

sales may be allowed as a part of conditional use approval. Sales of products in addition to those processed on the site will be limited to those clearly incidental, secondary and ancillary to those processed products or as declared and approved as a part of the conditional use permit.

#### Section 4.12 Mixed Use

- (A) In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to the following provisions:
- (1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.
  - (2) The uses in combination meet all applicable standards for the district in which the mixed use is proposed, including minimum lot, frontage and setback requirements; or the mixed use is part of a planned unit development (PUD) reviewed in accordance with Section 5.4.
  - (3) The mixed use shall meet all applicable general regulations under Article 3, including but not limited to sign and parking requirements.

#### Section 4.13 Mobile Home Park

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- (A) Mobile home parks may be permitted in designated districts subject to conditional use review in accordance with Section 5.2 and the following provisions:
- (1) Proposed parks shall comply with all applicable state regulations, including regulations relating to water supply and wastewater disposal.
  - (2) The parcel of land for a mobile home park shall have a minimum area of no less than five acres, or the minimum lot area for the district in which it is located, whichever is greater.
  - (3) Each mobile home shall be located on a dedicated site of not less than 5,000 square feet in area.
  - (4) Mobile home parks shall meet minimum setback requirements along their perimeter for the district in which they are located. Setback areas shall not be included in the calculation of recreation land or open space under Subsection (9).
  - (5) Each mobile home shall be set back a minimum of 10 feet from adjoining mobile home sites.
  - (6) All roads within a mobile home park shall comply with Section 6.6, and adequate walkways shall be provided.
  - (7) Parking shall be provided in accordance with Section 3.130.

(8)

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- (9) A minimum of 20% of the total land area in any mobile home park shall be set aside for common recreational use or open space.

- (B) The mobile home park owner, or designated operator, as a condition of ~~Board of Adjustment-Development Review Board~~ approval, shall:

- (1) maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for

the regular collection and removal of recyclables, waste and garbage; and

- (2) remove snow from all park roads and service areas.

Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action under Section 7.5.

- (C) Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. The owner of a mobile home within an approved mobile home park may apply for a zoning permit under Section 7.1 for a deck or accessory structure which meets site setback requirements under Subsection (A), without additional approval by the Development Review Board under Section 5.2. The replacement of a permitted mobile home within an approved mobile home park shall require a zoning permit issued by the Zoning Administrator in accordance with Section 7.1 to ensure ongoing compliance with all conditions of conditional use approval.

#### **Section 4.14 Motor Vehicle Service & Gas Stations**

- (A) Motor vehicle service stations and gas stations may be allowed in designated districts subject to conditional use review under Section 5.2 and the following requirements:
  - (1) No vehicle may be parked, stored or displayed within the setback areas for the district in which the business is located.
  - (2) There shall be no more than two (2) curb cuts providing access to and from adjoining roads. On corner or through lots, one or both accesses may be limited to the secondary road. The width of a curb cut shall not exceed 35 feet.
  - (3) The service and/or repair of motor vehicles shall be conducted within an enclosed structure.
  - (4) All buildings, equipment, service, parking and storage areas shall be set back at least 150 feet from streams, surface waters and wetlands. The setback area shall be maintained as a vegetated buffer. The required setback may be increased as appropriate to protect water quality, based on local site and drainage conditions.
  - (5) Gasoline pumps shall be located not less than 15 feet from any road right-of-way. All pumps, lubricating and other service equipment shall be located at least 35 feet from side and rear lot lines.
  - (6) Gasoline service stations, in addition to the signs allowed under Section 3.14, may have one pricing sign which does not exceed 12 square feet in area and/or pump-top pricing signs, each not to exceed 2 square feet in area.
  - (7) Gas station canopies shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings.
  - (8) Light fixtures mounted on station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides (fascia) of canopies, nor shall canopies be internally illuminated.



## Chapter 340. Planned Unit Development Standards

### Section 3401. General Planned Unit Development

- 3401.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.
- 3401.B **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 most or all features of a standard parcel including private driveway, parking spaces, accessory structures, and private yards.
- 3401.C **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.D **Administration Rules.** General PUDs will follow the subdivision and PUD procedure rules outlined in Chapter 440.
- 3401.E **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 parcels or units as could be created in a standard subdivision.
- 3401.F **Use Standards.** The uses allowed within a General PUD shall be as established in the underlying zoning district.

3401.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 General PUD with the following limitations:
  - (a) Parcel size. The smallest parcel size cannot be less than 3000 square feet.
  - (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.J.

3401.H **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.

3401.I **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.

3401.J **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 owners may be assigned some exclusive access to the facility (e.g. assigned parking space).

3402.C **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) 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.
- (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) Coverage. While coverage requirements may be modified for individual parcels within the PUD, the coverage requirement must be met overall for the entire PUD.
    - (e) 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.
    - (f) 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 3002.J
- 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:
- (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.I **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.J **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.
- (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.

3403.D **Dimensional Standards.** Applicants may apply to:

- (1) Modify parcel size, frontage and setback requirements within the site except that the development shall meet:
  - (a) Setback standards for the applicable district around the perimeter of the site; and
  - (b) The water setback standards for the applicable district.
- (2) Increase the maximum building height by up to 10 feet above the district standard.

- 3403.E **Use Standards.** Any residential uses shall be permitted within an infill housing development whether or not they are allowed within the applicable district. Non-residential uses are not allowed within an infill housing development irrespective of whether they are allowed within the applicable district.
- 3403.F **Common Open Space.** Infill housing development shall provide a minimum of 400 square feet of common open space usable for passive outdoor recreation per dwelling unit in accordance with the following:
- (1) The Development Review Board may waive all or a portion of the common open space requirement if all dwelling units within the proposed development will have private yards.
  - (2) The Development Review Board may waive all or a portion of the common open space requirement if the proposed development will be located within ½-mile walk of a public park, school yard, or the State House Lawn (as measured following publicly accessible paths and walkways).
  - (3) The common open space shall be accessible to all residents of the development.
  - (4) The common open space shall not be less than 30 feet in any dimension.
  - (5) The Development Review Board may waive or modify the requirements of this subsection as necessary to allow for reasonable redevelopment or reuse of previously developed sites.
- 3403.G **Pedestrian Facilities.** Walkways shall be constructed within the site as necessary to connect buildings with each other and with destinations including, but not limited to, parking, adjoining streets and sidewalks, mailboxes, trash disposal, and on-site amenities such as open space and recreation areas.
- 3403.H **Parking.** In addition to all other applicable provisions of these regulations, infill housing development shall provide parking in accordance with the following:
- (1) There shall be no minimum parking requirement for senior or affordable dwelling units.
  - (2) No parking shall be permitted in front yards, except within an approved driveway.

#### **Section 3404. Cottage Cluster Development**

- 3404.A **Purpose.** The purpose of this section is to address the need for smaller, more diverse and more affordable housing choices in the city in response to changing household demographics and living preferences.
- 3404.B **Applicability.** Cottage cluster developments are permitted in the Residential 3000, Residential 6000, Residential 9000, Residential 24,000, and Rural districts.
- 3404.C **Density Standards.** The maximum density for a cottage cluster development shall be 200% the residential density allowed in the applicable zoning district.
- 3404.D **Dimensional Standards.** The Development Review Board may:



- (1) Modify parcel size, frontage and setback requirements within the site except that the development shall meet:
    - (a) Setback standards for the applicable district around the perimeter of the site; and
    - (b) The water setback standards for the applicable district.
  - (2) May increase the maximum lot coverage to 60% if the standard in the applicable district is less.
- 3404.E **Use Standards.** Residential uses shall comply with applicable zoning district requirements. Nonresidential principal uses are prohibited within a cottage cluster development, irrespective of the standards of the applicable zoning district.
- 3404.F **Cluster Size.** The development shall be designed as one or more clusters composed of 4 to 12 cottages arranged around a common open space.
- 3404.G **Cottage Design.** A cottage as allowed under this section shall be a single-unit detached dwelling that:
- (1) Is not more than 2 stories high.
    - (a) All portions of the building more than 18 feet above ground shall be within the roof pitch.
    - (b) No portion of the building may exceed 25 feet in height.
  - (2) Has a footprint of not more than 1,600 square feet.
    - (a) Attached garages shall be included in the footprint calculation.
    - (b) Attached garages shall not have a footprint of more than 576 square feet.
  - (3) Has a total floor area that does not exceed 180% of its footprint.
    - (a) Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet shall not be included in the floor area calculation.
  - (4) Has a pitched roof with a minimum slope of 6:12.
    - (a) Secondary roofs (porches, sheds, dormers, etc.) may have a lower slope.
  - (5) Has a roofed, open porch at least 80 square feet in size with a minimum dimension of 8 feet on any side that offers a view of a common open space.
  - (6) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.
- 3404.H **Common Open Space.** The development shall include one or more common open spaces in accordance with the following:
- (1) A minimum of 400 square feet of common open space is required per cottage.
  - (2) Each cottage shall have a principal entryway that faces a common open space and that is not separated from the open space by a street or driveway. Garage doors shall not face the common open space.

- (3) A minimum of 50% of the cottages shall directly abut a common open space and each cottage shall be connected to a common open space by a walkway not more than 60 feet long.
  - (4) A common open space shall have cottages abutting on at least two sides.
- 3404.I **Accessory Buildings.** Private garages, carports, sheds or similar accessory structures shall have a footprint of not more than 576 square feet and a height of not more than 18 feet except:
- (1) A private, detached carriage house that includes an accessory dwelling unit may have a footprint of not more than 60% of the associated cottage and a height of not more than 18 feet.
  - (2) Shared or common accessory buildings shall have a footprint of not more than 1,200 square feet and a height of not more than 18 feet.
- 3404.J **Community Buildings.** The development may include one or more community buildings that are clearly incidental to the cottages and that would serve residents by providing amenities including, but not limited to, multi-purpose recreation or entertainment, food preparation and dining, laundry, library, daycare, guest quarters, or storage or workshop space as follows:
- (1) A community building shall be commonly owned by the residents.
  - (2) A community building shall be compatible in scale, design, and height to the cottages.
- 3404.K **Vehicular Access and Parking.** The development shall provide vehicular access and parking in accordance with the following:
- (1) Vehicle access shall not be required to, and on-site parking shall not be required on, each parcel or cottage.
    - (a) The development may provide one or more common off-street parking areas or structures with pedestrian walkways connecting the parking and the cottages.
  - (2) Vehicular access and parking shall not be located within the front yard or the common open space, or between the cottages and the common open space.
  - (3) Vehicular access and parking should be:
    - (a) Located primarily around the periphery of the development or each cottage cluster.
    - (b) Designed to have minimal visibility from the common open space and from public vantage points beyond the development.
  - (4) Shared driveways, rear alleys, and narrow lanes should be used to the maximum extent feasible.
  - (5) Unless otherwise approved by the Development Review Board, vehicular access and parking shall meet all applicable site design, engineering, setback, buffering and landscaping requirements of these regulations.

**Section 3405. Manufactured Home Park**

- 3405.A **Applicability.** The provisions of this subsection apply to all manufactured home parks.



**3405.B Standards.** The following standards apply to manufactured home parks:

- (1) Manufactured home parks shall be allowed in any district where detached single-unit dwellings are a permitted use and where there is not a minimum two-story height requirement.
- (2) A new or expanded manufactured home park shall be approved as a planned unit development in accordance with the provisions of Chapter 440.
- (3) The maximum residential density within a manufactured home park shall be 200% of the density allowed in the applicable zoning district.
- (4) The dimensional standards for parcels, setbacks, and buildings in the applicable zoning district shall not apply within a manufactured home park but:
  - (a) The park shall meet all applicable dimensional standards around its perimeter; and
  - (b) The lot coverage for the park as a whole shall not exceed the maximum amount for the applicable district.
- (5) Each manufactured home shall be located on a delineated site not less than 2,000 square feet in area or 200% of the footprint of the manufactured home, whichever is greater.
- (6) Any manufactured home park with more than 10 homes shall provide a minimum of 400 square feet of common open space suitable for passive recreation use per home.
- (7) A manufactured home shall not be located closer than 20 feet to any other dwelling within the park.
- (8) All the homes within a manufactured home park shall be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or improve traffic safety.
- (9) A manufactured home park may include one or more community buildings that are clearly incidental to the homes and that would serve residents by providing amenities including, but not limited to, multi-purpose recreation or entertainment, food preparation and dining, laundry, library, daycare, guest quarters, or storage or workshop space.

#### **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:

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).

**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.

**3406.D Dimensional Standards.** The Development Review Board may:

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

**3406.E Use.** The uses allowed within a new neighborhood development shall be as established in the applicable zoning district except that:



- (1) All residential uses shall be permitted within a new neighborhood development whether or not they are allowed within the applicable district.
- (2) The development shall include a mix of housing types including both single-unit and multi-unit structures as follows:
  - (a) No more than 75% of the dwelling units may be the same type (ex. duplex, townhouse, apartment, etc.).
- (3) The development may include office, retail, and service uses, as well as any nonresidential uses allowed in the applicable zoning district, as follows:
  - (a) The total nonresidential floor area within the development shall not exceed an amount equal to 300 square feet for each dwelling unit located within the development.
  - (b) An individual office, retail or service use not otherwise allowed in the applicable zoning district shall not occupy more than 3,000 square feet of floor area.
  - (c) At least 60% of the nonresidential floor area within the development shall be located in mixed-use buildings that do not exceed a footprint of 6,000 square feet.

**3406.F Site Design.** A licensed landscape architect shall design and layout the project as follows:

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

**3406.G Street Design.** Streets within a new neighborhood development shall be designed:

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

- 3406.H **Building Design.** Buildings within a new neighborhood development shall be designed in accordance with the following:
- (1) Buildings within the development shall reflect the traditional development patterns of Montpelier's neighborhoods, which include variation in building form, massing, architectural details, colors, and materials.
  - (2) All principal buildings shall front on and have an entrance oriented to a street or common open space.
  - (3) At least 50% of single-unit dwellings shall have an open front porch at least 60 square feet in size with a minimum dimension of 6 feet on any side.
  - (4) Each multi-unit dwelling shall have access to a private or semi-private outdoor living space such as a yard, patio, courtyard, rooftop, terrace, or balcony.
- 3406.I **Parking and Garages.** Within a new neighborhood development:
- (1) There shall be no minimum parking requirements.
  - (2) Garage doors shall not be oriented to the street unless they are located at least 8 feet behind the front line of the principal building.
  - (3) No parking shall be permitted between the front of the building and the street except within a driveway serving a single- or two-unit home.
  - (4) Loading and service areas shall not be oriented to the street and shall adjoin alleys or parking areas to the rear of the principal building.
- 3406.J **Open Space.** Applicants shall design a new neighborhood development to include open space areas as follows:
- (1) At a minimum  $\frac{1}{4}$ -acre or 40% of the parcel, whichever is greater, shall be set aside as permanently protected open space.
  - (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, 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.
- 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.
- 3407.F **Conservation Areas.** A minimum of 40% and a maximum of 60% of the total area of the conservation subdivision shall be set aside as conservation areas in accordance with the following:
- (1) The following shall be considered primary conservation resources and shall be included in the conservation area:
    - (a) Wetlands and vernal pools as shown on the Montpelier Natural Resources Inventory Map;
    - (b) Mapped flood hazard and river corridor areas; and
    - (c) Severely steep slopes (30% or greater);
  - (2) The following shall be considered secondary conservation resources and shall be included in the conservation area to protect them to the maximum extent feasible:
    - (a) Primary agricultural soils;
    - (b) Natural communities as shown on the Montpelier Natural Resources Inventory Map;
    - (c) Riparian buffers (see Section 3005);
    - (d) Moderately steep slopes (15% to <30%); and
    - (e) Woodlands that are part of a contiguous forest block at least 50 acres in size.
  - (3) Conservation areas shall abut existing conservation areas, parks, open space, or farmland on adjacent parcels to the maximum extent feasible.

- (4) Conservation areas shall be designated as permanent open space, not to be further subdivided, and protected through a condition of approval of the Development Review Board decision, a statement on the site plan or subdivision plat or other legal mechanism including but not limited to deed restrictions or covenants, an open space agreement or a conservation easement held by the city, state or a land trust or conservancy.
- (5) Conservation areas shall not be cleared, graded, filled, or subject to construction except:
  - (a) The Development Review Board may allow streets and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the conservation subdivision to be developed. Disturbance of the conservation area shall be the minimum necessary to provide adequate access.
  - (b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas, if recommended by the Conservation Commission upon their determination that such development shall not result in undue adverse impacts on the conservation resources intended to be protected by inclusion in a conservation area.
  - (c) Trails, community gardens and other passive recreation amenities may be developed within conservation areas in accordance with the approved subdivision plan and terms of the easement.
  - (d) Accepted agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use in accordance with the approved subdivision plan and terms of the easement.
  - (e) Land within conservation areas may be maintained for scenic views and managed for conservation purposes in accordance the approved subdivision plan and terms of the easement.

3407.G **Development Areas.** Any land not set aside for open space may be developed in accordance with these regulations and the following:

- (1) The development shall be designed as one or more clusters composed of 3 to 12 parcels or dwelling units surrounded by open space.
- (2) At least 40% of the parcels or dwelling units shall abut a conservation area.
- (3) All parcels or dwelling units not directly abutting a conservation area shall have direct pedestrian access to the conservation area(s) from a continuous system of sidewalks, paths, or trails. The Development Review Board may waive the access requirement for conservation areas intended for agricultural use.
- (4) Access to the conservation subdivision shall be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
- (5) All reasonable measures shall be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing streets).



- (6) Portions of the development area may be reserved for development at a later time. Those developments shall be required to meet the zoning in effect at the time of application but will not be required to meet additional open space requirements.

3407.H **Community Buildings.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities including, but not limited to, multi-purpose recreation or entertainment, food preparation and dining, laundry, library, daycare, guest quarters, community gardening or farming, or storage or workshop space.

- (1) The subdivision residents shall commonly own any community building.
- (2) Any community building shall be compatible in scale, design, and height to the other buildings in the Planned Unit Development.

3407.I **Conservation Commission Review.** The application for a conservation subdivision shall require review by the Montpelier Conservation Commission in accordance with Section 4302.

3407.J **Application Requirements.** In addition to all other applicable requirements, the applicant shall submit:

- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see Subsection 3405.F) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
- (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see Subsection 3405.F) and any public or conserved lands over an aerial photo base map.

### **Section 3408. Campus Development**

3408.A **Purpose.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of manufacturing, office, or institutional uses.

3408.B **Applicability.** Campus developments are permitted in the Urban Center 1, Urban Center 2, Urban Center 3, Riverfront, Mixed Use Residential, Eastern Gateway and Western Gateway districts. For the purposes of this section, a campus is a self-contained development that includes multiple buildings or parcels that:

- (1) Are commonly owned and managed;
- (2) Are located in proximity to and related to one another;
- (3) Are oriented and organized around common open space areas;
- (4) Share access, parking and other facilities or amenities;
- (5) Are connected with pedestrian walkways;
- (6) Accommodate primarily light industrial, office and institutional uses that have a similar, shared or common purpose; and
- (7) Are a minimum of 5 acres in size.