricated housing, tiny homes, or any similar unit or facility shall not be treated differently from conventional housing. This provision does not exempt these units from meeting any design standards, dimensional requirements, or other provisions required of conventional housing.

(2) Unless expressly stated in a specific provision of the regulations, occupancy type is not a consideration in the approval of any dwelling unit or congregate facility.

(6)(a) Occupancy types include owner occupied, rental occupied, condominium, lease, time share, or other occupancy and ownership types.

Section 3112. Hotel or Motel

3112A The number of guest rooms in a hotel or motel shall 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.

3112B Extended stay rooms shall 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 shall 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 shall 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 shall be a minimum of 220 square feet in area and shall include full bathroom and kitchen facilities.

(a) A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination.

(b) 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 shall be required per extended stay guest room. The open space area shall not be less than 30 feet in any dimension.

Section 3113. Automobile Repair or Service

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

3113B Automobile repair bays shall 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 parcel line.

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Figure 3-22. Total Outdoor Light Outputs

<table>
<thead>
<tr>
<th>Zone</th>
<th>Zone 1</th>
<th>Zone 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Industrial or Mixed Use</td>
<td>Max of all fully shielded light fixtures</td>
<td>50,000 lumens/acre</td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>Max of all partially shielded light fixtures</td>
<td>5,000 lumens/acre</td>
</tr>
<tr>
<td>Max of all fully shielded light fixtures</td>
<td>10,000 lumens/dwelling</td>
<td>10,000 lumens/dwelling</td>
</tr>
<tr>
<td>Max of all partially shielded light fixtures</td>
<td>3,000 lumens/dwelling</td>
<td>3,000 lumens/dwelling</td>
</tr>
</tbody>
</table>

Section 3205. Outdoor Seating, Display or Storage

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

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 shall 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, Urban 3, 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 shall be located outside required setbacks.

(3) Outdoor seating and service areas shall 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 shall 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 shall 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, Urban 3 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 shall be located outside required setbacks.

(3) Merchandise shall 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 shall be placed on a firm, level surface.
Chapter 330. Conditional Use Standards

Section 3301. Applicability
3301.A All development listed as a conditional use in Part 2 or otherwise identified as requiring conditional use review within of these regulations shall conform to the standards of this chapter.

Section 3302. Capacity of Community Facilities and Utilities
3302.A The applicant shall demonstrate that the proposed development shall 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 shall demonstrate that the proposed development will not have an undue adverse effect upon the traffic in the area including:
(1) That the volume, type, and timing of traffic generated by the proposed development shall 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 shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.

(a) Class 1 and Class 2 streets shall be maintained at a level of service of at least C for unsignalized intersections and D for signalized intersections. Class 3 streets should be maintained at level of service of at least B and in no case shall the level of service drop to below C.

(b) The Development Review Board may factor in the results of the Traffic Impact Study when one is required.

(3) That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed development.
PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

340.4 Applicability. New neighborhood developments are:

(1) Allowed in the Riverfront, Western Gateway, Mixed Use Residential, Residential 3000, Residential 6000, Residential 9000, and Residential 24,000 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 shall 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 either 40 parcels or 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-Riverfront or entirely in the Rural district.

340.4.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 shall be affordable, as defined in these regulations.
(2) The unit shall qualify as senior housing, as defined in these regulations.
(3) The unit shall be visitable or accessible, as defined in these regulations.
(4) The unit shall have a total habitable floor area of 1,200 square feet or less.
(5) The unit shall achieve a pre-photovoltaic HERS (home energy rating system) index score of 50 or less.
(6) The unit shall 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.

340.4.D Dimensional Standards. The Development Review Board may:

(1) Modify parcel size, frontage and setback requirements within the site except that the development shall 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 parcels provided that the parcel 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.

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

(1) All residential uses shall be permitted within a new neighborhood development whether or not they are allowed within the applicable district.
PART 3. DEVELOPMENT STANDARDS
Chapter 350. Subdivision Standards

Chapter 350. Subdivision Standards

Section 3501. Applicability
3501.A All subdivision of land shall conform to the standards of this chapter.

Section 3502. Capacity of Community Facilities and Utilities
3502.A The applicant shall demonstrate that the proposed subdivision shall 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 3503. Suitability of the Land
3503.A The land to be subdivided shall 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 shall not be subdivided unless the applicant can demonstrate that appropriate measures shall be taken to overcome the physical limitations.
3503.C Buildings and building envelopes on recorded plat shall be representative only and be placed only to demonstrate a suitable area for development. Approval of a plat with a house site or building envelope shall not be inferred as a permit to build such structure nor shall it be a limitation to future development outside of the envelope or house site unless included as a condition of approval.

Section 3504. Traffic
3504.A The traffic provision for subdivisions shall be the same as those that apply to conditional use applications in Section 3303 except that the word “subdivision” shall be substituted for “development” where applicable. The applicant shall demonstrate that the proposed subdivision will not have an undue adverse effect upon the traffic in the area including:
   (1) That the traffic generated by the proposed subdivision shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.
   (a) Class 1 and Class 2 streets shall be maintained at a level of service of at least C. Class 3 streets should be maintained at level of service of at least B and in no case shall the level of service drop to below C for unsignalized intersections and D for signalized intersections.
   (b) The Development Review Board may also factor the results of the Traffic Impact

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Study when one is required.

(2) That reasonable measures have been taken to minimize 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 shall 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 on Class 1 roads, and 50 or more new trips during the a.m. or p.m. peak hours on Class 2 and 3 roads. 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 B or F.

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—Parcel Arrangement. The applicant shall design the subdivision:

(1) To follow and extend the planned settlement pattern (including parcel size, parcel 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 shall be no foreseeable difficulties in obtaining zoning permits to build on all parcels not intended for conservation purposes in accordance with the standards of these regulations.

(4) So that there shall be no foreseeable difficulties in providing access to buildings on parcels 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 require 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 adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

3505.B—Parcel Dimensions. The applicant shall design the subdivision:

(1) So that all parcels front on a street.

(2) So that parcel dimensions meet the minimum standards for the zoning district.
PART 3. DEVELOPMENT STANDARDS
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(a) Front parcel 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 shall be
measured along a line beginning at the midpoint of northern parcel line and
extending in a southerly direction perpendicular to the northern parcel line until
it reaches a property boundary.

(2) Development envelope that shall allow a typical single-unit home or other residential
structure to be built on the parcel 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.

Section 3509. Natural Resource Protection

3509.A General. The applicant shall 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
Inventory Map in accordance with the following:

(1) Conservation Commission Review. The Administrative Officer shall forward an application
for a proposed subdivision that shall include any natural resource areas or their
required buffers identified on the Montpelier Natural Resources Inventory 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 shall disturb or otherwise
impact a natural resource area on the Montpelier Natural Resources Inventory Map, the
applicant shall submit a professionally prepared natural resource assessment. The
assessment shall 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.

3509.B River Hazard Areas. All subdivisions that include lands within the River Hazard Area, as
defined by the River Hazard Area Regulations, shall identify the boundaries of all River
Hazard Area districts and sub-districts on proposed and final plats.

Section 3510. Parcel Line Adjustment and Parcel Merger

3510.A The Administrative Officer may approve the realignment, relocation, or elimination of a
boundary line between adjoining parcels provided that the proposed change:

(1) Shall not result in an increase in the number of parcels;
(2) Shall 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) Shall not violate any conditions of a prior permit or approval.

MONTPELIER UNIFIED DEVELOPMENT REGULATIONS
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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** or **ACCESSIBILITY** 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** mean 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 shall 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 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 shall 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 shall 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.
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(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 where one of the living facilities for services to residents such as living, sleeping, eating, cooking or sanitation meals, housekeeping, laundry, transportation, recreation or other convenience services is either provided to or are shared by the residents.

(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, which 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 parcel.

(5) DEMOLITION BY NEGLECT means a failure to perform the normal repair and maintenance needed to prevent deterioration of a structure that has, or shall if sustained, result in structural damage, and render the structure hazardous or unsafe.
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(6) DESTROYED STRUCTURE means a structure that has suffered an unintentional total loss that is not feasible to repair.

(7) DEVELOPMENT. See Section 1004.

(8) DEVELOPMENT ENVELOPE means a specific area of a parcel, delineated on a recorded subdivision plat, within which development shall be located and outside of which no 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 parcels.

(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 parcel (see Section 3104).

(14) DWELLING, ONE OR TWO UNITS means one or two dwelling units on a parcel each intended for habitation by one household.

(15) DWELLING, THREE OR FOUR UNITS means three or four dwelling units on a parcel each intended for habitation by one household.

(16) DWELLING, MULTI-UNIT (5+ UNITS) means a parcel containing five or more dwelling units each intended for habitation by one household.

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.

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(8) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the living and cooking facilities. People living in congregate living arrangements are not considered to be part of a household.

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 supplies 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 will 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

(5) **IRREGULARLY SHAPED PARCEL** means either a triangular parcel with 3 sides or a multi-sided parcel with more than 4 sides.

5101.1

(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.
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(3) OTHER COMMUNITY CENTERS mean 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 mean 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)(d) OUTDOOR DISPLAY means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease, or advertising in an unenclosed area.

(6)(g) 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.

(1) PAINTING STUDIO means a use of land or structure for the creation of art through the application of paint, pigments, color, or other medium to a solid surface. All other art studios are considered light manufacturing.

(2) PARCEL 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.

(3) PARCEL AREA means the total horizontal area within a parcel’s property lines, including land over which easements have been granted but excluding any land within a street right-of-way.

(4) 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 within or below a building.

(5) 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.

(6) PAVE means to cover the ground with asphalt, concrete, brick, or other material of similar character and durability.

(7) PAVEMENT means asphalt, concrete, brick, or other material of similar character and durability.

(8) 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 provides services such as landscaping, pest control, janitorial activities, carpet cleaning, and similar services for buildings and dwellings. Excludes veterinary services.
(8) ROOMING AND BOARDING HOUSE means one or more structures intended to provide accommodations operated primarily in private homes that shall typically serve as the boarder's principal residence, that often serves a specific group or membership (e.g., fraternity or sorority house, club, worker housing), and that commonly includes meals, housekeeping and laundry services. See Section 3111.

(9) RURAL ENTERPRISE means a business that supports economically viable farm and 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 agrotourism or agri-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 assistance with daily activities such as dressing, grooming, bathing. At least 80% of the occupied units within a senior housing community or facility shall be occupied by at least one person age 55 or older.

(3) SEWER RELATED FACILITY means facilities for storing, pumping, and 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 for commercial purposes 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;

(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.

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(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 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) **STREET** means any vehicular way that serves as the principal means of providing access to abutting property and that is not a driveway.

(17) **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
(g) Lack of coordination with and connections to surrounding neighborhoods and land uses except by vehicle and by the street.

(18) **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.

(19) **STRUCTURE** (as defined in 24 V.S.A. § 4303(27)) means an assembly of materials for occupancy or use.

(20) **STRUCTURE, ACCESSORY** means a detached subordinate structure, the use of which is clearly and customarily incidental to that of a principal structure or use.

(21) **STRUCTURE, DAMAGED**. See definition of DAMAGED STRUCTURE.