

MEMORANDUM

To: Planning Commission chairs
From: Mike Miller, Director of Planning & Community Development
Re: Montpelier bylaw changes
Date: June 16, 2020

In accordance with 24 V.S.A. §4441(e)(1), the Montpelier Planning Commission is sending a copy of the proposed revision to the *Montpelier Unified Development Regulations* to the planning commission chairs of all adjacent communities along with copies of the required adoption reports.

There are two separate changes being considered. First is a complete replacement of the design control overlay district including changes to the boundary. Second is a consideration to adjust the boundary of Eastern Gateway zoning district to include the properties up to Pioneer Street on the north side of River Street. That area is currently zoned Riverfront.

If there are any questions or comments on the changes or the upcoming public hearing, please let me know at mmiller@montpelier-vt.org.

MCM

Notice of Public Hearing

The City of Montpelier Planning Commission hereby provides notice of a public hearing being held pursuant to 24 VSA §4441 (Preparation of Bylaws) and §4444 (Public Hearing Notice) for the purpose of hearing public comments on the proposed amendments to the Montpelier Unified Development Regulations.

The public hearing has been scheduled for:

DATE: July 13, 2020 at 5:30 p.m.

PLACE: Remote only except by appointment (email mmiller@montpelier-vt.org)

Join Zoom Meeting

<https://zoom.us/j/96422158881?pwd=ZnBtdmxRckgwWEJjTmRoOUFyYzVDZz09>

Meeting ID: 964 2215 8881 Password: 848435

Phone in: +13017158592,,96422158881# or +13126266799,,96422158881#

Statement of Purpose: The Unified Development Regulations have been developed to implement the policies of the Montpelier Master Plan and the Vermont Planning and Development Act. (See Section 1002 for full purpose statement)

This amendment is limited to:

- A revision of Section 2201 Design Control Overlay District including changes to the Design Control District boundary on the District Zoning Map. Also some minor edits are made in in other places in the document to accommodate these edits.
- A proposal to adjust the boundary of the Eastern Gateway Zoning District to extend up to Pioneer Street on the north side of river street. These 2 properties are currently zoned Riverfront.

Geographic Area Affected: All development within the City of Montpelier is subject to regulation under the Unified Development Regulations.

- Only properties within the Design Control Overlay District and 2 properties on Pioneer Street/ River Street will be impacted by this amendment.

Table of Contents: (abbreviated)

Unified Development Regulations

Part 1.	General
Part 2.	Zoning Districts & Standards
	<i>Section 2201 Design Control Overlay District</i>
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Location where full text may be examined: Copies of the full text of the proposed complete revision to the Montpelier Unified Development Regulations can be located in the Planning & Community Development Office in City Hall, Montpelier, Vermont. A copy is also available for download at <http://www.montpelier-vt.org>.

MEMORANDUM

To: DHCD, CVRPC, and Abutting Planning Commission chairs
From: Montpelier Planning Commission
Mike Miller, Director of Planning & Community Development
Re: Required report- Design Review
Date: June 16, 2020

The Montpelier Planning Commission has prepared a report that meets the requirements of state statute with respect to filing a Municipal Bylaw Adoption Report (24 V.S.A. §4441(c)). Please forward any questions and comments to Mike Miller, Director of Planning & Community Development for the City of Montpelier (information above) or attend any of the public hearings on the adoption of the proposed design review overlay district revisions.

❖ *Brief explanation of the proposed bylaw amendment including a statement of purpose.*

This proposal is an amendment to the Unified Development Regulations that were adopted on January 3, 2018 and most recently amended September 25, 2019. This amendment is a complete rewriting of Section 2201 to change from Design Control Overlay District to a Design Review Overlay District. These changes will also include changes to the boundary of the District to match, as close as reasonably possible, the neighborhood boundaries of the zoning regulations.

Rule change summary

The goals of the rewrite were as follows:

- Improve the predictability and consistency of applications;
- Add clear guidelines and standards in order to make decisions legally defensible;
- Continue with "design review" and not limit reviews just to "historic design review";
- Set rules to be consistent with National Park Service Rehabilitation Standards;
- Make more flexible standards (versus the current standards) with clear exemptions for the Administrative Officer to review;
- Establish transparent guidelines to enable discussions of revisions to the District Boundary;

The core changes that were proposed to meet those goals include:

- Adding clear specific standards for; (1) alterations and additions to historic buildings; and (2) for projects that don't involve historic buildings;
- Clarifying application process and adding limited options for Administrative Officer approval;
 - For example the Administrative Officer can approve minor amendments to previously approved projects, provided certain rules are met.
- Increased exemptions from Design Review and clarified statutory limitations.
 - For example, in-kind repair of porches will no longer require DRC review.

The new rules were generally modeled on the National Parks Service standards but were modified or expanded to achieve Montpelier-specific goals and to provide more predictability, consistency, and enforceability. A more complete discussion of the changes will be presented at the hearing on January 27th.

District boundary summary

The district boundary that currently exists has no basis for deciding what parcels should be in and what should not. It doesn't follow National Register of Historic District lines for Montpelier or zoning districts or any other boundary. For the new boundary the PC was not looking to make big changes but did want to have some justification for properties being included.

As a rule, all properties in the Designated Downtown must be in the Design Review district to remain in compliance with that program, which benefits our downtown. After that the Planning Commission chose to match the new design review boundary as close as reasonable to the neighborhood boundaries defined in the zoning regulations. In many cases one or two parcels would be added or removed at the edge to either make an entire neighborhood in or out. In a few cases a larger number of parcels were added (such as Redstone-north area around lower Terrace Street and the north side of Barre Street), because most of the neighborhood was already in. In a few instances we split a neighborhood because we had to keep some parcels in, but it was felt that including the entire district would not be appropriate. In this latter case only the parcels on Main Street to Jay Street were included, but not in the remainder of the Franklin Street and Liberty Street neighborhoods. If supported by residents (or not supported) the Planning Commission would consider adding (or removing) areas, but they wanted to create a proposal that minimized the overall changes to start the discussion.

Statement of purpose

These regulations implement the policies of the Montpelier Master Plan and the Vermont Planning and Development Act, 24 VSA Chapter 117. They are intended to:

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

Specific to this Design Review amendment, the goals of the Design Review Overlay District are:

- To preserve the City's irreplaceable historic resources, its built environment, and historic settlement pattern.
- To promote and support new development projects that are compatible with and complement the City's historic architecture.
- To retain a strong sense of place for residents and visitors and foster civic pride in the beauty of the City's historic and cultural heritage.
- To safeguard the City's cultural landscape and significant viewsheds including gateway views of the City and State Capitol.

❖ *Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Master Plan Montpelier, Vermont (adopted December 20, 2017) identifies goals and policies for the future growth and development of the City. Some specific goals and policies implemented through these regulations include:

- Section 4.5 Goal C-1f Review Design Control recommendations for sub-districts, updated Cityscape templates and lighting standards.
- Section 4.5 Goal C-2a Revise Zoning regulations, zoning district map, and design review guidelines taking into consideration zoning that incorporates performance and goal-oriented criteria that provide residents with a menu of compliance options and clear guidelines for the forms of development in particular areas.
- Section 4.5 Goal C-2b. Undertake a comprehensive review of all city regulations affecting building with the goal of identifying and eliminating unnecessary regulatory obstacles to development. Such a review shall include, but not limited to a review of lot size requirements, setbacks, lot coverage, and parking.
- Section 4.5 Goal C-5b. Revise the zoning ordinance to make it less cumbersome for homeowners to add rental units.

These proposed changes to the zoning regulations will improve the administration and enforcement of the regulations by fixing and clarifying issues as well as removing some

unintended barriers to development. It will also provide clear standards and guidelines for development to ensure that any new development will not have an undue impact on the character of our downtown and gateways. This will not make development more or less affordable and any additional cost of compliance will probably be minimal over the existing rules that are in place.

It will not directly affect the safety of housing although the new rules make some alterations like ADA compliance an administrative permit which will speed the approval of these types of projects.

❖ *Findings regarding how the proposal is compatible with future land uses and densities of the municipal plan.*

The proposed Design Review Overlay District is compatible with the districts and neighborhoods in the land use plan and zoning bylaws. The various neighborhoods being considered for design review are each either a critical gateway or part of the historic downtown. While the district could be bigger based on other descriptions of neighborhoods in the plan and zoning, the Planning Commission has limited these rules to the core neighborhoods of each theme (gateway and historic core).

The proposal will shift the zoning designation of 5 parcels to better align the design review boundaries with those of the underlying zoning and designated downtown. Three of those parcels are on Terrace Street and will be shifted from Residential 6000 to residential 9000 and two of the parcels are on Hubbard Street and will shift from Residential 1500 to Urban Center 2.

❖ *Findings regarding how the carries out any specific proposals for any planned community facilities.*

There are no applicable planned community facilities relevant to the design review regulation changes.

MCM

MEMORANDUM

To: DHCD, CVRPC, and Abutting Planning Commission chairs

From: Montpelier Planning Commission

Mike Miller, Director of Planning & Community Development

Re: Required report- Pioneer Street Zoning Change

Date: June 23, 2020

The Montpelier Planning Commission has prepared a report that meets the requirements of state statute with respect to filing a Municipal Bylaw Adoption Report (24 V.S.A. §4441(c)). Please forward any questions and comments to Mike Miller, Director of Planning & Community Development for the City of Montpelier (mmiller@montpelier-vt.org) or attend any of the public hearings on the adoption of the proposed changes to the zoning districts in the Pioneer Street area.

❖ *Brief explanation of the proposed bylaw amendment including a statement of purpose.*

This proposal is an amendment to the Unified Development Regulations that were adopted on January 3, 2018 and most recently amended September 25, 2019. This amendment would change the zoning district boundary in an area bounded by River Street, Pioneer Street, and the Winooski River to change from Riverfront to Eastern Gateway. A small portion of land north of the Winooski River to Country Club Road would be shifted to Rural as these areas are either city owned or unbuildable.

Statement of purpose

A development proposal to expand an existing non-conforming use in the area of Pioneer Street- in this case an expansion of the self-store business - found that the identified area above contains other non-conforming uses and non-conforming structures. Those uses and structures would be conforming if they were in the adjacent zoning district (Eastern Gateway). The question arose about what the vision is for this area into the future. Keeping it in Riverfront would prohibit expansion of the existing uses (self-store and the car-wash) and force change over time but changing the zoning designation would allow the existing uses to continue and grow if desired. The Planning Commission wanted to allow a public discussion of the proposal and see what the public thinks.

- ❖ *Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Master Plan Montpelier, Vermont (adopted December 20, 2017) identifies goals and policies for the future growth and development of the City. This is a limited change to the zoning map that does not have specific references in the City Plan. It would have the impact of shifting the parcel from the Smart Growth District to the Surrounding Neighborhoods District.

The Smart Growth District is described as:

- Within the Smart Growth District, the goal will be to promote housing and economic development that reflects Smart Growth principles. These areas should therefore have higher density and be pedestrian oriented with a mix of uses but recognizing that certain residential neighborhoods should be maintained and protected. (pg 122)

The Surrounding Neighborhoods are described as:

- This area represents an area that will require the most attention in planning over the near future. This zone has infrastructure and services to support growth but it is also outside the Smart Growth District so we do not want this area to become low density sprawl. Up until now this area has received less attention as the City focused on vibrancy of our Smart Growth neighborhoods but at some point in the future the City will need to turn its attention to these abutting areas. (pg 122)

Within the Unified Development Regulations (i.e. Zoning Regulations) the Neighborhood character of the Route 2 neighborhood, which is a part of the Riverfront Zoning District, is described as:

- This neighborhood developed primarily as a commercial and industrial corridor along the Winooski River, highway, and rail line. These regulations encourage the continued transformation of this area into a mixed-use neighborhood. Creative and adaptive re-use of historic buildings should be promoted, along with infill and redevelopment. The neighborhood is well suited for larger-scale buildings and innovative designs that reference the area's historic industrial character and architectural forms. Efforts should be made to enhance public access – both physical and visual – to the river and to improve and capitalize on buildings that face the river.

If converted to Eastern Gateway it would become a part of the Eastern Corridor neighborhood with a description as follows:

- This neighborhood extends along Route 302 from the city line to the intersection with Route 2. It has developed as a typical low-density highway commercial

corridor and accommodates many of the city's auto-oriented businesses. Proposed development should promote infill development and mixed-use redevelopment that shall enhance the aesthetic character of the corridor with well-designed buildings, landscaping, and signage along the frontage.

It will not directly affect the safety or affordability of housing except that the density of housing that is possible in Riverfront (1 unit per 1,500 sq. ft.) is greater than that in Eastern Gateway (1 unit per 5,000 sq.ft.).

❖ *Findings regarding how the proposal is compatible with future land uses and densities of the municipal plan.*

The proposal is a shift of a zoning boundary to cover some additional properties. Eastern Gateway tends to be more auto oriented while Riverfront is more pedestrian oriented. These parcels are at the edge of that walkable distance to downtown and are currently built out as auto oriented. The City Plan has placed this parcel in an area slated for transformation into a mixed use neighborhood but it is immediately adjacent to a different designation that would allow current uses to continue and expand. During the development of the plan and zoning regulations, this area was not specifically reviewed and considered and a revisiting of the boundary of where "smart growth" ends and "surrounding neighborhoods" begins was felt to be warranted.

It should be noted here that the removal of these parcels from the smart growth district would very likely result in the removal of these parcels from the City's Growth Center Designation approved by the state.

❖ *Findings regarding how the carries out any specific proposals for any planned community facilities.*

There are no applicable planned community facilities relevant to the zoning district changes in this area.

MCM

Section 2201- Design Review Overlay District**Section 2201.A. Purpose and Declaration of Public Policy.**

- (1) The City Council finds that Montpelier is a compact community with special historical, architectural, engineering, urban design, visual, natural, and cultural significance. In particular, the city has retained a wealth of historic buildings, newer buildings, parks, common areas, bridges, structures, travel corridors, and other contributing resources that, together, establish the city's exceptional visual quality and convey a distinctive and powerful sense of place and time to residents and visitors alike. The tangible fabric of that visual quality represents an intricate weave of historic buildings, landscapes, and structures, including monumental public buildings, dignified commercial blocks, architecturally distinctive residences, important common areas, wooded hillsides, and traditional patterns of streets and walkways that join these interconnected resources, thus revealing the city's historic patterns of settlement from its founding to present day.
- (2) The City Council also finds: (i) that the city's special historic and aesthetic character has been compromised in the past, either through the destruction of entire buildings; through the incremental loss of small or selective features on individual buildings that results in a substantial and cumulative loss over time; or through the location or design of new buildings that compromise the visual and historic quality of the city; and (ii) that such compromises have occurred without adequate consideration or awareness of the irreplaceable loss to the people of the city of the aesthetic, cultural and historic values represented by those resources.
- (3) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of the city's architectural, engineering, landscape, and cultural features of historic or aesthetic value is a public good and is required in the interest of health, prosperity, safety, and general welfare of the people. The purpose of this Design Review Overlay District is to: (i) accomplish the protection, enhancement and perpetuation of those features that represent the city's cultural, social, economic, political, engineering, and architectural history; (ii) safeguard the city's historic, aesthetic and cultural heritage; (iii) stabilize and improve property values; (iv) foster civic pride in the accomplishments of the past; (v) protect and enhance the city's attractions to tourists and visitors, thus furthering support and stimulus to business and industry; (vi) strengthen the economy of the city; (vii) promote the use of historic resources for the education, enjoyment, and welfare of the people of the city; and (viii) protect significant viewsheds, including gateway views of the Vermont State House, a National Historic Landmark that is representative of the city's historic role as a seat of government.
- (4) The Design Review Standards, Guiding Design Principles, Specific Design Standards, and New Construction Standards contained herein are intended to advance the purposes of this Design Review Overlay District identified in Paragraph (3) above. Any supplemental educational publications or brochures, as referenced in Section 2201.I, prepared by the Design Review

Committee or by the city's Historic Preservation Commission, as authorized by this ordinance, are intended to serve as practical, informative guides for property owners and are not substitutes for the standards, principles or guidelines contained herein. Instead, such educational materials should be read in conjunction with the provisions of this ordinance, a means to become better informed about the process required to obtain permits.

- (5) The goals of the Design Review Overlay District are as follows:
- (a) To preserve the City's irreplaceable historic resources, its built environment, and historic settlement pattern.
 - (b) To promote and support new development projects that are compatible with and complement the City's historic architecture.
 - (c) To retain a strong sense of place for residents and visitors and foster civic pride in the beauty of the City's historic and cultural heritage.
 - (d) To safeguard the City's cultural landscape and significant viewsheds including gateway views of the City and State Capitol.

Section 2201.B **Enabling Legislation.** In accordance with 24 V. S. A. Chapter 117 §4414(1)(E), the Design Review Overlay District has been created to guide development in areas with particular historical, architectural, urban design, visual and cultural significance.

Section 2201.C **Overlay Zoning.** These design review regulations are an overlay zoning district and are therefore in addition to any requirements of the underlying zoning district. All uses and dimensional requirements of the underlying zoning district remain the same.

Section 2201.D **Boundary.** The Design Review Overlay District shall consist of all lands depicted in Design Review Overlay District on the official City of Montpelier Zoning Map kept on file in the Department of the Planning and Community Development and incorporated into these Regulations.

Section 2201.E **Applicability.** Except as provided herein, development within the Design Review Overlay District shall meet the provisions of this Section.

- (1) **Exempt Development.** The following development is exempt from design review approval requirements:
- (a) The subdivision of land.
 - (b) Interior alterations or changes of use that will not result in any exterior modifications. The alteration to doors or windows, located on exterior walls is not an exempt activity.
 - (c) Repainting of exterior painted surfaces provided that destructive surface preparation treatments, including, but not limited to high-pressure water washing, grinding, water blasting, sandblasting, and chemical cleaning are not used.
 - (d) Roof repair with in-kind roofing material.
 - (e) Repair or replacement of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels.
 - (f) Temporary mechanical or equipment installations lasting no more than one hundred twenty (120) days, which will not damage character defining features of a building.

- (2) **Limitations.** Consistent with the goals laid out in Section 2201.A(5), development associated with a community facility shall be governed by this Section 2201 to the extent allowed by Section 3103 of these regulations.

Section 2201.F

Submittal Requirements.

- (1) **Standard Materials:** In addition to the materials required by any other provisions of these Regulations, applications for design review shall include information sufficient to demonstrate compliance with this Section. At a minimum, applications will typically contain the following, as appropriate for the specific project:
- (a) A written description of proposed work.
 - (b) Locational map showing the parcel location.
 - (c) Current color photographs showing the site and affected structures, all sides, neighboring structures and relevant details.
 - (d) Building elevations, drawn to scale, or annotated photographs of the existing structure, including architectural details such as trim and molding. These drawings do not need to be drawn by an architect, but must be drawn to scale, easy to read, and must include architectural details.
 - (e) A drawing clearly showing new structures and/or changes to existing structures.
 - (f) A plan showing proposed landscaping including information on the type and size of plant materials to be installed. (This is required for projects subject to Site Plan review.)
 - (g) A description of all materials to be used on the exterior of any building. Physical samples of building materials are also helpful for review.
 - (h) Cut sheets for lighting fixtures, bulb type, lumens, and direction of light.
 - (i) If replacing materials that are part of Character Defining Features, a written description of the existing condition of materials and why repair is not feasible.
- (2) **Additional Materials.** The Design Review Committee or Administrative Officer, as appropriate, may require an applicant to submit additional information, as necessary to determine compliance with these rules.

Section 2201.G

Review Process.

- (1) **Determination of Review Type:** The Administrative Officer shall review projects requiring Design Review per Chapter 420 and either: (1) review the applications administratively per § 2201.G(5); or (2) refer them to the Design Review Committee for review..
- (2) **Review Criteria:** The Design Review Committee, the Administrative Officer, and the Development Review Board shall evaluate an application's conformance to the criteria set forth in the following design standards when making a determination or recommendation on an application (i.e., alteration or addition to an existing historic or non-historic building, new building, new sign, etc.).
- (3) **Additional Guidance Materials:** The Administrative Officer, Design Review Committee, and Development Review Board may use additional outside

materials in making recommendations and determinations, including the following: (i) the Secretary of the Interior's Standards for Rehabilitation, attached as Appendix A; (ii) the Montpelier Guidelines for [title TBD], attached as Appendix B; and (iii) any other supplemental educational publications or brochures prepared by the Committee or the City's Historic Preservation Commission, and available through the Department of Planning and Community Development.

- (4) **Optional Referral:** The Administrative Officer may refer applications to the Design Review Committee when there is uncertainty about whether the proposal is eligible for administrative review.

- (5) **Administrative Review.** The following may be reviewed by the Administrative Officer without review by the Design Review Committee:

- (a) Routine maintenance and repair of existing structure(s) and site improvements, including repairs and changes to siding and roofing, provided that all changes are in-kind.
- (b) Repair, replacement, and installation of mechanical, electrical, data, and plumbing systems on the rear building elevation provided that such work does not alter or permanently change the appearance or affect character-defining features of the building.
- (c) Repair or partial replacement of deteriorated porches, cornices, exterior siding, doors, balustrades, stairs, or trim when the repair or replacement is done in-kind.
- (d) Window and door repair and maintenance including the installation of storm windows and doors that do not require permanent alteration to the window or door openings and where all visually-related windows or doors on the same façade receive the same storm window or door treatment.
- (e) New or modified retractable awnings on the side elevation of residential buildings and all elevations of commercial buildings.
- (f) One accessory structure meeting the requirements of § 1101.B(2) per lot located in the side or rear yard.
- (g) Exterior placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes and components of HVAC systems including heat pumps located on the side building elevation.
- (h) Electric, fuel or propane tanks less than 500 gallons, gas meters, cable boxes, satellite dishes less than 3 feet in diameter, HVAC equipment, service meters, sprinkler systems, valves, wiring, and any associated screening systems.
- (i) Above-ground storage tanks not exceeding a total of 500 gallons per property which are located in the side yard and generally not visible from the public right-of-way.
- (j) Americans with Disability Act (ADA) features, such as ramps, located on the sides or rear building elevation.
- (k) Installation of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels.
- (l) The removal of signs.
- (m) Modifications to plans previously approved by the Design Review Committee upon a finding that the proposed change:
 - i. Is not a material change; and
 - ii. Does not affect any character-defining features on the parcel.

- (6) **Design Review Committee Review:** All projects not specified for Administrative Review in Section 2201.H(5) must be reviewed by the Design Review Committee.
- (7) **Informal Review:** Applicants whose projects or properties are located within the Design Review Overlay District are encouraged to have an informal meeting with the Administrative Officer or the Design Review Committee, as appropriate, to obtain information or guidance: (i) prior to undertaking significant repairs, or for technical assistance with implementing recommended repair and maintenance practices; and (ii) to get preliminary guidance regarding the proposed activity or project and the necessary application contents.

Section 2201.I

Design Review Standards.

- (1) **Design Standards.** Project requiring Design Review shall be evaluated based on the following standards, as applicable:
 - (a) **All Projects**
 - i. Exterior design and materials of new construction or alterations of existing buildings shall be consistent and compatible with the characteristics of the existing building or other properties in the district;
 - 1. Additions to existing buildings shall respect and be compatible with the size, scale, materials, detailing, and overall character of the primary building and its environs.
 - 2. Additions shall not obscure or undermine the essential form and character of the original building, and should reflect the addition's period and style as appropriate.
 - ii. Existing buildings shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken. New construction, additions, and alterations shall be of their own time and shall not create a false sense of historicity;
 - iii. Proposed landscaping shall be compatible with the Neighborhood and the site on which the project is located.
 - iv. Location and appearance of all utilities, mechanical equipment, trash storage, and fencing shall be sited to minimize adverse visual impact or adequately and appropriately screened from public view;
 - v. Alterations to buildings called for by public safety, accessibility, and fire codes shall be designed to maintain the character of the construction materials and features to the maximum extent feasible;
 - vi. Where applicable, development shall be designed to respect views of the State House Dome;
 - vii. For parcels with both river and street frontage, development shall be oriented so that both river and street façades are

- primary. Materials on the riverside of a structure shall be of equal character and quality as those on the street side. Both façades should incorporate fenestration, detailing, and other building components that are dimensionally proportional and are pedestrian friendly.
- viii. **Height.** The height of building additions shall not overwhelm the primary façade.
 - 1. The height of building additions shall be considered in relation to the varied heights of existing building and adjacent buildings.
 - ix. **Proportion.**
 - 1. The relationship between the width and height of the façades of buildings shall be compatible with adjacent buildings.
 - 2. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of new additions.
 - x. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the façade of buildings shall create a rhythm.
 - 1. Proportional architectural details, a sense of rhythm, and regular spacing of fenestration shall be considered.
 - 2. Scale and massing of architectural features shall present a variety in their composition.
 - xi. **Roof Shape and Equipment.**
 - 1. The similarity or compatibility of roof shapes in the immediate areas shall be considered in the alteration of a building.
 - 2. Rooftop equipment and fixtures on flat roofs shall be concealed from eye level view from adjacent public rights-of-way, and from the ground level of any adjacent properties.
 - xii. **Architectural Features.** Architectural features, including but not limited to, cornices, windows, shutters, fanlights, entablature, trim, and other forms of molding or character-defining detailing prevailing on the existing building shall be considered in the alteration of a building.
 - xiii. **Roof Drainage Systems.** Roof drainage systems shall not hide or obscure architectural character-defining features and shall run adjacent to building corners when possible.
 - xiv. **Signage.** When removing a sign, evidence of the sign's installation must be removed to the greatest extent practicable.

(b) Additions and Alterations to Historic Buildings

i. Generally Applicable

- 1. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a historic property shall be avoided.

2. Character-defining features, finishes, and construction techniques or examples of craftsmanship that characterize a historic building shall be preserved. For instance:
 - a. Additions shall not obscure or undermine the essential form and character of the original building, and should reflect the addition's period and style as appropriate; and
 - b. Additions to buildings shall not introduce style and features that are not compatible with the historic building.
3. Development shall not destroy Character Defining Features.
 - a. Deteriorated Character Defining Features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a character-defining feature, the new feature shall be replaced in-kind.
4. Any treatments that cause damage to historic materials, including but not limited to chemical or physical treatments such as sandblasting, shall not be approved.
5. Any new development shall be differentiated from the old, but shall respect and be compatible with the massing, size, scale, architectural features, detailing and overall character of the primary historic building and nearby historic properties.
- ii. **Rhythm.** Patterns of solids and openings shall be preserved to the extent feasible.
 1. It is not appropriate to add, cover over, or remove a window or door opening on façades visible from a public street unless the applicant can demonstrate it is essential to operations occurring within the building. In those cases where a window or door opening must be added, covered or removed, a suitable design solution that maintains the architectural integrity of the façade shall be proposed, including retention of the window or door opening and trim, with any infill material set back within the opening.
- iii. **Site Features.** Existing historic and contributing resources such as street trees, fences, gates, walls, steps, gazebos, walkways, front and side yard patterns shall be retained or restored when impacted by the alteration of a building. Walls and fences shall be compatible with the site and the building in scale, traditional materials, and design that reflects the period of the building and/or is compatible with the surrounding context.
- iv. **Materials.** Character Defining Materials should be preserved to the maximum extent practicable and replaced in-kind when they have deteriorated beyond repair. Replacement materials shall match existing materials to the maximum extent feasible.

Covering Character Defining Materials with new materials shall be avoided.

1. An alteration shall be considered to be compatible if the building materials used possess a kind or type which are appropriate to that building. Materials selected shall either fit the context of the existing building and/or reflect the nature and use of the structure.
 2. Materials shall be selected for the long-term performance and durability.
 3. When composite materials are appropriate, they should be treated in the same manner of the replaced material(s).
- v. **Roof Shape.** Roof forms and pitch shall not be altered on the primary façade.
- vi. **Architectural Features.**
1. Architectural or Character Defining Features prevailing on the existing building shall be considered in the alteration of a building.
 2. When an architectural feature on a historic building has deteriorated beyond repair, the replacement architectural feature shall match the existing in design, texture, other visual qualities, and materials.
 3. Architectural features on an addition shall not duplicate, but shall respect the original building's architectural features.
- vii. **Windows and Doors.**
1. Character Defining window and door patterns, placement, sizes, proportions, and original features such as trim, sash and moldings, shall be preserved to the extent possible. When preservation is not possible, such Character Defining windows and doors must be rehabilitated or replaced in-kind.
 2. Windows and Doors that are not Character Defining, may be replaced, but such replacements must be compatible with the historic building's style, materials, and architectural features. .
- viii. **Porches and Stairs.**
1. The location of porches, ramps, and stairs shall be placed in a manner that does not impact or undermine the original and significant ornamentation or detailing of the existing building.
 2. Stairs, ramps and porches shall employ suitable detailing to connect and be compatible with the historic and important design features of existing buildings and new construction.
 3. Stairs and ramps shall be designed in a manner with details and materials that provide the most sensitive and compatible structure and that fits the building design and layout.

(c) Projects that Do Not Involve an Historic Building

- i. **Additions and Alterations.** Additions and alterations to non-historic and non-contributing structures shall respect and be compatible with existing patterns and setbacks found in adjacent buildings. New additions on non-historic and non-contributing structures that overshadow or diminish the historic character of adjacent contributing structures are prohibited.
- ii. **New Development.**
 1. New development shall incorporate sustainable design and construction methods and materials compatible with historic materials and styles.
 2. **Scale and Massing.** The scale and massing of new buildings shall be compatible with surrounding structures.
 - a. Compatible scale and massing can be achieved by incorporating a variety of shapes or materials, such as columns, windows and their placement, doorways, roof segments, and wall patterns.
 3. **Orientation.** New buildings shall be oriented toward, and relate both functionally and visually to, public streets and/or common greens, parks, or plazas. To provide a uniform streetscape, new principal structures shall be located and oriented with their fronts parallel to the street and with the setback distance comparable to adjacent structures.
 - a. Consideration shall be given to buildings serving special civic, social, or cultural functions, including places of worship, that may be designed to serve as prominent focal points and result in different site planning parameters within the district, subject to the limitations noted in Section 3103 of these regulations.
 4. **Height.** The height of a new building shall be compatible with the varied heights of existing adjacent buildings.
 5. **Proportion.**
 - a. The relationship between the width and height of the facades of buildings shall be similar to adjacent buildings.
 - b. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of a new building.
 6. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the façade of buildings create a rhythm. These patterns of solids and openings shall be compatible to the adjacent buildings in the construction of a new building.
 - a. In making this determination, proportional architectural details, a sense of rhythm, and

regular spacing of fenestration shall be considered.

7. **Continuity.** Physical elements such as yards, fences, evergreen masses, or building facades may combine to form lines of continuity along a street. These supporting design or landscape elements, and particularly those with historic value and purpose, shall be retained or referenced in new construction.
8. **Materials.** The materials of new construction shall be compatible with materials of surrounding buildings.
 - a. New construction shall be considered to be compatible if the materials used possess a kind or type that are appropriate to the District.
 - b. Materials selected shall either fit the Neighborhood context of the proposed building and/or reflect the nature and use of the structure.
 - c. Materials may be selected for the long-term performance and durability.
9. **Roofs.**
 - a. **Shape.** The roof shape shall be compatible with roof shapes in the surrounding area.
 - b. **Equipment and Fixtures.** Rooftop equipment and fixtures on flat roofs shall be concealed from eye level view from adjacent public rights-of-way, and from the ground level of any adjacent properties.
10. **Architectural Features.** Architectural features including but not limited to cornices, windows, shutters, fanlights, entablature and other forms of molding or unique detailing prevailing in the surrounding area shall be regarded as suggestive of the extent, nature, and scale of details that are appropriate for new buildings.
 - a. This subsection does not require that the details of historic buildings be duplicated.
11. **Context and Connectivity.** Building design shall be sensitive to the overall character and context of the Design Review Overlay District and to adjacent buildings.
 - a. New construction shall incorporate architectural elements that reinforce or add to the character of the area.
 - b. Other building elements and components such as lighting fixtures, sign size, design and sign placement, paving patterns, and landscape elements are to be selected and incorporated into new construction in a manner that provides compatibility with adjacent structures and sites.
12. **Accessory Buildings and Structures.**
 - a. New accessory buildings or structures shall be located within either the side yard or rear yard.

- b. New accessory buildings shall not visually disrupt the streetscape or affect the integrity of the existing building or proposed new building.
- (d) **Demolition.** The demolition of any structure, or portion thereof, shall be reviewed under subsections (a), (b), and (c), as applicable.
- (e) **Signage.** The size, location, design, color, texture, lighting, and material of all exterior signs within the Design Review Overlay District shall be compatible with the buildings and structures of the site and surrounding properties. Additional guidance includes the following standards:
 - i. Where appropriate, signing shall respect the original sign placement and sign "bands" on historic structures. If a building has multiple tenants, there shall be consistency in placement and size among all signs.
 - ii. It is recommended that sign placement be centered over building entries.
 - iii. Sign installation shall minimize damage to character defining materials on the building.
 - 1. In masonry buildings, fasteners shall be in the mortar joints.
 - iv. Sign design, color, and typography shall respect historic precedents where appropriate, and shall be the appropriate scale for existing and new buildings.
 - v. Sign support structures shall be compatible with the building architecture and must not be overly complex or dominant in and of themselves.
 - vi. Lighting fixtures for signs on façades of Historic Buildings shall not conflict with or damage the building's architectural integrity, or cover or impact character-defining architectural features.
 - vii. Lighting fixtures for signs mounted on all building façades shall be designed with appropriate housing, shielding, and photometrics to ensure that there is appropriate lighting levels and illumination that focuses on the sign panels exclusively.
- (f) **Outdoor Lighting Fixtures.** The structural design of outdoor lighting fixtures shall be compatible with the architectural design and function of the building and compatible with the neighborhood.
- (g) **Landscaping, Screening, and Site Furnishings** Projects within the Design Review Overlay District and subject to the landscaping requirements in Section 3203 shall consider the following:
 - i. Site furnishings including fencing, seating and other types of site furniture visible from the street or side yards shall be considered within the context of the existing building, its site and its context.
 - ii. Landscaping should not be placed or designed in a manner that would obscure or undermine key architectural patterns or elements on historic buildings.
 - iii. When practicable, existing historic fencing shall be preserved or replicated when employed in either residential or

- commercial/institutional settings. For new construction compatible materials and design patterns shall be employed.
- iv. Mechanical equipment such as HVAC elements, utility structures, loading docks and trash receptacles shall be screened from public view either by: (i) siting on rooftops or in rear yard locations; or (ii) via screening with fencing and/or landscaping.
 - 1. "Green" fencing such as hedges planted with native and hardy landscape species can be employed as effective buffers and screens for utilities and other elements incompatible with an historic district and setting.

- (2) **Waivers** – When reviewing an application under these regulations, the Design Review Committee, the Administrative Officer, and the Development Review Board may consider exceptional circumstances including, but not limited to, cost and technical feasibility.

Section 2201.J **Defined Terms.** The following defined terms are specific to the provisions of Section 2201. The general definitions under Chapter 510 shall apply to this Section unless otherwise specified in this subsection J.

- (1) **Alteration**- The change of the exterior features, appearance, or form of an existing building.
- (2) **Architectural feature** – Any part of a building and general arrangement of the exterior of a building or other structure, including, but not limited to, type or textures of the building material and siding; the type and style of all windows, doors, porches, roofs, foundations, signs, landscaping, fencing and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.
- (3) **Character** - The visual aspects and physical features that comprise the appearance of a building. Character may include individual structures or the relationship between structures.
- (4) **Character Defining Materials**- The construction materials included in a character defining feature of a building, structure, or site.
- (5) **Compatible**- In harmony with surroundings considering, for example, balanced with or similar in size, scale, massing, outward appearance, fenestration, proportion, etc.
- (6) **Cultural Landscape**- Historically significant places that show evidence of human interaction with the physical environment. Cultural landscapes include both cultural and natural resources and are associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights and sculptural objects.
- (7) **Elevation**- The external face of a building or a drawing thereof.

- (8) **Façade-** Any one of the external vertical planes of a building. The primary facade of a building usually faces the street and serves as the building's main entrance.
- (9) **Feature, Character-Defining** – Building or landscape components that contribute to the historical or architectural interest, identity, or significance of a resource. This includes parts of buildings that if removed or inappropriately altered would compromise its architectural character or appearance. Character-defining features may include the overall shape of the building, its materials, craftsmanship, and decorative details, as well as the various aspects of its site and environment.
- (10) **Fenestration-** The arrangement of windows and doors on the elevations of a building.
- (11) **Historic Building-** Any building listed on the State Register or National Register of Historic Places.
- (12) **In-kind** – In-kind replacement refers to replacing an element with a matching element of the same material, size, shape, and appearance (excepting color).
- (13) **Integrity-** The ability of a property to convey its significance. Seven aspects or qualities that, in various combinations, define integrity include location, design, setting, materials, workmanship, feeling, and association.
- (14) **Mass, massing** – The bulk, form, and shape of a building.
- (15) **National Register of Historic Places-** Those properties located in Montpelier, Vermont, and nominated for listing on the United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance, through a National Register of Historic Places Registration Form, last updated , as amended from time to time.
- (16) **Proportion-** Refers to the relationship of height to width of the various elements in a building's design.
- (17) **Resource** – In the context of historic preservation, a building, structure, site, district, or object. Also known as "cultural resource" or "historic resource."
- (18) **Resource, Contributing** – A building, structure, site, district, or object with qualities of historical or architectural interest. Generally contributing resources are more than 50 years old and are identified as contributing in the National Register of Historic Places nomination.
- (19) **Resource, Non-contributing** – A building, structure, site, district, or object without qualities of historical or architectural interest or significance.

- (20) **Rhythm** – A patterned repetition or alternation of formal elements (doors, windows, porches, etc.) or motifs to establish a repetitive pattern.
- (21) **Routine Maintenance** – The repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship. Routine maintenance includes in-kind replacement of exterior elements or accessory hardware.
- (22) **Scale** – The size and mass of a building's façade and form in relation to nearby buildings. Important factors in establishing the scale of a façade include the physical relationship of elements, such as window area to wall area, the shape and size of fenestration, the bonding pattern of the brickwork, and details such as cornices and trim.
- (23) **Secretary of Interior's Standards** - When referenced in these regulations, the Standards refer to the list of ten Rehabilitation Standards aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.
- (24) **Setting** – The physical environment that surrounds a building or structure.
- (25) **Side Building Elevation** – Means the building elevation that faces a side yard.
- (26) **Siding**- The exterior wall covering of a structure.
- (27) **Significance**- The importance of a property to the history, architecture, archeology, engineering, or culture of a community, a State, or the nation. The Historic Preservation Commission may provide testimony of the significance of a property at a Design Review Committee or Development Review Board hearing.
- (28) **Structure, Contributing** – A structure that qualifies as a Contributing Resource.
- (29) **Structure, Non-contributing** – A structure that qualifies as a Non-Contributing Resource.
- (30) **State of Vermont Register of Historic Places**- The State's official list of historic properties significant to the history of the Green Mountain state.
- (31) **Trim** – Finished woodwork used to decorate, border or protect the edges of openings, such as doors and windows.
- (32) **Visible from the public right-of-way** - Any portion of a building or structure that is generally visible from the public street or sidewalk immediately adjacent to the property. For the purposes of these regulations, any portion of a building or structure that is not visible due to landscaping shall be considered visible from the public right-of-way.

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Chapter 110. Exemptions

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

Section 1101. General Exemptions

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

- (1) Normal maintenance and repair of an existing structure as long as there is no change to its use and involves no change in design, materials, or outward appearance.
- ~~(4)~~(2) Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety and to protect the structure from the elements. Further development beyond the minimum necessary to stabilize and secure the structure shall require a zoning permit (see Section 1206 and Section 3004).
- ~~(2)~~(3) Interior renovations including an increase in floor area (by finishing unfinished space) as long as there is no change to its exterior dimensions and no change in use or in the number of dwelling units.
- ~~(3)~~(4) Any unroofed garden structure (ex. arbor, trellis, pergola) that is not more than 10 feet in height and that conforms to setback requirements (see Section 3002 and Section 3003).
- ~~(4)~~(5) An antenna used for single-use local business radio dispatch purposes or for police, fire, ambulance, or similar emergency dispatch purposes.
- ~~(5)~~(6) Garage sales, yard sales, auctions, or similar activities that do not occur on a property for more than 3 consecutive days and for more than 12 days in any calendar year.
- ~~(6)~~(7) Use of public or private land for hunting, fishing or trapping in accordance with state regulations. This does not include related recreational facilities, such as firing ranges or rod and gun clubs.
- ~~(7)~~(8) Minor grading, filling, or excavating, which is not part of approved construction activities or is not commercial mining, extraction or quarrying that:
 - (a) Results in the movement of not more than 30 cubic yards of material for normal maintenance of roads, driveways, parking areas, yards, and personal or community gardens, and
 - (b) Provides appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure, or downstream waterbodies.
- ~~(8)~~(9) Construction or maintenance of a road, sidewalk, path, bridge, culvert, or other infrastructure within a public right-of-way.
 - (a) Parklets within a public right-of-way that receive approval under the parklets ordinance shall be exempt from review under these regulations.
- ~~(9)~~(10) Landscaping and outdoor lighting associated with single- and two-unit parcels.
- ~~(10)~~(11) The following are not considered subdivisions and therefore do not require zoning permits:
 - (a) The filing of boundary surveys or corrective deeds to repair boundary metes and

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

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

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

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

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

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

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

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

~~(2)~~(1) Any accessory building ancillary to a residential use that:

- (a) Is less than 100 square feet in floor area;
- (b) Is less than 10 feet in height if it has a flat roof or less than 12 feet in height if it has a pitched roof; and
- (c) Conforms to setback and lot coverage requirements (see Section 3002 and Section 3003).

- ~~(3)~~(2) A solar energy device installed on and projecting not more than 10 feet above a sloped roof, or a solar energy device of any height installed on a flat roof (any roof with a slope of not more than 5%).

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

- ~~(5)~~(4) A patio, terrace, deck, or similar unroofed structure ancillary to a residential use that is not more than 300 square feet in area and that conforms to setback and lot coverage requirements (see Section 3002 and Section 3003).

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

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

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

- ~~(9)~~(8) A television antenna, radio antenna, satellite dish, or similar device used to provide on-site communication service that meets the standards below. These devices may exceed district height requirements, but shall conform to setback requirements. These devices should be installed on the least visible location on the building or property where they can reasonably function.

- (a) A roof-, wall-, or ground-mounted dish antenna with a face(s) not more than 15 square feet in area.

PART 2. ZONING DISTRICTS & STANDARDS

Chapter 200. General Provisions

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

Section 2001. Establishment of Base Zoning Districts & Neighborhoods

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

- (1) Urban Center 1 (UC1) District (Section 2101)
- (2) Urban Center 2 (UC2) District (Section 2102)
- (3) Urban Center 3 (UC3) District (Section 2103)
- (4) Riverfront (RIV) District (Section 2104)
- (5) Eastern Gateway (EG) District (Section 2105)
- (6) Western Gateway (WG) District (Section 2106)
- (7) Mixed Use Residential (MUR) District (Section 2107)
- (8) Residential 1500 (RES 1.5) District (Section 2108)
- (9) Residential 3000 (RES 3) District (Section 2109)
- (10) Residential 6000 (RES 6) District (Section 2110)
- (11) Residential 9000 (RES 9) District (Section 2111)
- (12) Residential 24000 (RES 24) District (Section 2112)
- (13) Rural (RL) District (Section 2113)
- (14) Municipal (MUN) District (Section 2114)

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

2001.C The description of the neighborhoods in each zoning district shall be used solely for determining compatibility with character of that neighborhood. The neighborhoods have no further regulatory purpose except as otherwise specifically stated in these regulations.

Section 2002. Establishment of Overlay Zoning Districts

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

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

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

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

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

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

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

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

- (1) Public signs or notices erected or required by the city or state within the public right-of-way, including signs associated with public transit.
- (2) Government flags not more than 60 square feet in area when flown from a flag pole.

PART 4. ADMINISTRATIVE PROCEDURES

Chapter 400. Functions and Responsibilities

The purpose of this chapter is to identify the various city employees, officials and committee members involved in reviewing development applications and administering these regulations.

Section 4001. Administrative Officer

4001.A The City Manager shall appoint an Administrative Officer to administer these regulations.

4001.B The Administrative Officer shall:

- (1) Assist applicants in determining whether and which city permits or approvals shall be needed for a project;
- (2) Provide applicants with application forms;
- (3) Maintain records;
- (4) Respond to complaints and violations; and
- (5) Perform all other tasks necessary to administer these regulations.

4001.C The Administrative Officer shall enforce the provisions of these regulations literally and may only issue a zoning permit for development that conforms to these regulations.

Section 4002. Development Review Board

4002.A The Development Review Board performs development review functions as specified in these regulations and in accordance with their adopted rules of procedure.

4002.B The City Council appoints members to the Development Review Board as specified in the city charter (see 24 V.S.A. App. § 5-806).

4002.C The Administrative Officer refers applications to the Development Review Board as required under these regulations.

Section 4003. Advisory Committees

4003.A **Design Review Committee.** The City Council appoints members to the Design Review Committee. In accordance with the provisions of Section 2201 and Section 4301, the Design Review Committee reviews applications for development within the Design ~~Control~~Review Overlay District as follows:

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

Chapter 430. Development Review Procedures

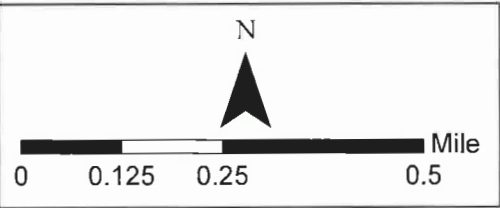
Section 4301. Design Review

- 4301.A The Administrative Officer ~~shall refer all~~ review any applications ~~requiring review under Subsection and for development~~ within the Design ~~Control~~ Review Overlay District ~~to determine the degree of review required per Subsection 2201.C~~ 2201.E. For development requiring review under Section 2201.G, the Administrative Officer shall either: (i) conduct the review Administratively per Section 2201.G(5); or (ii) refer the application to the Design Review Committee prior to any review by the Development Review Board or to the Administrative Officer issuing a zoning permit: per Section 2201.G(6)
- 4301.B ~~The Design Review Committee plans shall evaluate the design plan based on~~ be reviewed per the standards ~~and criteria in~~ of Section 2201.
- 4301.C ~~The Any Design Review Committee~~ meeting shall be noticed in accordance with the Open Meeting Law.
- 4301.D The Design Review Committee or Administrative Officer may recommend specific modifications to the proposed plans based on the standards and criteria in Section 2201.
- 4301.E Where the applicant agrees with the recommendations of the Design Review Committee or Administrative Officer, and the application otherwise does not need review by the Development Review Board for other approvals, the ~~application shall return to the~~ Administrative Officer for shall make the final decision on the approval or denial of the application.
- 4301.F Where an applicant does not agree with the recommendations of the Design Review Committee or Administrative Officer, the applicant may, within 15 days, appeal the recommendation to the Development Review Board. Additional fees may apply based on the fee schedule.
- 4301.G The Development Review Board or Administrative Officer may deny or condition approval of an application based on the Design Review Committee's recommendations.
- 4301.H The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4601.

Section 4302. Conservation Commission Review

- 4302.A **Applicability.** Where Conservation Commission review is required under these regulations, the following process applies.
- 4302.B The Administrative Officer shall notify the chair of the Conservation Commission of any application requiring Conservation Commission review. The Conservation Commission shall hold a hearing within 21 days of the Administrative Officer's notification.
- 4302.C The meeting shall be noticed in accordance with Open Meeting Law.

Zoning, Design Control, & New Proposed Design Review

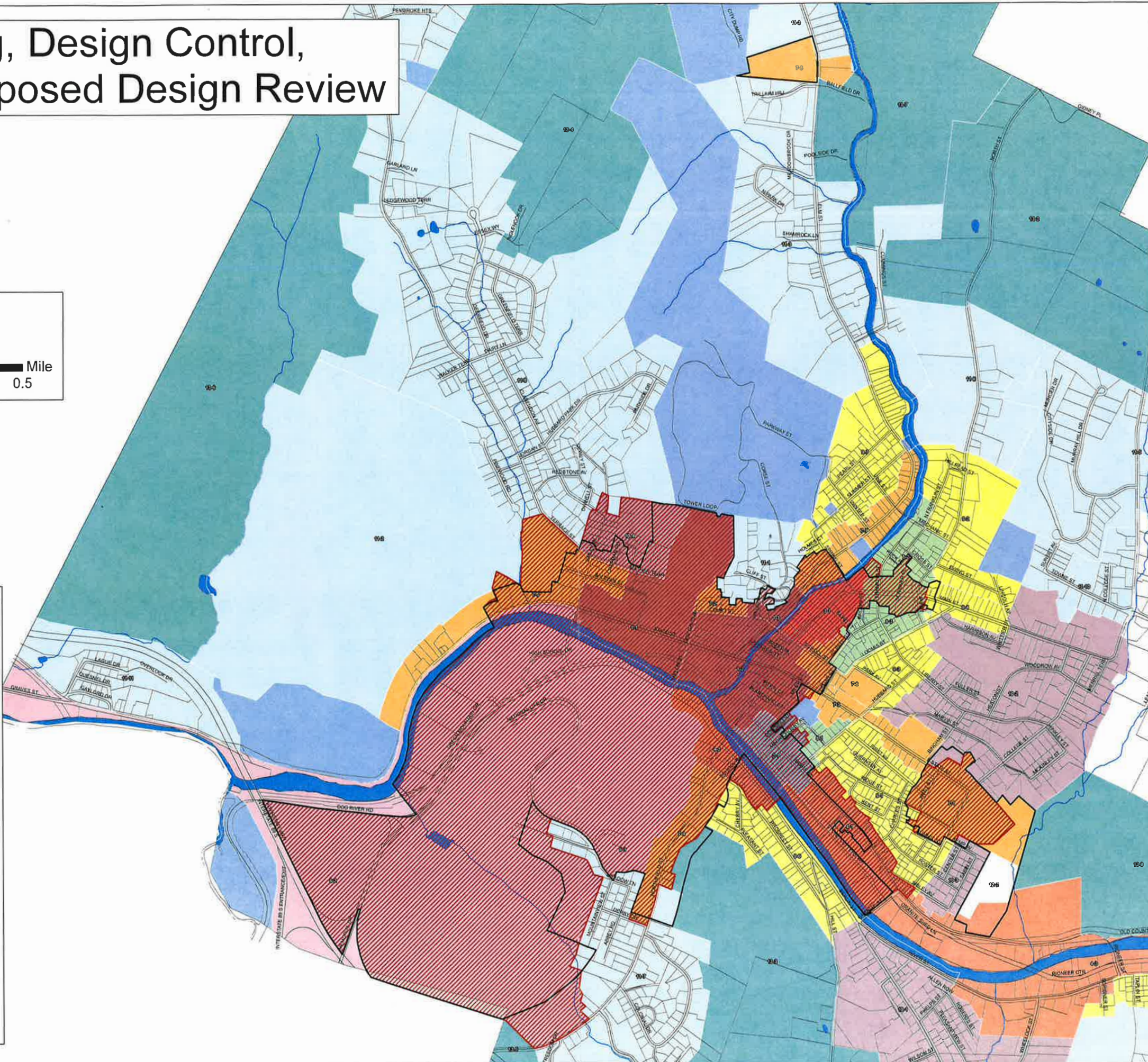


Legend

- Proposed Design Review District
- Design Control District
- Montpelier Parcels 2014
- Rivers, Lakes, and Ponds
- Streams

Zoning Districts

- Urban Center 1
- Urban Center 2
- Urban Center 3
- Riverfront
- Eastern Gateway
- Western Gateway
- Mixed Use Residential
- Residential 1500
- Residential 3000
- Residential 6000
- Residential 9000
- Residential 24000
- Rural
- Municipal



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Civic	1-1
Downtown Business	1-2
Elm Street- Urban	1-3
Barre Street- West	2-1
Main Street	3-1
Barre Street- East	4-1
Cross Roads	4-2
Route 2	4-3
Eastern Corridor	5-1
Farm and Factory	5-2
Office Park	6-1
Western Corridor	6-2
College Hill - East State St	7-1
Court Street	7-2
Lower East State Street	7-3
Northfield Street- North	7-4
Redstone	7-5
School Street	7-6
The Meadow - Elm St	7-7
Community College of Vermont	7-8
Blanchard Park	8-1
Franklin Street - Southwest	8-2
Liberty Street - West	8-3
College Hill - South	9-1
Franklin Street - Northeast	9-2
Liberty Street - East	9-3
Main St- East	9-4
River Street	9-5
Route 2 - Prospect St	9-6
The Meadow - West	9-7
Berlin Street	10-1
College Hill - North	10-2
College Hill - Southeast	10-3
Redstone- North	10-4
Cliffside	11-1
Crestview	11-2
Elm Street	11-3
Garrison Hill	11-4
Murray Hill	11-5
North Street	11-6
Northfield Street	11-7
Park West	11-8
Stonewall Meadows	11-9
Towne Street	11-10
Toy Town	11-11
Towne Hill	12-1
College Pasture	12-2
Eastern Rural	13-1
Highland	13-2
Hill Street	13-3
Pembroke Heights	13-4
Southwestern Rural	13-5
Western Rural	13-6
Wrightsville	13-7
Sabin's Pasture	13-8


CVRPC
CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Map created by CVRPC 12/16/19 revised 3/3/20
This map is for planning purposes only.
Data is only as accurate as the original sources.
This map may contain errors and/or omissions.
N:\Towns\Montpelier\Projects 2019\Zoning Maps\1
Final Zoning District Map 2018_NaReg 2x3_2

Draft Zoning Districts 2020

NEIGHBORHOODS	ID
Civic	1-1
Downtown Business	1-2
Elm Street - Urban	1-3
Barre Street- West	2-1
Main Street	3-1
Barre Street- East	4-1
Cross Roads	4-2
Route 2	4-3
Eastern Corridor	5-1
Farm and Factory	5-2
Office Park	6-1
Western Corridor	6-2
College Hill - East State St	7-1
Court Street	7-2
Lower East State Street	7-3
Northfield Street- North	7-4
Redstone	7-5
School Street	7-6
The Meadow - Elm St.	7-7
Community College of Vermont	7-8
Blanchard Park	8-1
Franklin Street - Southwest	8-2
Liberty Street - West	8-3
College Hill - South	9-1
Franklin Street - Northeast	9-2
Liberty Street - East	9-3
Main St- East	9-4
River Street	9-5
Route 2- Prospect St	9-6
The Meadow - West	9-7
Berlin Street	10-1
College Hill - North	10-2
College Hill - Southeast	10-3
Redstone- North	10-4
Cliffside	11-1
Crestview	11-2
Elm Street	11-3
Gallison Hill	11-4
Murray Hill	11-5
North Street	11-6
Northfield Street	11-7
Park West	11-8
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