reveal placed between the first and second story or over the second story, which shall be at least 2 inches deep and 4 inches high.

(b) The middle may include windows and balconies.

(c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.

(2) Building facades shall be composed of modules or bays that:

(a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.

(b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.

(c) Shall not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.

(3) Building facades shall incorporate at least one principal entrance as follows:

(a) Building facades exceeding 60 feet in width shall provide multiple ground-level entrances.

(b) The distance between ground-level entrances along a single, continuous facade shall not exceed 80 feet.

(4) Pedestrian access shall be provided from the public sidewalk or street to the street-facing principal entrance(s).

(5) The street-facing principal entrance(s) and ground floor level shall align with the sidewalk elevation to the maximum extent feasible.

(6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street.

2104.F Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, development within the water setback area:

(1) Shall meet the groundcover requirements of Section 3005.F. Riparian buffers shall be required in areas where the river is unchannelized.

(2) Are encouraged to provide public walkways, multi-use pathways, outdoor seating, and similar public amenities along the river. An applicant may request a waiver to water setback requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city’s riverfront redevelopment goals.

Figure 2-04. Riverfront District Dimensional Standards

<table>
<thead>
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<th>DENSITY</th>
<th>BUILDINGS</th>
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</thead>
<tbody>
<tr>
<td>Parcel size: 3,000 sf min</td>
<td>Front: 5 ft. min</td>
<td>Residential: 1,000 sf to max</td>
<td>Footprint: 5,000 sf max</td>
</tr>
<tr>
<td>Frontage: 45 ft. min</td>
<td>Side: 5 ft. min</td>
<td>Floor Area Ratio: 2.0 max</td>
<td>Height: 24 ft. min, 45 ft. max</td>
</tr>
<tr>
<td>Coverage: 80% max</td>
<td>Rear: 10 ft. min</td>
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<td></td>
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<tr>
<td>Water: 20 ft. min</td>
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</table>

Note 1: See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have
### Figure 2-05: Eastern Gateway District Dimensional Standards

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<tr>
<td>Coverage: 50% max</td>
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<tr>
<td>Front: 20 ft. min</td>
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<td></td>
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<tr>
<td>Side: 20 ft. min</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Rear: 30 ft. min</td>
<td></td>
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<tr>
<td>Water: 50 ft. min</td>
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<td></td>
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<tr>
<td>Rail: 5 ft. or 0 ft. min²</td>
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<td></td>
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</tr>
<tr>
<td>Residential: 1 dfu/5,000 sf max</td>
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<tr>
<td>Nonresidential: 1.5 FAR max</td>
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<tr>
<td>Footprint: 40,000 sf max</td>
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<tr>
<td>Height: 45 ft. max</td>
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<td></td>
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</tr>
</tbody>
</table>

**Note 1** See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

**Note 2** Rail setbacks will supersede other setback minimums where conflicts arise. Rail setback will be 5 feet unless the property owner provides the Administrative Officer a signed access agreement with the Vermont Rail Division to allow maintenance of building in which case the setback shall be 0 feet.
projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.

(b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet in length.

(c) Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.

(2) The principal entrance shall open onto a street, sidewalk, plaza, or public greenspace and shall not open onto a parking lot.

(3) Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.

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

Figure 2.08. Residential 1500 District Dimensional Standards

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<tr>
<td>Frontage: 45 ft. min</td>
<td>Side: 5 ft. min</td>
<td>Floor Area Ratio: 1.0 PAR max</td>
<td>Height: 35 ft. max</td>
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<tr>
<td>Coverage: 60%. max</td>
<td>Rear: 10 ft. min</td>
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<tr>
<td></td>
<td>Water: 25 ft. min</td>
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</tr>
</tbody>
</table>

Note 1  See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).
Section 2109. Residential 3000 (RES 3) District & Neighborhoods

2109.A Purpose. The Residential 3000 District is composed mainly of traditional residential neighborhoods close to downtown. The land in this district is served by city water and sewer, and a gridded network of neighborhood streets. The purpose of this district is to encourage infill residential development with a range of housing choices while preserving each neighborhood’s distinct character and quality.

2109.B Neighborhood Character. The Residential 3000 District includes the following neighborhoods:

1. College Hill - South. This neighborhood east of downtown is primarily residential with homes located on small parcels along narrow, tree-lined streets. Proposed development should protect the historic character and appeal of this neighborhood while allowing for a moderate increase in residential density through compatible infill development, particularly with compact buildings, and conversion of existing buildings to multi-unit occupancy.

2. Franklin Street - Northeast. This is a primarily single-unit residential neighborhood with homes fit into the terrain, most with a compact development footprint. Proposed development may feature a modest increase in residential density accomplished primarily through conversion of existing buildings to multi-unit occupancy and with a limited amount of infill on suitable sites.

3. Liberty Street - East. This traditional neighborhood adjacent to downtown is densely developed primarily with historic multi-story residences built close to the street on small parcels. These regulations are intended to protect the traditional residential character of this neighborhood while allowing some increase density through primarily through conversion of existing buildings to multi-unit occupancy. Efforts should be made to provide public recreation opportunities within walking distance for neighborhood residents.

4. Main Street - East. Most of this residential neighborhood along Main Street east of North Street to Lincoln Avenue is densely built with small parcels and narrow setbacks. The terrain has influenced the development pattern, with narrow parcels and homes set into the hillside above street level on the north side of Main Street and wider parcels with larger yards on south side. The neighborhood is currently developed with a mix of single-unit and multi-unit residences. Proposed development should protect the residential character of this neighborhood while creating opportunities for small-scale infill development and incremental division of residential buildings to add additional dwelling units.

5. River Street. This is a traditional residential neighborhood along the south side of River Street (Route 2). Many of the historically single-unit homes have been converted to multi-unit occupancy, particularly along the highway. Proposed development should protect the traditional residential development pattern and character, and avoid expansion of commercial activity along this segment of the highway. Side streets extend up the hillside with mostly single-unit homes on larger, sloping parcels. There is a significant amount of undeveloped land in this neighborhood, some of which is suitable for infill residential development. Proposed development may feature residential growth with a diversity of housing in this neighborhood, including the potential for multi-unit housing development on suitable undeveloped sites.

6. Route 2 – Prospect Street. This is a residential neighborhood with many homes fit into the steep terrain on significantly constrained parcels. The streets serving most of the...
neighborhood are narrow and steep. Proposed development should maintain the existing pattern of development, and avoid significant increases in density. A portion of this neighborhood fronts on the heavily trafficked Berlin Street (Route 2). Proposed development should protect the residential character of this portion of the highway and avoid the continued expansion of commercial activity eastward from the Cross Roads neighborhood.

(7) The Meadow - West. This traditional residential neighborhood close to downtown and Hubbard Park is densely developed with historic, mostly single-unit homes close to the sidewalk on tree-lined streets. These regulations are intended to protect the historic and family-friendly character of the neighborhood created by the primarily residential use, historic building stock, front yards, porches, walkable, tree-lined streets, and low levels of non-resident traffic.

(7A) Haeon Street. This neighborhood is composed of the old Heaton Hospital (now owned by Washington County Mental Health) and current Heaton Woods long term care facility. These two properties consist of larger structures and offer higher residential densities when compared to the surrounding neighborhoods. There is also a large area of protected open space associated with Heaton field and woods. Proposed developments should protect the conserved portions of the neighborhood as well as minimize or mitigate impacts on surrounding neighborhoods.

2109.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 3000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2109.D Dimensional Standards. Figure 2-09 establishes the dimensional standards for development in the Residential 3000 District. Dimensional standards are discussed further in Section 3002.

2109.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

1. Building facades shall be composed of modules or bays that:
   a. Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
   b. Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
   c. Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.

2. The principal entrance shall open onto a street, sidewalk, plaza, or public greenspace and shall not open onto a parking lot.

3. Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.

4. Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building’s predominant exterior materials.

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Section 2111. Residential 9000 (RES 9) District & Neighborhoods

2111.A Purpose. The Residential 9000 District is composed mainly of established residential neighborhoods. Most of the land in this district is served by city water and sewer. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

2111.B Neighborhoods Character. The Residential 9000 District includes the following neighborhoods:

(1) Cliffside. This small, hillside neighborhood sits between downtown and Hubbard Park. Its primarily single-unit homes are nestled into the hillside in a wooded setting that offers views to downtown and the river valley below. Proposed development may feature infill housing to the extent that it can be fit into the terrain and wooded setting without requiring extensive land disturbance or changes in natural drainage patterns.

(2) Crestview. This neighborhood encompasses the portions of the undeveloped property at the western side of the city that is most suitable for development. It presents an opportunity to develop a new neighborhood in proximity to downtown and other developed city neighborhoods and corridors. Proposed development should result in a new neighborhood built in accordance with traditional neighborhood development principles that incorporates a range of housing options, energy-efficient and compact building types, a walkable street network, and public recreation areas and open spaces.

(3) Elm Street. This linear residential neighborhood extends along Elm Street (Route 12). While much of the suitable frontage has been developed, proposed development may feature infill housing particularly where there is adequate depth to accommodate development behind the existing parcels.

(4) Gallison Hill. This outlying neighborhood extends up Gallison Hill Road off Route 2 at the eastern edge of the city. Its primarily single-unit homes have been built over recent decades on generously sized parcels created on former farmland. The neighborhood is adjacent to the U32 High School. Proposed development may feature infill residential development, particularly on the larger parcels in this neighborhood.

(5) Murray Hill. This is one of the city's more recent residential developments with single-unit homes and townhouses accessed by several cul-de-sac streets and a substantial amount of open space. Proposed development may feature infill residential development where infrastructure is available and to the extent feasible given the availability and ownership of land in this neighborhood.

(6) North Street. This is a small, linear, transitional neighborhood between the traditional residential neighborhoods to the south and the rural lands to the north. There are a number of houses located close to the road and much of the frontage is wooded. Proposed development may feature infill residential development where infrastructure is available or the land is capable to support growth.
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Chapter 210. Base Zoning Districts & Neighborhoods

(7) Northfield Street. This typical, post-war suburban neighborhood features modest homes on spacious, landscaped lots, along with more recent duplexes and townhomes. There is a network of curvilinear streets, largely without sidewalks. Proposed development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood. The neighborhood also includes a large undeveloped parcel that is disconnected from the rest of the Northfield Street Neighborhood road system. Development of this parcel should balance an increase in housing while protecting open space by avoiding the more difficult areas with steep slopes.

(8) Park West. This residential neighborhood grew over time up into the hills along several tree-lined streets behind the Capitol Complex and abutting Hubbard Park. This development pattern has resulted in a suburban neighborhood that offers a range of housing options and is appealing for families. Proposed development may feature compatible infill housing and should protect the neighborhood’s character and quality of life.

(9) Stonewall Meadows. This more recently developed neighborhood is a mix of modest single-unit homes and attached, multi-unit buildings accessed by several cul-de-sac streets. There remains a considerable amount of undeveloped land in this neighborhood suitable for housing. Proposed development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.

(10) Towne Street. This small neighborhood is largely developed with single-unit homes on spacious lots. Proposed development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

(11) Toy Town. This small residential neighborhood is nestled between the interstate and the Winooski River at the western edge of the city. There is a limited amount of land available for additional growth. Proposed development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

2111.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 9000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2111.D Dimensional Standards. Figure 2-11 establishes the dimensional standards for development in the Residential 9000 District. Dimensional standards are discussed further in Section 3002.

Figure 2-11. Residential 9000 District Dimensional Standards

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<th>DENSITY</th>
<th>BUILDINGS</th>
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<td>Residential: 1 du/6,000 sf max</td>
<td>Footprint: 2,500 sf max</td>
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<td>Frontage: 75 ft. min</td>
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<td>Nonresidential: 0.5 FAR max</td>
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<td>Coverage: 40% max</td>
<td>Rear: 30 ft. min</td>
<td>Water: 25 ft. min</td>
<td></td>
</tr>
</tbody>
</table>

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).
### PART 2. ZONING DISTRICTS & STANDARDS

Chapter 210. Base Zoning Districts & Neighborhoods

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*MONTPELIER UNIFIED DEVELOPMENT REGULATIONS  
PUBLIC HEARING DRAFT – MARCH 23, 2022 ADOPTED FEBRUARY 24, 2021 / EFFECTIVE MARCH 18, 2021*
PART 3. DEVELOPMENT STANDARDS
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(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.

(b/a) Where an accessory structure, such as a deck or garage, is attached to a principal structure the accessory structure may encroach into the principal setback but the uses of portion of the structure that are encroaching shall be limited to accessory uses.

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.
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3005.H Waiver Review Criteria. When reviewing proposed development within the riparian area, the Development Review Board shall find that either Paragraph (1) or (2) below is met:

(1) All of the following:
   (a) The proposed development cannot reasonably be accommodated on any portion of the parcel outside the riparian area;
   (b) The proposed development shall not have new or greater (as compared to existing conditions) adverse impact on the natural functions of the surface water and land within the riparian area; and
   (c) The proposed development shall be the minimum necessary to accommodate a reasonable use of the property.

(2) The proposed development is a water dependent use such as a boat or fishing access or a public access for swimming.

Section 3006. Wetlands and Vernal Pools

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

(1) Vernal pools have been identified and are here regulated in order to mitigate impacts within the amphibian life area which is defined as critical terrestrial habitat for amphibians that extends at least 500 feet beyond vernal pool boundaries. Development is not intended to be prohibited within the vernal pool buffer but rather must be carefully planned to prevent, minimize, or mitigate impacts within the 500-foot amphibian life zone.

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

(4) Development that obtains a state wetlands permit shall be assumed to have met the requirements of this section with the exception of development within an identified vernal pool or vernal pool buffer. Any zoning permit or approval shall be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

3006.C Hearing Required. Development subject to this section shall require approval of a waiver from the Development Review Board meeting the standards in Subsection 3006.D.

3006.D Development Standards. Development in the affected area shall not have an undue adverse impact on the wetland or vernal pool. The Development Review Board shall consider the following factors in determining impact including:

(1) Development that is required to obtain a state wetland permit shall not be required to hold a hearing unless the project impacts a vernal pool or vernal pool buffer identified on the Natural Resources Inventory Map.
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(4)(2) Prohibit development including disturbance of vegetation, soils, and forest canopy within the first 50 feet of the delineated boundary of all vernal pools on the Montpelier Natural Resources Inventory map.

(4)(3) Locate development on portions of the parcel outside wetlands and vernal pools.

(4)(4) Maintain naturally vegetated areas between wetlands or vernal pools and nearby development. Where disturbance and clearing are necessary, the disturbance and clearing should be minimized within wetland buffers and vernal pool buffers.

(4)(5) Minimize earthwork and alteration of the natural grade of the land and natural drainage characteristics.

(4)(6) Limit road and utility crossings through wetland buffers and vernal pool buffers and locate any unavoidable crossings at the narrowest section of the wetland buffer or vernal pool buffer. Consider use of existing crossings or shared driveways to access upland areas on the parcel.

(4)(7) Minimize the amount of impervious surface. Consider use of pervious materials.

(4)(8) Avoid water withdrawal or changes in drainage patterns that shall direct water away from the wetland or vernal pool.

Section 3007. Steep Slopes

3007.A Purpose. This section is intended to allow appropriate development on or near steep slopes and to limit disturbing or clearing steep slopes for development in order to:

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

3007.B Applicability. The provisions of this section apply to development that:

1. Proposes to develop on steep slopes, including disturbing or clearing land, which exceeds the threshold amount(s) specified in Figure 3-09, or
2. Results in slopes that exceed the thresholds in Figure 3-09.

3007.C Definition. For the purposes of this section, the following definitions apply:

1. Disturbing or clearing includes any activity that removes the existing, natural vegetative cover from the ground as a precursor to or component of development. It does not include normal property maintenance or management activities such as removing invasive species or hazard or diseased trees, or the harvesting of timber for personal use.
2. Steep slopes are any slopes equal to, or in excess of, 15%.

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

1. Determine using the attached slope map.
2. Rely on other more accurate elevation and slope data available from the city or state (see the Vermont Agency of Natural Resource’s Natural Resource Atlas).
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Section 302. Signs

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

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

302.2 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 302.3. Signs within the Design Review Overlay District shall also meet the requirements of Section 2201, as applicable.

302.3 Prohibited Signs. The following signs are prohibited:

(1) Off-premises signs, except for signs on a common scheme premises in accordance with Paragraph 302.3.(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 302.3.(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. This prohibition does not extend to 'reverse channel' or backlit signs where the sign elements are opaque.

(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 302.3.(1).
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each side of the canopy. Such pricing signs shall not count towards the maximum area of signs allowed under Figure 3-16. Each sign shall not exceed 3 square feet in area. Pricing signs may be single-color digital price signs; or

(b) One ground-mounted digital pricing sign adjacent to each street upon which the parcel has frontage. The pricing sign shall count towards the maximum area of signs allowed under Figure 3-16.

(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.

3012.J Signs in Public Rights-of-Way. Permission from the Department of Public Works is required before any sign may be placed in a public right-of-way, irrespective of whether or not it requires a zoning permit.

3012.K Sign 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 3012.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.

3012.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 and will be limited to changes to the sign panel including the 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 or

(b) The reconstruction of the sign will be equal to or less than 30% of the replacement value of the sign immediately prior to damage.

(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.
Chapter 310. Special Use Standards

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

Section 3101. Fences and Walls

3101.A Applicability. All fences and walls 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.

(1) Front yard fence provisions apply to all fences in front of the front line of the house regardless of whether it is on the frontage or along a side parcel line.

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, 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.
5. Guests may be housed in the dwelling and any accessory building on the property.

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. Residential Uses

3111.A Residential uses are separated into three groups:

1. Those that have independent dwelling units including one dwelling unit (du), two dus, three dus, four dus, and multi-family multi-unit dwellings (see Figure 2-15).
   (a) The essential provisions of a dwelling unit are those as defined in 5101.D.
   (b) Dwelling units are limited by the residential density as set by the zoning district in which the parcel is located.

2. Those residential use which share 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) 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. Those uses that are under state registration or licensure include group homes (see Section 3107) and residential care homes (see Section 3107).
   (a) 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 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.
   (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.
applicants shall provide a maintenance easement.

(d) An applicant may request a waiver to modify the public sidewalk requirements, but any request shall include a recommendation in support of the waiver from the Director of Public Works.

(2) Internal Walkways. Continuous internal pedestrian walkways shall be provided as follows:

(a) Walkways shall connect pedestrians to public sidewalks, transit stops, crosswalks, building entrances, bicycle, and vehicle parking areas, adjacent development, and community spaces on or adjoining the site.

(b) Walkways not exceeding 30 feet in length shall be at least 3 feet wide. Walkways more than 30 feet in length shall be at least 4 feet wide.

(c) Walkways shall be hard-surfaced.

(d) Walkways shall be separated or distinguished from driving and parking surfaces by a landscaped buffer, change in elevation, or change in surface material.

(3) Parking Areas. Walkways shall be provided between the parking area(s) and building entrance(s). Parking lots with more than 40 spaces shall have designated internal walkways that separate pedestrian and vehicular traffic.

Section 3203. Landscaping and Screening

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

(1) Enhancing the appearance of the built environment as viewed from public vantage points;

(2) Creating shade along sidewalks and walkways, and within parking lots;

(3) Providing a landscaped buffer between residential and nonresidential land uses; and

(4) Screening land uses and development that create visual clutter and distraction.

3203.B Applicability. All development requiring site plan approval shall meet the provisions of this section except:

(1) Changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening; or

(2) Development where no impervious cover is changed, no soil disturbed, and where the development does not impact landscaping. This is intended to apply to situations such as lighting changes or adding temporary structures.

3203.C Application Rules. A landscaping and screening plan shall be included as a part of any site plan and shall meet the following:

(1) Be on one or more sheets showing the location of all landscaping and screening elements with a key to identify species of plant materials.

(2) Applications for major site plan review shall include a landscaping and screening plan prepared by a licensed landscape architect or certified horticulturist.
3206.D Outdoor Storage. The keeping any materials, goods, equipment, unregistered vehicles, or other items not for sale in an unroofed area for more than 24 hours may be allowed as an accessory use in accordance with the following:

(1) The site plan shall show the location and boundaries of the outdoor storage area.

(2) Outdoor storage areas shall not be located within required setbacks.

(3) Except within the Eastern Gateway district, outdoor storage areas shall not be located between the principal building and the street unless otherwise approved by the Development Review Board upon its determination that the storage area cannot reasonably be located elsewhere on the site and shall not detract from the character of the neighborhood.

(4) Outdoor storage areas shall be fenced in or screened from view from the street and surrounding properties.

Section 3206. Solar Access and Shading

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

3206.B Applicability. The standards of this section apply to any development requiring major site plan review not located within the Urban Center 1, Urban Center 2, Urban Center 3, or Riverfront districts.

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

(1) Showing that the building height minus 25 feet and then divided by the distance between the building and the property line equals 0.25 or less; or

(2) Submitting a solar shading diagram.

3206.D Nonconforming Shading. The Development Review Board may waive or modify the provisions of this section for previously developed parcels that already shade abutting property to a greater extent than allowed under this section provided that the amount of shading is not increased further.
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The purpose of this chapter is to provide flexibility for development types and patterns that further the goals of the Montpelier City Plan.

Section 3401. General Planned Unit Development

3401.1 Purpose. The purpose of this section is to allow flexibility in the site and parcel layout, placement and clustering of buildings, use of open space, and related site and design considerations that will best achieve the goals for the area as articulated in these regulations and the City Plan. Further, this section is intended to facilitate the efficient and economical provision of public facilities and infrastructure as well as avoiding hazardous development areas and protecting natural resources.

3401.2 Applicability. The provisions of this section apply to clustered parcel subdivisions, where certain parcel and structural dimensional standards are less than the minimum required but for which no density bonuses nor use considerations are needed:

1. General PUDs are allowed in any zoning district.
2. To be eligible for a General PUD, the parcel must be a minimum of at least three times the minimum parcel size allowed in the zoning district.
3. General PUDs will typically individually provide have most or all features of a standard parcel including private driveway, parking spaces, accessory structures, and private yards.

3401.3 Application Rules. In addition to the materials presented for subdivision plat approval, the applicant shall submit the following information:

1. A statement setting forth all proposed modifications to dimensional standards.
2. A statement explaining how common land and any shared utilities and facilities will be managed.
   (a) If condominium association documents are provided then relevant provisions shall be identified and explained.
3. A statement explaining how any unused density is to be allocated between the parcels or if it will be owned in common under an association.
4. A statement explaining what mechanism will be used to prevent development of lands that are proposed for conservation or to otherwise remain undeveloped.
5. A site plan identifying the locations of any natural resources and hazardous areas that are shown on the Natural Resources Inventory Map, river hazards as defined by the River Hazard Area Regulations, and the location of steep slopes on the Slopes Map.

3401.4 Administration Rules. General PUDs will follow the subdivision and PUD procedure rules outlined in Chapter 440.

3401.5 Density. There are no density bonuses for a General PUD. The maximum number of parcels or units is the same as the maximum number of possible base parcels or units in the unsold portion of the development site as could be created in a standard subdivision.

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340.1. Use Standards. The uses allowed within a General PUD shall be as established in the underlying zoning district.

340.6. Dimensional Standards. The following rules apply to any proposed modification to dimensional standards:

1. The following dimensional requirements may be varied by the Board for parcels within a General PUD with the following limitations:
   a. Parcel size. The smallest parcel size cannot be less than 3000 square feet (2) one half of the minimum parcel size allowed in the district (2).
   b. Frontage. Not less than 20 feet for parcels accessed by a shared driveway and not less than 40 feet for other parcels.
   c. Coverage. While coverage requirements may be modified for individual parcels within the PUD, the coverage requirement must be met overall for the entire PUD.
   d. Front, Side, and Rear setbacks (primary and accessory structures). While the identified setbacks may be modified for individual parcels within the PUD, setbacks shall be maintained at the periphery of the development.
   e. Height requirements (primary and accessory). The maximum building height may be increased by up to 10 feet above the district or accessory standard.

2. All varied dimensional requirements shall run with the lifetime of the PUD.

3. Building footprint may be waived for buildings in a General PUD through Section 3002.

340.14. Management of common land and shared utilities and facilities. The development shall meet all requirements of section 3506.(4). (Don’t need to be redundant so we can strike?)

340.14. Management of residual density. The development shall establish a process by which unused development potential is owned and managed. For example, if a General PUD uses only 8 of 10 possible dwelling units, how will a future application to add an additional dwelling unit or parcel be addressed by the members of the PUD? Options could include:

1. If a Homeowners Association is present the Association could be assigned to manage any remaining development potential.

2. The units could be assigned to specific parcels within the subdivision.

340.14. Undeveloped parcels. When a General PUD creates a parcel where no development is allowed (e.g. for conservation purposes, common recreation land, etc.) a mechanism shall be in place to ensure no future development is allowed. Options could include:

1. A legal instrument such as a covenant, easement, or provisions of a Homeowners Association could outline the development limitations.

2. The parcel could be sold to a third party conservation organization.

3. The parcel could be clearly labeled such on the final plat.

340.14. Natural Resources and Hazardous Areas. The development shall be a safe and effective treatment of the site.
(1) The clustering of parcels shall first avoid all features identified on the Natural Resources Inventory Map including rare natural communities, vernal pools, wetlands and streams.

(2) The clustering of parcels shall identify a portion of every parcel that may safely be developed under the River Hazard Area regulations.

(3) The clustering of parcels shall minimize the impacts on steep slopes when considering the reasonable future development of the parcels.

Section 3402. Footprint Type Planned Unit Development

3402.A Purpose. The purpose of this section is to allow flexibility in the site and parcel layout, placement and clustering of buildings, use of open space, and related site and design considerations that will best achieve the goals for the area as articulated in these regulations and the City Plan. Further, this section is intended to facilitate the efficient and economical provision of public facilities and infrastructure as well as avoiding hazardous development areas and protecting natural resources.

3402.B Applicability. The provisions of this section apply to condominium type subdivisions (where the underlying land is subdivided into building footprint lots), where certain parcel and structural dimensional standards are less than the minimum required but for which no density bonuses nor use considerations are needed.

   (1) If a development only subdivides buildings into condominium units but does not subdivide the land then no PUD approval is required.

   (2) Footprint PUDs are allowed in any zoning district.

   (3) To be eligible for a Footprint PUD the parcel must be at least two times the minimum parcel size allowed in the zoning district.

   (4) Footprint PUDs typically share most features of a standard parcel so driveways, parking lots, accessory structures, and yards are shared on commonly owned land although ownership may be assigned some exclusive access to the facility (e.g. assigned parking space).

3402.C Application Rules. In addition to the materials presented at subdivision plat approval, the applicant shall submit the following information:

   (1) A statement setting forth all proposed modifications to dimensional standards.

   (2) How common land and any shared utilities and facilities will be managed.

   (a) If condominium association documents are provided then specific provisions shall be identified and explained.
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(3) A statement explaining how any unused density is to be allocated in the future by the association.
   (a) If condominium association documents are provided then specific provisions shall be identified and explained.

(4) A site plan identifying the locations of any natural resources and hazardous areas that are shown on the Natural Resources Inventory Map, river hazards as defined by the River Hazard Area Regulations, and the location of steep slopes on the Slopes Map.

3402.D Administration Rules. Footprint PUDs will follow the subdivision and PUD procedure rules outlined in Chapter 440.

3402.E Density. There are no density bonuses for a Footprint PUD. The maximum number of lots or units is based upon number of possible lots or units in the unsubdivided parcel.

3402.F Use Standards. The uses allowed within a Footprint PUD shall be as established in the underlying zoning district.

3402.G Dimensional Standards. The following rules apply to any proposed modification to dimensional standards:

1. The following dimensional requirements may be varied by the Board for parcels within a Footprint PUD with the following limitations:
   (a) Footprint parcels shall be adequately sized so as to contain a building and all expected appurtenances such as stairs, patios, egress windows, bulkheads, decks, HVAC units, etc.
   (b) A footprint parcel may bisect a building where there is a clear structural separation including a fire wall.
   (c) Footprint parcels shall not extend more than two feet beyond the building.
   (d) Frontage. Not less than 20 feet for parcels accessed by a shared driveway and not less than 40 feet for other parcels.
   (e) Coverage. While coverage requirements may be modified for individual parcels within the PUD, the coverage requirement must be met overall for the entire PUD.
   (f) Front, Side, and Rear setbacks (primary and accessory structures). While the identified setbacks may be modified for individual parcels within the PUD, setbacks shall be maintained at the periphery of the development.
   (g) Height requirements (primary and accessory). The maximum building height may be increased by up to 10 feet above the district or accessory standard.

2. All varied dimensional requirements shall run with the lifetime of the PUD.

3. Building footprint may be waived for buildings in a Footprint PUD through Section 3002J.

3402.H Management of residual density. The development shall establish a process by which unused development potential is owned and managed. For example, if a Footprint PUD uses only 8 of 10 possible dwelling units, how will a future application to add an additional dwelling unit or parcel be addressed by the members of the PUD? Options could include:
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(1) If a Homeowners Association is present the Association could be assigned to manage any remaining development potential.

(2) The units could be assigned to specific parcels within the subdivision.

3402.1 Undeveloped parcels. When a Footprint PUD creates a parcel where no development is allowed (e.g. for conservation purposes, common recreation land, etc.) a mechanism shall be in place to ensure no future development is allowed. Options could include:

(1) A legal instrument such as a covenant, easement, or provisions of a Homeowners Association could outline the development limitations.

(2) The parcel could be sold to a third party conservation organization.

(3) The parcel could be clearly labeled such on the final plat.

3402.2 Natural Resources and Hazardous Areas. The development shall be a safe and effective treatment of the site.

(1) The clustering of parcels shall first avoid all features identified on the Natural Resources Inventory Map including rare natural communities, vernal pools, wetlands and streams.

(2) The clustering of parcels shall identify a portion of every parcel that may safely be developed under the River Hazard Area regulations.

(3) The clustering of parcels shall minimize the impacts on steep slopes when considering the reasonable future development of the parcels.

Section 3403. Infill Housing Development

3403.A Purpose. The purpose of this section is to:

(1) Encourage an increase in the amount of housing generally, and affordable housing in particular, located in downtown and surrounding neighborhoods.

(2) Allow for further residential development on vacant or underutilized parcels within developed neighborhoods.

(3) Ensure that infill housing development will respect the mass and scale of surrounding development, reflect the character of the existing streetscape, maintain the privacy of adjacent residences and fit comfortably into the existing neighborhood.

3403.B Applicability. Infill housing developments are permitted in the Riverfront, Mixed Use Residential, Residential 1500, Residential 3000, Residential 6000 and Residential 9000 districts on parcels not more than 2 acres in size.

3403.C Density Bonus. Applicants may apply for a density bonus of up to 25% if each of the additional dwelling units meets at least two of the following criteria or 50% if each of the additional dwelling units meets at least three of the following criteria:

(1) The unit 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.
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Section 3406. New Neighborhood Development

3406.A Purpose. The purpose of this section is to encourage development of new neighborhoods in a manner consistent with the traditional development principles and patterns of the neighborhoods built in Montpelier before 1940. Traditional neighborhood developments:

(1) Combine a variety of housing types in proximity to small-scale commercial and civic uses in a compact, walkable neighborhood setting;

(2) Feature a highly interconnected street network, sidewalks and building setbacks appropriate to create a public realm built on a human scale;

(3) Provide parks or open space areas to maximize protection of significant natural resources, enhance neighborhood character and quality of life, and accommodate passive recreation and enjoyment of nature;

(4) May not be appropriate where severe environmental constraints, such as steep slopes, wetlands or streams, preclude street interconnections and high impervious surface coverage (a conservation subdivision in accordance with Section 3404.J may be more appropriate for such sites); and

(5) Promote clustering of housing units to preserve recreational areas around open space with an emphasis on creating contiguous area of open space

3406.B 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 Riverfront districts.

3406.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.
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(2) Land classified as resources identified on the Montpelier Natural Resources Inventory Map adopted with these regulations, or as appears on the Official Map if so adopted, shall be set aside as permanently protected open space up to an amount not to exceed 40% of the parcel. The applicant shall consult with the Montpelier Conservation Commission on what land should be protected if all of the land classified as resources identified on the Montpelier Natural Resources Inventory Map adopted with these regulations, or as appears on the Official Map if so adopted on the parcel shall not be protected open space based on its natural resource values and location.

(3) Open space shall be contiguous with or connected to open space, conserved land or resources identified on the Montpelier Natural Resources Inventory Map adopted with these regulations, or as appears on the Official Map if so adopted on adjoining parcels to the maximum extent feasible.

(4) Open space may be used for conservation, agriculture, silviculture, renewable energy production and passive recreation in accordance with the terms of any easement and conditions of approval. Renewable energy production can only be developed to a size that is sufficient to support the development.

Section 3407. Conservation Subdivision

3407.A Purpose. The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space, and rural character.

3407.B Applicability. Conservation subdivisions are:

(1) Allowed in the Residential 9000, Residential 24000, and Rural districts.

(2) Allowed on any site with significant natural resource constraints that preclude reasonable use of the infill housing or new neighborhood development types.

(3) Required for subdivision of 1 parcel or more in a 10-year period in the Rural district unless the parcels or units are counted as a part of another type of planned unit development. However, if the parcels are counted as a part of another type of planned unit development, the number of parcels would otherwise require a conservation Subdivision, the other planned unit development must meet the requirements of Subsection 3405.F for any portion of the development in the Rural district.

3407.C Density. The density of a conservation subdivision shall not exceed the maximum density for a conventional subdivision based on the applicable zoning district standards.

3407.D Dimensional Standards. The dimensional standards for parcels, setbacks, and buildings in the base zoning district shall not apply within a conservation subdivision. The development shall meet all applicable dimensional standards around its perimeter.

3407.E Use. Nonresidential principal uses are prohibited within a conservation subdivision except for community buildings. All forms of residential use and buildings shall be permitted within a conservation subdivision except for multi-unit buildings with 5 or more dwelling units and live-work units.
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(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.

(3) So that generally side parcel lines are at right angles to straight street lines or radial to curved street lines with recognition that some variability may be desirable to respond to the site’s topography and natural features.

(4) So that generally rear parcel lines are parallel to street lines with recognition that some variability may be desirable to respond to the site’s topography and natural features.

(5) To avoid flag and other irregularly shaped parcels except when desirable to respond to the site’s topography and natural features.

(6) To minimize the number of parcels with frontage on more than one street.

(7) All new parcels shall contain sufficient developable area to meet minimum density requirements of Subsection 3502.C.

(8) Not to create any nonconforming structures (See section 1203), but may involve an existing nonconformity provided the degree of nonconformity is not increased.

Section 3506. Design and Layout of Necessary Improvements

3506. A Streets. Applicants shall design and construct all new streets within a subdivision in accordance with this subsection:

(1) General. Applicants shall design and construct all new streets within a subdivision to:

(a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).

(b) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles.

(c) Provide efficient access to property and avoid congestion on existing streets.

(d) Logically extend and improve the connectivity of the city’s existing street network.
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(4) Utilize green stormwater infrastructure practices.

3506.G Parks and Recreation Areas. The applicant shall design the subdivision with appropriate areas and facilities for active and passive outdoor recreation in accordance with the following:

1. All subdivisions with more than 10 parcels or dwelling units shall provide a minimum of 400 square feet per dwelling unit of common recreation areas or facilities except:
   a. No common recreation areas or facilities shall be required for single-unit residential subdivisions with a density of one home per acre or lower.
   b. The Development Review Board may waive or modify the requirement for common recreation areas or facilities for subdivisions located within ½-mile walk of a public park, school yard, the Vermont College Green or the Statehouse Lawn (as measured following publicly accessible paths and walkways).

2. Land set aside for recreation areas or facilities shall be suitable for active or passive outdoor recreation.

3. Each parcel within the subdivision shall have convenient access to the common recreation areas or facilities.

3506.H Monuments and Parcel Corner Markers. The applicant shall install:

1. Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.

2. Parcel corner markers at corners and angle points of all parcels in accordance with state statute.

3506.I Construction and Maintenance of Necessary Improvements. The applicant shall:

1. Construct the necessary improvements in accordance with all conditions of approval and city specifications before the Administrative Officer may issue any zoning permits for further development within the subdivision.

2. Maintain necessary improvements while parcels within the subdivision are being sold or developed in accordance with all conditions of approval.

3. Demonstrate how the necessary improvements required under this section shall be maintained once parcels have been sold or developed.

4. Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements, or other legal documents for review prior to final approval of the subdivision and to record such documents with the city along with the final plat.
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(4) Articles of Association, maintenance agreements, etc. Although Articles of Association, maintenance agreements, and other legal instruments may be required from time to time in the application process, the agreements themselves are not considered as part of any decision. The City, therefore, does not enforce any violations of provisions within those legal instruments. The City may enforce on the Association, corporation, or other entity for failure to enforce any conditions used to assure compliance with a requirement of these regulations.

Section 3507. Character of the Neighborhood and Settlement Pattern

3507.A Establishment of Neighborhoods. Neighborhoods are established and their character described in Part 2 of these regulations.

3507.B Standards. The applicant shall demonstrate that the proposed subdivision shall:

1. Be compatible with or extend the city's traditional settlement pattern as a compact urban center.

2. Not contribute to a pattern of strip development.

3. Be compatible with the character of the neighborhood.

Section 3508. Renewable Energy and Energy Conservation

3508.A Applicability. The general standards of this section apply to all subdivisions. The solar orientation provisions of this section apply to any subdivision with more than 10 parcels.

3508.B General Standards. To the maximum extent feasible given topography, orientation, and vegetation, the applicant shall design the subdivision:

1. So that the maximum number of parcels shall receive direct sunlight sufficient for using solar energy systems.

2. With streets and parcel lines that shall accommodate buildings oriented with their long axis oriented within 30 degrees of true east-west.

3. With the highest densities sited on south-facing slopes and the lowest densities sited on the north-facing slopes.

4. With appropriate protections for each parcel's solar access.

3508.C Solar Orientation. Unless the Development Review Board determines that solar orientation is not feasible due to site-specific conditions such as topography, existing vegetation or other physical limitations, the applicant shall demonstrate that a minimum of 80% of the parcels within a residential subdivision comply with one of the options below:

1. The parcel has a:
   (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.
PART 5. DEFINITIONS
Chapter 510. Defined Terms

(11) **MINING, EXTRACTING, QUARRYING AND STONE CUTTING** means establishments that dredge, quarry, mine, or develop mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. May include on-site processing such as crushing, grinding, washing, or screening. See Section 3124.

(12) **MIXED USE** means development that includes more than one principal use.

(13) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods, or materials.

(14) **MULTIPLE USE** means a building or site developed with more than one principal use.

(15) **MUSEUM, GALLERY OR EXHIBITION HALL OR PAVILION** means an institution where objects of historical, scientific, artistic, or cultural interest are stored, studied, and exhibited.

5101.N

(1) **NATURE OR RECREATIONAL PARK** means a site designed to accommodate primarily passive recreation and appreciation of nature with a minimum of improvements or structures.

(2) **NEIGHBORHOOD MARKET** means a small retail food store that offers staple and convenience food items, and may include accessory sale of prepared food for on-site consumption or take-out.

(3) **NONCONFORMITY** means a structure, use, or parcel that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.

(4) **NORMAL REPAIR AND MAINTENANCE** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and replace worn out components, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5101.O

(1) **OFFICE** means an establishment that provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc., or that provides social assistance services directly to individuals other than residential or accommodation services.

(2) **OPEN MARKET OR MARKET SHOP** means retail sales conducted primarily from outdoor areas, open air structures, and buildings with stalls. Includes farmers’ markets and flea markets.

(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) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease, or advertising in an unenclosed area.
PART 5. DEFINITIONS
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(11) PUBLIC SAFETY FACILITY means the use of a structure or part of a structure to provide public safety services such as a fire station, ambulance station, police station, or emergency operation center.

(12) PUBLISHING means an establishment that issues copies of works such as newspapers, books, periodicals, maps, posters, databases and software in one or more formats including traditional print formats, digital media formats and online formats.

5101.O

5101.R

(1) RAIL TRANSPORTATION FACILITY means an establishment that provides rail passenger or freight transportation, or rail transportation support.

(2) RECREATIONAL FIELD means a site designed to accommodate active recreation with a minimum of improvements or structures such as a soccer or baseball field, basketball court, or dog park. Improvements such as fencing and a small parking area are appropriate but stadium lighting, bleachers, or indoor facilities would not (see fitness, sports, gym, or athletic facility).

(3) RELIGIOUS FACILITY means a structure that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities.

(3) RESTAURANT means an establishment that prepares meals, snacks, and beverages primarily for consumption on the premises.

(4) RESTAURANT, TAKE-OUT means an establishment that prepares meals, snacks, and beverages primarily for consumption off the premises.

(6) RETAIL SALES AND SERVICE (INDOORS) means a structure or part of a structure intended for the sale of products to consumers, primarily for off-site consumption or use, excluding any use specifically defined this chapter.

(6) RETAIL SALES AND SERVICE (OUTDOORS) means a site intended for the sale of products to consumers, primarily for off-site consumption or use, where the inventory is primarily stored or displayed outside an enclosed structure, excluding any use specifically defined in this chapter.

(7) ROAD PASSENGER AND TRANSIT SERVICES means an establishment that provides passenger transportation such as public transit, school bus, and taxi services.

(8) 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 agritourism 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.