

Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, May 22, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-161. Review and approve agenda
3. 19-162. General business and appearances
4. 19-163. Consideration of the Consent Agenda
 - a. Approve 4/24 meeting minutes
 - b. Approve 5/8 meeting minutes
 - c. Approve purchase of Recreation Department tractor
 - d. Franklin Square Condominium Association Loan
 - e. Approve Validation Resolution
 - f. Approve 60 State Street Lot Design Project
 - g. Award contract for street rehabilitation and paving of part of Barre St. and Gallison Hill Rd.
 - h. Street closure request: Bernie 2020 Rally, 5/25
 - i. 60 State Street lot closure request
 - j. Payroll and bills
5. 19-164. Americans with Disabilities Act evaluation report

6. 19-165. 5 Home Farm Way
7. 19-166. Energy use update
8. 19-167. Zoning fixes
9. 19-168. Ordinance amendments, 2nd reading: Chapter 2. Administration
10. 19-169. Ordinance amendments, 1st reading: Chapter 3. Administration
11. 19-170. Other business
12. 19-171. Council reports
13. 19-172. Mayor's report
14. 19-173. City Clerk's report
15. 19-174. City Manager's report
16. 19-175. Garage Appeal

It is anticipated that this discussion will be conducted in Executive Session in accordance with Title I, VSA §313, Executive Sessions (a)(1)(E) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage: pending or probable civil litigation or a prosecution, to which the public body is or may be a party.

17. Adjournment

Minutes of the Montpelier City Council Meeting
April 24, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Lauren Hierl, Glen Hutcheson, and Jack McCullough. Councilor Hill was absent. City Clerk John Odum acted as secretary.

Mayor Watson called the meeting to order at 6:30

- 19-128. The proposed agenda was approved by acclamation.
- 19-129. General business and appearances: Steven Whitaker addressed the Council regarding DPW dumping alongside the river and what he characterized as inadequate cleanup, mismanagement in the construction process in regards to traffic, the need for a "Plan B" on the proposed parking structure, homeless camping, and expressed his belief that he was a victim of targeted parking enforcement
- 19-130. Councilor McCullough moved approval of the Consent Agenda and was seconded by Councilor Hutcheson. The motion carried unanimously.
- 19-131. Development Review Board appointments were discussed. Speaking were the following candidates: Robert Goodwin, Hayden Dublois
- 19-132. Energy Advisory Committee appointments were discussed. Candidate Peter Luyckx spoke.
- 19-133. Historic Preservation Commission appointments were discussed. Candidate Joseph Strain spoke.
- 19-134. Transportation Infrastructure Committee appointments. Speaking: Michael Lazorchak
- Councilor McCullough moves that the Council enter executive session pursuant to 1 VSA § 313(a)(3) to discuss the appointment or evaluation of a public officer. Councilor Casey seconded and the motion carried unanimously at 6:47. At 6:53, Jamie Granfield was brought into executive session.
- At 7:09, Councilor McCullough move the Council return to open session. Councilor Bate seconded and the motion carried unanimously.
- Councilor Hutcheson moved the following appointments:
Development Review Board: Rob Goodwin to a full seat, Michael Lazorchak and Clare Rock as alternates.
Energy Advisory Committee: Jose Domingo Aguayo, Diana Chace , Daniel Jones ,Kenneth Jones , Sarah Kaier, Peter Luyckx.
Historic Preservation Commission: Joseph Strain
Councilor McCullough seconded and the motion carried unanimously.

19-135. Dan Groberg and Nate Hausman shared a report on Green Up Day and May Fest. Brief discussion followed. Steven Whitaker offered comments.

19-136. 5 Home Farm Way Nuisance, 1st Public Hearing under the nuisance ordinance in regards to 5 Home farm Way was opened at 7:21 with introductions to the matter from the Mayor and City Manager Bill Fraser. All witnesses were sworn in by the Clerk.

Offering testimony were the following:

- Chris Lumbra (Building Inspector), Bob Gowans (Fire Chief). Pictures provided were entered into evidence. Questions followed from Mr. McCullough.
- Eric Gilbertson in regards to the historic value of building
- Steven Whitaker in regards historic value of building and concerns with the process including the definition of nuisance. The City Manager and the Mayor offered clarification.
- Jamie Duggan in regards to the historic value of building
- Fred Connor regarding concerns as abutting landowner (including a document offered into evidence).
- Assistant City Manager Sue Allen was sworn in and reported on who the notification of the hearing letter was sent to, as well as and the city's sense of the ownership of the structure.
- Paul Hill testified regarding a mortgage balance of \$90,000 on the property.

The Council discussed the matter. The public hearing was closed at 7:46.

The Mayor called a recess at 7:47 break. The meeting reconvened at 7:53. The City Manager gave a brief reminder to councilors not to discuss quasi-judicial issues.

19-137. At 7:56, the Mayor opened the public hearing and 1st public hearing on Ordinance Amendments: Chapter 1. General Provisions. Jamie Granfield participated in discussion. Peter Luyckx spoke offered comments. The public hearing was closed at 8:23.

Councilor McCullough moved the Council approve first reading and set second reading for the May 8 meeting. Councilor Bate seconded. The motion carried unanimously.

19-140. Councilor Hierl noted the coming Social and Economic Justice Advisory Committee meeting and the status of the Strategic Plan.

Councilor McCullough shared the he and Councilor Hierl had a tour of the police department and were impressed.

Councilor Hutcheson reported on developments at the T.W. Wood Gallery and reminded listeners of his weekly constituent meetings.

Councilor Casey gave a status report on last year's Bird Scooter pilot project.

Councilor Bate reported on the Central Vermont Regional Planning Commission's work. She also discussed rules around the use of drones, Waterbury's work on underground utilities, and issued an invitation on behalf of Lost Nation Theater.

19-141. The Mayor reported on the pocket park's status and alternatives moving forward.

19-142. The City Clerk gave a report on the non-citizen voting initiative.

19-143. City Manager's reported on the strategic planning process. He also noted a proposal from VTTrans to change utility of the train rail and the impact on the bike path and Sabin's development.

He also noted that the city was beginning to vet candidates for management audit process, before briefly touching on the summer meeting schedule.

Steven Whitaker addressed the Council in regards to his work in the Statehouse on rail issues.

19-145. Without objection, the Mayor adjourned the meeting by unanimous consent at 8:45.

Minutes of the Montpelier City Council Meeting
May 8, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Lauren Hierl, Glen Hutcheson, Hill, and Jack McCullough and City Clerk John Odum, who acted as secretary.

Mayor Watson called the meeting to order at 6:30

19-146. The proposed agenda was modified to not include Item 6 (energy use report) and to remove items c and d from the consent agenda. The agenda as modified was approved by unanimous consent.

19-147. Steven Whitaker expressed displeasure with the City Manager in regards to the proposed garage. Laura Gephardt & Sarah Jarvis gave an update on the Local Development Corporation

19-148. Councilor Hill moved approval of the consent agenda with item g pulled for discussion. Councilor Casey seconded and the motion carried unanimously.

The Council discussed consent agenda item g. (Sanctuary City Reaffirmation Resolution). Pam Walker (Central Vermont Refugee Action Network) and Police Chief Tony Facos participated. Councilor Hill moved to adopt the resolution to designate Montpelier as a sanctuary city with the proposed amendments. Councilor Bate seconded and the motion carried unanimously.

19-149. The Council took up the Complete Streets Committee appointment. The only applicant was not present. Councilor Hill moved the Council go into executive session pursuant to 1 VSA § 313(a)(3) to discuss the appointment or evaluation of a public officer. Councilor McCullough seconded. The motion carried unanimously at 6:47. At 6:50, Council Hill moved the Council return to open session and was seconded by Councilor Bate. The motion carried unanimously.

Councilor McCullough moved that Phoenix Mitchell be appointed to the Complete Streets Committee. Councilor Bate seconded. The motion carried unanimously.

19-151. The Mayor opened the public hearing for the 2nd reading of the proposed Ordinance amendments to Chapter 1, General Provisions. Discussion. Public hearing was opened at 7:01. Hearing no comments, the public hearing was closed at 7:01 Councilor McCullough moved the Council amend Chapter 1 of the ordinances as indicated in the printed agenda and as amended orally tonight. Councilor Hutcheson seconded and the motion carried unanimously.

19-152. The Mayor opened the public hearing for the first reading of proposed Ordinance amendments to Chapter 2, Administration, at 7:02. After discussion, the public hearing was closed at 7:11. Councilor Casey moved the Council close the 1st reading and set the

2nd reading for the next Council meeting. Councilor Hill seconded and the motion carried unanimously at 7:13.

19-153. The Council discussed the proposed strategic plan. Comments were offered from Peter Kelman. Councilor McCullough moved to adopt the strategic plan, Councilor Hierl seconded. The motion carried unanimously at 7:18.

19-154. After discussion, Councilor Hill moved to set the summer meeting schedule as June 12 and 26, July 10, August 14 and 28. Councilor McCullough seconded. After brief further discussion the motion carried unanimously at 7:25.

19-156. Councilor Bate reported on the Montpelier Transportation Infrastructure Committee meeting. She also reminded the Council the incoming project is a shared use path, rather than a bike path.

Councilor Casey reported on the Social and Economic Justice Advisory Committee meeting, praising the body. He also noted that he has attended the recent VCFA reception.

Councilor Hutcheson announced he was stepping off the Montpelier Transportation Infrastructure Committee due to scheduling conflicts. He also offered a T.W. Wood Gallery report before reporting on the Another Way weekly community meeting and reminded listeners of his weekly constituent meeting.

Councilor Hill noted the coming expungement clinic put on by her office and Legal Aid. She also discussed her concerns about drug activity in Montpelier, reminding listeners the Montpelier Police can assist people in need.

Councilor McCullough noted the coming expungement clinic.

Councilor Hierl thanked staff for her tours of facilities before reporting on the Social and Economic Justice Committee's strategic plan work.

19-157. The Mayor gave a brief report on the energy efficiency charter change progress.

Councilor McCullough moved the Council make a finding that premature general public knowledge would clearly place the public body at a substantial disadvantage in regards to pending or probable civil litigation concerning the parking garage. Councilor Bate seconded and the motion carried 5-0 (Councilor Hill not present to vote) at 7:41.

Councilor McCullough moved the Council enter executive session to discuss parking garage litigation pursuant to McCullough Move we enter exec session to discuss parking garage litigation pursuant to Title I, VSA §313, Executive Sessions (a)(1)(E). Councilor Hutcheson seconded and the motion carried 5-0 (Councilor Hill not present to vote).

The Mayor declared the meeting returned to open session and subsequently adjourned by acclimation.



CITY COUNCIL Agenda Item #19-163(c)

Date: May 22, 2019

Consent X **Discussion** ____

SUBJECT: Recreation Department Tractor Purchase

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Approve purchase of Kubota Tractor from Essex Equipment

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government

EXPENDITURE REQUIRED: \$15,990.00

SOURCE OF FUNDS: Recreation Equipment Budget

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The recreation department received two bids for a new tractor to replace the 30+ year old tractor.

SUPPORTING DOCUMENTS: Bid forms and quote, staff note

INTERESTED PARTIES: Recreation Department

CITY MANAGER'S APPROVAL: 

BID FORM

Miscellaneous Service and Delivery:

The machine shall be delivered to the Recreation Garage as a complete unit, ready to operate. The quotation must state specifically the substance of any or all warranties covering the machine.

Please specify earliest date that can be guaranteed.

Actual Specifications:

meets all specifications except mechanical
hydraulic diverter.

Kubota

Diesel Compact Utility Tractor between 18 to 25 HP with a 60" to 72" mid-mount mower.

Total price of Model Above:

\$ 17,000⁰⁰

Municipal discount offered, if any:

\$ 1,010.⁰⁰

Net cost (Bid Price):

\$ 15,990⁰⁰

Date of Delivery: 14 Days

Please **print** the following information:

Name of Vendor: Essex Equipment

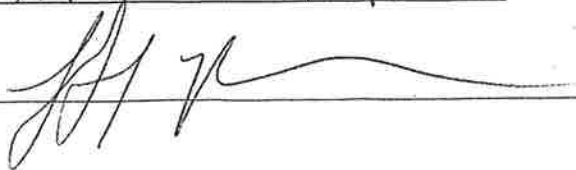
Contact: Jeff Pavese

Address: 26 Kellogg Rd

Essex Jct., VT 05452

Phone Number: 802-310-0575

Email: jeffp@essexequipment.com

Authorized signature of bidder: 



FAX: 802-878-9512

AND ORDER ACCEPTANCE

DATE: 4/11/2019

EMAIL: jeffp@essexequipment.com

Date: P.O. #

Hi Arne Carl and myself looked at the John Deer and Kubota tractors, and we both agreed the Kubota tractor seemed to be superior although it cost a bit more. The fuel fill location on the J.D. was located very close to the seat so if there was any over spill it would end up on the driver's seat. We also have used a J.D. mower deck very similar to the one on the J.D. we are looking at. The attachment system for the mower deck allows for a bit of wobble when mowing on rough ground resulting in scalping. We have also had to replace the caster wheels on our J.D. mower deck more often than we would like, which has increased our maintenance cost for the J.D. mower system. The length of the three point hitch arms on the J.D. does not allow us to mount our ball field drags to this tractor without them rubbing on the wheels when in the raised position. The J.D. also seemed to have more small things on it that did not seem as rugged which would result in more repairs. This is what we perceived from years of tractor maintenance and use. Thanks Rick

1025R

BID FORMMiscellaneous Service and Delivery:

The machine shall be delivered to the Recreation Garage as a complete unit, ready to operate. The quotation must state specifically the substance of any or all warranties covering the machine.

Please specify earliest date that can be guaranteed.

Actual Specifications:

Hydrostatic Transmission -	Twin Touch Pedals	John Deere
4wd		
Turf Tires - 26x12x12	Folding ROPS	
3-pt hitch	60" Auto Connect Deck	
Independent Hyd Lift	Gill Guard	

Diesel Compact Utility Tractor between 18 to 25 HP with a 60" to 72" mid-mount mower.

Total price of Model Above: \$ 18,657.30

Municipal discount offered, if any: \$ -3,777.00

Net cost (Bid Price): \$ 14,880.30

Date of Delivery: 5 Days of Order

Please **print** the following information:

Name of Vendor: Harvest Equipment
 Contact: Anthony Brock
 Address: 55 Country Club Rd
Montpelier, VT 05602
 Phone Number: 802-223-7845
 Email: abrock@harvequip.com

Authorized signature of bidder: 



CITY COUNCIL Agenda Item: #19-163(d)

Date: May 22, 2019

Consent: X Discussion:

SUBJECT: Franklin Square Condominium Association Loan

SUBMITTING DEPARTMENT: Department of Planning and Community Development

RECOMMENDED ACTION: Approve \$50,000 Loan from Housing Preservation Grant Loan Fund

RELATED COUNCIL GOAL/PRIOR ACTION: Housing

EXPENDITURE REQUIRED & SOURCE OF FUNDS: \$50,000 from Community Development HPG Loan Fund

BACKGROUND INFORMATION: The goal of the Franklin Square project is to address the most urgent repairs for all buildings and establish a sound joint association that will have the capacity to manage capital needs over time. In order to achieve this goal the following steps need to occur: The first step is to create one healthy association. Steps are being taken to meet this goal. As part of the merging of the two condo associations and raising funds for the rehab, up to 9 units of the 18 will be released from affordability covenants in order to create an association that through a mixed income model will provide long term viability for the association. The City will also be indemnified against any future liability. The Housing Task Force met with Downstreet Housing and Community Development and VHCB to discuss the project and the Housing Task Force unanimously supported this approach.

SUPPORTING DOCUMENTS: VHCB Application outlining the project sources of funds and long term plan

INTERESTED PARTIES: City Council, Housing Task Force, VHCB, Downstreet Housing and Community Development

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a white rectangular background.

COMMON APPLICATION

FOR: VHCB

Project Name: Franklin Square Condo Assoc Rehab**Date:** 09/11/2018**Project Address**

Address1: 9 Franklin St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Address1: 13 Franklin St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Address1: 4 Franklin St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Address1: 158 Main St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Address1: 160 Main St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Address1: 162 Main St.
City: Montpelier
County: Washington

Address2:
State: VT **Zip:** 05602

Is this a scattered sites project?

No

Sponsor / Developer

Name: Downstreet Housing and Community
Development

Address1: 22 Keith Ave.
City: Barre
County: Washington

Phone: (802)477-1342

**Contact First
Name:** Alison

Contact E-mail: afriedkin@downstreet.org

Address2: suite 100
State: VT
Municipality: Barre

Zip: 05641

Fax:
**Contact Last
Name:** Friedkin

Sponsor Status: non-profit , 501(c)(3)

Project Information: Full Basement Condominium

of Floors: 1-2

List Accessory Buildings (e.g., parking garage): None

List Recreation and/or Common Area Facilities: None

List Commercial Facilities: None

Total # of Parking Spaces: 18

Other Amenities of Important Design Elements:

Project Description: Renovation of common areas, features and equipment of the condo association.

Total Residential Square Footage: 0 **Total Units:** 18

Affordable Units:	9	Accessible Units:	0	Adaptable Units:	0	Elderly Only Units:	0
# Rehab Units:	18	# of Buildings:	6	# Family Units:	0	# Elderly/Disabled Units:	0
'Net' New Units:	0	Homeless Units:	0	Special Needs Units:	0	Mobile Home Lots:	0
'Preservation' Units:	18						

Note: 'Preservation means preserving existing affordable housing stock (i.e, housing already counted on the State of Vermont's Directory of Affordable Rental Housing (DoARH); it does not refer to projects performing historic preservation. 'Net' New Units refers to the creation / addition of new rental housing to this stock.

Proposed Funding (All Sources & Payment Terms):

<u>Source</u>	<u>\$Amount</u>	<u>Terms(Yrs. Def./Amort.)</u>	<u>Approved</u>	<u>Rate</u>	<u>Approv. Date*</u>	<u>Grant/Loan</u>
VHCB(Trust Fund)	\$490000		No			Grant
VHCB(Revenue Bond)	\$					
Lead Paint Reduction	\$					
HOME	\$					
VHFA-Permanent Debt	\$					
VCDP	\$					
Tax Credit Equity*	\$					
FHLB-AHP	\$					
Rural Development	\$					
Existing Deferred Debt**	\$					
Other Amortizing Debt	\$					
Proceeds from Home Sales	\$					

* Anticipated Approval Date

Other Proposed Funding

Owner financing	\$140000	No	Loan
Franklin Square RLF	\$100000	No	Grant
City of Montpelier	\$50000	No	Grant

Total Costs : \$780000

Total Project Development Cost : \$780000

Total Project Development Cost without cash accounts and reserves : \$780000

Construction Financing Needed

Source:	Amount:\$	Term:	Rate:
----------------	------------------	--------------	--------------

NARRATIVE SUMMARY SHEET

FOR: VHCB

Project Name: Franklin Square Condo Assoc Rehab**Date:** 09/11/2018

Please provide a brief summary of the project. Limit your description to one page whenever possible. Name the entity(s) that will be involved and describe their roles in the project. State when the project will begin and when the project will be completed. Summarize the important goals of the project. Describe how the goals of the Consolidated Plan priorities will be met. (The Consolidated Plan can be found at:

http://accd.vermont.gov/strong_communities/housing/planning/consolidated_plan). Describe any other important project attributes.

Include a description of the type of housing, any special populations to be served, the number of buildings and the number of units. If the project involves the acquisition and/or rehabilitation of existing structures, please indicate by building the year of original construction and the year of most recent significant capital improvement. If this is a service-supported housing development, please describe the services to be provided and the entity that will provide them.

If you are applying for VHCB Housing Revenue Bond funding, please describe how the project qualifies for that funding. Address how the project will provide net new units or other priorities identified by VHCB. Indicate if and to what extent the project can provide units meeting the special income targets of the Housing Revenue Bond funding.

For homeownership projects include number and type of units and buildings to be created, and projected sales price. Indicate if the proposed units are part of a larger housing or community development project, and if so, describe the entire project. (If so, narrative need not be limited to one page).

Downstreet is the consultant on this project, advising the Franklin Square Condo Assoc. The goal of the Franklin Square project is to address the most urgent repairs for all buildings and establish a sound joint association that will have the capacity to manage capital needs over time. In order to achieve this goal the following steps need to occur. The first step is to create one healthy association. Steps are being taken to meet this goal. As part of the merging of the two condo associations and raising funds for the rehab, up to 9 units of the 18 will be released from affordability covenants. In January 2018, a capital needs assessment (CNA) was completed. In June of 2018, Downstreet hired Arnold & Scangas Architects to use the CNA as a basis for creating a scope of work. The scope has been completed as well as a cost estimate. Unfortunately the cost estimate exceeds the budget so steps will be taken to reduce the scope in consultation with the association. In November, owner contributions will be identified, finalizing that portion of the budget. We anticipate closing March 2019 on both the construction and the owners refinancing. Construction would begin spring 2019.

DEVELOPMENT TEAM INFORMATION

FOR: VHCB

SPONSOR/DEVELOPER: Downstreet Housing and Community Development**Contact Name:** Friedkin ,Alison**Phone:** (802)477-1342 **Fax:****Street:** 22 Keith Ave.,suite 100**City/State/Zip:** Barre,VT 05641 **E-mail:** afriedkin@downstreet.org**ARCHITECT:Arnold and Scangas Architects****Contact Name:** Scangas,Laz**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:****REAL ESTATE ATTORNEY:Geoff Fitzgerald****Contact Name:** ,**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:****DEVELOPMENT CONSULTANT:Downstreet****Contact Name:** Friedkin ,Alison**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:****GENERAL CONTRACTOR / CONSTRUCTION MANAGER:TBD****Contact Name:** ,**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:****PROPERTY MANAGER:Franklin Square Condo Assoc.****Contact Name:** ,**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:****OTHER:****Contact Name:** ,**Phone:****Fax:****Street:** , **City/State/Zip:** , **E-mail:**

Please attach resumes and describe any affordable housing experience for the development team members listed above who have not, in the last two years, worked on any developments funded by these agencies. For a homeownership application, describe the organization's experience with developing for-sale homes, stewarding homeownership units, and educating potential home buyers.

If this is a turnkey project, please describe the agreement between your organization and the developer:

n/a

Are there any direct or indirect financial or other interests whom a member of the development team may have with any other member of the development team?

No

Please describe:

Will the property be acquired from a related party?

No

BUILDING, APARTMENT AND UTILITY INFORMATION

FOR: VHCB

Appliances/ Equipment included with Unit:

If there are any differences between the appliances or amenities between the income restricted units and any other units, please describe :

n/a

Monthly Utility Allowance Calculations (complete for rental housing applications only):

Utilities	Utility Type	Utilities paid by	Utility Allowance for each BR size(only for utilities paid by tenants)				
			0-BR	1-BR	2-BR	3-BR	4-BR
Heating			\$	\$	\$	\$	\$
Hot Water			\$	\$	\$	\$	\$
Cooking			\$	\$	\$	\$	\$
Lighting			\$	\$	\$	\$	\$
Other:			\$	\$	\$	\$	\$
Water			\$	\$	\$	\$	\$
Sewer			\$	\$	\$	\$	\$
Trash			\$	\$	\$	\$	\$
Total Utility Allowance for units:			\$0	\$0	\$0	\$0	\$0

Source of data for Utility Allowance Calculation (check as appropriate): Other

Other: n/a

Adequacy of Utility Systems (Existing Developments Only):

Are the following utility systems currently available and adequate for the project for the duration of the loan? (For new construction, check "N/A.")

Municipal Sanitary Sewer	Yes
On-Site Storm Sewer (if appl., e.g. MHPs)	Yes
Municipal Water System	Yes
Electricity	Yes
Gas	N/A
On-site Septic	N/A
On-site Well	N/A

How and when was the assessment of the system adequacy done, and by whom?

This is an existing project within the City of Montpelier. The City has adequate capacity.

[VHCB Policy on Energy Efficiency and Water Conservation in Multi-Family Residential Properties and the VHFA Green Building and Design Standards](#)

Adequacy of Energy Specifications

Please refer to the Green Building and Design Standards / Multifamily Energy Standards adopted by VHFA, VHCB, and DHCA. Please provide an explanation of any areas that do not meet these standards. Please note that compliance with the Efficiency Vermont Multi-Family Checklist is a component of the funders' Standards.

Per discussions with VHCB, the Multifamily Energy Standards do not apply to this project.

Please describe any feature of the proposed energy specifications that exceeds the funders' energy standards. n/a

SITE INFORMATION

FOR: VHCB

Site ControlPlease complete for each property:

<u>Deed</u>	(Deed) Date acquired:	Acquisition Price: \$
--------------------	------------------------------	------------------------------

Please attach evidence of site control. NOTE: If certain Federal funds are to be used, an Environmental Review must be done prior to any choice-limiting actions (including the execution of a Purchase and Sale Contract).

<u>Appraised Value:</u>	\$0	Date of Appraisal:	11/05/2018
--------------------------------	-----	---------------------------	------------

Please attach copy of Appraisal:

Are there any special circumstances that surround the purchase of the property, including but not limited to: deed restrictions on the use of the property, impediments to clear title, or the necessity to acquire easements or voter approval?

A certain number of homeowners have chosen to refinance their mortgages to provide capital for the project in exchange for a released from their affordability covenants.

Site Information

Briefly describe the site including size, adjacent uses, existing buildings, archeological sites, the presence of prime agricultural soils or soils of statewide significance, proximity to or presence of brownfields, and other significant features.

The Franklin Square Condos are 6 buildings located on Main St. & Franklin St., Montpelier. All of the buildings are more than 50 years old. This is a residential area of the City.

Please describe the proximity to services (e.g., grocery store, health services, schools, public transportation).

The project is located in downtown Montpelier. All services are available either by walking or using the City circulator bus.

Is the site located in or within walking distance to a designated downtown or village center as determined by the Downtown Development Board?	Yes
---	-----

(If yes please attach documentation):

Is the site located in or within walking distance to a growth center as determined by the Downtown Development Board?	Yes
---	-----

(If yes please attach documentation):

Is the proposed development planned to maintain the historic settlement pattern of the town/city? (See VHFA Qualified Allocation Plan for definition.)	Yes
--	-----

The site is eligible for Historical Places.

Is it within a National Register historic district?	Yes
---	-----

The site is eligible for Historical Sites.

Is it within a State historic district?	Yes
---	-----

Is any portion of the site in the 100 year or 500 year floodplain?

Yes

Which one: 100

Please elaborate including a description of any flood resiliency measures being taken or proposed:

No flood resiliency measures are included in the scope of work.

Please submit a floodplain map and identify site boundaries on it:

(for VCDP and HOME applicants only: If yes, also see on the VCDP website [Environmental Review Guide "8 Step Process for Flood Plain Management" under Environmental Review](#) or contact the DHCD Environmental Officer.

Please describe the water and wastewater disposal system of this project including the distribution system? Are there any deficiencies that have been identified with either of these systems? For on site systems and distribution systems, please describe the age and condition. For public systems, please state who owns the on-site distribution system.

The project is served by City water and sewer.

For sites with existing roads please describe the condition, ownership, and any plans to upgrade. If new roads will be constructed, to what standard will they be built and who will be the ultimate owner? n/a

For sites with other existing infrastructure (e.g., stormwater, electrical distribution systems in a mobile home park) please describe the condition, ownership, and any plans to upgrade. n/a

Is any portion of the site at risk of erosion, landslides, unstable soils, or other similar hazards? (Consult ANR for tools and resources.) No

PERMITS INFORMATION

FOR: VHCB

Local permits and approvals required:

Yes

Please list the names of the permits and approvals required and the dates you expect these to be issued by the municipality.

Local permits only. We will seek permits in early 2019.

Please identify any issues and/or obstacles you foresee in obtaining the local permits and approvals and strategies for resolution.

We foresee no issues on receiving local permits.

Is the proposed project in conformance with adopted or proposed local and regional plans and zoning?

Yes

Please attach documentation. (From local and regional plans or excerpts of the relevant language).

If applicable, how is the site zoned and what density does it allow?

There is no change to zoning.

State permits required:(including but not limited to Act 250)

No

Attach a completed Project Review Sheet from the Department of Environmental Conservation (DEC). Download the most current form from the following address: [Project Review Sheet](#) A list of contact information for the regional DEC offices can be found at [Contact Information](#)

Please identify any issues and/or obstacles you foresee in obtaining the state permits and strategies for resolution and the dates you expect these to be issued.

No state permits are necessary.

TARGET POPULATION, MARKET, AND REGIONAL DATA

FOR: VHCB

Please describe the target population, the need for the project, the urgency of that need, and how the need was determined. Please cite specific demographic data and submit any market studies and/or waiting list information.

1. If applying for Housing Credits, please refer to [VHFA's Market Study Standards](#). For all other applications, a full market study is required if new units are being added. See the VHFA link for market study standards. Exceptions may be permitted for projects housing special needs populations. Check with the staff of the agency to whom you are applying.
2. If applying for VCDP or HOME funds, please refer to the [Regional Housing Needs Chart from Consolidated Plan Housing Needs Assessment](#).
3. If applying for VHCB Housing Revenue Bond funding, make sure that the project's market study and marketing plan address the special income targets of that funding to the extent they are included in your proposal.

This project will benefit the 18 current and future owners of condominiums at Franklin Square I & II. Currently there are two condo associations. Neither association has adequate reserves to address the necessary capital improvements identified in the capital needs assessment completed in Jan. 2018. Additionally, in order to create a mixed income community, nine homeowners will be released from affordability covenants, thereby making funds available for this project and making the units available to all households upon resale. If this project were not to happen, the first impact would be the continuation of deferred maintenance and resulting reduction in property values. The second impact would be the continuation of small condo associations who are unable to collect the necessary fees for maintenance and capital improvements. Lastly, if this project does not proceed, there is a risk that these affordable homeownership options will be lost. There is no guarantee that the overall goals of the project will be successful. Only time will tell. However, there are two things we can be sure of. The first is that the improvements made to the buildings will increase the buildings value and stave off deterioration. The second thing we can be sure of is loan repayment. At some point in the future the units will be sold for an amount greater than the initial investment and the loan will be repaid. There is no risk of default. The project is not addressing accessibility.

Describe why this proposal is the best approach to meet the need described above, and how the proposal will meet this need. Identify other approaches that were considered and explain why they were not pursued.

Many individuals, include VHCB staff, have been working on a solution to the affordability and capital needs issues of this property for several years. The strategy outlined in this application is the culmination of many meetings and discussions. All parties (funders, condo assoc. and Downstreet) agree that this is the best and only viable solution to resetting the condo assoc., making the overdue capital improvements and unburdening homeowners.

Describe the project's marketing plan.

n/a

For homeownership developments: How are pre-sales estimates or sales projections derived?

n/a

Note: For all homeownership applications a market study *is* required.

Services What services will the project provide (e.g. parking, laundry, storage, snow removal, air conditioning, electric surcharge, health/recreation club membership)? Please indicate in the following chart the specific service to be provided, whether it is optional or included, and if optional, what the monthly cost is (if services are required, they must be included in gross rent and cannot be charged for separately). For projects that meet the special needs definition as stated in the Allocation Plan, please instead submit a service plan (with cost information) with your application.

Type of Service**Optional****If optional, monthly cost per unit**

\$

TIMETABLE

FOR: VHCB

What is the timetable anticipated for development of the project? Please fill out the following:

<u>Event</u>	<u>Month/Year</u>
Receipt of funding commitments necessary for completion of the project	01/2019
Acquisition of the property.	03/2019
Execution of MOU for supportive services (if applicable).	
Closing date with funding sources (if different from above).	04/2019
Construction start date.	05/2019
Construction completion date.	12/2019
Date of initial sale or occupancy.	
Any other relevant development milestones.	

Please describe:

Please describe, if applicable, any particular issues which make funding of this project time sensitive. Is there a risk the project will be unable to move forward if the timetable above cannot be met?

The key issue right now is securing adequate funding for the project. An application for funding has been made to VCLF. Downstreet will also discuss funding from the City but that is unlikely given the homeownership status of the project. No other funding sources have been identified as options.

Does this project involve any relocation of tenants?

No

Owner financing \$140000
 Franklin Square RLF \$100000
 City of Montpelier \$50000

-->

MUNICIPAL AND COMMUNITY SUPPORT

FOR: VHCB

Describe how the municipality and broader community has supported the project. Were both public and private community members and groups contacted about the project and involved in planning it?

The City has been very involved in conversation about the financial situation of the Condo Associations. They are committed to helping the owners right size the association and improve their financial status. Several meeting were held with the owners to discuss the merging of the associations, scope of renovations and project funding, including refinancing their homes. No public meetings were held or were required to this point.

Has the project been presented at one or more local hearings or public meeting?

No

Documentation:

PROJECT CHARACTERISTICS

FOR: VHCB

Please indicate which of the following characteristics the project demonstrates based on the definitions provided. Provide documentation as needed.

Access to Public Transportation

Project is within 0.5 miles of a stop for public transportation, that operates at regular times on fixed routes and are used by the general public.

Yes

Dense Infill Location

The site is not already in a designated downtown or village center. These are intended to provide convenient neighborhood and city-wide oriented goods and services and employment opportunities within walking or biking distance of many of the city's or town's residential areas.

No

Downtown Revitalization

The Project is located in Designated Downtowns, Village Centers, Growth Centers, Vermont Neighborhoods and New Town Centers that are also area-wide low and moderate income benefit communities with façade, streetscape and other infrastructure improvements.

Yes

Energy Star or LEED Certified

The Project is designed and built to a level of energy efficiency that meets or exceeds the levels required to qualify for the Energy Star label. LEED-H: A standard of construction promoted and maintained by the US Green Building Council to encourage green building practices. LEED-H (also known as LEED for Homes) is an abbreviation for Leadership in Energy and Environmental Design – Homes.

Yes

Federally Subsidized and At Risk

A development currently occupied by low-income households that, within the next five years, faces either: 1) a loss of deep rental assistance or other operating subsidy; or 2) prepayment of its mortgage or other action by its owner that would terminate federal low income use restrictions.

No

Leveraging of Funding from Outside Vermont

The Project has other non-federal funding sources for leveraging the HOME funds to ensure the overall HOME Program meets the 25% Match Requirement. Projects must demonstrate leverage of resources and cost-effectiveness, including density bonuses, building weatherization, energy efficiency, and fuel switching available from private and public programs, and lead paint hazard abatement. Historically, a majority of the Vermont Housing Conservation Board (VHCB) State appropriation for housing is matched to the HOME Program funds.

No

New Rental Assistance

The Project receives new HAP contract from PRAC, RD Rental Assistance, or comparable Federal or State assistance.

No

Public Housing

The Project serves families currently living in public housing or are on public housing (State or local) waiting lists.

No

Rehab or New Construction with Vacancy less than 3.5%

The Project is the creation of 1.)new rental housing through new construction or adaptive reuse in a town or city with a vacancy rate of 3.5% or less, as evidenced by a regional market study OR 2.)the rehabilitation of an existing residential building.

No

Removal of Blight

The Project contains blight. Blight is a condition that exists when a significant portion of a building or site is uninhabitable or unusable due to neglect, condemnation, or damage from fire or other natural disaster. This definition may be met by: a project in which there is one building which is in a blighted condition (whether it's a project having only 1 building, or if there is at least 1 building within a multi-building scattered site project); or a project which involves the clean-up of a brownfield; or a project which may involve the demolition of unused non-housing structures which may be in a blighted condition or a condition of disrepair which has an adverse effect on the surrounding community, in order to develop a site into affordable housing.

No

Universal Design

The Project is using a set of design practices that are intended to make space usable by many people, to the greatest extent possible, at little or no extra cost. Some universal design features include: entrances which do not involve steps; wide doorways; and light switches located at a height easily reached by all residents (including children, the elderly, and disabled).

No

ENVIRONMENTAL SITE REVIEW CHECKLIST

FOR: VHCB

In completing this checklist, at a minimum, you should visit the property, check the town records, and talk to neighbors and the property owner. If you answer "yes" to one or more of questions #1-16, you should contract with an environmental engineering firm for a Level I and/or II environmental assessment. A Phase I Environmental Site Assessment may be submitted in lieu of this checklist.

Date of Review : 11/05/2018 **Completed by :** Nicola Anderson

Present Owner : Franklin Square Condominiums

Street: 9 Franklin St.13 Franklin St.4
Franklin St.158 Main St.160 **City/State/Zip:** MontpelierMontpelierMontpelierMontpelierMontpelierMontpelier,VT 33612
Main St.162 Main St.,0
County: Washington

VHCB Applicant : Downstreet Housing and Community Development

Proposed Use of Property

Existing Residential

Age of Building(s) All within 20 years of the turn of the 20th century.

1. The building contains the following high-risk construction materials:

2. Is there an on-site water supply? No
3. What is the distance of the water source from any high risk activity sites ?
4. Is the property in a neighborhood that is/was zoned for industrial use? No

5. Does the property show any of the following signs?

absence of, or stressed vegetation	No	oil staining of soils	No
leaking tank(s)	No	junked vehicles	No
leaking septic system	No	sheen on surface waters	No
unusual colored or smelling seeps	No	a buried oil tank	

6. Within the property, or on adjacent property, have any of the following materials ever been stored: heating oil, gasoline, diesel, kerosene, waste oils, solvents, chemicals, other (explain)? Please describe the location of the storage unit(s), the material stored, and the condition and status.

Unknown

7. Is the property within one half mile of any state or federal hazardous waste sites? No
8. Has there ever been any problem with the septic system backing up or seeping out?
9. Have there ever been any chemical septic system cleaners used at this site?
10. Is there on-site discharge of wastewater to waterbodies? No

11. There has been areas within the property, or on adjacent property that has been used as a dumping ground for materials, which include:

other (explain):

12. SITE HISTORY: Has the property or adjacent property ever been used for any of the following "high risk" activities?

<u>Activity</u>	<u>Site/Adjacent Site</u>	<u>Activity</u>	<u>Site/Adjacent Site</u>
service station		battery storage	
industrial cleaning		medical laboratories	
pest control		septic system cleaner	
dry cleaners		lubricant mfg/sales	
wood manufacturing		junk/salvage yard	
paint removal		printing	
wool processing		ag. supplies/operations	
testing laboratories		paper processing	
plastics		chemical/solvent use	
metal plating		roofing	
fuel oil dealer		equipment rental	
adhesive and sealant production		waste disposal/removal	
hog farming		computer industry	
tire repair		leather tanning	
sandblasting/stonecutting		textile manufacturing	
automotive repair		railroad	
electrical transformers		boat yard	
paint or stain mfg.		hospital	
film/photo processing			

13. Do you have any other comments or remark on this property?

14. Do you intend to have a professional phase I or II study completed?

No

15. Please describe the process you went through to complete this survey.

All of these answers are done to the best of our knowledge.

VHCB /HOME APPLICATION SUPPLEMENT

FOR: VHCB, VHCB

Please answer all the following questions as completely as possible.

1. Describe the importance of the proposed housing to the community, region or state. Affordable homeownership options are important to the City of Montpelier, the County and the State. These condos are an affordable homeownership option for LMI households. These units also represent smaller size housing and lower maintenance requirements, both of which are important to some homeowners.

2. Provide a narrative summary of the construction scope of work. The scope of work was developed using the current CNA, observations of the architect and input from the condo association. The goal of the project is to make improvements to the commonly owned elements of the properties, not individual units. The outline of the scope includes: Roof Replacement, Window and Door Replacement, Boiler Replacement and Associated Electrical Work, Rotted Wall Replacements at 13 Franklin, Porch Repairs at 158 Main, 160 Main, 162 Main, 4 and 9 Franklin including railings, Clapboard Replacement, Grading and Site Improvements including Landscaping, Exterior Paint, Air Sealing, Selective Masonry Repairs at all buildings, and Insulation at Attic.

3. Capital Needs Assessments

For moderate rehab projects, VHCB requires a new Capital Needs Assessment. The CNA will project all capital needs over a 20 year timeframe taking in consideration the proposed scope of work and the expected useful life (EUL) of building components that will not be addressed at the time of rehab. For new construction and full rehab projects, VHCB requires an estimate of replacement reserve withdrawals for capital needs over a 20 year timeframe based on similar projects. The estimate shall be included the project's cash flow projection. Should the developer not have experience with similar project types a third party CNA provider or the project architect may provide this estimate. The Assoc. will have a CNA completed post rehab.

4. Review the listed VHCB policies for affordable housing. Indicate if each policy applies to the project and whether or not yours meets the policy. If the project does not meet the policy provide an explanation of why it doesn't. In the case of New Construction and Elderly Housing guidelines, describe how the project meets the policy. This project is not a traditional housing project and therefore does not conform to the VHCB housing policies.

5. Does this project address the dual goals of housing and conservation? If yes, please explain. This project does not directly address the dual goals of housing and conservation. However, the preservation of housing in a downtown indirectly supports the dual goal by encouraging smart growth.

6. Does this project present any opportunities for increasing access to fresh and/or healthy food for residents of the property? (i.e., on-site gardens, edible landscaping, community kitchens) If so, please elaborate.. This project does not address access to fresh and healthy food. However, this project is located in downtown Montpelier, therefore homeowners have several options for accessing existing programs and locations for fresh and healthy food.

7. Perpetual use for affordable housing is a requirement of Vermont Housing and Conservation Board assistance. How can we be assured that this requirement will be met? Please describe the major elements of you plan.



CITY COUNCIL Agenda Item #19-163(e)

Date: May 22, 2019

Consent X Discussion

SUBJECT: Validation Resolution

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve Validation Resolution

RELATED COUNCIL GOAL/PRIOR ACTION: Community Prosperity, Responsible Government

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Council is being asked to approve a Validation Resolution providing additional public information on special costs related to the public parking garage bond, and confirming and validating all actions taken by the City at the special meeting held on November 6, 2018.

SUPPORTING DOCUMENTS: Resolution and Exhibit A "Costs"

INTERESTED PARTIES: City Manager's Office

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the "CITY MANAGER'S APPROVAL:" text.

VALIDATION RESOLUTION

WHEREAS, notice of the November 6, 2018 special meeting of the City of Montpelier was given by recording, posting and publishing the Warning thereof in accordance with 17 VSA 2641, 24 VSA 1756 and Sections 1102, 1104 and 1105 of the City Charter; and

WHEREAS, in anticipation of the November 6, 2018 special meeting, an informational hearing was conducted by the City Council on October 3, 2018, following thirteen days prior public notice thereof; and

WHEREAS, *inter alia*, at hearings conducted by the City Council on October 3, 2018 and on October 29, 2018, information was publicly presented regarding the construction and financing of proposed improvements within and appurtenant to the City's Tax Increment Financing District

WHEREAS, the statutory requisites of providing fifteen days prior public notice of the October 3, 2018 informational hearing, and disseminating specific tax increment financing district "related costs" information, not having been fully complied with because of inadvertence, oversight or mistake of law or fact, the City Council desires to avail itself of the validation provisions of 17 VSA 2662 and 24 VSA 1757; and

WHEREAS, such "related costs" are attached hereto as Exhibit A and are incorporated herein for public dissemination; and

WHEREAS, at the November 6, 2018 special City meeting Article I, a proposition of incurring \$10,500,000 of bonded indebtedness for the purpose of making certain tax increment financing district improvements, and the dedication of tax increment revenues for such purpose, was approved, those voting In Favor being 2459 and those voting Opposed being 1877; and

WHEREAS, the City having voted to issue bonds as aforesaid, the City Council elects under 24 VSA 1773(a) to convert all or a portion of such bonded indebtedness authorization to bond anticipation notes, notwithstanding the omission of temporary project financing as a possible project funding source in the above-referenced proposition; and

WHEREAS, the City Council hereby finds that, notwithstanding the inadvertent failure to comply with all the statutory requirements incident to informational hearing notice and content, and potential funding sources, the required length of notice of the purpose of said special City meeting has been had; accordingly,

BE IT RESOLVED, that, to the fullest extent permitted by law, the City Council hereby ratifies, confirms and validates all actions taken by the City at the special meeting thereof held on November 6, 2018.

I hereby certify that the foregoing was approved and adopted by an affirmative vote of at least two-thirds of the members of the Montpelier City Council at a regular meeting thereof held on May 22, 2019.

ATTEST:

John Odum, City Clerk

Projected Tax Increment Revenues

The City estimates that the TIF increment (tax revenue generated from taxable improvements made in the Montpelier TIF District and lawfully retained by the City) will be sufficient to cover:

- the costs of the proposed eligible improvements, per TIF Rule 704;
- the related costs of setting up the TIF District and related costs of the improvements that are TIF District financing eligible, per TIF Rule 705; and
- debt service on the indebtedness incurred to finance the City’s capital improvements in the District.

TIF Infrastructure Project – The Parking Garage

Per Rule 704, the City may use TIF funds for “eligible improvements [that] generally are the installation, new construction, or reconstruction of infrastructure that will serve a public purpose and fulfill the purpose of the District.”

The voters of Montpelier authorized the construction of an approximately 348-space parking garage. This includes the following (Rule language in italics):

- *Utilities, such as power transmission lines, telecommunications lines, telecommunications towers, and power or telecommunications equipment; wastewater, storm water, water dispersal, collection, and treatment facilities and treatment equipment including force mains, pump stations, sewers, lift stations, and related wastewater, storm water and water equipment.*
 - **\$100,000 for construction, relocation, and connections of electric and associated infrastructure.**
- *Transportation improvements such as public roads, streets, bridges, parking lots, facilities, garages, and structures, multimodal facilities, public transit stop equipment and amenities, street and sidewalk lighting, sidewalks, streetscapes, way-finding signs and kiosks; traffic signals, medians, turn lanes, and property acquired or used for right of way.*
 - **\$9,300,000 for the construction of the parking garage – including site work, concrete, steel, masonry, metal fabrications, carpentry, windows, siding, roofing, sealants & caulking, doors & frames, flooring, painting, fire protection, plumbing, HVAC, electrical, rooftop snowmelt system, electric car charging stations, vehicle access control system, and construction management – and the associated surrounding site work including road work, sidewalks, lighting, and bike paths.**
- *Site preparation for development or redevelopment including acquisition, demolition, and environmental remediation of contaminated property.*
 - **\$450,000 for brownfield remediation**

The City expects these improvement costs to aggregate approximately \$9,850,000. It is understood that if these costs exceed that amount, City Council may need to adjust budget allocations so as not to exceed the requested authorization of \$10.5 million in indebtedness for public improvements within the TIF District.

Related Costs

Per Rule 205, the City may “assign certain costs, other than the actual costs of constructing and financing infrastructure improvements, to the District as related costs and pay for these costs with District incremental revenue.” The following are expected "related costs" to be paid from TIF funds (Rule language in italics):

- *Costs such as consulting, design, architects, engineering, accounting, legal, project management, or other professional services incurred during preparation of a District Plan, District Finance Plan, District application, or Substantial Change Request.*
 - **\$50,000 for White + Burke Real Estate Advisors to prepare TIF District Plan**
- *Soft costs such as consulting, design, architects, engineering, accounting, legal, project management, or other professional services directly related to the implementation and construction of eligible District improvements.*
 - **\$600,000 for architect, civil engineer, structural engineer, landscape architect, environmental consultant, parking management consultant, legal, permit fees, traffic, geotechnical consultant, and archaeological assessment**

The City expects these related costs to aggregate approximately \$650,000. It is understood that if related costs exceed that amount, City Council may need to adjust budget allocations so as not to exceed the requested authorization of \$10.5 million in indebtedness for public improvements within the TIF District.

The City has maintained and will continue to maintain records of such related costs and the reimbursement of related costs incurred in the creation and administration of the Montpelier TIF District and/or the projects relating thereto.



CITY COUNCIL Agenda Item #19-163(f)

Date: May 22, 2019

Consent X Discussion

SUBJECT: 60 State Street Lot Design Project

SUBMITTING DEPARTMENT: Montpelier Alive

RECOMMENDED ACTION: Approve design

STRATEGIC OUTCOME/PRIOR ACTION:

Community Prosperity, Thoughtfully Planned Built Environment, Public Art Master Plan

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Montpelier Alive Design Committee plans to paint top of the 60 State Street Lot in downtown Montpelier with a piece designed by local artist Rob Hitzig. The painting will take place in the overnight hours of Saturday, June 1 into Sunday, June 2. This temporary installation will last through the summer season and will fade naturally with time, requiring no maintenance by any parties. No materials, traffic control, remarking, or other support is being requested of the City of Montpelier Public Works. The installation will be completed using non-retroreflective Pro-Park road paints. The project is not subject to review by DRB because it is in a public right of way. The Public Art Commission has asked City Council to review.

SUPPORTING DOCUMENTS: Design

INTERESTED PARTIES: City Council, Montpelier Alive, Downtown Businesses, General Public, Public Art Commission, Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.





CITY COUNCIL Agenda Item #19-163(g)

Date: May 22, 2019

Consent X Discussion Time Sensitive X

SUBJECT: Recommendation of contract award for FY20 Bituminous Concrete Paving for Gallison Hill and Barre Street.

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Award of FY20 paving contract for Gallison Hill and Barre St to J Hutchins who was the successful low bidder for the Bike Path reconstruction project. As part of Bike Path project Gallison Hill is already being reconstructed, so this contract would extend the limits of the reconstruction work by an approximately 300'.

In addition, we are recommending award of the FY20 Barre Street paving contract to J Hutchins as well. By awarding the contract to J Hutchins coordination problems between the Bike Path contractor and a paving contractor will no longer be an issue. There will also some additional savings to the City by allowing the Bike Path contractor to reclaim the street prior to the completion of the Bike Path project by eliminating the need for temporary pavement within the Bike path project.

Award of the construction contracts for FY20 street paving contracts for both Gallison Hill and Barre Street to J Hutchins and designate City Manager as duly authorized agent.

RELATED COUNCIL GOAL/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: Barre Street Total Project Cost = \$239,180.00
Gallison Hill Extension Cost = \$ 13,915.00

SOURCE OF FUNDS: CIP: FY20 Street Maintenance and Rehabilitation \$64,180+ \$13,915= \$78,095
Class II Town Highway Grant = \$175,000

LEGAL REQUIREMENTS: Contractual Agreement

BACKGROUND INFORMATION: In order to prevent coordination issues between the Bike Path project and the paving contract the Department of Public Works received a competitive quote for asphalt paving and all other associated work from J Hutchins. DPW staff conducted an analysis of the received quote and confirmed that unit prices are within an acceptable range for this work.

SUPPORTING DOCUMENTS: Gallison Hill Quote, Barre Street Quote, Barre Street Probably Cost

INTERESTED PARTIES: Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to be "W. Hoffman", written over a horizontal line.

City of Montpelier, Vermont

Preliminary Construction Cost Estimate

Barre St (Town Highway # 10) Class 2 Federal Aid Urban Highway

Scope of Work: Work to be performed under this project includes reclaiming and resurfacing of the existing highway (travel lanes = 26-30') with a leveling and wearing course, new pavement markings, signs, and other incidental items.

Item	Description	Unit	Estimated Quantity	Price	Price
210.100	Cold Planning, Bituminous Pavement	SY	2,100	\$3.00	\$6,300.00
PRICE IN WORDS:					
310.200	Reclaimed Stabilized Base	SY	7,500	\$3.45	\$25,875.00
PRICE IN WORDS:					
404.650	Emulsified Asphalt	CWT	250	\$15.00	\$3,750.00
PRICE IN WORDS:					
490.300	Bituminous Concrete Pavement (Types II, III & IV)	TON	1,900	\$78.00	\$148,200.00
PRICE IN WORDS:					
490.30H	Bituminous Concrete Pavement (Hand Work)	TON	30	\$150.00	\$4,500.00
PRICE IN WORDS:					
604.400	Changing Elevation of Drop Inlets, Catchbasins, or Manholes	EA	13	\$825.00	\$10,725.00
PRICE IN WORDS:					
635.110	Mobilization/Demobilization	LS	1	\$29,755.00	\$29,755.00
PRICE IN WORDS:					
646.200	4" White Line	LF	5,000	\$0.30	\$1,500.00
PRICE IN WORDS:					
646.210	4" Yellow Line	LF	5,000	\$0.30	\$1,500.00
PRICE IN WORDS:					
646.501	Durable Crosswalk (Tape)	LF	30	\$50.00	\$1,500.00
PRICE IN WORDS:					
675.200	Traffic Signs (30" Stop & 9" Street Signs)	SF	52	—	—
PRICE IN WORDS:					
675.500	Removing Signs (Stop & Street Signs)	EA	12	—	—
PRICE IN WORDS:					
900.635	Calcium Chloride (Liquid)	GAL	2,000	\$2.00	\$4,000.00
PRICE IN WORDS:					
900.000	Graded Gravel Shoulder	CY	35	\$45.00	\$1,575.00
PRICE IN WORDS:					
Total Project Cost					\$239,180.00

#REF!

PRICE IN WORDS:

Note: Traffic Control and construction work zone sign package will be considered incidental to all contract items.

Note: for 2400 LF of Reclaim (4" asphalt) and 650 LF of mill and fill (2" Asphalt)

Note: Adjustment of Water Valve are considered incidental to the contract and all risers/covers will be provided by the city

Note: Graded Gravel Shoulders are 18" wide tapering from 4" at the road to 2" at its termination

Note: Dust control during construction is considered incidental to the contract

MARK PELOQUIN

CONSTRUCTION MANAGER

Mark Peloguin
5/14/19

				ATTACHMENT F	
City of Montpelier, Vermont					
Vermont Agency of Transportation					
FY 2018 TOWN HIGHWAY GRANT APPLICATION - CLASS 2 ROADWAY					
Preliminary Construction Cost Estimate					
Barre St (Town Highway # 10) Class 2 Federal Aid Urban Highway					
Scope of Work: Work to be performed under this project includes reclaiming and resurfacing of the existing highway (travel lanes = 26-30') with a leveling and wearing course, new pavement markings, signs, and other incidental items.					
Item	Description	Unit	Quantity	Price	Price
210.100	Cold Planing, Bituminous Pavement	SY	1,000	\$2.00	\$2,000.00
310.200	Reclaimed Stabilized Base	SY	7,750	\$2.00	\$15,500.00
404.650	Emulsified Asphalt	CWT	125	\$50.00	\$6,250.00
490.300	Bituminous Concrete Pavement (Types II, III & IV)	TON	2,500	\$77.00	\$192,500.00
490.30H	Bituminous Concrete Pavement (Hand Work)	TON	30	\$250.00	\$7,500.00
604.400	Changing Elevation of Drop Inlets, CatchBasins, or Manholes	EA	8	\$500.00	\$4,000.00
630.100	Uniformed Traffic Officer	HR	300	\$45.00	\$13,500.00
635.110	Mobilization/Demobilization	LS	1	\$20,000.00	\$20,000.00
646.200	4" White Line	LF	5,000	\$0.10	\$500.00
646.210	4" Yellow Line	LF	5,000	\$0.10	\$500.00
646.501	Durable Crosswalk (Tape)	LF	30	\$25.00	\$750.00
675.200	Traffic Signs (30"Stop & 9" Street Signs)	SF	52	\$16.00	\$832.00
675.500	Removing Signs (Stop & Street Signs)	EA	12	\$15.00	\$180.00
900.635	Calcium Chloride (Liquid)	GAL	2,000	\$2.00	\$4,000.00
	Subtotal Construction				\$268,012.00
	Contingency (10%)				\$26,801.20
	Project Total (Construction, Engineering, Contingency)				\$294,813.20
Note: Traffic Control and construction work zone sign package will be considered incidental to all contract items.					

J. HUTCHINS, INC.

EXCAVATION CONTRACTING

To:	City of Montpelier	Contact:	
Address:	39 Main Street	Phone:	
	Montpelier, VT 05602	Fax:	
Project Name:	Montpelier-Berlin STP-BIKE(33)S	Bid Number:	2018-121
Project Location:	Barre St/Gallison Hill Rd, Montpelier-Berlin, VT	Bid Date:	6/29/2018

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	City Of Montpelier - Gallison Hill Reclaim	666.00	SY	\$1.75	\$1,165.50
2	City Of Montpelier - Gallison Hill Paving	150.00	TON	\$85.00	\$12,750.00

Total Bid Price: **\$13,915.50**

Notes:

- JHI not responsible for liquidated damages or any disincentives associated with this work as quoted
- Pricing valid for 30 Days
- Due to the volatility in the worldwide energy and petroleum markets J. Hutchins, Inc. reserves the right to adjust pricing based on Asphalt Cement pricing index determined by VTrans for material produced by period as specified in the standard specification for Item 406.50
- Asphalt Cement escalation will be calculated on a book price for the month of February 2019 of \$514.00 per ton
- Cut butt joints at the beginning and end of the proposed paving area
- Work must be coordinated with the Reclaim & Paving work on Gallison Hill Road for the Montpelier - Berlin Bike Path Project

Payment Terms:

Payment due within 30 days of invoice

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

J. Hutchins, Inc.

Authorized Signature: Mark Peloquin

Estimator: Mark Peloquin

(802) 434-3500 mark@jhutchinsinc.com



SUBJECT: Street Closure Permit Application: Part of State Street and Gov. Aiken Avenue, Bernie 2020 Rally, 5/25/19

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approval of street closure request for a section of State Street on Saturday, May 25, 2019 from 11 a.m. until 5 p.m. for Bernie 2020 (Sanders presidential campaign) rally on the State House lawn.

RELATED COUNCIL GOAL/PRIOR ACTION: Inclusive, Equitable and Engaged Community; Responsive & Responsible Government.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: Bernie 2020 has asked to close State Street from Taylor Street to Bailey Avenue from 11 a.m. (to allow for set up) to 5 p.m. (to allow for clean-up) on Saturday, May 25 for a campaign rally on the State House lawn. In addition, the campaign would like permission to allow food carts to set up on State Street. Montpelier Alive has been notified of this request. It is difficult to anticipate the size of the crowd, but estimated between 3,000 and 7,000 (that number could climb, even significantly, but public safety officials have been meeting regularly to prepare for this event).

SUPPORTING DOCUMENTS: Street Closure Application

INTERESTED PARTIES: Applicant; Property owners/businesses near the intersection; Fire; Police and Public Works

CITY MANAGER'S APPROVAL: 

1. Event Sponsor

Name: <i>Bernie 2020</i>	Email: <i>shannon@bernie.sanders.com</i>
Address: <i>P.O. Box 391 Burlington, VT 05402</i>	
Cell Phone: <i>802-598 5328</i>	Other Phone: <i>_____</i>

2. Event Details

Name of Event: <i>Bernie 2020 Rally</i>	
General description of the event (1 to 3 sentences): <i>A presidential campaign rally for Senator Bernie Sanders.</i>	
Date of Event: <i>Saturday May 25, 2019</i>	Start and End Time of Event: <i>12:30pm (doors open) - 4:00pm</i>
Street(s) to be Closed - Please attach a sketch of the event layout. <i>- Part of State Street</i> <i>- Governor Aiken Avenue</i>	
Time Street will close (recommend up to an hour before event): <i>11:00 AM</i>	Time Street will reopen (recommend 30 minutes after the event ends): <i>5:00 PM</i>
Number of Staff/Volunteers on site for Event: <i>15 Staff ; 100 volunteers</i>	
Number of people expected at event: <i>3,000</i>	Number of vendors and/or entertainers who will participate: <i>15</i>
Name of General liability insurance carrier - Please attach proof of insurance. (General liability insurance for Special Events in the downtown area must be obtained by the Event Sponsor.) <i>Clarke and Sampson, Inc</i>	

3. Community Support

Is this a reoccurring event in Montpelier? <i>No</i>	If no, do you have experience elsewhere with such events? Please explain. <i>Yes, have done similar events throughout country.</i>
How does this event benefit the public (as outlined in the Street Closure Policy)? <i>Provides safety; more opportunity to enjoy the rally.</i>	

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier. <i>Bernie 2020 has met with Capitol Police Chief Romei and is coordinating all efforts and plans through them, City Hall, and Deb Ferrell in the Government Business Services Division.</i>
What arrangements have been made for food, water, and toilet facilities (if applicable)? <i>Food Trucks have been reached out to for providing an array of food options. Ice Cream will be given out; water and toilets have been arranged.</i>
What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided? <i>As with all of our campaign events, we will ensure trash and recycling are properly taken care of.</i>
If additional law enforcement officials will be hired for your event, please list: <i>Coordinating security plan with Capitol Police, FBI, State Police and Montpelier police.</i>
Please note any other unique aspects of this event: <i>_____</i>
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? <i>No.</i>

Special Event / Street Closure Permit Application

FOR OFFICIAL USE ONLY

The following parties have reviewed and approved:

POLICE Reviewed by: <u>NEIL MARTEL</u> Print Name <u>[Signature]</u> Signature <u>5/15/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: BARRICADES will be in place AT BOTH ENDS of STATE ST. w/ OFFICERS AT THOSE LOCATIONS (STATE & TAYLOR) & STATE ST & BAILY AVE w/ Parking lot ACCESS only - ☐ Reviewed – do not recommend approval
PUBLIC WORKS Reviewed by: <u>Tom McArdle</u> Print Name <u>[Signature]</u> Signature <u>5/15/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: MUTCD designed/compliant closure devices ☐ Reviewed – do not recommend approval
FIRE DEPARTMENT Reviewed by: <u>Robert Gowers</u> Print Name <u>[Signature]</u> Signature <u>5-16-19</u> Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

Shannon D. Jackson Shannon D Jackson 5/10/19
Signature Printed Name Date

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.

Shannon D. Jackson Shannon D Jackson 5/10/19
Signature Printed Name Date

Notice Documentation

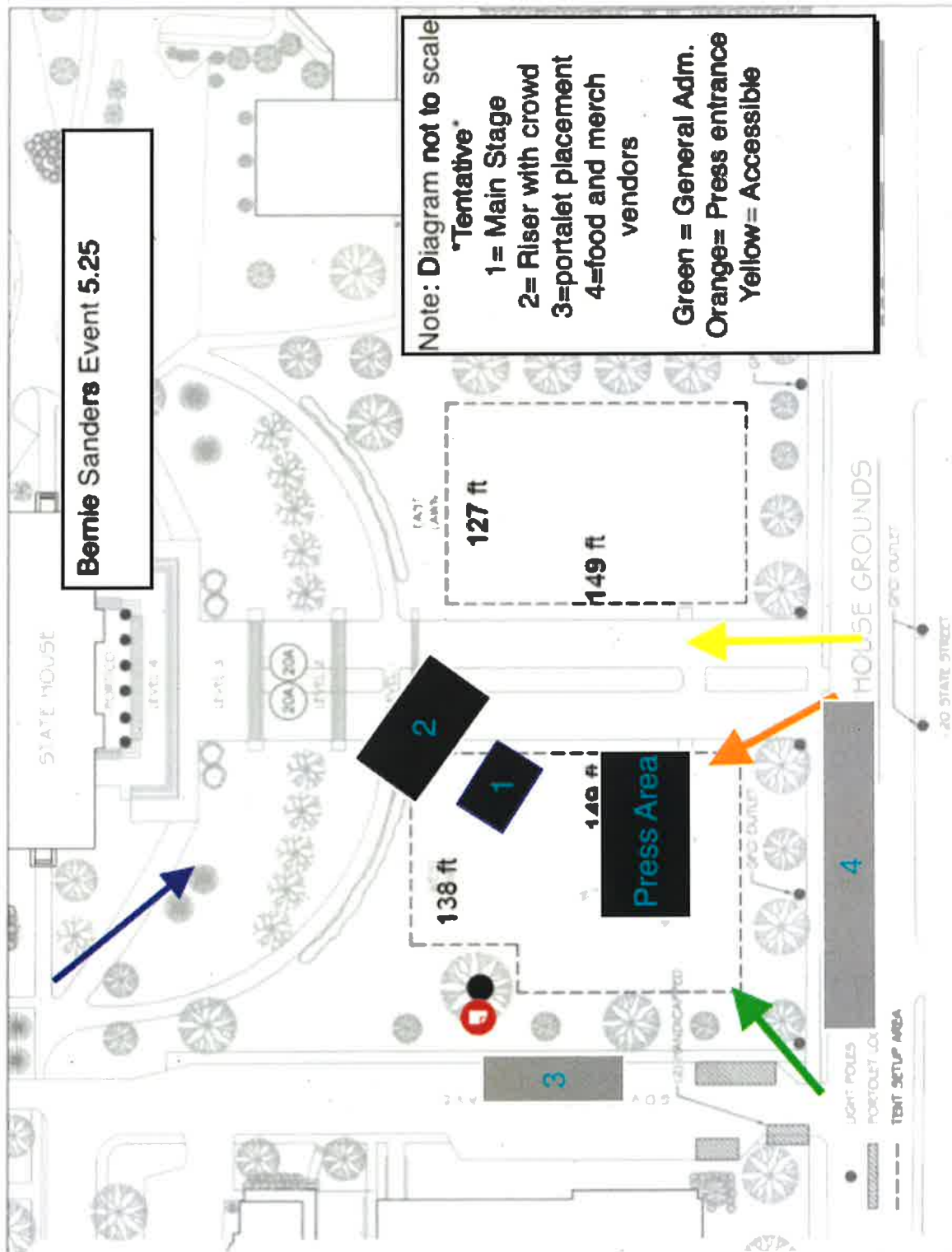
Name of Event: <u>Bernie 2020 RALLY</u>	
Date of Event: <u>5/25/19</u>	Start and End Time of Event: <u>12:30 pm to 4 pm</u>
Street(s) to be Closed: <u>State Street (Taylor to Bailey Ave)</u>	
Time Street will close (recommend up to an hour before event): <u>11 am</u>	Time Street will reopen (recommend 30 minutes after the event ends): <u>5 pm</u>
Date of City Council Meeting to consider permit request: <u>5/22/19</u>	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered. <u>Broad public media</u>	

Special Event / Street Closure Permit Application

MONTPELIER ALIVE	
Reviewed by: <u>Dan Groberg</u> Print Name <u>[Signature]</u> Signature <u>5/15/19</u> Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval
OTHER	
Reviewed by: _____ Print Name _____ Signature _____ Date	☐ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

This permit request was reviewed at the _____ City Council meeting.
(MONTH/DAY/YEAR)

This permit request was: APPROVED _____ DENIED _____





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/6/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Clarke & Sampson, Inc. 228 S. Washington St., Ste 200 Alexandria VA 22314-5404	CONTACT NAME: Judy Campagna	
	PHONE (A/C, No, Ext): 703-683-6601 FAX (A/C, No): 703-739-8967	
	E-MAIL ADDRESS: jcampagna@clarkeandsampson.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: National Casualty Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED
Bernie 2020
P.O. Box 391
Burlington VT 05402

BERNI-3

COVERAGES

CERTIFICATE NUMBER: 923471844

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:			6L-KKO-00000078386-00	2/25/2019	2/25/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ Excl PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COMP/OP AGG \$ 5,000,000 \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			6L-KKO-00000078386-00	2/25/2019	2/25/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ \$0			6L-XKO-00000078387-00	2/25/2019	2/25/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

If required by written contract the following coverage is included under General Liability ATIMA with respect to the certificate holder:

- The following are Additional Insured: Sponsors; Co-promoters; Managers or Lessors of Premises; Mortgagees, Assignees or Receivers; Interests from whom land has been leased.
- Waiver of Subrogation
- Primary and Non Contributory

With respect to an Additional Insured Owner and/or Lessor of Premises, this insurance does not apply to structural alterations, new construction or demolition operations performed by or for that person(s) or organization(s); any design defect or structural maintenance of the premises; or any premises defect.

CERTIFICATE HOLDER

CANCELLATION

State of Vermont, Department of Buildings & General Services
2 Governor Aiken Avenue
Montpelier VT 05633-5801

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.



SUBJECT: Special Event Permit Application: Closure of 60 State Street parking lot, Design Project, 6/1-6/2/19

SUBMITTING DEPARTMENT: City Manager's office on behalf of Montpelier Alive

RECOMMENDED ACTION: Review application and staff comments and approve Special Event Permit Application from Montpelier Alive for the closure of the 60 State Street parking lot on Saturday, June 1st at 10 PM through Sunday, June 2nd at 5 AM for the 60 State Street Lot Design Project.

RELATED COUNCIL GOAL/PRIOR ACTION: Thoughtfully Planned Built Environment; Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures (including parking lots) require Council approval.

BACKGROUND INFORMATION: The Montpelier Alive Design Committee plans to paint a portion of the 60 State Street lot with a piece designed by local artist, Rob Hitzig. The painting will take place in the overnight hours. This is a temporary installation that will last through the summer season and will fade naturally with time, requiring no maintenance by any parties.

SUPPORTING DOCUMENTS: Special Event Permit Application

INTERESTED PARTIES: Montpelier alive

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

1. Event Sponsor

Name: Dan Groberg	Email: director@montpelieralive.org
Address: 39 Main Street, Montpelier, VT 05602	
Cell Phone: 802-488-4303	Other Phone: 802-223-9604

2. Event Details

Name of Event: 60 State Street Parking Lot Design Project	
General description of the event (1 to 3 sentences): The Montpelier Alive Design Committee plans to top of the 60 State Street parking lot with a piece designed by local artists Rob Hitzig. The painting will take place in the overnight hours of Saturday, June 1 into Sunday, June 2. This temporary installation will last through the summer season and will fade naturally with time, requiring no maintenance by any parties.	
Date of Event: June 1-2, 2019	Start and End Time of Event: Sat. 10pm-Sun. 5am
Street(s) to be Closed - Please attach a sketch of the event layout. 60 State Street parking lot	
Time Street will close (recommend up to an hour before event): 10pm	Time Street will reopen (recommend 30 minutes after the event ends): 5pm
Number of Staff/Volunteers on site for Event: 5	
Number of people expected at event: N/A	Number of vendors and/or entertainers who will participate: N/A
Name of General liability insurance carrier – Please attach proof of insurance. (General liability insurance for Special Events in the downtown area must be obtained by the Event Sponsor.) Hartford Casualty Insurance Co. Proof of insurance attached.	

3. Community Support

Is this a reoccurring event in Montpelier?	If no, do you have experience elsewhere with such events? Please explain.
No	Yes - design project over North Branch, frequent events
How does this event benefit the public (as outlined in the Street Closure Policy)?	
This art installation will improve our downtown streetscape and contribute to the beauty and vibrancy of downtown.	

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier. Project has been approved by DPW. Overnight installation should not disrupt merchants, construction, etc.
What arrangements have been made for food, water, and toilet facilities (if applicable)? N/A
What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided? All supplies and litter will be appropriately removed.
If additional law enforcement officials will be hired for your event, please list: N/A
Please note any other unique aspects of this event: N/A
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? N/A

Special Event / Street Closure Permit Application

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

Dan Groberg/56 Dan Groberg 5/17/19
Signature Printed Name Date

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.

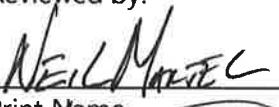
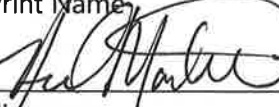
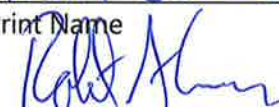
Dan Groberg/56 Dan Groberg 5/17/19
Signature Printed Name Date

Notice Documentation

Name of Event: 60 State Street Parking Lot Design Project	
Date of Event: June 1-2, 2019	Start and End Time of Event: Sat. 10pm-Sun. 5am
Street(s) to be Closed: 60 State Street parking lot	
Time Street will close (recommend up to an hour before event): Saturday 10pm	Time Street will reopen (recommend 30 minutes after the event ends): Sunday 5am
Date of City Council Meeting to consider permit request: 5/22/19	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered. Per street closure policy, "If the street closure request is for State, Main, Langdon, Elm Streets or adjacent parking lots, the City will provide public notification of both the proposed closure and the date the Council will consider this request. The City notice for downtown will be provided to abutters through e-mail to businesses, direct mail to residential addresses, posting on the city website, and social media sites."	

FOR OFFICIAL USE ONLY

The following parties have reviewed and approved:

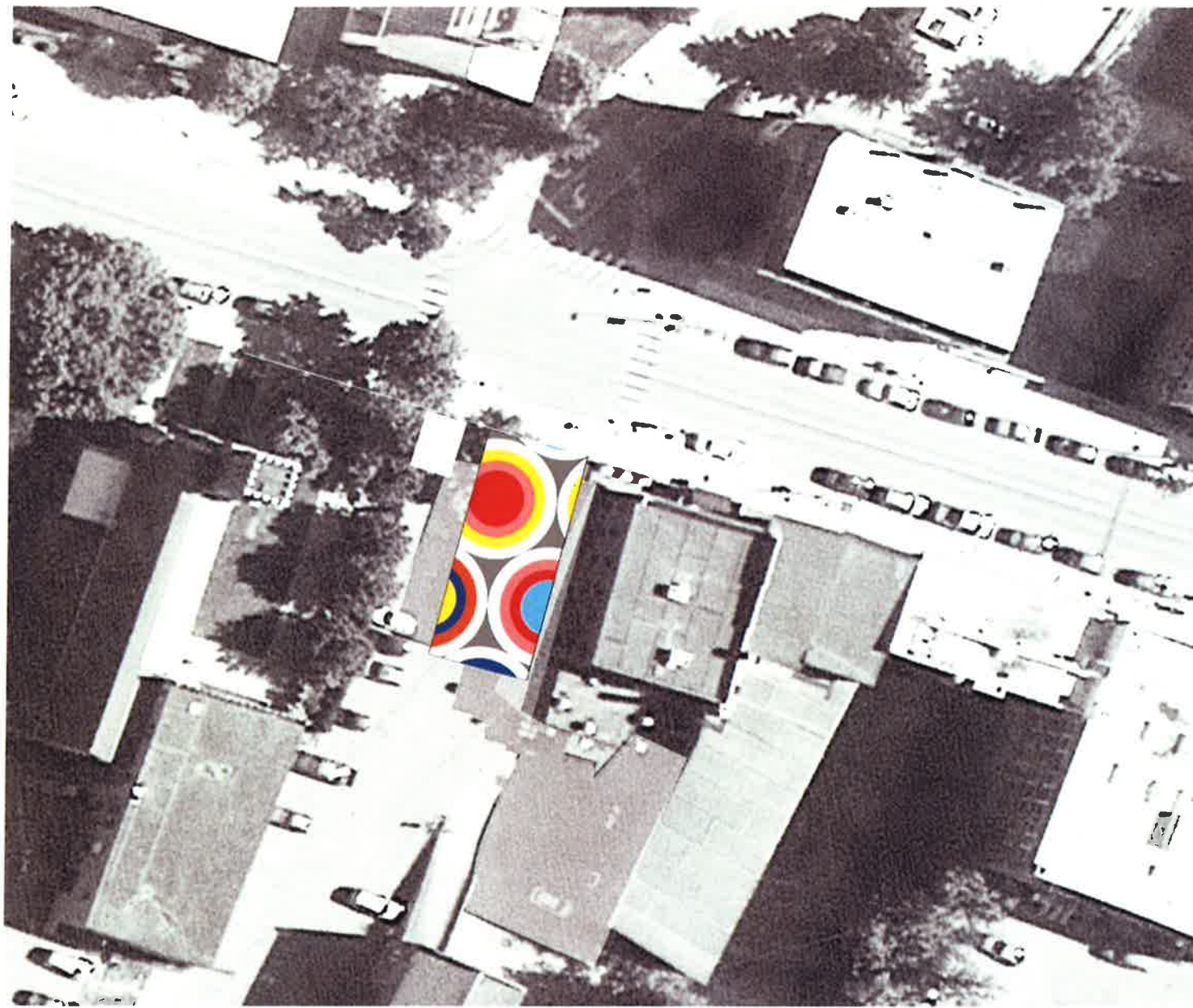
POLICE Reviewed by:  Print Name  Signature 5/17/19 Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval
PUBLIC WORKS Reviewed by:  Print Name  Signature 5/15/19 Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval
FIRE DEPARTMENT Reviewed by:  Print Name  Signature 5-16-19 Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

Special Event / Street Closure Permit Application

MONTPELIER ALIVE	
Reviewed by: _____ Print Name _____ Signature _____ Date _____	☐ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: N/A ☐ Reviewed – do not recommend approval
OTHER	
Reviewed by: _____ Print Name _____ Signature _____ Date _____	☐ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

This permit request was reviewed at the _____ City Council meeting.
(MONTH/DAY/YEAR)

This permit request was: APPROVED _____ DENIED _____





MONTDOW-01

WPITTON

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/12/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Denis, Ricker & Brown - MTP 2 Pioneer Street Montpelier, VT 05602	CONTACT NAME:	FAX (A/C, No): (802) 229-9327	
	PHONE (A/C, No, Ext): (802) 229-0563	E-MAIL ADDRESS: wpitton@hbinsurance.com	
INSURED Montpelier Downtown Association, Inc. DBA Montpelier Alive 39 Main Street Montpelier, VT 05602	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Hartford Casualty Ins Co		29424
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:		04SBMIJ2708	1/1/2019	1/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPI/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☒ Y/N ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	04WECIS7110	7/1/2018	7/1/2019	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional insured status applies via the terms and conditions of attached form SS 00 08 04 05

CERTIFICATE HOLDER

CANCELLATION

City of Montpelier
39 Main Street
Montpelier, VT 05602

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jamie Granfield

From: Montpelier Alive
Sent: Friday, May 17, 2019 2:21 PM
To: Jamie Granfield
Subject: Street closure

Hi Jamie,

I authorize you to sign the 60 State Street parking lot closure form on my behalf.

Thanks,
Dan

--

Dan Groberg
Executive Director
Montpelier Alive

39 Main Street | Montpelier, VT 05602
(802) 223-9604 | director@montpelieralive.org
Proudly celebrating downtown Montpelier since 1999



SUBJECT: Americans with Disabilities Act (ADA) Presentation of Draft ADA Compliance Transition Plan

SUBMITTING DEPARTMENT: DPW & Planning & Community Development Office for: ADA Advisory Committee

RECOMMENDED ACTION: Receive presentation from consultant, committee representatives and staff. Provide an opportunity for discussion and questions. Approve draft plan and set the date for consideration of approving final plan while allowing sufficient time for public review & comment.

STRATEGIC OUTCOME/PRIOR ACTION: Inclusive, Equitable and Welcoming Community / Approved Professional Services Contract for plan development on May 18, 2018

EXPENDITURE REQUIRED: To be determined / initial funding set at \$10,000 / year

SOURCE OF FUNDS: CIP Facilities

LEGAL REQUIREMENTS: Americans with Disabilities Act of 1990 (ADA) – US DOJ implementing regulations 28 C.F.R Part 35. The ADA applies to the City because it is a “public entity” as defined by title II. 42 U.S.C. § 12131(1).

BACKGROUND INFORMATION: The goal of public entities covered under Title II of the Act is to achieve compliance for equal opportunity and program accessibility for its citizens and visitors. To accomplish the goal and comply with the legal requirements, self-evaluations must be conducted to identify all barriers to equal access whether physical or programmatic. The evaluation results are outlined in a Transition Plan with barrier descriptions, the action necessary to remove barriers impeding or preventing equal access and the implementation plan for when the barrier will be removed, the cost and the responsible person and/or department. A Transition Plan is a living document requiring periodic update to ensure the plan is being followed and no new barriers to equal access are created. A recommendation to adopt the plan will follow a public comment and review period.

The draft plan was prepared by the Institute for Human Centered Design (IHCD) under contract authorized last May. Staff from IHCD conducted the evaluations over the last several months visiting all of our facilities including parks & buildings and planned for the opportunity to attend the City’s July 3rd festivities as an evaluation exercise.

IHCD, with a primary office in Boston, has been home to the New England ADA Center since 1996. The VT Center for Independent Living located here in town is their Vermont Affiliate. From their

qualification and experience statement, they are "...an international education and design non-profit organization committed to advancing the role of design in expanding opportunity and enhancing experience for people of all ages, abilities, and cultures through excellence in design." We are very pleased we selected the team from IHCD to help us to meet our objective of becoming a barrier free municipality in every sense from programmatic to the built environment.

SUPPORTING DOCUMENTS: [Draft: "City of Montpelier Americans with Disabilities Act \(ADA\) Self-Evaluation and Transition Plan"](#)

INTERESTED PARTIES: Montpelier citizens, residents & visitors including persons with disabilities, Municipal departments & staff.

CITY MANAGER'S APPROVAL:





Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

DRAFT

May 17, 2019

Prepared by the



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org

ADA Advisory Committee

“The ADA Advisory Committee consists of three (3) municipal officials including the school, and four (4) citizens” as appointed by the City Council:

Citizens:

Marty Roberts, Chair

Diane Richardson

Tina Hagen

Vacancy

City Council Representative:

Jack McCullough

Staff:

Thomas McArdle, DPW Director, ADA Coordinator

Kevin Casey, Community Development Specialist

School Representative: vacant

Participating Staff:

Sue Allen, Assistant City Manager

Chris Lumbr, Building Inspector

Arne McMullen, Recreation Department Director

Table of Contents

Part A - Executive Summary3

Part B - Evaluation of Non-discriminatory Policies & Practices in Programs, Services, & Activities.....26

Evaluation of Website Synopsis and Catalog38

Public Buildings52

Parks and Outdoor Spaces 112

Resources.....125

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Part A Executive Summary



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org

Introduction

The Institute for Human Centered Design (IHCD) has prepared this report on behalf of the City of Montpelier as part of the City's on-going effort to assess the current level of ADA compliance in programs, services and activities and City-owned facilities. In preparing for the report, IHCD surveyed a selection of the City's portfolio of facilities and properties that was included in the Request for Proposals. This report includes the review of ten (10) public buildings, one (1) park and one (1) festival which included portions of the July 3 Festival, Family Olympics and Parade. The Elm Street Recreation Area was also surveyed when Montpelier Pool was examined.

This ADA Self-Evaluation report includes a summary of the City's policies as well as a summary of architectural barriers and proposed solutions for the City's municipal buildings and parks/outdoor areas. All are designed to help move the City towards full compliance with its obligations under the Title II of the Americans with Disabilities Act (ADA). IHCD was not asked to assess the outside public rights-of-way. Instead the City was provided a comprehensive PROW training PowerPoint.

Many City -owned facilities recently altered or renovated are substantially accessible and meet most architectural requirements. Continued facility alterations, and/or renovations will substantially reduce barriers and realize Montpelier's commitment to inclusion and equal rights. In the meantime, the greatest problems posed by existing barriers can be ameliorated by establishing policies and procedures to accommodate members of the community with disabilities. It is worth noting that the City has taken several significant steps in this direction:

- Montpelier has hired a consultant (IHCD) to undertake its ADA self-evaluation (as basis for the City's Transition Plan).
- Montpelier has an ADA Coordinator in place, Tom McArdle, who is the Director of Public Works.
- Montpelier re-established its ADA Advisory Committee in 2008.

Many key facilities and outdoor areas are "functionally accessible" meaning that they are generally usable by people with disabilities but are not in full compliance with current accessibility requirements, though they may have been compliant when they were built or last renovated – before 1991. The City Hall building is an example of such a "functionally accessible" facility: most programs can be accessed by most people because the building features an accessible entrance, an elevator and has accessible routes through the building; yet several doors are narrower than the minimum width required and multiple toilet rooms have accessibility issues. The Pool House at the Elm Street Recreation Center is another example of a "functionally accessible" facility: most programs can be accessible yet the facility lacks fully accessible toilet compartments for both men and women and the locker rooms are not fully accessible.

For clarity, this ADA Self-Evaluation report is organized as follows:

- Legal Overview
- Executive Summary of the Evaluation of Policies in Programs, Services, and Activities
- Executive Summary of the Evaluation of Facilities.

I. Legal Overview

The City of Montpelier is obligated by both Federal laws and State codes concerning the rights of people with disabilities in the daily provision of programs, services, and activities. At the end of this report, there is a comprehensive list of relevant laws.

Federal Obligation: American with Disabilities Act (ADA)

Based on the 1964 Civil Rights Act and expanding upon the obligations of the 1973 Rehabilitation Act, the 1990 ADA prohibits discrimination against people with disabilities. The ADA provides civil rights protections to individuals with disabilities similar to those afforded to individuals on the basis of race, color, sex, national origin, age, and religion. The cornerstone of Title II of the ADA, which applies to state and local governments, is clear: no qualified person with a disability may be excluded from participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability.

The 2008 Amendments to the ADA (ADAAA), signed into law on September 25, 2008, describes in more detail the range of conditions covered by the civil rights protections of the ADA. The amendments expand the definition of “disability” to include impairments that substantially limit a major life activity and states that when determining whether someone qualifies as having a disability, one cannot take into account assistive devices, auxiliary aids, accommodations, medical therapies and supplies. The amendments also address episodic disabilities that may go into remission but still can significantly limit a major life activity when active, such as epilepsy and post-traumatic stress disorder. The ADA defines a disability as¹:

- A physical or mental impairment that substantially limits one or more major life activities (i.e. working, talking, hearing, seeing, caring for one's self);
- Having a record of a physical or mental impairment that substantially limits one or more major life activities;
- Being regarded by others as having an impairment such as individuals with severe facial scarring.

¹ To learn more about qualified individuals with disabilities or to read the full text of the ADA, please visit <http://www.ada.gov>

State Code: Vermont Access Rules

Vermont state accessibility code includes the following:

*Vermont Access Board and the Vermont Department of Public Safety Division of Fire Safety
Vermont Access Rules and Adaptable & Veritable Standards for Dwellings*

It is important to stress that the primary obligation to public entities such as the City of Montpelier, under Title II of the Americans with Disabilities Act, is to ensure that, when viewed in their entirety, the programs, services, and activities offered are equally available to people with disabilities. The City is required to follow the 2010 ADA Standards for Accessible Design in new construction and major alterations. The 2010 ADA Standards must also be used for corrective actions if existing conditions don't comply with the original ADA Accessibility Guidelines. Municipalities also must relocate programs or otherwise provide access to programs located in inaccessible older facilities (i.e. facilities built before the ADA went into effect January 26, 1992). Ensuring program access may require capital investment when there is no alternative solution and should be a priority for corrective action.

Note that the websites of Title II entities are also considered “programs” and should be accessible to the standards of the Web Content Accessibility Guidelines 2.0 AA. Review of the City of Montpelier’s website was provided as part of the scope of work of this contract.

The City must **communicate effectively** with people who have hearing, vision, or speech disabilities. Montpelier is also required to make reasonable modifications to policies, practices, and procedures where necessary to ensure the equal participation of people with disabilities. Whatever is written or spoken must be as clear and understandable to people with hearing, vision, or speech disabilities as it is for people who do not have disabilities. In addition, the ADA requires the provision of “auxiliary aids and services” to meet their responsibility for effective communication.

Following the passage of the ADA, the Department of Justice issued the 1991 ADA Standards for Accessible Design to address physical access to facilities and transportation. These standards were based almost exclusively on the US Access Board’s guidelines (ADA Accessibility Guidelines – ADAAG). In 1994, slight technical amendments were made. Then in 2004, after years of public comment, the US Access Board issued new guidelines that were promptly adopted by US Department of Transportation and other federal agencies. But only in 2010 did the Department of Justice issue a revised and updated ADA Standard called the 2010 ADA Standards for Accessible Design (2010 ADA Standards) that would apply to all Title II and Title III entities. These standards revised requirements for policies such as ticketing and service animals, and for physical elements such as assembly seating, established construction tolerances for certain elements and formalized long-standing guidelines for play areas, golf courses, recreational boating facilities, swimming pools, and other recreational facilities.

Facilities that meet or exceed 1991 ADA Standards are not required to make changes to the new standards except in the case of significant renovation. For elements that are non-compliant, the

corrective measures must align with the 2010 ADA Standards. It is not expected that the buildings will meet or be brought up to all of the 2010 ADA Standards absent significant or total renovation. State and local governments must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible. This means Title II entities need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.

Alterations to historic properties under the ADA

Alterations to historic properties must comply with the specific provisions governing historic properties in the 2010 ADA Standards, to the maximum extent feasible. Under those provisions, alterations should be done in full compliance with the alterations standards for other types of buildings. However, if following the usual standards would threaten or destroy the historic significance of a feature of the building, alternative solutions may be used. The decision to use alternative solutions for that feature must be made in consultation with the appropriate historic advisory board as designated in the 2010 ADA Standards, and interested persons should be invited to participate in the decision-making process.

Note that any corrective actions needed to ensure program accessibility would also have to comply with the requirements of the 2010 ADA Standards for historic facilities.

II. Executive Summary of the Evaluation of Policies in Programs, Services and Activities

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities by public entities. Activities covered include all services, programs and activities offered by the public entity, all aspects of employment, services carried out by contractors, all activities of the local legislative and judicial branches and public transportation.

A thorough understanding of the requirements of Title II of the ADA is an essential responsibility of public entities. Please note that a complete summary of the City's policies, practices and procedures is included in *Part B – Evaluation of Non – Discriminatory Policies and Practices in Programs, Services and Activities*.

The ADA administrative requirements help ensure that the needs of people with disabilities are addressed in all services, programs and activities that the City operates. A Title II entity is required to:

1. Designate a Responsible Employee (ADA Title II - 28 CFR Part 35.107 (a)) to coordinate compliance with the ADA. The purpose of having a responsible employee – ADA Coordinator - is to ensure that when the public deals with a state or local government agency the public is able to identify a person who is knowledgeable with the requirements of the ADA.

The City of Montpelier has met its obligation to designate a responsible employee by appointing Tom McArdle, who is the Director of the Department of Public Works, as the City's ADA Coordinator.

2. Adopt and distribute a public Notice (ADA Title II - 28 CFR Part 35.106) of the provisions of the ADA to members of the public who may participate in the City's programs, services and activities. The effective notice should state the City's obligations under the ADA and include the complete contact information of the ADA Coordinator.

The City of Montpelier has a *Notice of Provision of Services Under the Americans with Disabilities Act (ADA)* posted on its website but it is not easy to find.

From the responses submitted by staff it seems that the City of Montpelier does not have a uniform policy regarding the posting of ADA Non-Discrimination Notices for members of the public. Multiple City departments reported that notices were not posted.

The City should consider clarifying with staff their Notice of Non-Discrimination policy to comply with ADA Title II that states that public entities shall take initial steps to notify program/service participants, beneficiaries and employees of its obligations by publishing the Notice in all the materials distributed by the City; post the Notice on the City's website home page and post copies in public locations in the City's buildings.

3. Develop and distribute Grievance Procedures (ADA Title II - 28 CFR Part 35.107 (b)) for prompt resolution of any complaint regarding disability discrimination.

The City's website provides a grievance procedure document, but it is difficult to find.

From the responses submitted by staff, some departments mentioned that 'we don't have any' formal or informal grievance procedures for their department, or stated the question is 'not applicable'. It is not clear if staff is aware of their ADA obligation and the process for meeting the requirement for grievance procedures.

IHCD recommends the City take steps to clarify its grievance process for both employees and members of the public, post that information in print, in visible location on the City's website and in all material distributed by the City.

4. Modify its Policies, Practices and Procedures (ADA Title II – 28 CFR Part 35.130(b)(7)) when necessary to avoid discrimination.

None of the survey respondents indicated that they were aware of a situation where their department was unable to provide an accommodation or modification that was requested by an individual with a disability.

IHCD recommends the City takes steps to ensure the City's employees can provide information to members of the public about the process of requesting reasonable modification of policies when appropriate. And ensure the form for requesting reasonable modifications of policies is in an easy to find section of the City's website and state the commitment to provide copies in accessible formats upon request.

5. Provide Reasonable Accommodation (ADA Title II – 28 CFR Part 35.140(a)) to qualified employees with disabilities. This requirement may include modifying work schedules, job restructuring, and making facilities used by employees readily accessible to an employee with a disability.

There is no evidence that the City has failed to provide reasonable accommodation to its employees.

6. Provide Auxiliary aids and services (ADA Title II – 28 CFR Part 35.160) to ensure effective communication with people with disabilities. This provision requires ADA Title II entities to take steps to ensure that communication with members of the public and employees with disabilities is as effective as communication with others. This requirement may include but is not limited to providing sign language interpreters, providing Computer-Assisted-Real-time-Translation (CART), written materials for persons who are deaf or have difficulty hearing, braille or large print information or information in digital format for people who are blind or have difficulty seeing.

There is no evidence that the City has failed to provide effective communication when required. But from the department responses, it seems that clarifying procedures of providing effective communication could be beneficial.

IHCD recommends that the City consider developing and publicizing clear processes for members of the public and employees to request auxiliary aids and services.

The City should ensure that information and resources available at the front desk can be made available in alternate accessible formats.

Finally, ensure that the City's website and other web-based services are accessible to people with disabilities. It is the Department of Justice's position that when services are provided on a website, those services too must be made accessible. The website should be considered a "program" of the City.

III. Executive Summary of the Evaluation of Facilities

The analysis of existing conditions that encompasses the body of this evaluation is based on observations and documentation completed by IHCD team during site visits in the summer of 2018. This accessibility survey included the following facilities:

Public Buildings:

City Hall
Fire Station
Police Station
Green Mountain Cemetery
DPW Offices and Garage (2 buildings)
Montpelier Pool and Elm Street Recreation Area
Recreational Center
Senior Activity Center
Wastewater Treatment Plant

IHCD's review of the City - owned facilities was based on compliance with the 2010 ADA Standards if not compliant with the 1991 ADA Standards. IHCD also surveyed the following parks/outdoor areas:

Parks/Outdoor Areas:

Hubbard Park
July 3 Festival, Family Olympics and Parade

It is important to note that those elements in existing facilities that are subject to supplemental requirements of the 2010 ADA Standards (*i.e.*, elements for which there are neither technical nor scoping specifications in the 1991 Standards) such as (C) *Recreational boating facilities*; (D) *Exercise machines and equipment*; (E) *Fishing piers and platforms*; (H) *Play areas*; (J) *Swimming pools, wading pools, and spas*; and (L) *Miscellaneous - (1) Team or player seating and Accessible route in court sports facilities*, need to be brought into compliance.²

² As described in 28 CFR 35.150(b)(2)(i) Title II ADA Regulations

Building Facilities Overview

The building facility set includes ten (10) public buildings. The accessibility survey of those facilities includes all the spaces where the City offers programs, services and activities to the public.

It is important to remember that under Title II of the ADA the City of Montpelier must make sure that *“No qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity”* [28 CFR Part 35.149].

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. This means that each program, service and activity of the City, *“when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.”* This requirement is known as program accessibility [28 CFR Part 35.150].

The program accessibility requirement does not necessarily require a public entity to make each existing facility accessible or to take any action that would threaten or destroy the historic significance of a historic property or require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of the program or in an undue financial and administrative burden.

The City may comply with the requirements through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making the City's services, programs or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

In order to comply with the program accessibility obligations the City of Montpelier should consider:

1. Relocation of its programs, services and activities within current facility
Often the simplest solution is for the City to use what it already has in place. IHCD strongly recommends the relocation of programs, services and activities to accessible locations within the facility.
2. Relocation of its programs, services and activities to another facility
When not possible to relocate them within the current facility, program, services, and activities should be relocated to an accessible facility.
3. Renovation/alteration of its facilities to ensure access to programs, services and activities
The City may consider the renovation of its facilities to ensure that the programs, services and activities are offered in the most integrated setting possible.

To determine which buildings must be made accessible, the City should consider:

- How to provide the program in the most integrated setting appropriate;
- The locations where the activities are offered;
- Which facilities are accessible and to what extent.

Key Recommendations for the Building Facilities:

- Ensure there is an accessible route from arrival points to those areas in the building where the programs, services and activities are provided.
- Ensure that fully accessible toilet rooms are provided in the building. Where it is technically infeasible to provide multi-user toilet rooms provide a single-user toilet room in the same area as the existing multi-user toilet rooms.
- Ensure that where the programs, services or activities are offered there is a sufficient number of accessible features (accessible counters, accessible work surfaces, etc.)
- If audible communication is integral to the use of the space, provide a compliant Assistive Listening System (ALS).

IHCD assessed compliance for all building facilities and outdoor areas on the basis of the ADA and/or state code. To assist in prioritizing accessibility improvements to ensure compliance with the ADA Title II, each of the building and outdoor area reports include an overview that identifies the most substantial accessibility issues and order of magnitude cost estimate. Additionally, a detailed catalog that supplements the ADA Self-Evaluation report is also included. The catalog provides element-by-element illustrated photos of compliance issues, location and measurements – when applicable - at each assessed facility accompanied by recommendations and cost estimation for each accessibility issue.

In addition, a spreadsheet of order of magnitude cost was provided to the City. When the City presents findings and recommendations to the community and receives feedback, some recommendations may need adjustment. All capital corrective actions will need to be prioritized into a planning and budgeting document likely organized over a seven to ten year period that is called the ADA Transition Plan. Together, the ADA Self-Evaluation and ADA Transition Plan will enable the City to make substantial progress in meeting its ADA responsibilities. The recommendations for corrective action on policies and procedures of the ADA Self-Evaluation are not included in the ADA Transition Plan since that is limited to capital issues. But they are a blueprint for meeting compliance responsibilities other than capital.

Public Buildings

City Hall

Accessibility issues on the exterior of City Hall include sidewalks with excessive cross slopes and gaps in the cement in excess of ½ inch that are a tripping hazard. In addition, handrails at the ramp to the accessible entrance do not extend 12” at the top and bottom of the ramp, and are not continuous where required. In the parking lot, accessibility issues include identification signs at accessible spaces that are lower than the minimum height allowed, and lack of a marked access aisle at the car accessible space closest to Main Street.

Inside City Hall accessibility issues include lack of an accessible route to the Council members’ seating area in the City Council Chambers, and doors at multiple locations with less than 32” clear width and hardware that requires tight gripping or twisting of the wrist. There are also accessible compartments with issues such as flush controls not mounted on the open or transfer side, and insufficient pull-side maneuvering clearance at the exit door from the men’s multi-user toilet room on the first floor. In addition, there are stairways that are missing handrails or that have other handrail compliance issues and service counters that higher than the maximum height allowed.

IHCD recommends the following improvements at City Hall:

- Provide sidewalks with compliant slopes and gaps that do not cause a tripping hazard.
- Provide handrails at the ramp to the accessible entrance that are continuous and extend 12” at the top and bottom of the ramp.
- Provide compliant accessible parking spaces.

- Provide doors with at least 32” clear width and hardware that does not require tight grasping, pinching or twisting of the wrist.
- Provide fully compliant accessible toilet rooms.
- Provide accessible service counters.
- Provide audible call signals in the elevator.
- Provide a drinking fountain for standing users on the first floor.

Fire Station

Accessibility issues at the Montpelier Fire Station include surface openings in excess of ½” on the exterior ramp leading to the accessible entrance, lack of compliant egress signs and lack of directional signs at the inaccessible toilet rooms.

IHCD recommends the following improvements at Montpelier Fire Station:

- Repair exterior ramp surface.
- Provide signs with raised characters and braille at egress doors and at the multi-user toilet rooms to the accessible toilet room on the first floor.
- Provide continuous handrails on both sides of interior stairs.
- Provide insulated pipes at the lavatory in each toilet room.

Police Station

Accessibility issues at the Police Station include lack of a van accessible parking space, lack of an accessible service counter in the lobby, lack of fully accessible toilet rooms, and lack of side and rear grab bars at the toilet in the accessible cell.*

IHCD recommends the following improvements at the Police Station:

- Provide a compliant van accessible parking space.
- Provide an accessible counter in the lobby.
- Provide an audible and visible alarm and locate flush control on the open or transfer side in the public toilet room on the first floor.
- Provide grab bars at the toilet in the accessible cell.*

***Note:** In detention or correction facilities, grab bars shall not be required to be installed in housing or holding cells that are specially designed without protrusions for purposes of suicide prevention.

Green Mountain Cemetery

Accessibility issues at Green Mountain Cemetery include lack of an accessible portable toilet, lack of an accessible picnic table, lack of water spout hardware on the cemetery grounds that does not require tight grasping, pinching, or twisting of the wrist, lack of an accessible route in to the chapel due to a 4" threshold at the entry and lack of an accessible route to the chapel speaking area due to a 6" change in level.

IHCD recommends the following improvements at the Green Mountain Cemetery:

- Provide a ramp to the speaking area inside the Chapel.
- Provide an accessible route at the Chapel entry door.
- Correct issues with grate in the Chapel's central aisle.
- Provide accessible water spout hardware on the cemetery grounds.
- Provide an accessible portable toilet.
- Provide an accessible picnic table.

IHCD recommends the following Universal Design and Best Practice improvements at the Green Mountain Cemetery:

- While parking is not provided near the Chapel entry, IHCD recommends providing a van accessible parking space on the shortest accessible route to the chapel entry.
- IHCD recommends providing a 30" minimum by 48" minimum clear floor space next to one of the church pews.

Note: The entombment building door across from the Chapel entry was locked on the day of the survey. If the public enters through that door, provide a 1:20 (5.00%) maximum slope accessible route there as well.

DPW Offices and Garage

Accessibility issues include lack of a van accessible parking space at the parking lot for the DPW Offices and Garage. In addition, the DPW offices lack an accessible single-user toilet room and lavatory, there are open risers on the staircase to the second floor, and there is the lack of a drinking fountain for seated users.

IHCD recommends the following improvements at the DPW Offices and Garage:

- Provide van accessible parking at the DPW Offices.
- Provide an accessible single-user toilet room and lavatory at the DPW Offices and Garage.
- Provide a drinking fountain for seated users at the DPW Offices and Garage.

- Provide closed risers at the staircase to the second floor in the DPW Offices and Garage.
- Provide a drinking fountain for seated users at the DPW Offices and Garage.

Montpelier Pool and Elm Street Recreation Area

Accessibility issues at the Montpelier Pool and Elm Street Recreation Area include lack of accessible spaces, lack of signage with the International Symbol of Accessibility (ISA), and lack of compliant access aisles. There is also an excessive cross slope at the pathway on the east side of the pool house, excessive running slopes on the pathway from the pool house to the pool, and there is an excessive change in level and excessive running slope on the pathway from the pool parking area to the playground. There are compliance issues in the men's and women's toilet rooms at the pool house and at the Montpelier Recreation Baseball Field. In addition, Montpelier Recreation Field lacks the required number of accessible seats with companion seating in the bleachers, and five service counters at concession stands are higher than the maximum allowed. There is also a lack of accessible spaces near the team seating at the Softball Field and by the Little League Field bleachers, and lack of an accessible route to the edge of the basketball court, the Little League Baseball Field and the batting cage.

IHCD recommends the following improvements at the Montpelier Pool and Elm Street Recreation Area:

- Provide the required signs and access aisle at the swimming pool parking area and accessible parking spaces at the Montpelier Recreation Field parking area.
- Provide accessible toilet fully accessible toilet rooms at both the Pool House and Montpelier Recreation Field.
- Provide accessible bleacher seating and accessible service counters at Montpelier Recreation Field.
- Provide accessible bleacher and team seating and reduce excessive cross slopes, running slopes and changes in level at walkways and routes to areas of sport activity including the softball field, little league baseball field and batting cage and the basketball court.

Recreational Center

Accessibility issues at the Recreational Center are significant and include lack of an accessible entrance and means of egress, lack of an interior accessible route between floors and lack of an accessible route to the stage in the gymnasium. There are also accessibility issues with the multi-user toilet room in the basement and with the single-user toilet room and shower on the second floor. In addition, there is a lack of maneuvering clearance at multiple doors and missing or otherwise noncompliant staircase railings.

IHCD recommends the following improvements at the Recreational Center:

- Provide a van accessible parking space on Stone Cutters Way
- Provide an accessible entrance and means of egress and an accessible route between the building's three levels [install an exterior elevator with at grade entrance].
- Provide an accessible route to the stage in the gymnasium.
- Provide automatic door openers at recessed doorways and correct issues with doorways.
- Provide handrails where missing and correct issues with interior handrails.
- Provide an accessible drinking fountain for a seated user.
- Provide a fully accessible single-user toilet room and shower.

IHCD recommends the following Universal Design and Best Practice improvements at the Recreational Center:

- Recommend providing a gun range shooting bay with a counter and opening that could be used by a seated target shooter.
- Recommend reducing the force required to set the gymnasium egress door in motion to 30 lbs. max., and 15 lbs. max. to swing to a full open position.

Senior Activity Center

Accessibility issues at the Senior Activity Center include lack of tactile signs at multiple egress doors, lack of the required maneuvering clearance at the entry doors to the men's and women's multi-user toilet rooms on the first floor (required turning space is obstructed by lockers), excessive opening force at the door to the men's multi-user toilet room, a malfunctioning self closing hinge at the toilet compartment in the men's multi-user toilet room, and exposed plumbing at the lavatory in the single-user toilet room on the second floor. In addition, the interior ramp at the Barre Street entrance has handrails that are both higher and lower than the heights allowed.

IHCD recommends the following improvements at the Senior Activity Center:

- Provide tactile signs at egress doors.
- Provide the required maneuvering clearance at the entry doors to the men's and women's multi-user toilet rooms, and correct other issues with toilet rooms.
- Provide compliant handrails at the interior ramp.

Wastewater Treatment Plant

Accessibility issues at the Wastewater Treatment Plant include lack of a van accessible parking space, access aisle and sign, lack of an accessible entry at the control room building (staircase)

and at the mechanical building (lack of landing at door), and lack of an accessible single-user toilet room in the in the control room building.

IHCD recommends the following improvements at the Wastewater Treatment Plant:

- Provide a van accessible parking space.
- Provide a lift at the entry to the control room building and an accessible route into the mechanical building.
- Provide an accessible single-user toilet room in the control room building.

Outdoor Facilities Overview

The outdoor facility set includes the July 3 Festival, Family Olympics and Parade, at Hubbard Park. The accessibility survey of those spaces encompassed elements such as parking at Hubbard Park, walking surfaces and slopes, benches, toilet facilities, picnic pavilions, drinking fountains, picnic tables, barbeque grills, food trucks, play areas, recreational areas, and maintenance of accessible features.

The program accessibility obligation does not typically require that every outdoor area be made accessible. As noted before, “when viewed in its entirety” applies to programs for which there are multiple locations for comparable programs. Usually, a public entity determines which method it will use for meeting its program accessibility obligations. When structural changes are made to existing facilities, the changes must comply with the 2010 ADA Standards for Accessible Design. When choosing to purchase equipment or to make structural changes, the public entity should factor financial resources required to maintain program accessibility.

Over time, the City will need to reassess its compliance with program accessibility, and it may become necessary to acquire new accessible equipment or make structural modifications.

When looking at the outdoor facilities, Montpelier needs to ensure that a sufficient number are accessible. For instance, Montpelier offers a variety of experiences at its parks/outdoor areas e.g., walking trails, picnic areas, playing fields, etc. The City needs to make sure that a sufficient number of each type of these facilities is accessible. The City also needs to keep in mind that each unique program needs to be accessible.

To determine which outdoor areas must be made accessible, the City should consider:

- How to provide the program in the most integrated setting appropriate;
- Locations where the activities are offered;

- Which outdoor areas are accessible and to what extent;
- Level of dispersion of the accessible outdoor areas (playgrounds, baseball fields, etc.,) and convenience to reach them (accessible by car or pedestrian routes).

Key Recommendations for the Outdoor Facilities:

- Ensure there is an accessible route to all elements in the park/outdoor space (picnic area, playground, toilet facilities, etc.).
- Ensure that a certain number of amenities in the parks/outdoor spaces are accessible (e.g. picnic tables, barbeque facilities, etc.).

Parks / Outdoor Areas

Hubbard Park

Accessibility issues at Hubbard Park include lack of designated accessible parking at multiple locations and lack of accessible routes or issues with the maintenance of accessible routes to each type of amenity in the park. In many cases the amenities themselves are also not accessible including the Observation Tower, outhouses at multiple locations, picnic tables at Seven Fireplaces and near the Old Shelter Pavilion and New Shelter Pavilion, drinking fountains at the Old Shelter Pavilion and New Shelter Pavilion, fitness Trail Workout Stations at multiple locations, and the soccer and playing field near the Old Pavilion.

IHCD recommends the following improvements at Hubbard Park:

- Provide accessible parking spaces at 8 (eight) locations. (See the previously provided and attached sketch as one design solution for designating accessible spaces in unpaved parking lots.)
- Provide accessible outhouses at 5 (five) locations. (See the previously provided Clivus outhouse flyer as one outhouse design solution.)
- Provide accessible routes to park amenities including the Observation Tower, picnic tables and pavilions, at least one of each type of barbeque and fireplace, drinking fountains, Fitness Trail stations, etc. by correcting issues with excessive running and cross slopes, and surfaces that are not firm, stable and slip resistant.
- Provide a virtual experience to achieve program access at the Observation Tower.
- Provide accessible drinking fountains for seated and standing users at Old Shelter Pavilion and New Shelter Pavilion

IHCD recommends the following Universal Design and Best Practice improvements at Hubbard Park:

- Recommends, in order to provide the required program access at the Observation Tower mentioned above, options such as a video or photo display with descriptions located on an accessible route at the Observations Tower site, with images of the interior of the tower and views from the tower observatory level. IHCD also recommends placing videos, images and descriptions on the park website in an accessible format.
- Recommend providing railings and railing extensions on both sides of the staircases at the Old Shelter Pavilion and the Observation Tower.
- Recommend providing wood railings and railing extensions on both sides of the staircases at the Tower Observatory and Old Shelter Pavilion, at the wooden crossings near the New Shelter Pavilion trailhead and on the trail near Fitness Station 15.
- Recommend closing the open risers on the staircase in the Tower Observatory.

Note: The slope of the terrain at multiple fitness trail stations, the route to the soccer and playing fields by Old Shelter Pavilion, and at some other locations in Hubbard Park may make the regrading of these paths technically infeasible.

Montpelier July 3 Parade, Festival and Family Olympics

IHCD observed the July 3 Parade in downtown Montpelier, and the accompanying Festival and Family Olympics in front of the State House at State Street. While the IHCD team was not able to witness all activities at all times, no key accessibility issues were observed.

IHCD recommends the following Universal Design and Best Practice improvements at the Montpelier July 3 Parade, Festival and Family Olympics:

- Recommend moving some of the Family Olympics activities close to the State Street sidewalk and walkway between State Street and the State House so they are on a shorter accessible route.
- Recommend providing a drop-off area as close as possible to the Family Olympics and July 3 parade route so that people with mobility disabilities can more easily approach the various activities and attractions.

Reference List:

Federal Laws:

American with Disabilities Act (ADA)
2010 ADA Standards for Accessible Design

Guidance:

ADA Action Guide for State and Local Governments: www.adaactionguide.org
ADA Checklist for Existing Facilities

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Part B Evaluation of Non- Discriminatory Policies and Practices in Programs, Services and Activities



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org

Introduction

In an effort to provide and maintain compliance with the American with Disabilities Act, the City of Montpelier contracted with the Institute for Human Centered Design (IHCD) to undertake a comprehensive assessment of its policies, practices and procedures as well as its facilities to determine compliance with the requirements of the Americans with Disabilities Act (ADA). The review and recommendations provided in this assessment also go beyond strict compliance assessment to recommend enhancements to current conditions that would result in a more usable, inclusive and welcoming environment for members of the City of Montpelier community. IHCD was not asked to assess the outside public rights-of-way. Instead the City was provided a comprehensive PROW training PowerPoint.

Information about corrective action will include recommendations based on Title II of the ADA as well as recommended '*best practices*' for each aspect that requires action.

The assessment included policies, practices and procedures relative to employment and non-discrimination in policies, practices and procedures for all of the City's programs, services and activities including those related to effective communication.

Corrective action is needed in policies and procedures to create written policies that would ensure the City of Montpelier's compliance with applicable laws. In addition, the City may wish to consider making a commitment to a more accessible website to address issues identified by the Website Accessibility and Usability review. Choosing to make the website completely accessible would make it available to site visitors who use assistive technology such as screen readers as well as to website visitors with a mix of other functional limitations. The website is also a valuable asset in communicating the City's commitment to equal opportunity for people with disabilities through a clear statement and contact information for the ADA Coordinator. It can also provide a helpful opportunity to share information about accessible routes to reaching the City's programs and activities including meetings and requesting effective communication or modification of policies.

This report summarizes IHCD's findings of ADA Title II compliance. The information pertinent to this assessment was obtained by an on-line ADA questionnaire developed by the Institute for Human Centered Design (IHCD) and submitted by nine (9) respondents departments from the City of Montpelier, additional information submitted by the ADA Coordinator and from the City's website. This mix of sources constitutes the basis for this compliance assessment report. From the staff responses it is clear that the City understands its obligations under Title II of the ADA but additional steps are necessary to ensure that people with disabilities enjoy the same opportunities to participate in its programs, services and activities as Montpelier residents without disabilities.

Analysis

Title II of the ADA prohibits discrimination on the basis of disability. Specifically, Title II requires that:

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR Part 35.130 (a)).

This report is divided into sections where these requirements apply. Each section includes the applicable citation from Title II of the ADA; IHCD's summary of findings after reviewing answers from the ADA questionnaire and information from the website. It also includes IHCD's recommendations for the City of Montpelier to implement.

I - Designation of Responsible Employee

Title II of the ADA makes clear that a public entity must designate a responsible employee and adopt grievance processes.

A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. (28 CFR Part 35.107 (a)).

Title II provides little specific guidance for implementing this requirement but the primary role of the designated employee, also called the ADA Coordinator, is making sure that the City is in compliance with the requirements.

Finding

The City of Montpelier has met its obligation to designate a responsible employee by appointing Thomas McArdle as the City's ADA Coordinator.

Recommendations

The City should consider clarifying for its entire community and City employees the name and scope of responsibilities of the ADA Coordinator. Locating the name, list of responsibilities and contact information for the current ADA Coordinator was not as straightforward as it could be. Highlighting this information will improve compliance and make for more efficient operations with respect to the needs of members of the public with disabilities.

Furthermore, clarification on the ADA Coordinator will:

- Make it easier for the City to be proactive in meeting the needs of members of the public with disabilities;
- Help the City to develop and articulate a clear vision and mission with regard to members of the public with disabilities;
- Reduce confusion and improve the City's day-to-day operations with respect to members of the public with disabilities;
- Permit employees to respond more quickly to needs as they arise because they have a primary contact for addressing these needs;
- Build in-house expertise and capacity;
- Prevent confusion and help ensure that candidates for employment, employees and the public have a clear understanding of their responsibilities and rights under the ADA.

II – Grievance Procedures

Title II of the ADA requires a public entity to adopt an adequate grievance process.

A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part. (28 CFR Part 35.107 (b))

Findings

The City's website provides a grievance procedure document, but it was difficult to find. Additionally, while there is a link at the bottom of the homepage labeled "Accessibility," the linked web page did not include any information about the Americans with Disabilities Act.

From the responses submitted by staff, some departments mentioned that 'we don't have any' formal or informal grievance procedures for their department, or stated the question is 'not applicable'. Another department wrote 'We completed a survey many years ago.' It is not clear if staff in all departments is aware of their ADA obligation and the process for meeting the requirement for grievance procedures.

Recommendations

The City should take steps to clarify its grievance process regarding members of the public.

IHCD recommends

- Ensure City's employees and the public are aware of the grievance procedure process and can provide information to members of the public about the process when appropriate.
- Provide an 'ADA Compliance' hyperlink on the City's website home page directly to the grievance procedure form and state the commitment to provide copies in accessible formats upon request.

- IHCD understands that the ADA Coordinator has tried to maintain a record of the resolution of all submitted grievances. A continuing effort should be made to communicate with all departments so good record-keeping is maintained as relates to all complaints submitted and the steps taken towards resolution.
- Ensure the complete contact information for the ADA Coordinator including name, address, email and phone number is available on the Montpelier web site in an accessible format and at a location that can be easily found.

III – Notice

Title II of the ADA requires that public entities notify participants of its non-discrimination policies:

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part. (28 CFR Part 35.106)

Findings

From the responses submitted by staff it seems that the City of Montpelier does not have a uniform policy regarding the posting of ADA Non-Discrimination Notices for members of the public. Multiple City departments reported that notices were not posted, while other departments referenced posting locations such as a ‘bulletin board’, a ‘break room’, or ‘by the entrance door’.

Recommendations

The City should consider clarifying with staff their Notice of Non-Discrimination policy to comply with ADA Title II that states that public entities shall take initial steps to notify program/service participants, beneficiaries and employees of its obligations by:

- Publishing the Notice in all the materials distributed by the City; post the Notice on the City’s website home page and post copies in public locations in the City’s buildings.
- Including the ADA Coordinator’s name, address, telephone number and email address on materials and publications that contain general information disseminated to staff and members of the public.

IV - Reasonable Modification of Policies, Practices and Procedures

Title II of the ADA requires state and local governments to modify its policies when necessary to avoid discrimination:

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the

public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. (28 CFR Part 32.130 (b)(7))

None of the survey respondents indicated that they were aware of a situation where their department was unable to provide an accommodation or modification that was requested by an individual with a disability. IHCD recommends that Montpelier ensure that City's employees can provide information to members of the public about the process of requesting reasonable modification of policies when appropriate. Montpelier should also ensure that the form for requesting reasonable modifications of policies is in an easy to find section of the City's website, and state the commitment to provide copies in accessible formats upon request.

V – Eligibility Criteria

A Title II entity may not impose eligibility criteria that may prevent a person with a disability to participate in its programs, services or activities:

A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered. (28 CFR Part 35.130 (8)).

This requires that ADA Title II entities may not impose eligibility criteria that either screen out or tend to screen out person with disabilities, unless it can show that such requirements are necessary for the provision of the service, program or activity.

Findings

Some departments responded to the online survey indicating that they have eligibility criteria such as residency, business association membership or income qualifications. These requirements are necessary for the provision of the service, program or activity, and permitted under the ADA.

VI - Employment and Reasonable Accommodation

Title II of the ADA prohibits discrimination on employment on the basis of disability:

No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity. (28 CFR Part 35.140 (a)).

This requires that ADA Title II entities make reasonable accommodation to qualified employees with disabilities. Reasonable accommodation may include modifying work schedules, job restructuring, and making facilities used by employees readily accessible to employees with a disability.

Note that the requirements of Title I of the ADA, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR Part 1630, apply to employment in any service,

program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of ADA Title I. (28 CFR Part 35.140 (b)(1)).

Findings

Based on responses to the ADA questionnaire, there is no evidence that the City has failed to provide reasonable accommodation to its employees.

IHCD is aware that some job descriptions may list physical requirements. The City should review any such requirements to be sure they are necessary, and not something that could be addressed by a reasonable accommodation provided to an employee or in some other way. For example, sometimes a lifting requirement can be addressed via the provision of a wheeled cart, by the determination that the requirement is not in fact an essential job function for a given position, or by another method that may be reasonably requested by an applicant who has been given a job offer or an individual who is an existing employee.

Recommendations

- Ensure that materials and publications that contain general information disseminated to City's employees include information on the requirements of reasonable accommodation under the ADA.

VII – Effective Communication through Auxiliary Aids and Services

Title II entities are required to provide appropriate auxiliary aids and services to ensure “effective communication” with people with disabilities. This obligation applies to all members of the public with disabilities including job applicants, program participants and people who are seeking information about the City's programs, services or activities. Specifically Title II requires that:

A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. (28 CFR Part 35.160 (a)).

Auxiliary aids and services are devices or services that enable effective communication for people who have vision, hearing, or speech disabilities (communication disabilities), use different ways to communicate. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved (e.g., a query at a service counter in the City Offices, a meeting, a job description).

The obligation to communicate effectively with people who have disabilities applies to the presentation and exchange of information in all forms including sound, print, graphics and voice.

Furthermore, this requirement may include but is not limited to providing sign language interpreters, telephone handset amplifiers, telecommunication devices for Deaf persons (TDD's), note takers, written materials for persons who are Deaf or hard of hearing or transcripts, braille, digital or audio information for persons who are blind or have difficulty seeing.

The decision about what auxiliary aid is appropriate should evolve from a consultation between the ADA Title II entity (City of Montpelier) and individuals with disabilities wherever possible to ensure effective communication. In many cases, more than one type of auxiliary aid or service may make effective communication possible. While consultation is always strongly encouraged to achieve effective communication, the City of Montpelier and all public entities are required to give primary consideration to the requests of individuals with disabilities. The Effective Communication obligation does not require the City to take any action that would result in a fundamental alteration in the nature of its services, programs or activities or that would impose an undue financial and administrative burden.

Findings

There is no evidence that the City has failed to provide effective communication when required. But from the department responses, it seems that clarifying procedures of providing effective communication could be beneficial.

Some of the questionnaire responses include:

- '[We] should ensure that the website's tools are being used consistently and correctly internally.'
- 'We hope that our website on the City Website is effective but we have never researched it.'
- 'I assume they are using a [web] platform that is supportive of visually impaired services.'
- 'I don't know.'

It is also not clear if face-to-face communication with individuals with disabilities is equally effective as communication with people without disabilities, or if information available in print format is currently available in accessible electronic or hard-copy formats such as large-font, or on the website.

Some of the survey responses included the following:

- 'We cannot ensure communications are equally effective.'
- '...we do not have policies or procedures in place.'
- 'We don't have any policies to ensure communication is effective with people with disabilities in this department.'
- 'I'm not sure how to answer this.'
- 'We don't but perhaps we should review our communications.'

Recommendations

The City should consider developing and publicizing clear processes for members of the public and employees to request auxiliary aids and services:

- Staff should clearly understand the responsibility to provide auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. (28 CFR Part 35.153 (b)). Staff should also clearly understand the process for requesting them when needed.
- Staff needs to understand the scheduling time necessary in requesting a sign language interpreter or a Computer-Assisted Real Time Interpreter (CART) through the Commission on the Deaf and Hearing Impaired. Interpreters must be qualified.
- Ideally, the City should develop a system for training staff to meet these responsibilities especially knowing the processes for securing braille, making large print, other types of alternate formats, understanding how to request interpreters or CART and the length of time needed prior to an event. It is also important that staff know how to use and maintain the assistive listening systems and other special devices to assist people with disabilities to enjoy effective communication.
- Members of the public also need to have a clear understanding of the process for requesting auxiliary aids and services and the time period in which a request must be made if it involves ASL interpreters, CART, or special equipment such as assistive listening devices that may need to be rented. This information should be included in the general information for the public as well as on the City's website.
- The City of Montpelier would benefit from a written policy on Effective Communication so staff across all departments has an understanding of their responsibility and clarify about what to do.
- Distribute the effective communication notice to all department heads; published in a local newspaper of general circulation serving the City; in all materials regarding the City's programs, services or activities and on the City's website home page. Copies should also be posted in prominent locations in the City's public buildings.
- IHCD, through its New England ADA Center, can provide a training for the City of Montpelier on Effective Communication that would be appropriate for department heads and public-facing City staff in order to build confidence about rights and responsibilities and building capacity within the City to comply with this important element of the ADA.

Sample of Effective Communication request:

"The City of Montpelier is committed to the full participation of people with disabilities. Any person with a disability who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the City's programs, services, activities and committee meetings, should contact the office of the ADA Coordinator (Name, Address, Phone number and Email) as soon as possible but no later than 48 hours before the scheduled*

*event.” (*if the City needs 2 or 3 weeks or longer to ensure an interpreter, then it must be clearly stated).*

- Ensure that information and resources at each department interacting with the public are available in alternate format. That could be done by having a large print sign at each department and on each department’s portion of the website stating:
“All of our materials are available, upon request, in alternate format such as audio, large print or braille.”
- Ensure that staff interacting with the public is fully trained on how to respond to TTY and relay calls for telephone communications with people who are deaf, have difficulty hearing or have speech disabilities.
- Ensure that the City’s website and other web-based services are accessible to people with disabilities. It is the Department of Justice position that when services are provided on a website, those services too must be made accessible. (see www.ada.gov/mclennan_pca/mclennan_sa.html *Section K on Web Based Services and Programs*)
- To address these Information and Communication Technology (ICT) issues Montpelier should commit to fixes and maintenance of the website accessibility. All staff should undergo training on accessibility best practices for posting web content and creating accessible documents. All third-party software should be properly vetted for compliance with WCAG 2.0 AA and section 508 of the Rehabilitation Act.
- Ensure that all the fillable forms on the City’s website are accessible to people with disabilities. IHCD recommends providing web forms or accessible fillable PDF for all the forms available on the City’s website such as the Tour of Montpelier video.
- Include captioning for all the videos available on the website.

IHCD has sent the City of Montpelier the following two documents:

- Montpelier Website Accessibility Usability Synopsis of Issues
- Montpelier Website Review Catalog of issues

They provide information about website accessibility issues and recommended corrective measures.

Additionally, under Title II of the ADA, emergency programs, services and activities must be accessible to people with disabilities. Ensure that the City takes the necessary steps to effectively communicate with people with disabilities and make the emergency plan available on the City’s website and update the emergency procedure as often as is necessary.

NOTE: *Even though there is a fundamentally changed pattern among people who are Deaf or hard-of-hearing in relation to communication technology TTY remains a compliance requirement. Because of these advances in communication technology, some people who are deaf and people with speech*

disabilities no longer have TTYs in their homes and rely instead on instant messaging, text messaging, email, or the video communication features of computers.

VIII – Emergency Preparedness, Evacuation Plans, and Emergency Shelters

While a review of the City of Montpelier’s emergency preparedness, evacuation plans and emergency shelters was not part of this RFP, as evidenced by recent U.S. Department of Justice’s (DOJ) Project Civic Access settlement agreements, DOJ’s views on emergency preparedness, shelters and evacuation plans are critical components of a City’s responsibilities related to accessibility

Recommendations

- Visibly post up-to-date floor plans for all buildings;
- Post information about evacuating people unable to use stairs; (Currently they have some information for schools).
- Develop evacuation plans for each facility;
- As plans are developed or revised, adopt policies to ensure that community evacuation plans enable people with disabilities, including those who have mobility, vision, hearing, or cognitive disabilities, mental illness, or other functional limitations, to safely self-evacuate or to be evacuated by others. Until all emergency shelters are accessible with parking, exterior routes, entrances, interior routes to the shelter area, and accessible toilet rooms serving the shelter area, the City should identify and widely publicize to the public, including persons with disabilities and the organizations that serve them, the locations of the most accessible emergency shelters.

For more information see:

Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities - <http://www.ada.gov/emergencyprepguide.htm>

ADA Tool kit: Emergency Management -

<http://www.ada.gov/pcatoolkit/chap7emergencymgmt.pdf>

FEMA Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters - http://www.fema.gov/pdf/about/odc/fnss_guidance.pdf

Additionally, we recommend considering engaging the National Fire Protect Association (NFPA) for evacuation training and guidance, providing and load verifying backup power source for elevator to address F.N.S.S. emergency shelter needs, installing one or more accessible shower to meet emergency shelter needs and providing backup power for charging batteries for wheelchairs or breathing equipment and refrigeration for medication to meet emergency shelter needs.

Reference List

ADA Action Guide for State and Local Governments:

- www.adaactionguide.org

Department of Justice:

- Americans with Disabilities Act Title II Regulations:
http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm
- Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities - <http://www.ada.gov/emergencyprepguide.htm>

Federal Emergency Management Agency:

- FEMA Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters - http://www.fema.gov/pdf/about/odc/fnss_guidance.pdf

Job Accommodation Network:

- <http://www.askjan.org>

New England ADA Center:

- <https://www.newenglandada.org>

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Website Accessibility and Usability Synopsis



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org



City of Montpelier, VT

Website Accessibility & Usability Synopsis of Issues

December 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Introduction

The Institute for Human Centered Design (IHCD) conducted a review of the City of Montpelier, Vermont's website, www.montpelier-vt.org. This review consisted of an internal assessment by deep content experts, which focused on applicable portions of the World Wide Web/Web Accessibility Initiative (W3C-WAI) Web Content Accessibility Guidelines (WCAG 2.1) and Section 508 of the Rehabilitation Act along with research involving diverse users who contribute insights and perspectives based upon their lived experiences with disabilities.

The generated catalog highlights important issues for not only accessibility compliance, but also usability and inclusive design. Each issue serves as an example that should be remedied in all occurrences. The report includes a screenshot, issue details, and issue tags. Issue details provide background information on the applicable accessibility guidelines or inclusive design principles and how it affects diverse users, a description of the current issue found on www.montpelier-vt.org, and a proposed solution including engineering or design notes such as code snippets and sketches. Issue tags signify the primary groups of users affected by each issue and cite applicable sections of WCAG 2.1.

Overview

The City's website www.montpelier-vt.org is built on the CivicPlus CMS using jQuery and ASP.NET. While the accessibility features native to the CivicPlus framework typically provide a good baseline for inclusive web design, often going beyond compliance with guidelines to embody best practices, the Montpelier website does present several components that fail to meet accessibility standards. This failure to meet WCAG 2.1 AA standards presents barriers to accessibility for a diverse group of users including those using assistive technology and users with some brain-based conditions.

At the outset, one of the major barriers is the main menu navigation on the home page, where only the five high-level menu items are accessible. For users of various assistive technologies, the popovers at each of the five high-level menu items are not navigable due to improper use and organization of HTML attributes. Poor or sometimes nonexistent heading hierarchy increases the confusion and disorientation that users of assistive technology may experience. It is imperative that the HTML tree is consistent with the visual layout of the page so that the menu and other components are navigable and provide context for a diverse group of users. Keep in mind there is often overlap among screen reader, keyboard-dependent and non-native tech users, i.e. a user may be both keyboard-dependent and a non-native tech user.

Another significant website functionality that many users depend on is the availability of important city information in the form of downloadable documents (and forms) for various action steps. These documents are often in the form of inaccessible PDFs and other file formats that do not present an accessible alternative, and are often the only method to obtain key information or accomplish a certain task. This puts many blind or low vision residents, as well as those with brain-based disabilities at a great disadvantage and undermines their status as equal contributing members of the community. www.montpelier-vt.org also relies on third party widgets, integrations, and portals. Much of this software contains major accessibility barriers and fails to comply with WCAG 2.1 AA. For example, the homepage link of the video tour of Montpelier directs to elocallink.tv where the icons around the video do not have alt text and the video itself does not have captions or audio descriptions. The experience can be very disorienting to a diverse group of users.

To address these issues, the CSS and JavaScript theming should be redesigned to remedy all occurrences of web accessibility barriers and

detrimental usability. In addition, web authoring staff should undergo training covering best practices for posting web content and creating accessible documents. For creating accessible PDFs please review Adobe’s [Accessibility Training](#). All third-party software should be properly vetted for compliance with WCAG 2.1 AA and section 508 of the Rehabilitation Act. When contracting with vendors developing websites and other software, the City of Montpelier’s RFPs and contracts should ensure the finished product is compliant by specifying appropriate accessibility guidelines in calls for proposals, contracts and by conducting web accessibility reviews.

City of Montpelier, VT | Website Review

Image	Section	Issue Name	Issue Details	Issue Tags
	Navigation	Inaccessible main navigation	Background All menu items and mega-menu functionality must be accessible by keyboard-only navigation to allow screen reader users and keyboard-only users to navigate the web. Current The popovers at each of the five main menu items are not accessible. When navigated to with a screen reader, there is no indication that the user is interacting with a collapsed list. The popover HTML is not nested within the menu unordered list, therefore it does not show on the accessibility tree. Solution Menu popovers should always be expanded using not only hover, but also keyboard focus. In addition, the HTML should be nested in the same intuitive order as the visual layout. Engineering notes Review documentation for accessible mega-menus using web-aria, proper html structure, and keyboard focus. See Adobe open-source library for accessible mega-menus: https://github.com/adobe-accessibility/Accessible-Mega-Menu/	Blind, Low-vision, Dexterity Impairments, WCAG 2.1
	General Content	Header hierarchy	Background Diverse groups of users rely on headers for navigation within websites and pages. For screen reader users, headers provide an important hierarchy which helps them make sense of a website and find what they are looking for with relative ease. For some users with brain-based conditions, good and consistent header hierarchy provides organization to a page that can aid visual focus and reduce anxiety or stress. In addition, it can also increase the ease with which non-native tech users can interact with content. Current Heading levels are currently skipped and some visually styled html elements are not placed within heading tags. While the banner image on the home page has a <h1> tag, the <h2> and <h3> tags are skipped before event dates in the event calendar	Blind, Low-vision, Deafblindness Mobility/Dexterity, WCAG 2.1

Image	Section	Issue Name	Issue Details	Issue Tags
			widget get a <h4> tag. The <h3> tag is then used for the social media links at the bottom of the page. This disorganization can be disorienting to many users. Solution Ensure that the order of headings is semantically correct; h1 to h6 element tags should be in descending order. In addition, ensure that visually styled elements are placed within the appropriate heading tags. Engineering notes Review W3's documentation on heading level/ranks: https://www.w3.org/WAI/tutorials/page-structure/headings/	
	General Content	Automatically changing content and missing alt text	Background Automatically moving, changing or blinking content must provide an option for the user to pause, stop or hide the element. Current The rotating images on the home page do not provide an option to pause, stop or be hidden. This can be distracting and disorienting for users with some brain-based conditions. In addition, several images that appear on the 'slider' have alt text that is not descriptive of the image, featuring generic file titles, as seen in the example below: <pre></pre> Solution Ensure that the changing images are accompanied by a pause, stop or hide button that allows users control over not only whether they want to see this content, but also the speed at which they may choose to engage with it. Additionally, ensure that all images have alt text that is descriptive of the content they display. Engineering notes For example, <pre><img src="..." alt="The big clock tower in downtown"</pre>	Blind, Low-Vision WCAG 2.1

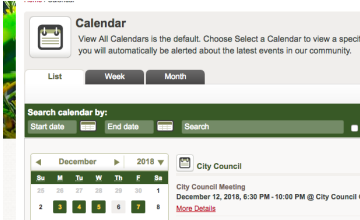
Image	Section	Issue Name	Issue Details	Issue Tags
			Montpelier" title="JS-6183" ...>	
	Events Calendar	Missing form labels	Background Each form element must have a programmatically associated label element. Current The search and date fields in the event calendar do not have label elements. While they do have placeholder values, the missing labels can mean that navigation is extremely difficult or even impossible for users of some assistive technology: <pre><input onkeydown="searchTextHook(event);" onblur="removeDefaultStartDate(this);" onfocus="removeDefaultStartDate(this); showPopup(this, event);" onclick="showPopup(this, event);" title="Start Date" id="startDate" type="text" value="Start date"></pre> Solutions Providing appropriate labels for corresponding fields will ensure that users have context for the elements they are interacting with. Engineering notes <pre><label for=""startDate"">Start Date</label></pre>	Blind, Low- Vision, WCAG 2.1
	General Content	Broken skip link	Background Screen reader dependent users rely on skip links to jump past redundant navigation content. Skip links must anchor to the main content on each page. Current The skip link target does not exist and is not focusable: <pre>Skip to Main Content</pre> Solution Ensure all skip links have a programmatically focusable target using <code>tabindex="-1"</code>. Engineering notes	Blind, Low- Vision, WCAG 2.1

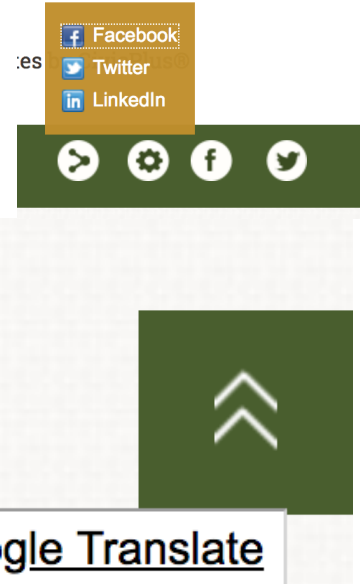
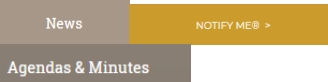
Image	Section	Issue Name	Issue Details	Issue Tags
			For example: <pre>Skip to Main Content <nav>...</nav> <div id="main" tabindex="-1" class="siteWrap">..</div></pre>	
	General Content	Ambiguous icons	Background Screen reader dependent users rely on alternative texts to navigate the site. Current Facebook and Twitter icons are labeled as images. Sharing icon is ambiguous. Solution Make the icons more understandable by differentiating between sharing this page on Facebook/Twitter and the Facebook and Twitter pages of Montpelier. <pre><a href="javascript:void(0);" target="_self" class="fancyButton fancyButton222 "</pre> Design Notes For example: Label “share” with “Share this page”. Also, relabel the Facebook icon to be “Montpelier Facebook Page”. Engineering notes For example: <pre><a href="javascript:void(0);" aria-label="Return to top of page" target="_self" class="fancyButton fancyButton222"</pre>	
	General Content	Color contrast	Background All text elements must have sufficient contrast between text in the foreground and background colors. Text that is too close to luminance (brightness) to the background can be hard to read for users with low vision. Current There is insufficient color contrast for the white text on light grey	Low-Vision, Brain-based, 65+ WCAG 2.1

Image	Section	Issue Name	Issue Details	Issue Tags
			background (2.8:1), white text on orange background (2.1:1), and white text on dark grey background (3.9:1). Solution Ensure all text elements have at least 4.5:1 contrast for small text and 3:1 for large text. IHCD recommends the Paciello Group's Colour Contrast Analyser: https://developer.paciellogroup.com/resources/contrastanalyser	
	Video Players	Color contrast	Background All text elements must have sufficient contrast between text in the foreground and background colors. Text that is too close in luminance (brightness) to the background can be hard to read for users with low vision. Current There is insufficient color contrast for the grey text on white background (3.2:1). Solution Ensure all text elements have at least 4.5:1 contrast for small text and 3:1 for large text. IHCD recommends the Paciello Group's Colour Contrast Analyser: https://developer.paciellogroup.com/resources/contrastanalyser	Low-Vision, Brain-based, 65+ WCAG 2.1
	Widgets	Improper HTML semantics	Background HTML markup may not change the graphical user interface, however screen reader users rely on this semantic information to make sense of the web and interact with elements. Current "Events Calendar" and "News" currently are links with <a> tag. However, these elements behave as tabs which is confusing for screen reader users because the behavior does not match semantics. <pre></pre>	Blind, Low- Vision, WCAG 2.1

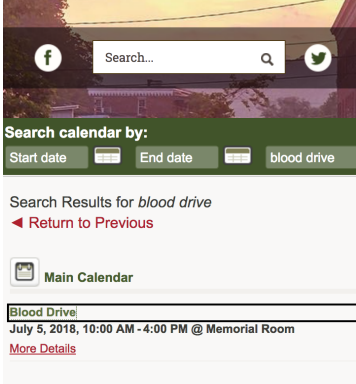
Image	Section	Issue Name	Issue Details	Issue Tags
			<code> Calendar </code> Solutions Always use proper native HTML semantics for user interface components when available. For custom components, use role and ARIA attributes to give screen reader users appropriate context. Engineering notes For example: <pre><div role="tab" aria-selected="true" aria-controls="calendarPanel" id="calendarTab" tabindex="0">Calendar </div></pre> See: https://developer.mozilla.org/en-US/docs/Web/Accessibility/ARIA/Roles/Tab_Role	
	General Content	Search focus	Background Focus should always programmatically be sent to the most intuitive next element when users are interacting. In addition, system status should be visually salient. Current For screen reader users, the focus is sent above the search field after a search request is made. This caused users to assume the search did not happen or was empty. In addition, for sighted users, the green search bar stays as the most visually prominent element and most sighted users did not notice search results. Solution Programmatically focus the search results (.focus ()) for screen reader users. In addition, for sighted users, either collapse the search block on results page, or use an anchor to ensure results are in the window instead of the search block.	Blind, Low- Vision, WCAG 2.1

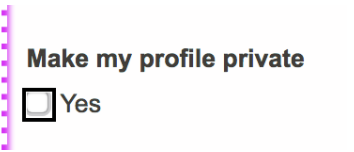
Image	Section	Issue Name	Issue Details	Issue Tags
	General Content Sign-in	Missing ARIA Label	Background Buttons must have discernible text in order for screen reader users to be able to interact with them correctly. Current The button highlighted in the image (intended to “show or hide password” upon interaction) does not have any discernible text or label associated with it. Screen reader users may misinterpret it as the button to “sign in” as it is the next step after entering their password. <pre><button type="button" class="cp-Btn cp-FormField-insetBtn cp-SignInForm-togglePassword" tabindex="6"><svg><use xlink:href="#iconView"></use></svg></button></pre> Solution Ensure that the button has discernible text or a label (for example, “click to show password”) associated with it so that screen readers describe it when interacted with. <pre><button aria-label="click to show password" type="button" class="cp-Btn cp-FormField-insetBtn cp-SignInForm-togglePassword" tabindex="6"><svg><use xlink:href="#iconView"></use></svg></button></pre>	Blind, Low- Vision, WCAG 2.1
	General Content Sign-in	Confusing language	Background Content available to users must be presented in simple, understandable language. Aim to avoid situations where confusion may arise. Current On the sign-in page, a question asks users whether they want to make their profile private. The question is set up in a way that is confusing to users with cognitive disabilities as the only response option it provides is “yes.” Solution Make the question a checkbox for “make my profile private” or provide “yes” and “no” as possible response options.	Brain-based, 65+, Low- Vision, WCAG 2.1

Image	Section	Issue Name	Issue Details	Issue Tags
	Widgets Weekly Calendar	Improper ARIA label	Background Labels on image buttons should describe the button's function, instead of describing the button itself. Current The previous and forward buttons are not correctly labeled; both are labelled "previous." Solution Change the label of the right arrow from "previous" to "next." Engineering Notes <pre></pre>	Blind, Low-vision, WCAG 2.1
	General Content	Improper use of heading levels	Background Headers are extremely important for a variety of users, among them those navigating with screen readers. Headers should be organized intuitively and provide visual clarity. Current Icons are contained within an <h3> tag. This is confusing and disorientating for blind users navigating the page with heading commands because these should not be headers. <pre><h3></h3></pre> Solutions Heading level tags should be reserved for main content, not icons.	Blind, Low-vision, WCAG 2.1

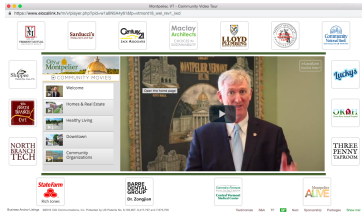
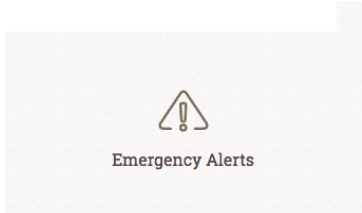
Image	Section	Issue Name	Issue Details	Issue Tags
	General Content	Video link on home page	Background Captions and audio descriptions must be provided for all video content with pre-recorded audio. All links must have alt text. Current After a user hits “play” on the video, it opens in a new window without prior warning. On the popup window, several links are displayed around the video that do not have alt text and the video itself does not have closed captions or audio descriptions. Solutions Ensure that all links have alt text and provide captions for the video. When focus is on the video link on the home page, alert users that they will be directed out of the Montpelier website to a new popup window where the video will play. Design note Consider using common icons for external links: 	Blind, Low-Vision, 65+, Deaf and Hard of hearing, Brain-based WCAG 2.1
 Online Payments Payment Options - By phone at 1-800-2PayTax, enter Juris 5527 Online	General Content	External Links	Background Unexpected new tabs or windows are very disorientating for assistive tech users and often confusing for non-native tech users. It should be clear when users are directed out of the site. Current Many links throughout the site open in new tabs or windows or otherwise direct users unexpectedly off of montpelier-vt.org. For example, the menu item “Online” opens www.officialpayments.com and clicking on the “Emergency Alerts” link takes users to https://vem.vermont.gov/vtalert. This is very unexpected and confusing behavior because users expect menu items to be internal routes. Solution Links should always clearly signify when users will be directed out of the site. Design note Consider using common icons for external links:	Blind, Low-Vision, 65+, Brain-based WCAG 2.1

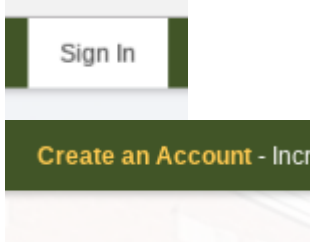
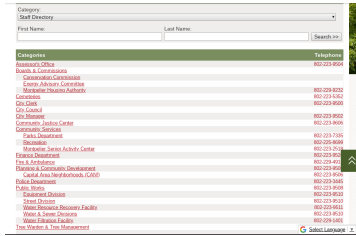
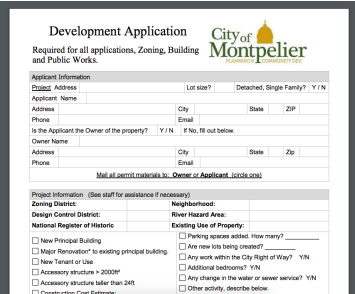
Image	Section	Issue Name	Issue Details	Issue Tags
			 Engineering note Insure a external links or icons are properly labeled to give context to screen reader users: <code><i class="external-link" aria-label="External Link" /></code>	
	General Content	Improper HTML semantics	Background HTML markup may not change the graphical user interface, however screen reader users rely on this semantic information to make sense of the web and interact with elements. Current Some improper HTML markup creates confusion. For example, “Sign In” and “Create an Account” are given the role of button. Buttons should be reserved for actions such as submitting a form. Here, “Sign In” and “Create an Account” function as links. <code>Sign In</code> Solution Always use the most semantic and appropriate HTML roles and tags. Since “Sign In” has an <a> tag it already functions as a link so removing the “role=button” attributed to it should ensure it functions as a link. <code>Sign In</code>	Blind, Low-Vision WCAG 2.1
	General Content Accessibility	Missing contact information	Background One of the most useful tools for users who identify with a disability is a direct contact when facing an accessibility issue on the web. Current The Accessibility page does have a “Contact” link, however this	Blind, Low-Vision, 65+, Brain-based WCAG 2.1

Image	Section	Issue Name	Issue Details	Issue Tags
			link brings the user to an expansive “directory” page with no accessibility contact. There is not an intuitive way to get support when experiencing an access issue on Montpelier’s webpage. Solution Best practice is to include an email and phone number for accessibility concerns listed on the accessibility page.	
	General Content	Inaccessible documents and forms	Background Downloadable forms, documents and resources must be made accessible. Current Some applications and forms are not accessible to screen-reader users and users with low vision, and no accessible alternatives are provided for these documents. Solution Some easily implementable alternatives to inaccessible PDFs include plain text versions of the documents or downloadable Microsoft Word files that are appropriately labeled. Making downloadable resources accessible includes ensuring that the content complies with WCAG 2.1 guidelines for color contrast, text size, and images. Design Notes Refer to resources for PDF accessibility techniques. https://www.w3.org/TR/WCAG-TECHS/pdf.html And please review Adobe's Accessibility Training	Blind, Low-Vision, 65+, Brain-based WCAG 2.1

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Public Buildings



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org

City Hall Montpelier, VT



City of Montpelier ADA Transition Plan

September 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

City Hall, Montpelier, VT

Year Built: 1905

Background

Montpelier City Hall is located at 39 Main Street, near both a fire and police station. Parking for City Hall is on the south side of the building. There are 42 spaces overall, including two (2) car and one (1) van accessible parking spaces.

City Hall is a three (3) story building connected by an elevator on the east side, and staircases located on the east and west sides of the building. There are two (2) entrances to City Hall; the accessible entrance is located by a ramp on the east or rear side of the building.

Within City Hall there are offices on the ground or basement level and on the first floor. Ground floor offices include AmeriCorp, the Department of Public Works, Planning and Community Development, Publishing, Engineering, Montpelier Community Justice Center, Maintenance, and a Teen Center. Offices on the first floor include the City Manager, Assistant City Manager, Tax Collector, City Clerk, City Assessor, Finance, Technology Services, City Council Chambers, Memorial Room (also a cooling station), and offices for Montpelier Alive.

An Auditorium / Lost Nation Theater, which also serves as a voting location, is on the second floor. The second floor also has a concessions counter and the U.S.S. Montpelier Museum. **NOTE:** The Museum was locked the day of the visit and was not surveyed.

Two single-user accessible toilet rooms are located in the basement, and multi-user men’s and women’s toilet rooms are located on the first floor.

Key Accessibility Issues

Approach and Entrance – Exterior of City Hall

Sidewalks

At several points on the sidewalks surrounding City Hall there are cross slopes in excess of 2% and gaps in the cement in excess of ½ inch that are a tripping hazard.

Handrails at Exterior Ramp

Handrails at the ramp to the accessible entrance at the back of the building do not extend 12” at the top and bottom of the ramp, and the handrail along the building’s wall is not continuous where required.

Parking

Accessibility issues include identification signs that are lower than the minimum allowed and lack of accessible access aisle (car accessible space closest to Main Street).*

Interior of City Hall

Means of Egress

Emergency exit doors on floor 1R leading to the exterior ramp and on the second floor by the Lost Nation Theater and by the elevator all lack signage with raised characters and Braille.

Interior Access Route

There is no accessible route to the Council members’ seating area in the City Council Chambers due to 9” change in level.

Interior Doors

Doors at multiple locations have less than 32” clear width, and hardware that requires tight gripping or twisting of the wrist. There is insufficient pull-side maneuvering clearance at the exit door from the men’s multi-user toilet room on the first floor.

Interior Stairways + Handrails

At multiple interior locations there are stairways that are missing handrails (one or both sides), are not continuous where required, have handrails located too low, or have handrails that lack the required rail extensions at the top or bottom of the stairway.

Elevator

The elevator does not have audible signals when moving between floors, and the doors stay open for less than three seconds when they open for the first time upon arriving at a floor.

Toilet Rooms

- Basement: Lack of insulated pipes at the lavatories, lack of visible and audible alarms, and coat hooks that are located higher than the maximum allowed. One of the basement single-user toilet rooms has a flush control that is not located on the open/transfer side so that a wheelchair user could reach it.
- First floor: Lack of maneuvering clearance and lack of rear grab bar (men’s toilet room), lack of insulated pipes at the lavatories (men’s and women’s toilet rooms), flush control not located on the open/transfer side (women’s toilet room). Also both toilet rooms lack visible and audible alarms and have paper towel dispensers that protrude into the circulation path. In the men’s multi-user toilet room, the baby changing table obstructs the interior access route when it is in the open - usable position.

Drinking Fountain

Lack of a drinking fountain for standing users.

Order of Magnitude Cost Estimates

- Doors
 - Widen seven (7) doors to provide 32” min. clear width: \$11,781
 - Compliant hardware at nine (5) doors: \$1,210
 - One (1) automatic door opener (at exit of men’s multi-user toilet room on first floor): \$1,530
- Provide handrails and handrail extensions and adjust the height of handrails at interior staircases: \$6,106
- Provide fully accessible toilet rooms including clearance in an accessible stall, relocate flush control, relocate dispensers, relocate baby changing table, provide grab bar, and provide audible and visible alarms (3): \$6,610
- Provide a drinking fountain for standing users: \$2,014
- Add audible call signals at the elevator: \$1,772
- Miscellaneous corrective measures (Reduce cross slope in sidewalks, provide a marked access aisle at the parking lot, provide continuous railings at the exterior ramp, provide tactile signs, provide accessible service counters, etc.): \$3,410

Total: \$34,443

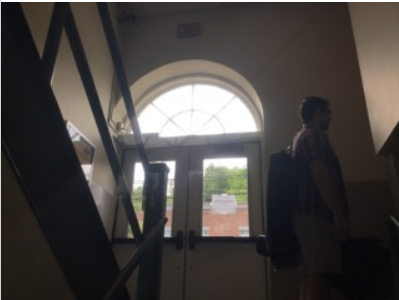
Universal Design and Best Practice Recommendations

- *Recommend that if the parking kiosk is updated or replaced, consider a payment option such as a touchpad that does not require tight grasping, pinching, or twisting of the wrist (e.g., to insert and pull out a credit card).

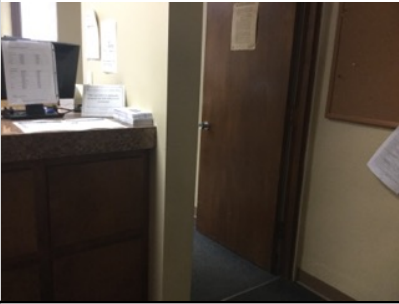
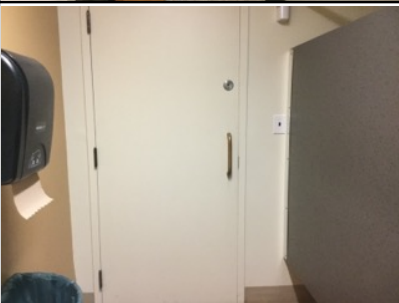
City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	Front by Fire Station	Ext.		Exterior Access Route	Sidewalk		Surface openings > 1/2"	2"	Repair surface so that openings are 1/2" max.	1	103	\$103
2	Route to Accessible Entrance	Ext.		Exterior Access Route	Sidewalk		Cross slope > 1:50 (2.00%)	4.7%	Reduce cross slope to be no steeper than 1:50 (2.00%).(Cost estimate for adding concrete to concrete pathway cross slope for 6'.)	1	90	\$90
3	Route to Accessible Entrance	Ext.		Exterior Access Route	Sidewalk		Cross slope > 1:50 (2.00%)	5.3%	Reduce cross slope to be no steeper than 1:50 (2.00%). (Cost estimate for adding concrete to concrete pathway cross slope for 15'.)	1	225	\$225
Off-Street Parking Lot or Garage												
4	Blanchard Parking Lot	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces Access aisle not provided Sign < 60" above finished grade	42 2 1 - 56"	Provide a marked access aisle that is at least 60" wide. Locate sign with the bottom of the sign 60" above the ground.	1	150 / Labor	\$150
5	Blanchard Parking Lot	Ext.		Off-Street Parking Lot or Garage	Visitor		Sign obstructed by tree branches.	-	Trim tree branches to make accessible parking sign more visible.	1	Labor	\$0

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
6	Blanchard Parking Lot	Ext.		Off-Street Parking Lot or Garage	Visitor		Sign < 60" above finished grade	51"	Locate sign with the bottom of the sign 60" above the ground.	1	Labor	\$0
Access to Goods and Services												
Means of Egress												
7	1R Accessible Entrance	1R		Means of Egress			Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors leading to enclosed stairways. Mount signs between 48"-60" above finish floor located on the latch side of the door.	1	116	\$116
8	Emergency Exit Door by Elevator	2		Means of Egress			Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors leading to enclosed stairways. Mount signs between 48"-60" above finish floor located on the latch side of the door.	1	116	\$116
9	Lost Nation Theater to Hallway	2		Means of Egress			Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors leading to enclosed stairways. Mount signs between 48"-60" above finish floor located on the latch side of the door.	2	116	\$232
Interior Access Route												
10	City Council Chambers and Cooling Room	1		Interior Access Route	N/A		Level changes > 1/4"	9"	Alter change in level to be 1/4" high max.	1	103	\$103

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Doors, Doorways, & Gates												
11	City Clerk-Treas	1		Doors, Doorways, & Gates	Circulation		Clear width at door < 32"	29.5"	Widen the door so that there is 32" min. clear width.	1	1683	\$1683
12	To Public Research Room	1		Doors, Doorways, & Gates	Circulation		Clear width at door < 32"	29.5"	Widen the door so that there is 32" min. clear width.	1	1683	\$1683
13	Finance Office	1		Doors, Doorways, & Gates	Office		Clear width at door < 32" Hardware not operable with a closed fist	29" -	Widen the door so that there is 32" min. clear width. Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	5	1925	\$9625
14	Men's Toilet Room	1		Doors, Doorways, & Gates	Toilet Room		Maneuvering clearance(s) not provided	12.5"	Remove the obstruction./Provide an automatic door opener.	1	Labor / 1530	\$1530
15	Assistant City Manager Office	1		Doors, Doorways, & Gates	Office		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
16	Assistant City Manager Office	1		Doors, Doorways, & Gates	Circulation		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242
17	Public Works Dept. Office	B		Doors, Doorways, & Gates	Office		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242
18	Finance Office	1		Doors, Doorways, & Gates	Office		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242
Ramps												
19	Back Accessible Entrance Ramp	Ext.		Ramps	Exterior		Handrails do not extend 12" past bottom of ramp Handrails not continuous where required	- -	Alter handrails to extend horizontally above the landing for 12" min. beyond bottom of the ramp run. Provide continuous handrails for the length of ramp runs.	1	327	\$327
20	Back Accessible Entrance Ramp	Ext.		Ramps	Exterior		Handrails not continuous where required	- -	Provide continuous handrails for the length of ramp runs.	1	370	\$370

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Stairways												
21	Floor 2 to 1	2		Stairways	Interior		Handrail height < 34" or > 38" Handrails do not extend 12" from stairs	30.5" -	Alter so the handrails are 34"- 38" high above the floor. Top: Ensure handrails extend horizontally above the landing for 12" min. beginning above the first riser nosing.	4	400 / Labor	\$1600
22	Second Flight of Stairs to Main Level	2		Stairways	Interior		Handrail height < 34" or > 38" Handrails do not extend 12" from stairs	29" -	Alter so the handrails are 34"- 38" high above the floor. Top: Ensure handrails extend horizontally above the landing for 12" min. beginning above the first riser nosing.	6	600 / Labor	\$3600
23	Main Lobby	1		Stairways	Interior		Handrail not provided on both sides		Provide handrail on one side.	2	222	\$444
24	Stair to Stage	2		Stairways	Interior		Handrail not provided on both sides	-	Provide handrail on one side.	1	132	\$132
25	Stairs by Publishing Corks	B		Stairways	Interior		Handrail not provided on both sides Handrails not continuous where required	- -	Provide handrail on one side. Provide continuous handrails.	1	330	\$330

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Elevator												
26	Elevator	1		Elevator	Interior		Visible and audible hall signals not provided Elevator doors remain fully open < 3 seconds	- -	Add audible signals. Adjust closer on elevator door so that doors remain open for at least 3 seconds.	1	1772 Labor	\$1772
Signage												
27	City Manager Assessor	1		Signage	Designation		Raised characters not provided Braille not provided	- -	Provide text with raised characters duplicated in braille.	1	116	\$116
28	City Clerk-Treasurer	1		Signage	Designation		Raised characters not provided Braille not provided Sign not located on the latch side of the door	- - -	Provide text with raised characters duplicated in braille. Locate sign at permanent rooms alongside the door on the latch side.	1	116 / Labor	\$116
29	Assistant City Manager Office	1		Signage	Designation		Braille not provided Sign not located on the latch side of the door	-	Provide braille. Locate sign at permanent rooms alongside the door on the latch side.	1	116 Labor	\$116
30	Men's Toilet Room	1		Signage	Designation		Sign not located on the latch side of the door	-	Locate sign at permanent rooms alongside the door on the latch side.	1	Labor	\$0

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
31	Women's Toilet Room	1		Signage	Designation		Sign not located on the latch side of the door	-	Locate sign at permanent rooms alongside the door on the latch side.	1	Labor	\$0
Service Counter												
32	City Manager Assessor	1		Service Counter			Counter > 36" high	48"	Provide a counter that is 36" max. above the ground or finish floor.	1	440	\$440
33	Finance Office	1		Service Counter	N/A		Counter > 36" high	41"	Provide a counter that is 36" max. above the ground or finish floor.	1	440	\$440
Operable Parts												
34	Men's Toilet Room	1		Operable Parts	Other		Changing table blocks accessible route	26.5"	Relocate changing table because it obstructs interior access route.	1	353	\$353
Dining or Work Surfaces												
35	City Manager Assessor	1		Dining or Work Surfaces	Work Surface		Knee or toe clearance not provided Top of dining/work surface < 28" or > 34"	25.5" 27"	Provide at least 1 work surface with 27" min. knee and toe clearance and the top of the work surface between 28"- 34" above the floor.	1	350	\$350

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Toilet & Bathing Rooms												
Overall Access												
36	Women's and Men's Toilet Room	1		Overall Access	Toilet Room		Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	2	346	\$692
Lavatory												
37	Left Single-User Toilet Room	B		Lavatory	N/A		Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory.	1	46	\$46
38	Right Single-User Toilet Room	B		Lavatory	N/A		Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory.	1	46	\$46
39	Women's Toilet Room	1		Lavatory	N/A		Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory.	1	46	\$46

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Single-User Toilet												
40	Right Single-User Toilet Room	B		Single-User Toilet	N/A		Flush control not on open side	-	Relocate the flush control to the open side.	1	187	\$187
41	Left Single-User Toilet Room	B		Single-User Toilet	N/A		Hook located > 48" high		Locate hook no higher than 48" above the finish floor.	1	75	\$75
42	Right Single-User Toilet Room	B		Single-User Toilet	N/A		Hook located > 48" high		Locate hook no higher than 48" above the finish floor.	1	75	\$75
Toilet Compartment												
43	Men's Toilet Room	1		Toilet Compartment	Accessible Compartment		Grab bars not provided Flush control not on open side Clearance at toilet < 60" clear width	- - 49.5"	Provide grab bar on the rear wall of the water closet. Provide the flush control on the open side of the toilet (transfer side). Provide a wheelchair accessible compartment that is 60" wide min.	1	3503	\$3503
44	Women's Toilet Room	1		Toilet Compartment	Accessible Compartment		Flush control not on open side	-	Provide the flush control on the open side of the toilet (transfer side).	1	187	\$187

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Dispensers												
45	Men's Toilet Room	1		Dispensers	Paper Towel Dispenser		Dispenser acts as a protruding object	-	Relocate dispenser out of the circulation path.	1	353	\$353
46	Women's Toilet Room	1		Dispensers	Paper Towel Dispenser		Dispenser acts as a protruding object	44",10"	Relocate dispenser out of the circulation path.	1	353	\$353
Additional Access												
Drinking Fountains												
47	Water Fountain	1		Drinking Fountains	Low		No drinking fountain provided for standing users	-	Provide an additional drinking fountain for standing users or install a Hi-Lo drinking fountain.	1	2014	\$2014
Fire Alarms												
48	Left Single-User Toilet Room	B		Fire Alarms	N/A		No visible fire alarm provided within room	-	When fire system is updated, ensure that a visible fire alarm is installed in each room.	1	346	\$346

City of Montpelier
City Hall

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
49	Right Single-User Toilet Room	B		Fire Alarms	N/A		No visible fire alarm provided within room	-	When fire system is updated, ensure that a visible fire alarm is installed in each room.	1	346	\$346

Fire Station Montpelier, VT



City of Montpelier ADA Transition Plan

September 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Fire Station, Montpelier, VT

Background

Montpelier Fire Station is located at 61 Main Street, just north of Montpelier City Hall, and in front of the Police Station. Public access inside the Fire Station is limited to the entry area on the first floor, and occasionally to either a small exercise room or kitchen area on the second floor where CPR and similar classes are held.

The Fire Station has three (3) stories including a basement that are connected by a central staircase. The basement is not open to the public.

Note: There is not an accessible vertical route at the Fire Station. IHCD recommends relocating the classes held on the second floor as needed.

No public parking spaces are specifically associated with the Fire Station, though parking is available at a municipal lot located between the Fire Station, Police Station and City Hall.

The accessible entrance is located on the east side of the building; the west side of the Fire Station has three fire engine garage doors facing Main Street.

The accessible single-user toilet room is located on the first floor of the Fire Station, additional men's and women's multi-user toilet rooms are located on the second floor.

Note: The showers located in the second floor multi-user toilet rooms are not open to the public.

Key Accessibility Issues

Approach and Entrance

Exterior Ramp

There are surface openings in excess of 1/2" on the exterior ramp leading to the accessible entrance.

Interior of Fire Station

Interior Access Routes

There is no accessible route to the second floor of the Fire Station where two rooms used for CPR and similar classes are located.

Toilet Rooms

The single-user toilet room on the first floor and both multi-user toilet rooms on the second floor lack insulated pipes at the lavatory. On the second floor, the multi-user women's toilet room lacks signage, the multi-user men's toilet room lacks signage with raised characters and Braille, and both second-floor toilet rooms lack signage directing users to the accessible toilet room on the first floor.

Interior Stairs

Handrails are not continuous on both sides.

Means of Egress Signage

Egress doors on the first and second floor lack signs with raised characters and Braille.

Order of Magnitude Cost Estimates

- Miscellaneous corrective measures (repair exterior ramp surface, provide signs with raised characters and Braille at egress doors, insulate pipes at the lavatory in each toilet room, provide signage at the multi-user toilet rooms upstairs to the accessible toilet room on the first floor, provide continuous handrails on both sides of interior stairs, etc.): \$1,468

Total: \$1,468

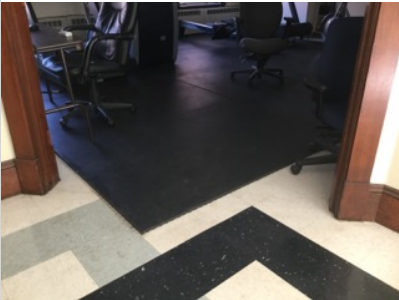
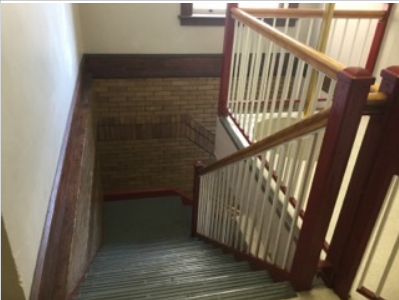
Universal Design and Best Practice Recommendations

- Recommend providing at least one accessible parking space near the accessible entrance at the Fire Station.

City of Montpelier
Fire Department

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	Main Entrance	Ext.		Exterior Access Route	Exterior		Surface openings > 1/2"	3"	Repair so that openings are 1/2" max. and the long opening dimension is perpendicular to the dominant direction of travel.	2	103	\$206
Best Practice												
2	Parking Lot	Ext.		Best Practice	N/A		Accessible parking not provided near the accessible entrance.		Consider providing a van accessible space with marked access aisle and sign including the International Symbol of Accessibility and words 'Van Accessible' positioned 60" min. above the ground located on the closest accessible route from the parking area to the accessible entrance at the Fire Station.	1		\$0
Access to Goods and Services												
Means of Egress												
3	By Reception	1		Means of Egress			Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors. Mount signs between 48"- 60" above finish floor located on the latch side of the door.	1	116	\$116
4	Stairs	2		Means of Egress			Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors leading to enclosed stairways. Mount signs between 48"- 60" above finish floor located on the latch side of the door.	1	116	\$116

City of Montpelier
Fire Department

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Interior Access Route												
	Gym/CPR Classes	2		Interior Access Route	N/A		Level changes > 1/4"	1"	Relocate class to alternate location in kitchen where entrance is accessible or from the second floor to an alternate accessible location as needed.	1	0	\$0
Stairways												
6		2		Stairways	Interior		Handrail not provided on both sides Handrails not continuous where required	- -	Provide handrail on one side. Provide continuous handrails.	1	660	\$660
Signage												
7	Women's Toilet Room	2		Signage	Designation		Not provided Raised characters not provided Braille not provided Sign not located on the latch side of the door Directional sign to access. toilet not provided	- - - - -	Locate signage alongside the door on the latch side. Provide text with raised characters duplicated in braille. Provide a sign indicating the location of the nearest accessible toilet room.	1	116	\$116
8	Men's Toilet Room	2		Signage	Designation		Raised characters not provided Braille not provided Sign not located on the latch side of the door Directional sign to access. toilet not provided	- - - -	Provide text with raised characters duplicated in braille. Locate sign at permanent rooms alongside the door on the latch side. Provide a sign indicating the location of the nearest accessible toilet room.	1	116	\$116
Toilet & Bathing Rooms												

City of Montpelier
Fire Department

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Lavatory												
9	Reception Toilet Room	1		Lavatory			Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory in all three toilet rooms (first and second floor).	3	46	\$138

Police Station Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Police Station, Montpelier, VT

Background

Montpelier Police Station is located at 1 Pitkin Court, just east of the Montpelier Fire Station and City Hall, and abutting a parking lot that is used by visitors to all three buildings. Four parking spaces are associated specifically with the Police Station, including one car accessible space located near a ramp that provides access to the main entrance on the first floor.

The Police Station is a two story building. The building has an elevator, but public access is limited to the entry area lobby, a community training room, a single-user toilet room and two single-prisoner holding cells, all of which are located on the first floor.

Key Accessibility Issues

All of the accessibility issues at the Police Station are minor in nature.

Parking

Accessibility issues include lack of a van-accessible parking space and access aisles that have excessive running and cross slopes (5.5%).

Lobby

Accessibility issues include lack of an accessible service counter.

Public Toilet Room

Accessibility issues include a flush control that is not on the open or transfer side, and lack of a visible and audible alarm.

Detention Cells

Accessibility issues include lack of side and rear grab bars at the toilet in the detention cell with the required clear floor space (has water fountain).

Order of Magnitude Cost Estimates

- Miscellaneous corrective measures (van accessible parking space, grab bars at toilet in accessible cell, accessible counter in lobby, etc.): \$2,810

Total: \$2,810

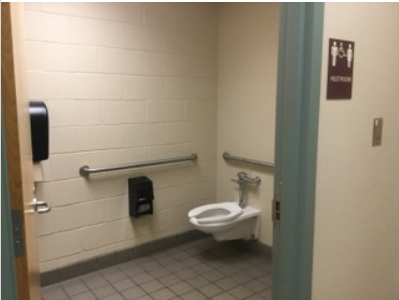
City of Montpelier
Montpelier Police

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Off-Street Parking Lot or Garage												
1	Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces Running or cross slope at space > 1:50 (2.00%) Running or cross slope at access aisle > 1:50 (2.00%) Sign does not have the designation "Van Accessible"	4 1 - 5.5% 5.5% -	Re-stripe to provide a van accessible parking space and access aisle. Include sign with the phrase "Van Accessible" positioned 60" min. above the ground. Clear branches from existing sign with the International Symbol of Accessibility, reduce running and cross slope at space and access aisle to be no steeper than 1:50 (2.00%) in all directions.	1	438	\$438
Access to Goods and Services												
Means of Egress												
2	Across From Elevator Restricted Area	1		Means of Egress	N/A		Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors. Mount signs between 48"- 60" above finish floor located on the latch side of the door.	2	116	\$232
3	Lobby	1		Means of Egress	N/A		Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors. Mount signs between 48"- 60" above finish floor located on the latch side of the door.	1	116	\$116
Interior Access Route												
4	Outside Restricted Area	1		Interior Access Route	N/A		Obstructed by protruding objects	9"	Provide a cane detectable barrier.	1	153	\$153

City of Montpelier
Montpelier Police

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Signage												
5	Parking	Ext.		Signage	Designation		International Symbol of Acc. not compliant	-	International Symbol of Accessibility sign obstructed by tree branches. Trim branches to make sign visible.	1	100	\$100
Service Counter												
6	Lobby	1		Service Counter	N/A		Counter > 36" high	41"	Provide a counter that is 36" max. above the finish floor.	1	440	\$440
Detention Facilities												
7	Holding Cell	1		Detention Facilities	Other		< 3% of holding cells have mobility features	-	Provide a side wall grab bar that is 42" long min. located 12" max. from the rear wall. Provide a rear wall grab bar that is 42" long min. and extends from the toilet 12" min. on one side and 24" min. on the open side (transfer side). Mount grab bars 33" min. and 36" max. above the floor.	1	898	\$898
Benches												
8	Main Entrance	Ext.		Benches	N/A		No accessible route to 20% of benches	-	Relocate 20% of benches (at least 1) on an accessible route.	1	Labor	\$0
Toilet & Bathing Rooms												

City of Montpelier
Montpelier Police

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Overall Access												
9	Toilet Room	1		Overall Access	Toilet Room		Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	1	346	\$346
Single-User Toilet												
10	Toilet Room	1		Single-User Toilet	N/A		Flush control not on open side	-	Relocate the flush control to the open side.	1	187	\$187

Green Mountain Cemetery Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Green Mountain Cemetery

Year Built: 1905

Background

Montpelier’s Green Mountain Cemetery is located at 250 State Street, and spans 35 acres. The grounds include a Chapel which was built in 1905, an Entombment Building, a Maintenance Building, picnic tables, portable toilets, water spouts, and cemetery markers, among other amenities.

The Chapel includes pews with space for about 60 attendees and a speaking area. Two cemetery records offices near the interior entry to the Chapel are not used by the public.

NOTE: The Entombment Building, with a door facing the Chapel entry, was locked the day of the visit, and was not surveyed.

Key Accessibility Issues

Cemetery Grounds

Accessibility issues include lack of an accessible portable toilet.

Chapel Entry

There is no accessible route at the exterior Chapel entry doors due to a 4” threshold.

Interior of Chapel

- Main Aisle
A grate in the Chapel’s main aisle has openings that are larger than the maximum allowed (1”), with an excessive change in level (1”).
- Chapel Speaking Area
There is no accessible route to the Chapel speaking area due to a 6” change in level.

Order of Magnitude Cost Estimates

- Provide one accessible portable toilet: \$2,300
- Provide a ramp to the speaking area inside the Chapel: \$1,028
- Provide a grate in the Chapel’s central aisle with openings that are ½” max., and reduce change in level at the grate to ¼” high max.: \$1,453
- Provide accessible water spout hardware on the cemetery grounds: \$1,479
- Miscellaneous corrective measures (accessible door hardware inside the Chapel, accessible picnic table, etc.): \$1,301

Total: \$7,561

Best Practice Recommendations

- Consider providing a van-accessible parking space with access aisle and sign with the International Symbol of Accessibility and the words 'Van Accessible' and / or a drop-off area on the closest accessible route to the Chapel and Entombment Building entry.
- Due to limited space between the Chapel and Entombment Building entry, consider providing an accessible route with a slope no greater than 5%.
NOTE: The door across from the Chapel entry was locked on the day of the survey. If the public enters through that door, provide a 1:20 (5%) maximum slope accessible route there as well.
- Consider providing a 30” minimum by 48” minimum clear floor space next to one of the church pews.

City of Montpelier
Green Mountain Cemetery

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	Maintenance Building	Ext.		Exterior Access Route	Exterior		Level changes > 1/4"	1"	Alter change in level to be 1/4" high max. (Cost estimate for a 3' by 3' concrete patch.)	1	103	\$103
Access to Goods and Services												
Interior Access Route												
2	Chapel	1		Interior Access Route	N/A		Surface openings > 1/2" Level changes > 1/4"	1" 1"	Replace or reposition so that openings are 1/2" max. and the long opening dimension is perpendicular to the dominant direction of travel. Alter change in level to be 1/4" high max. (Cost for a replacement grate.)	1	1453	\$1453
3	Chapel	1		Interior Access Route	N/A		Level changes > 1/4" Accessible route not provided	6" -	Provide a ramp to speaking area 36" wide min. with a slope between 5% and 8.33% max. Include handrails 34" min. and 38" max. above ramp surface and edge protection on ramp.	1	1028	\$1028
Doors, Doorways, & Gates												
4	Chapel Entrance	1		Doors, Doorways, & Gates	Assembly Space		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242

City of Montpelier
Green Mount Cemetery

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Operable Parts												
5	Chapel Entrance	Ext.		Operable Parts	Other		Reach < 15" or > 48"(forward/side approach)	61"	Relocate information so that access is 48" max. above the ground.	1	128	\$128
6	Maintenance Building	Ext.		Operable Parts	Other		Reach < 15" or > 48"(forward/side approach)	70"	Relocate information so that access is 48" max. above the ground.	1	128	\$128
7	Near Entrance	Ext.		Operable Parts	Other		Not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist at water spouts located in multiple areas in cemetery.	3	493	\$1479
Picnic Tables												
8	Maintenance Building	Ext.		Picnic Tables	N/A		At least 5% accessible spaces not provided	-	Ensure that at least 5% (minimum one) of dining surfaces are accessible.	1	700	\$700
Toilet & Bathing Rooms												

City of Montpelier
Green Mountain Cemetery

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Portable Toilet												
9	Maintenance Building	Ext.		Portable Toilet	N/A		Accessible portable toilets not provided	-	Ensure that at least 5% (minimum one) of portable toilets are accessible.	1	2300	\$2300
Best Practice												
10	Chapel Entrance	Ext.			N/A		Accessible route not provided.	4"	Best Practice: Due to limited space, consider providing an accessible route with a slope no greater than 5%. NOTE: The door on the opposite side was locked on the day of the survey. If the public enters though that door, provide a 5% max. slope accessible route there as well.	2	0	\$0
11	Chapel	1			N/A		Clear floor space not provided at church pew bench.	-	Best Practice: Consider providing a church pew with clear floor space of 36" wide min. by 48" deep min.	1	0	\$0
12	Main Driving Entrance	Ext.					Drop-off area and parking not provided.		Best Practice: Consider providing a van-accessible parking space with access aisle and sign with the International Symbol of Accessibility and the words "Van Accessible" and/or a drop-off area on the closest accessible route to the chapel and entombment building entry.	1	0	\$0

DPW Offices and Garage Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

DPW Offices and Garage

Background

The Montpelier DPW Offices and Garage have an entry at 783 Dog River Road. The DPW Offices and Garage is a two-story building.

The first floor of the DPW Offices and Garage includes an office and stock room, a non-accessible men’s toilet room, and a non-accessible single-user toilet room. The second floor has a meeting room. Access to the second floor meeting room is provided by a stair case.

Key Accessibility Issues

Parking

Accessibility issues include lack of a van-accessible parking space at the parking lot for both the DPW Offices and Garage .

Public Toilet Room

Accessibility issues include lack of an accessible single-user toilet room and lavatory at the DPW Offices and Garage.

Drinking Fountain

Accessibility issues include lack of a drinking fountain for seated users at the DPW Offices and Garage.

Staircase

Accessibility issues include open risers on the staircase to the second floor at the DPW Offices and Garage.

Order of Magnitude Cost Estimates

- Provide van accessible parking: \$925
- Provide an accessible single-user toilet room and lavatory at the DPW Offices and Garage: \$13,145
- Provide a drinking fountain for seated users at the DPW Offices and Garage: \$2,108
- Provide closed risers at the staircase in the DPW Offices and Garage: \$1,312
- Miscellaneous corrective measures (door hardware, signs, etc.) \$1,498

Total: \$18,988

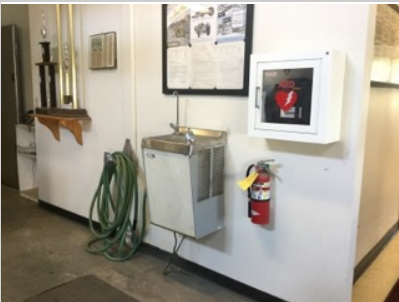
City of Montpelier
DPW Offices and Garage

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Off-Street Parking Lot or Garage												
1	DPW Office and Garage Parking			Off-Street Parking Lot or Garage	N/A		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	20 - -	Provide a van accessible space with 132" wide min. with an access aisle 60" wide min. and a sign with the International Symbol of Accessibility and the words "Van-Accessible" positioned 60" min. above the ground.	1	925	\$925
2	Salt Pen Parking REMOVE AND DEDUCT \$925	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	5 - -	Provide a van accessible space 132" min. wide with an access aisle 60" wide min. and a sign with the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground.	1	925	\$925 REMOVE
Entrance												
3	DPW Offices Main Entrance	Ext.		Entrance	Main Entrance		Mat not securely attached	-	Install an ADA-compliant walk-off mat.	1	324	\$324
Access to Goods and Services												
Doors, Doorways, & Gates												
4	DPW Office	1		Doors, Doorways, & Gates			Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242

City of Montpelier
DPW Offices and Garage

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Stairways												
5	Near DPW Office	1		Stairways	Interior		Stair has open risers	-	Ensure stairs have closed risers. (Cost to fill 16 open metal risers.)	1	1312	\$1312
Signage												
6	Single-User Toilet Room DPW Office	1		Signage	Designation		Braille not provided	-	Provide braille.	1	116	\$116
Picnic Tables												
7	DPW Office	Ext.		Picnic Tables	N/A		At least 5% accessible spaces not provided	-	Ensure that at least 5% (minimum one) of dining surfaces are accessible. (Based on the cost for one accessible picnic table.)	1	700	\$700
Benches												
8	DPW Office	Ext.		Benches	N/A		No accessible route to 20% of benches	-	Relocate 20% of benches (at least one) to on an accessible route.	1	Labor	\$0
Toilet & Bathing Rooms												

City of Montpelier
DPW Offices and Garage

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Overall Access												
9	Men's Toilet Room DPW Office	1		Overall Access	Toilet Room		Not on an accessible route	-	Provide a directional sign indicating the location of the nearest accessible toilet or bathing room.	1	116	\$116
10	Single-User Toilet Room DPW Office	1		Overall Access	Toilet Room		Turning space not provided	-	Add an accessible single-user toilet room.	1	12302	\$12302
Lavatory												
11	Single-User Toilet Room DPW Office	1		Lavatory	N/A		Clear floor space not provided at lavatory	-	Provide at least one lavatory with a 30" min. by 48" min. clear floor space positioned for a forward approach.	1	843	\$843
Additional Access												
Drinking Fountains												
12	Outside Stock Room DPW Office	1		Drinking Fountains	High		No drinking fountain provided for seated users	-	Provide an additional drinking fountain for seated users or install a Hi-Low drinking fountain.	1	2108	\$2108
Best Practice												

City of Montpelier
DPW Offices and Garage

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
DPW Meeting Room												
13	Conference Room DPW Office	2		DPW Meeting Room	N/A		Not on an accessible route.		Relocate meetings to an accessible location upon request.	1	0	\$0
Salt Pen												
14	Salt Pen REMOVE THIS RECORD	Ext.		Salt Pen	N/A		Best practice.	-	Provide assistance to visitors with disabilities who need help loading salt and sand as needed.	1	0	\$0

Pool and Elm Street Recreation Area Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Pool and Elm Street Recreation Area, Montpelier, VT

Background

The Montpelier Pool and Elm Street Recreation Area are adjacent facilities, with Montpelier Pool located at Elm Street and Poolside Drive, and the Elm Street Recreation Area located at Elm Street and Ballfield Drive.

Available recreation activities include a large outdoor swimming pool with pool house, a picnic pavilion, additional picnic areas, tennis courts, two softball fields, a Little League baseball field, the Montpelier Recreation Field and Stadium, which is also used by the Vermont Mountaineers, a basketball court, a skateboard park, and a playground. Parking is available near the swimming pool and near Montpelier Recreation Field.

Note: According to an Elm Street Recreation Area web site, the fields are also used for soccer, field hockey, football and lacrosse, and a day camp takes place during the summer.

IHCD noticed accessibility features including an accessible entry to the swimming pool, an outdoor or beach wheelchair, and accessible picnic tables in multiple locations.

Key Accessibility Issues

Parking

The swimming pool parking lot has 47 parking spaces, including two car accessible parking spaces and one van accessible parking space. The car accessible parking spaces lack signs with the International Symbol of Accessibility, and the van accessible parking space lacks an access aisle. The Montpelier Recreation Field parking lot has space for 75 vehicles, but no designated accessible parking.

Exterior Access Routes and Ramps

A walkway on the east side of the pool house has excessive cross slopes (3.7%), the pathway from the pool house to the pool deck has a running slope steeper than the maximum allowed for a ramp (12%), and the path from the pool parking area to the playground has an excessive change in level (1”) and an excessive running slope (15%).

Service Counters

Five (5) service counters located at concession stands and a souvenir gift shop at Montpelier Recreation Field are higher than the maximum allowed.

Pool House Locker Room

Storage lockers in the pool house lack hardware that can be used without requiring tight grasping, pinching or twisting of the wrist, and both the men’s and women’s accessible changing areas have benches that lack back support.

Toilet Rooms

Accessibility issues at the Montpelier Recreation Baseball Field men’s and women’s toilet rooms include lack of an accessible toilet compartment, lavatory mirrors that are too high (49”), and lack of audible and visible alarms. The women’s lavatory also has a rim that is too high (36”) and pipes that are not insulated, while the men’s lavatory has faucet controls that require tight grasping, pinching or twisting of the wrist

Accessibility issues at the Pool House women’s accessible toilet compartment include a malfunctioning self-closing hinge, lack of a rear grab bar, a side grab bar that is too short (24”), a flush control that is not on the open or transfer side, a toilet center line that is too far from the side wall (25”), and lack audible and visible alarms. Accessibility issues at the Pool House men’s accessible toilet compartment include a malfunctioning self-closing hinge, side (27”) and rear (12”) grab bars that are too short, a coat hook that is too high (60”), and lack audible and visible alarms.

Fields

- Lack of the required number of accessible seats with companion seating in the bleachers at Montpelier Recreation Field
- Lack of accessible spaces near the team seating at the Softball Field and by the Little League Field bleachers
- Lack of an accessible route to the edge of the basketball court, the Little League Baseball Field and the batting cage.

Order of Magnitude Cost Estimates

- Provide accessible toilet compartments, and address other issues with toilet compartments, lavatories and showers: \$17,528
- Reduce excessive cross slopes, running slopes and changes in level at walkways, the approach to the playground, and at the entry to the small baseball field’s dugout: \$2,233
- Provide accessible parking spaces (Montpelier Recreation Field parking lot), and provide the required access aisle and signs at the Swimming Pool parking lot: \$3,675
- Provide accessible service counters (Montpelier Recreation Field): \$2,200
- Miscellaneous corrective measures (provide padded shower seats, provide accessible picnic tables, provide accessible and companion seating at Montpelier Recreation Field, etc.): \$4,565

Total: \$30,201

City of Montpelier

Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	By Pool House	Ext.		Exterior Access Route	Walkway		Cross slope > 1:50 (2.00%)	3.7%	Reduce cross slope to be no steeper than 1:50 (2.00%). (Cost estimate for adding 60' of concrete to correct pathway slope.)	1	900	\$900
2	Playground	Ext.		Exterior Access Route	Exterior		Running slope > 1:20 (5%) Level changes > 1/4"	15% 1"	Reduce running slope to be no steeper than 1:20 (5%). Alter change in level to be 1/4" high max. (Cost estimate for adding 30' of concrete to correct pathway slope and level changes.)	1	450	\$450
3	Small Baseball Field - Dugout			Exterior Access Route	Exterior		Level changes > 1/4"	2"	Alter change in level to be 1/4" high max.	1	103	\$103
Off-Street Parking Lot or Garage												
4	Montpelier Recreation Field Parking			Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	75 - -	Provide three (3) accessible spaces, including one (1) van accessible space. Ensure that two (2) accessible spaces are at least 96" wide with 60" min. access aisle and the van accessible apace is at least 132" wide with 60" min. access aisle. Provide three (3) ISA signs located 60" min. above the ground. Add the designation "Van Accessible" to the sign at the van accessible space.	3	925	\$2775
5	Swimming Pool Parking Lot			Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces Sign not provided	47 2 1 -	Provide two signs with the International Symbol of Accessibility with the bottom of the signs 60" min. above the ground.	1	500	\$500

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
6	Swimming Pool Parking Lot			Off-Street Parking Lot or Garage	Visitor		Access aisle not provided Sign does not have the designation "Van Accessible"	- -	Provide a marked access aisle that is at least 60" wide (assuming the van space remains 132" mn. wide.) Add the designation "Van Accessible" to the sign and ensure the bottom of the sign is at least 60" above the ground.	1	400	\$400
Access to Goods and Services												
Means of Egress												
7	Swimming Pool - Bath House			Means of Egress	N/A		Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors leading to enclosed stairways. Mount signs between 48"-60" above finish floor located on the latch side of the door.	3	116	\$348
Interior Access Route												
8	Swimming Pool - Women's Toilet Room			Interior Access Route	N/A		Level changes > 1/4"	1"	Alter change in level to be 1/4" high max.	1	103	\$103
Doors, Doorways, & Gates												
9	Babe Ruth Field Press Box	Ext.		Doors, Doorways, & Gates	Other		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Ramps												
10	Route to Pool	Ext.		Ramps	Exterior		Running slope >1:12 (8.33%)	12%	Reduce running slope to be no steeper than 1:20 (5.00%). (Cost estimate adding a 60' switch back asphalt path to reduce slope to 5.00% max.)	1	780	\$780
11	Behind Bleachers	1=Ext.		Ramps	Exterior		Running slope >1:12 (8.33%) Handrails not provided at both sides if rise is > 6" Handrails have non-compliant cross section	13% - -	Reducing running slope is technically infeasible.	1	0	\$0
Signage												
12	Swimming Pool - Women's and Men's Toilet Rooms			Signage	Designation		Raised characters not provided Braille not provided	- -	Provide text with raised characters duplicated in braille at women's and men's multi-user toilet rooms.	2	116	\$232
Service Counter												
13	Baseball Concession Stand	Ext.		Service Counter	N/A		Counter > 36" high	45"	Provide a counter that is 36" max. above the ground.	1	440	\$440
14	Concession Stand Near Little League Baseball Field			Service Counter	N/A		Counter > 36" high	62"	Provide a counter that is 36" max. above the ground or finish floor.	1	440	\$440

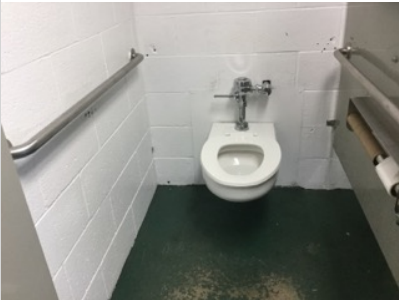
City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
15	Snack Bar	Ext.		Service Counter	N/A		Counter > 36" high	38"	Provide a counter that is 36" max. above the ground.	1	440	\$440
16	Snack Bar	Ext.		Service Counter	N/A		Counter > 36" high	40"	Provide a counter that is 36" max. above the ground.	1	440	\$440
17	Souvenir Gift Shop	Ext.		Service Counter	N/A		Counter > 36" high	43"	Provide a counter that is 36" max. above the ground or finish floor.	1	440	\$440
Locker Room												
18	Swimming Pool Lockers	1		Locker Room	N/A		Total # of locker Total # of accessible locker Non-compliant hardware	- - -	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist at 5% min. (at least 2 lockers in this case).	2	340	\$680
19	Swimming Pool - Women's Changing Room			Locker Room	Women's		Back support not provided at bench	-	Remove rear grab bar to provide back support that is 42" minimum in length and extends from a point 2" maximum above the seat to a point 18" minimum above the bench, with room on the side to transfer. (Cost for a piece of plywood on wall to provide uniform back support.)	1	100	\$100

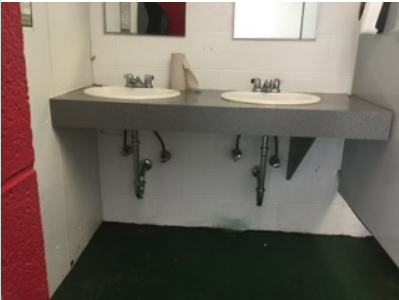
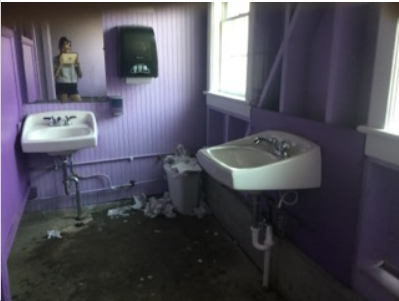
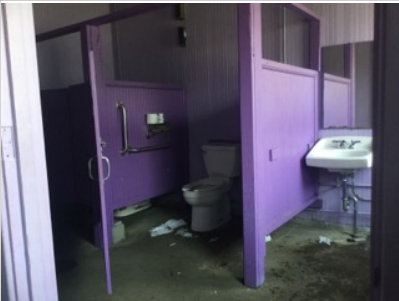
City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
20	Swimming Pool Men's Changing Room	1		Locker Room	354		Back support not provided at bench	-	Remove rear grab bar and provide back support that is 42 inches minimum in length and extends from a point 2 inches maximum above the seat to a point 18 inches minimum above the bench, with room on the side to transfer. (Cost for a piece of plywood on wall to provide uniform back support.)	1	100	\$100
Picnic Tables												
21	Picnic Area Near Fields			Picnic Tables	N/A		Number of accessible seating spaces At least 5% accessible spaces not provided	0 -	Ensure that at least one picnic table is accessible with adequate toe and knee clearance.	1	700	\$700
22	The Garden			Picnic Tables	N/A		Number of accessible seating spaces At least 5% accessible spaces not provided Toe or knee clearance at tables not provided	0 - -	Ensure that at least one picnic table is accessible with adequate knee and toe clearance.	1	700	\$700
Benches												
23	Playground Near Swimming Pool			Benches	N/A		20% of benches have clear space < 36" x 48"	-	Ensure that the bench has a clear floor space of 36" wide min. by 48" deep min. (Cost for a 3' by 3' asphalt patch alongside bench.)	1	18	\$18
Toilet & Bathing Rooms												

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Overall Access												
24	Men's Toilet Room - Babe Ruth	1		Overall Access	Toilet Room		Turning space not provided	40"	Remove interior partition and obstacles as needed to provide turning space. Alternatively redo restroom to provide an accessible stall. (Cost to remodel multi-user toilet room to provide an accessible stall.)	1	4755	\$4755
25	Women's Toilet Room - Babe Ruth	1		Overall Access	Toilet Room		Turning space not provided	40"	Remove interior partition and obstacles as needed to provide turning space. Alternatively redo restroom to provide an accessible stall. (Cost to remodel multi-user toilet room to provide an accessible stall.)	1	4755	\$4755
26	Men's and Women's Toilet Room - Babe Ruth	1		Overall Access	Toilet Room		Audible and visible alarms not provided	40"	When fire system is updated, ensure that a visible and audible fire alarm is installed.	2	346	\$692
27	Swimming Pool - Women's Toilet Room			Overall Access	Toilet Room		Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	1	346	\$346
28	Swimming Pool Men's Toilet Room	1		Overall Access	385		Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	1	346	\$346

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Lavatory												
29	Women's Toilet Room Babe Ruth	1		Lavatory	N/A		Lavatory rim or counter > 34" high Plumbing underneath is exposed Mirror above lavatory w/reflective surface > 40"	36" - 49"	Provide at least one lavatory with the rim no higher than 34". Insulate or otherwise configure pipes to prevent contact, for at least one lavatory. Lower mirror so that the bottom surface is at 40" max. above finish floor.	1	1721	\$1721
30	Men's Toilet Room Babe Ruth	1		Lavatory	N/A		Faucet is not operable with a closed fist Mirror above lavatory w/reflective surface > 40"	- 49"	Provide a faucet that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist for at least one lavatory. Lower mirror so that the bottom surface is at 40" max. above finish floor.	1	621	\$621
31	Swimming Pool - Women's Toilet Room			Lavatory	N/A		Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory.	1	46	\$46
32	Swimming Pool Men's Toilet Room	1		Lavatory	N/A		Plumbing underneath is exposed	-	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory.	1	46	\$46
Toilet Compartment												
33	Swimming Pool - Women's Toilet Room			Toilet Compartment	Accessible Compartment		Door has malfunctioning self-closing hinge Grab bars not provided Side grab bar < 42" long Non-compliant toilet paper dispenser Centerline < or > 18" (MAAB)	- rear 24" - 25"	Repair hinge. Provide a rear grab bar that is 42" long min. and extends from the toilet 12" min. on one side and 24" min. on the other side (open side), provide a side wall grab bar that is 42" long min. located 12" max. from the rear wall. Relocate the flush control to the open side of the toilet (transfer side). Relocate toilet so the centerline is 18" from the side wall.	1	2499	\$2499

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
34	Swimming Pool Men's Toilet Room	1		Toilet Compartment	Accessible Compartment		Door has malfunctioning self-closing hinge Side grab bar < 42" long Rear grab bar < 42" long	- 27" 12"	Repair hinge. Provide a side wall grab bar that is 42" long min. located 12" max. from the rear wall. Provide a rear wall grab bar that is 42" long min. and extends from the toilet 12" min. on one side and 24" min. on the other side (open side).	1	898	\$898
35	Swimming Pool Men's Toilet Room	1		Toilet Compartment	Accessible Compartment		Coat hook > 48"	60"	Lower coat hook so that it is no higher than 48" above the finish floor.	1	75	\$75
Shower Compartment												
36	Swimming Pool - Women's Changing Room			Shower Compartment	Transfer Type		Control height < 38" or > 48" Seat is not between 17"- 19" high Seat is not padded	10" -	Mount seat between 17"- 19" above the finish floor. Provide a padded shower seat.	1	428	\$428
37	Swimming Pool Showers	1		Shower Compartment	Transfer Type		Seat is not padded	-	Provide a padded shower seat.	1	300	\$300
Play and Sport Areas												
Play Areas												
38	Playground Near Swimming Pool			Play Areas	N/A		Surface not stable, firm, and slip-resistant	-	The playground area has an Engineered Wood Chip (EWC) surface that is in need of maintenance. Engineered Wood Chips are allowed but they must be inspected and maintained regularly to ensure continued compliance with the ASTM F standard.	1	Labor	\$0

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Field												
39	Softball Field Closest to Baseball Field	Ext.		Field	Softball		Accessible spaces not provided at team seating Team seating not on an accessible route.	-	Provide a 36" x 48" clear floor space at team seating. Relocate team seating to an accessible route. Cost for 3'x4' (12sq ft.) concrete - Typically 2.5'x4'.	2	98	\$196
40	Little League Baseball Field			Field	Baseball		Accessible spaces not provided at sidelines seating	-	Provide a 36" x 48" clear floor space at sidelines seating. (Cost for a 36" by 48" concrete patch alongside bleachers and 10' stone dust route to it.)	1	205	\$205
41	Montpelier Recreation Field	1		Field	Baseball		Accessible spaces not provided at sidelines seating	-	Provide space for a total of 11 wheelchair spaces (33" x 48" clear floor space) and 11 companion seats. (Cost is for 11 folding chairs to be used as companion seating. NOTE: It may be necessary to remove some portion of first row bleacher seating to yield necessary space.)	11	30	\$330
42	Little League Baseball Field			Field	Soccer		Field not connected to an accessible route	10'	Ensure little league baseball field is connected to an accessible route. (Cost for 10' stone dust path.)	1	113	\$113
43	Batting Cage	Ext.		Field	Baseball		Practice areas are not on an accessible route	-	Provide an accessible route to practice areas. (Cost estimate for 10' asphalt path.)	1	130	\$130

City of Montpelier
Montpelier Elm Street Recreation and Swimming Pool

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Court												
44	Basketball Court			Court	Basketball		Court is not connected to an accessible route	6'	Ensure basketball court is connected to an accessible route. (Cost for a 6' stone dust path.)	1	68	\$68

Recreational Center Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Recreational Center, Montpelier, VT

Year built: 1932

Background

The Montpelier Recreational Center is located at 55 Barre Street, across the street from the Senior Activity Center. The Recreational Center has two floors and a basement. There is public parking on Stone Cutters Way which runs behind the building on its west side.

The main entrance on Barre Street is accessed by a staircase to the first floor. The sole other means of egress, on the south side of the building, also connects to an exterior staircase. The two floors and basement are connected by an interior central staircase.

The basement level contains a shooting range and one multi-user toilet room, changing area and shower area. The first floor has a gymnasium with a basketball court, stage, air hockey and foosball tables, a piano, a game room, a drinking fountain, a toy closet, the Montpelier Recreational Center main office, and a classroom. The second floor has a single-user toilet room, a shower, and an office.

Key Accessibility Issues

Parking

Accessibility issues include lack of a van accessible parking space at the public parking spaces on Stone Cutters Way on the west side of the Recreational Center.

Entrance and Egress

Accessibility issues include lack of an accessible entrance and means of egress; the entrance on Barre Street connects to a staircase to the first floor, and the means of egress on the south side of the building also connects to a first floor exterior staircase.

Interior Access Route

Accessibility issues include lack of an interior access route between floors and lack of an accessible route to the stage in the gymnasium.

Doors

Accessibility issues include lack of required maneuvering clearance (4") at two (2) recessed doors to offices on the first and second floors where meetings with members of the public take place, and door hardware at three (3) doors that requires tight grasping, pinching, or twisting of the wrist.

Stairways

Accessibility issues include lack of rail extensions and insufficient railing height (29.5") at the central staircase, and lack of railings on one side at the main entry stairs, and on both sides at the stairs to gymnasium stage.

Toilet Rooms

Accessibility issues include lack of an accessible urinal at the multi-user toilet room in the basement, exposed plumbing at the basement toilet room lavatory, and lack of a visible and audible alarm. At the second floor single-user toilet room and shower accessibility issues include lack of clear door width (27") at the entry door, lack of an accessible toilet room and shower, and lack of a visible and audible alarm.

Drinking Fountain

Accessibility issues include lack of a drinking fountain for seated users and lack of clear floor space at the drinking fountain on the first floor.

Order of Magnitude Cost Estimates

- Accessible entrance to the Recreational Center and an accessible route between the building’s three levels (cost for installing an exterior elevator with at grade entrance): \$123,643
- Accessible single-user toilet room, accessible transfer shower and accessible urinal:\$17,112
- Accessible route to the stage (cost for an interior lift): \$10,830
- Automatic doors and accessible door hardware at recessed office doors: \$3,544
- Accessible drinking fountain: \$2,108
- Miscellaneous corrective measures (handrail extensions, accessible service counter, signs, etc.) \$4,188

Total: \$161,425

Universal Design and Best Practice Recommendations

- Recommend providing a gun range shooting bay with a counter and opening that could be used by a seated target shooter.
- Recommend reducing the force required to set the gymnasium egress door in to motion to 30 lbs. max.

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Curb Ramp												
1	Front of Building Barre Street Crosswalk	Ext.		Curb Ramp	Perpendicular		Transition from curb ramp to street not flush	1.25"	Ensure transition from curb ramp to street is flush or free of changes in level.	1	85	\$85
2	Barre St. by Senior Activity Center	Ext.		Curb Ramp	Perpendicular		Does not prevent accumulation of water	-	Repair curb ramp to prevent accumulation of water.	1	103	\$103
Off-Street Parking Lot or Garage												
3	Stone Cutters Way Public Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces Access aisle < 60" wide at car/van space Sign does not have the designation "Van Accessible"	8 1 - 43" -	Provide a van-accessible parking space and access aisle. Add the designation "Van Accessible" to the sign located at the van accessible space positioned 60" min. above the ground. (Re-stripe plus cost of Van-Accessible sign.)	1	400	\$400
Entrance												
4	Main Entrance at Barre Street	Ext.		Entrance	Main Entrance		Maneuvering clearance is not provided	30"	Ensure landing at door is 60 inches (1525 mm) long minimum.	1	206	\$206
Access to Goods and Services												

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Means of Egress												
5	Gymnasium Exit South Side	1		Means of Egress	N/A		Emergency egress not on an accessible route. Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at exit doors. Mount signs between 48"- 60" above finish floor located on the latch side of the door.	1	116	\$116
Interior Access Route												
6	Exterior Building Access and Interior Vertical Access	Ext.		Interior Access Route	N/A		Accessible route not provided	-	Provide an accessible route into the building and between the basement and two upper floors. (Cost for a new exterior elevator shaft with at grade entrance providing access to all three floors of the building)	1	123643	\$123643
7	Gymnasium Stage	1		Interior Access Route	N/A		Accessible route not provided	-	Provide an accessible route to the stage. (Cost for an interior lift.)	1	10830	\$10830
Doors, Doorways, & Gates												
8	Single-User Toilet Room	2		Doors, Doorways, & Gates	Toilet Room		Clear width at door < 32"	27.5"	Widen the door so that there is 32" min. clear width. See ID number 20 which includes cost to widen door as part of providing an accessible single-user toilet room.	1	0	\$0
9	Arnie's Office	2		Doors, Doorways, & Gates	Office		Maneuvering clearance not provided at recess > 8" Hardware not operable with a closed fist	4" -	Install an automatic door opener. Provide hardware that can be operable with one hand and does not require tight grasping, pinching or twisting of the wrist. (Cost based on an automatic door opener and accessible door hardware.)	1	1772	\$1772

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
10	Eric's Office	1		Doors, Doorways, & Gates	Office		Maneuvering clearance not provided at recess > 8" Hardware not operable with a closed fist	4" -	Install an automatic door opener. Provide hardware that can be operable with one hand and does not require tight grasping, pinching or twisting of the wrist. (Cost based on an automatic door opener and accessible door hardware.)	1	1772	\$1772
11	To Shooting Range	B		Doors, Doorways, & Gates	Other		Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242
Stairways												
12	Staircase Floors 1-2	2		Stairways	Interior		Handrail height < 34" or > 38" Handrails do not extend 12" from stairs	29.5" -	Alter so the handrails are 34"- 38" high above the floor. Top: Ensure handrails extend horizontally above the landing for 12" min. beginning above the first riser nosing. Bottom: Ensure handrails extend to one tread depth beyond the last riser.	6	166	\$996
13	Main Entrance at Barre Street	Ext.		Stairways	Exterior		Handrail not provided on both sides	-	Provide handrail on one side.	1	555	\$555
14	Main Entrance at Barre Street	1		Stairways	Interior		Handrails not provided Handrail not provided on both sides	-	Provide handrails on both sides.	8	37	\$296

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Service Counter												
15	Main Office	1		Service Counter	N/A		Counter > 36" high	42.5"	Provide a counter that is 36" max. above the finish floor.	1	440	\$440
Operable Parts												
16	Toy Closet	1		Operable Parts	Other		Element not on an accessible route	-	Ensure toys in closet are located on an accessible route.	1	Labor	\$0
17	Game Room	1		Operable Parts	Clothes Rod/Hooks		Side reach > 54"	57"	Relocate so at least 5% of the 21 hooks are 48" max. above finish floor.	3	128	\$384
18	Shooting Range	B		Operable Parts			Side reach > 54"	65"	Relocate target line crank and target holder so that controls are 48" max. above finish floor. Provide a circular turning space 60" min. diameter with slopes not steeper than 1:50 in all directions at the shooting bay.	1	128	\$128
Toilet & Bathing Rooms												

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Overall Access												
19	Toilet Room	2		Overall Access	Toilet Room		Not on an accessible route Turning space not provided	- 57"	Add an accessible single-user toilet room.	1	12302	\$12302
20	Locker Room	B		Overall Access			Sign to accessible toilet not provided	-	Provide a directional sign indicating the location of the nearest accessible toilet or bathing room. (Assuming an accessible toilet room and shower is installed on the second floor and an elevator is installed to provide vertical access.)	1	116	\$116
21	Multi-User Toilet Room	B		Overall Access			Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	1	346	\$346
22	Toilet Room	2		Overall Access	Toilet Room		Audible and visible alarms not provided	-	When fire system is updated, ensure that a visible and audible fire alarm is installed.	1	346	\$346
Lavatory												
23	Toilet Room	2		Lavatory			Mirror above lavatory w/reflective surface > 40" Toe or knee clearances not provided Clear floor space not provided at lavatory	- - 48"	Provide knee and toe clearance positioned for a forward approach. Lower mirror so that the bottom surface is at 40" max. above finish floor. (Refer to ID 20 which includes cost of an accessible lavatory and mirror.)	1	0	\$0

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Urinal												
24	Multi-User Toilet Room	B		Urinal			Clear floor space not provided at urinal	4.5"	Provide a urinal with 30" min. by 48" min. clear floor space positioned for a forward approach with the rim no higher than 17" above the finish floor.	1	1774	\$1774
Shower Compartment												
25	Shower	2		Shower Compartment	N/A		Shower not on an accessible route Clear space at transfer shower > 48" x 36" Size of shower compartment not compliant Grab bars < 33" > 36" high Seat not provided (transfer compartment) Accessible shower not provided	- 30.5" - 37.25" - -	Provide at least one accessible shower. (Cost based on a new transfer shower.)	1	3036	\$3036
26	Locker Room	B		Shower Compartment	Other		Transfer type shower threshold > 1/2" Accessible shower not provided Shower not on an accessible route	- 6" -	Provide sign to accessible shower. (Assuming an accessible toilet room and shower is installed on the second floor and an elevator is installed to provide vertical access.)	1	116	\$116
Additional Access												
Drinking Fountains												
27	Main Entryway	1		Drinking Fountains	High		Fountain not on accessible route Clear floor space not provided No drinking fountain provided for seated users Knee or toe clearance not provided	- - - -	Provide a Hi-Lo drinking fountain. Provide a 30" by 48" clear floor space positioned for a forward approach.	1	2108	\$2108
Universal Design												

Montpelier, Vermont
Recreational Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
28	Shooting Range	B							Recommend providing a shooting bay with a counter and opening height that could be used by a seated shooter.	1	0	\$0
Best Practice												
29	Gymnasium Exit South Side	1			139			40 lbs	Recommend reducing force required to set egress door in motion to 30 lbs. max.	1	0	\$0

Senior Activity Center Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Senior Activity Center, Montpelier, VT

Background

The Montpelier Senior Activity Center is located at 58 Barre Street, across from the Recreational Center building. The Senior Activity Center has three floors. The Center is located on the first two floors, and private apartments are located on the third floor.

The two floors of the Senior Activity Center are connected by a central staircase, and an elevator that opens at a short interior ramp on the second floor.

Parking is available in a parking lot that is on the west, north and east sides of the building. Four accessible spaces are available on the east side including a van-accessible parking space. An additional accessible space in the same part of the parking lot is reserved for cars associated with the private apartments.

The main accessible entrance is located on the south side of the building at Barre Street and a second accessible entrance on the east side of the building. There is an egress exit at a short flight of stairs on the north side. A small courtyard at the main entrance features an accessible picnic table and bike rack

The first floor has an office, a staff kitchen, a dining area, a resource room and a small waiting area. The second floor has one studio room and one activity room.

Key Accessibility Issues

Toilet Rooms

Accessibility issues include lack of required maneuvering clearance (38”) at the entry doors to the men’s and women’s multi-user toilet rooms on the first floor, excessive opening force at the door to men’s multi-user toilet room, malfunctioning self-closing hinge at door to men’s multi-user toilet room accessible

compartment, and exposed plumbing at the lavatory in the single-user toilet room on the second floor.

Ramp

Accessibility issues include handrails on one side of the interior ramp at the Barre Street entrance that are both lower (31”) and higher (42”) than required.

Signs

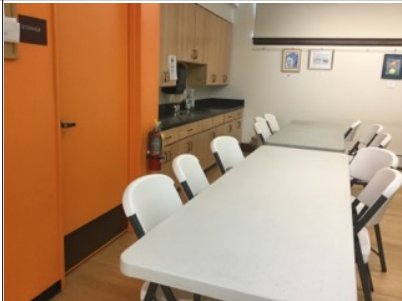
Accessibility issues include lack of tactile signs (5) at egress doors.

Order of Magnitude Cost Estimates

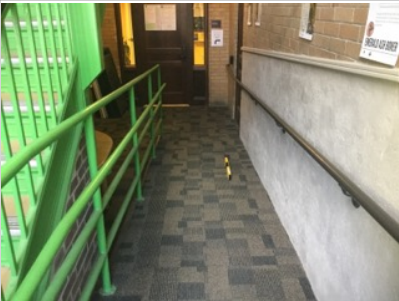
- Provide required maneuvering clearance at entry doors to the men’s and women’s multi-user toilet rooms: \$1,836
- Miscellaneous corrective measures (excessive openings in sidewalk, etc.): \$1,434

Total: \$3,270

City of Montpelier
Montpelier Senior Activity Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	Barre Street	Ext.		Exterior Access Route	Sidewalk		Surface openings > 1/2"	-	Patch opening in concrete. (Cost for a concrete patch.)	1	309	\$309
Off-Street Parking Lot or Garage												
2	Parking East Side of Building	Ext.		Off-Street Parking Lot or Garage	N/A		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces Sign does not have the designation "Van Accessible"	28 3 1 -	Add the designation "Van Accessible" to the sign located at the van accessible space positioned 60" min. above the ground.	1	250	\$250
Access to Goods and Services												
Means of Egress												
3	Barre Street Entrance	1		Means of Egress	N/A		Tactile exit sign not provided	-	Ensure tactile exit signs with raised characters and braille are provided at this and four other egress doors (one egress door is on the second floor.) Mount signs between 48"- 60" above finish floor located on the latch side of the door.	5	116	\$580
Interior Access Route												
4	Dining Area	1		Interior Access Route	N/A		Route < 36" wide	25"	Ensure that a clear width of 36" min. is maintained at the accessible route between the dining table and the kitchen.	1	Labor	\$0

City of Montpelier
Montpelier Senior Activity Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
5	Resource Room	1		Interior Access Route	N/A		Obstructed by protruding objects	43"	Provide a cane detectible barrier.	1	153	\$153
Doors, Doorways, & Gates												
6	Men's and Women's Multi-User Toilet Rooms	1		Doors, Doorways, & Gates	Toilet Room		Maneuvering clearance(s) not provided	38"	Remove lockers across from men's and women's multi-user toilet room doors to maintain 42" min. maneuvering space.	2	918	\$1836
7	Men's Multi-User Toilet Room	1		Doors, Doorways, & Gates	Toilet Room		Door requires > 5 lbs. of force to open	18 lbs.	Adjust closer so door does not require more than 5 pounds of force to open.	1	Labor	\$0
Ramps												
8	Inside Barre Street Entrance	1		Ramps	Interior		Handrails < 34" or > 38" above ramp surface.	42"	Alter so the handrails are 34"- 38" high above the finish floor.	1	Labor	\$0
Elevator												
9	Elevator	1		Elevator	N/A		Hoistway signs not on both jambs	-	Provide hoistway signs on both sides of elevator jambs.	2	48	\$96

City of Montpelier
Montpelier Senior Activity Center

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Benches												
10	Near East Entrance	1		Benches	N/A		20% of benches have clear space < 36" x 48"	-	Ensure that 20% of benches (and at least one) have a clear floor space of 36" wide min. by 48" deep min.	1	Labor	\$0
Toilet & Bathing Rooms												
Lavatory												
11	Single-User Toilet Room	2		Lavatory	N/A		Plumbing underneath is exposed Door has malfunctioning self closing hinge.	-	Insulate or otherwise configure pipes to prevent contact at lavatory. Repair self closing hinge.	1	46	\$46
Toilet Compartment												
12	Men's Multi-User Toilet Room	1		Toilet Compartment	Accessible Compartment		Door has malfunctioning self-closing hinge	-	Repair self closing hinge.	1	Labor	\$0

Wastewater Treatment Plan Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Wastewater Treatment Plant

Background

The Montpelier Wastewater Treatment Plant is located at 949 Dog River Road. It includes a control room building and a separate mechanical building. Both building are sometimes made available for school tours.

Areas open to the public at the control room building include a single-user toilet room and the control room. Both locations are on the ground floor which is accessed by a short exterior staircase. The mechanical building has a large double door with a four-inch step at its entry. The Wastewater Treatment Plant has a parking lot, but no designated accessible parking is provided.

Key Accessibility Issues

Parking

Accessibility issues include lack of a van-accessible parking space, access aisle and sign.

Entrance

Accessibility issues include lack of an accessible entry at the control room building and at the mechanical building.

Toilet Room

Accessibility issues include lack of an accessible single-user toilet room, a mirror at the lavatory that is too high, and a paper towel dispenser that protrudes into the circulation path.

Order of Magnitude Cost Estimates

- Provide an accessible single-user toilet room: \$12,302
- Provide a lift at the entry to the control room building and an accessible route into the mechanical building: \$11,207
- Miscellaneous corrective measures (accessible parking, accessible door hardware, etc.) \$1,953

Total: \$25,462

City of Montpelier
Wastewater Treatment

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Off-Street Parking Lot or Garage												
1	Parking			Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	25 - -	Provide a van accessible parking space 132" wide min. with an access aisle 60" wide min. with a sign that includes the International Symbol of Accessibility and the words "Van-Accessible" positioned 60" max. above the ground.	1	925	\$925
Entrance												
2	Main Entrance	1		Entrance	Main Entrance		Entrance not on an accessible route	-	Provide an incline lift.	1	10830	\$10830
3	Dewatering Building			Entrance	Main Entrance		Threshold > 1/2" high Entrance not on an accessible route	- 4"	Provide 5'x5' landing at the door and a 36" wide accessible route that is 1/2" high max. and that has a running slope of 1:20 (5.00% max. from the ground to the landing). (Cost based on 5'x5' concrete landing at the door and a 36" wide four foot long cement path from the ground to the landing.)	1	377	\$377
Access to Goods and Services												
Doors, Doorways, & Gates												
4	Main Entrance	1		Doors, Doorways, & Gates			Hardware not operable with a closed fist	-	Provide hardware that can be operable with one hand and not require tight grasping, pinching, or twisting of the wrist.	1	242	\$242

City of Montpelier
Wastewater Treatment

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Stairways												
5	Main Entrance	1		Stairways	Exterior		Handrail not provided on both sides	-	Provide handrail on one side. (Cost based on one metal handrail at \$37 per foot.)	7	37	\$259
Toilet & Bathing Rooms												
Overall Access												
6	Toilet Room	1		Overall Access	Toilet Room		Accessible plumbing fixtures or stalls not provided	-	Add an accessible single-user toilet room.	1	12302	\$12302
Lavatory												
7	Toilet Room	1		Lavatory			Plumbing underneath is exposed Mirror above lavatory w/reflective surface > 40" Dispensers not within reach range Dispenser acts as a protruding object	- 51" 55" 9"	Insulate or otherwise configure pipes to prevent contact, for at least one lavatory. Lower mirror so that the bottom surface is at 40" max. above finish floor. Relocate dispenser to 42" max. above the floor. Relocate dispenser out of the circulation path.	1	527	\$527

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Parks and Outdoor Areas



200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org

Hubbard Park Montpelier, VT



City of Montpelier ADA Transition Plan

September 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

Hubbard Park - Montpelier, VT

Background

Hubbard Park is located at 400 Parkway St, Montpelier and spans approximately 194 acers. The park provides an in-town venue for a variety of activities including hiking, picnicking, campfires, barbequing, sledding, cross country skiing, sightseeing, working out, dog walking, and playing soccer, softball and other team sports. The park contains multiple dispersed parking locations, picnic pavilions, fireplaces and grills, drinking fountains, workout stations, hiking trails, outhouses, and an observation tower, among other features.

Popular locations include the Old Shelter Pavilion and Soccer or Softball Field, the New Shelter Pavilion, the Fitness Trail, a dog run, Seven Fireplaces and the Observation Tower that provides a viewing area that is more than 50 feet above the ground.

Key Accessibility Issues

Parking

There are eight (8) locations where parking is provided, but no accessible parking spaces are designated.

Accessible Routes

The major accessibility issue is the lack of accessible routes to all the amenities in the park (outhouse at the New Shelter Pavilion, grills, fireplaces and picnic table at Seven Fireplaces and near both the Old Shelter Pavilion and New Shelter Pavilion). Fitness Trail Workout Stations and the soccer and softball fields also lack an accessible route. Also of concern is the lack of an accessible route to the Observation Tower or accessible vertical access to the observation area.

Picnic Tables

Accessible picnic tables are not provided at the Observation Tower or at Seven Fireplaces.

Drinking Fountains

While drinking fountains are provided at both the Old Shelter Pavilion and New Shelter Pavilion, they are not accessible for either seated or standing users.

Additional Accessibility Issues

- Excessive change in level at New Shelter Pavilion – 1”.

Order of Magnitude Cost Estimates

- Provide eight (8) van accessible spaces - one at each parking location (include marked access aisle and signs). \$7,400*
- Provide two (2) drinking fountains for seated and standing users (Old Shelter Pavilion and New Shelter Pavilion): \$4,036
- Provide two (2) accessible picnic tables (Observation Tower and at Seven Fireplaces): \$1,400
- Provide an accessible route to all the amenities in the park:
 - to at least one of each type of grill and fireplace at Seven Fireplaces and near both the Old Shelter Pavilion and New Shelter Pavilion: \$780
 - to the Tower Observatory entrance: \$390 (**NOTE:** to achieve program access - recommend creating a virtual experience such as a video or photo display with descriptions located on an accessible route at the tower site with images of the interior of the tower including images of the interior of and views from the tower observatory level. Also recommend placing the videos, images and descriptions on the park website in an accessible format.)
 - to the outhouse near the New Shelter Pavilion: \$300
- Miscellaneous corrective actions (change in level, signage, operable parts): \$1044

Total: \$ 15,350

Note: Cost does not include the cost involved to provide five (5) accessible outhouses.

**Universal Design and Best Practice
Recommendations**

- Recommend providing an accessible outhouse compartment at each site where an outhouse is located. **
- Recommend providing railings and railing extensions on both sides of the staircases at the Old Shelter Pavilion and the Observation Tower.
- Recommend providing wood railings and railing extensions on both sides of the staircases at the Tower Observatory and Old Shelter Pavilion, at the wooden crossings near the New Shelter Pavilion trailhead and on the trail near Fitness Station 15.
- Recommend closing the open risers on the staircase in the Tower Observatory.

* See the provided sketch as one design solution for designating accessible spaces in unpaved parking lots.

**See the Clivus outhouse flyer as one outhouse design solution.

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Approach and Entrance												
Exterior Access Route												
1	Observation Tower	Ext.		Exterior Access Route	Exterior		Not provided from all site arrival points	-	Ensure an accessible route is provided from all points of arrival (parking).	1	390	\$390
2	Old Shelter Pavilion Soccer and Softball Field	Ext.		Exterior Access Route	Exterior		Not provided from all site arrival points Running slope > 1:20 (5.00%)	- 18%	Accessible route is technically iinfeasible. Consider providing a soccer field at an accessible location.	1	0	\$0
3	Path to New Shelter Pavilion	Ext.		Exterior Access Route	Exterior		Surface openings > 1/2"	2"	Replace or reposition so that openings are 1/2" max.	1	Labor	\$0
4	New Shelter Pavilion	Ext.		Exterior Access Route	Exterior		Level changes > 1/4"	1"	Alter change in level to be 1/4" high max.	1	103	\$103
5	Fitness Station 15	Ext.		Exterior Access Route	Exterior		Surface not stable, firm, and slip-resistant Accessible route not provided	- -	Accessible route to all workout stations is technically infeasible. Recommend providing representative set of workout stations in an alternate accessible location. Note: Cost dependent upon final design.	1	0	\$0

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
6	New Shelter Pavilion Trailhead Outhouse	Ext.		Exterior Access Route	Exterior		Accessible route not provided	-	Ensure an accessible route is provided to the outhouse. Reduce running slope to 10% max. for ten feet and 8.33% max. for 30 feet.	1	300	\$300
Off-Street Parking Lot or Garage												
7	Dog Run	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	6 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
8	New Shelter Pavilion Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	7 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
9	Observation Tower Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	5 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
10	Old Shelter Pavilion	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	5 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
11	Parking Between Winter Street and Old Pavilion Shelter	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	7 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
12	Seven Fireplaces Entrance Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	4 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
13	Seven Fireplaces Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	5 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
14	Winter Street Parking	Ext.		Off-Street Parking Lot or Garage	Visitor		Total # of parking Total # of designated accessible parking spaces Total # of designated van accessible spaces	9 - -	Provide a van accessible space with marked access aisle and sign that includes the International Symbol of Accessibility and the words "Van Accessible" positioned 60" min. above the ground. Note: See provided drawing of one design option for designating accessible spaces in unpaved parking lots.	1	925	\$925
Program Access												
15	Observation Tower	Ext.		Program Access				-	Program access - recommend creating display on an accessible route with photos of the interior of the tower and photos of views from the tower. Also recommend placing the images and descriptions on the park web site in an accessible format.	1	0	\$0
Access to Goods and Services												

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Signage												
16	Old Shelter Pavilion	Ext.		Signage	Directional		Not provided	-	Provide directional sign indicating accessible route to the the backside accessible pavilion entrance.	1	116	\$116
Operable Parts												
17	Dog Run	Ext.		Operable Parts	N/A		Side reach > 54"	63.5"	Relocate so that dispenser opening is between 15" - 48" above the ground.	1	Labor / 128	\$128
Picnic Tables												
18	Near Old Shelter Pavilion Soccer and Softball Field	Ext.		Picnic Tables	N/A		Number of seating spaces at picnic tables Number of accessible seating spaces Picnic table not on an accessible route	8 - 27"	Accessible route to pavilion beyond soccer field is technically iinfeasible. Direct visitors to other accessible pavilions with accessible picnic tables in park.	1	0	\$0
19	Observation Tower	Ext.		Picnic Tables			Number of accessible seating spaces	0	Provide at least one accessible picnic table with top between 28"- 34" above the ground and 27" clear height underneath, 30 inches wide min., and 19 inches min. deep.	1	700	\$700
20	Seven Fireplaces	Ext.		Picnic Tables			Picnic table not on an accessible route Number of accessible seating spaces	- -	Locate picnic table on an accessible route. Provide at least one accessible picnic table with top between 28"- 34" above the ground and 27" clear height underneath, 30 inches wide min., and 19 inches min. deep.	1	850	\$850

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Grills												
21	Near New Shelter Pavilion	Ext.		Grills	N/A		Not on a accessible route	-	Ensure grills are located on an accessible route.	1	30	\$30
22	Near Old Shelter Pavilion	Ext.		Grills			Not on a accessible route	10.5%	Ensure grill/fireplace is located on an accessible route.	1	150	\$150
23	Seven Fireplaces	Ext.		Grills			Not on a accessible route	-	Ensure grill/fireplace is located on an accessible route.	1	300	\$300
24	Seven Fireplaces	Ext.		Grills			Not on a accessible route	-	Ensure grills are located on an accessible route.	1	300	\$300
Benches												
25	Observation Tower	Ext.		Benches			No accessible route to 20% of benches	-	Provide a park bench located on an accessible route.	1	650	\$650
Additional Access												

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Drinking Fountains												
26	Water Fountain	Ext.		Drinking Fountains	Standing		Fountain not on accessible route Spout < 38" or > 43" (standing users) No drinking fountain provided for seated users	- 49" -	Provide an accessible Hi-Lo drinking fountain.	1	2018	\$2018
27	Old Shelter Pavilion	Ext.		Drinking Fountains	Seated		No drinking fountain provided for standing users	-	Provide an accessible Hi-Lo drinking fountain.	1	2018	\$2018
Universal Design												
Signage												
28	Near Fitness Station 15	Ext.		Signage	N/A				Consider identifying trail name and/or destination on sign.	1	0	\$0
Toilet Rooms												
29	New Shelter Pavilion Trailhead Outhouse	Ext.		Toilet Rooms	N/A		Not on an accessible route Turning space not provided Accessible plumbing fixtures or stalls not provided	4" - -	Recommend providing an accessible toilet room. Ensure clear floor space of 56" min. x 60" min. at the toilet. Provide a side grab bar 42" long min., located 12" max. from the rear wall, and a rear grab bar 36" long min., extending 24" min. from the centerline of the toilet on the transfer side. Ensure door is at least 32" wide with a 1/2" max. threshold. Note: Cost dependent upon final design.	1	0	\$0

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
30	Near Observation Tower	Ext.		Toilet Rooms	N/A		Not on an accessible route Turning space not provided Accessible plumbing fixtures or stalls not provided	16.9% - -	Recommend providing an accessible toilet room. Ensure clear floor space of 56" min. x 60" min. at the toilet. Provide a side grab bar 42" long min., located 12" max. from the rear wall, and a rear grab bar 36" long min., extending 24" min. from the centerline of the toilet on the transfer side. Ensure door is at least 32" wide with a ½" max. threshold. Note: Cost dependent upon final design.	1	0	\$0
31	Old Shelter Pavilion	Ext.		Toilet Rooms	299		Not on an accessible route Turning space not provided Accessible plumbing fixtures or stalls not provided	5" - - -	Recommend providing an accessible toilet room. Ensure clear floor space of 56" min. x 60" min. at the toilet. Provide a side grab bar 42" long min., located 12" max. from the rear wall, and a rear grab bar 36" long min., extending 24" min. from the centerline of the toilet on the transfer side. Ensure door is at least 32" wide with a ½" max. threshold. Note: Cost dependent upon final design.	1	0	\$0
32	Old Shelter Pavilion	Ext.		Toilet Rooms	299		Not on an accessible route Turning space not provided Accessible plumbing fixtures or stalls not provided	5" - -	Recommend providing an accessible toilet room. Ensure clear floor space of 56" min. x 60" min. at the toilet. Provide a side grab bar 42" long min., located 12" max. from the rear wall, and a rear grab bar 36" long min., extending 24" min. from the centerline of the toilet on the transfer side. Ensure door is at least 32" wide with a ½" max. threshold. Note: Cost dependent upon final design.	1	0	\$0
33	Seven Fireplaces	Ext.		Toilet Rooms	N/A		Not on an accessible route Turning space not provided Accessible plumbing fixtures or stalls not provided	5" - - -	Recommend providing an accessible toilet room. Ensure clear floor space of 56" min. x 60" min. at the toilet. Provide a side grab bar 42" long min., located 12" max. from the rear wall, and a rear grab bar 36" long min., extending 24" min. from the centerline of the toilet on the transfer side. Ensure door is at least 32" wide with a ½" max. threshold. Note: Cost dependent upon final design.	1	0	\$0
Best Practice												
34	New Shelter Pavilion Trailhead	Ext.			N/A			- -	Recommend providing wood railings with railing extensions on both sides.	1	0	\$0

City of Montpelier
Hubbard Park

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
35	Observation Tower				N/A				Recommend providing wood railings with railing extensions on both sides.	2	0	\$0
36	Old Shelter Pavilion	Ext.			N/A			-	Recommend providing wood railings with railing extensions on both sides.	1	0	\$0
37	Trail (Near Fitness Station 15)	Ext.							Recommend providing wood railings with railing extensions on both sides.	2	0	\$0
38	Observation Tower	Ext.					Stairs have open risers.		Recommend closing open risers.	1	0	\$0

July 3 Parade, Festival and Family Olympics Montpelier, VT



City of Montpelier ADA Transition Plan

November 2018



Institute for Human Centered Design

200 Portland Street, Boston, MA 02114
www.IHCDesign.org • info@IHCDesign.org
617-695-1225 voice/tty

July 3 Parade, Festival and Family Olympics, State Street and Downtown Montpelier

Background

IHCD observed the July 3 Parade in downtown Montpelier, and the accompanying Festival and Family Olympics in front of the State House at State Street. IHCD was pleased to see amenities such as accessible Port-O-Potties near the food trucks across from the State House and food truck employees who expressed a willingness to come to the front of their trucks to take orders from or serve people who may have found the food truck service counters out of reach range. IHCD also observed parade attendees who allowed people shorter in stature to move to the front near the rope line to permit an unobstructed view of the parade, and accessible routes along the blocked-off portion of State Street and along the walkway up the center of the State House Lawn that bisected the Family Olympics area.

Key Accessibility Issues

While the IHCD team was not able to witness all activities at all times, no key accessibility issues were observed.

Order of Magnitude Cost Estimates

Total: \$0.00

Best Practice and Universal Design

- Recommend moving some of the Family Olympics activities close to the State Street sidewalk and walkway between State Street and the State House so they are on a shorter accessible route.
- Recommend providing a drop-off area as close as possible to the Family Olympics and July 3 parade route so that people with mobility disabilities can more easily approach the various activities and attractions.

Outdoor Tool

July 3 Festival, Parade and Family Olympics

ID	Location	Floor	Room	Element	Type	Photo	Issues	Current Measure	Recommendations	Quantity	Price	Cost Estimation
Best Practice												
1	Main Street	Ext.					Best practice.		Recommend creating a drop-off area as close as possible to the Family Olympics and July 3 parade route so that people with mobility disabilities can more easily approach the various activities and attractions.	1	0	\$0
2	State House Walkway	Ext.					Best practice.		Recommend moving some of the Family Olympics activities close to the Main Street sidewalk and walkway between Main Street and the State House so they are on a shorter accessible route.	1	0	\$0

City of Montpelier, VT

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

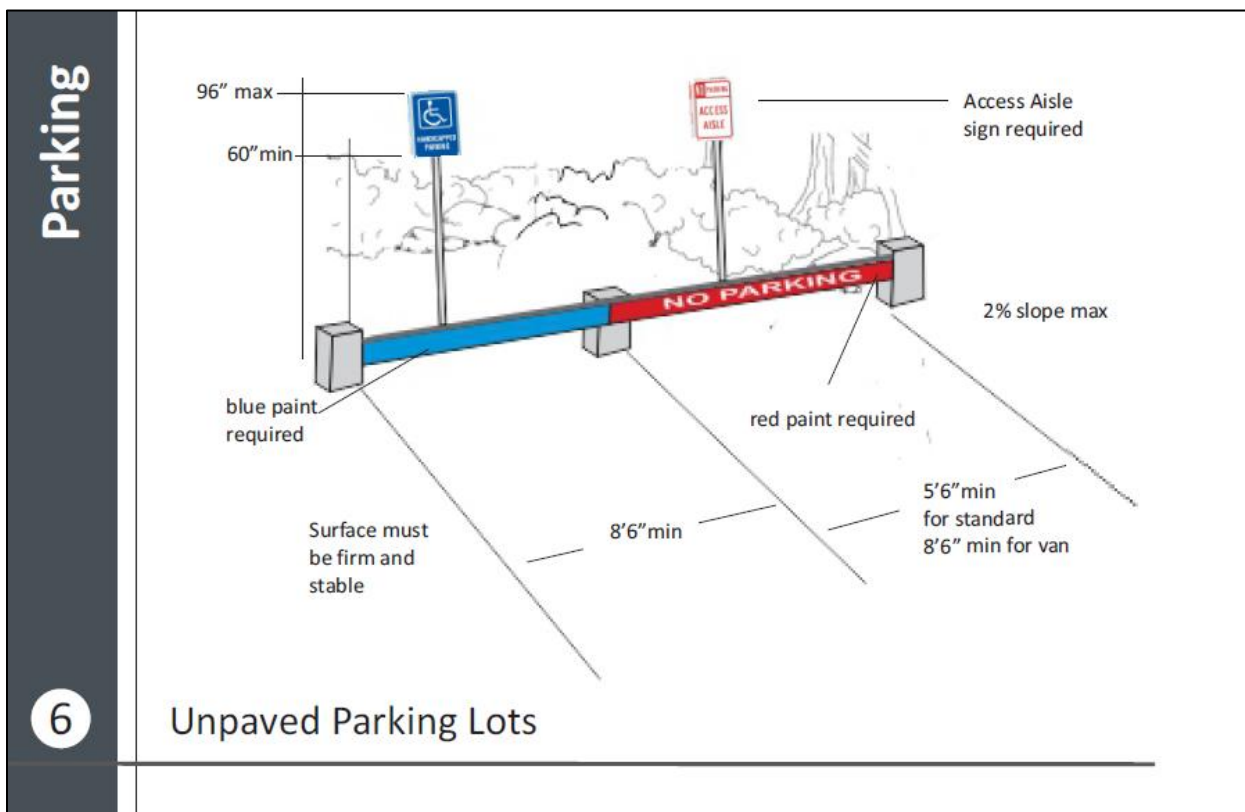
Resources

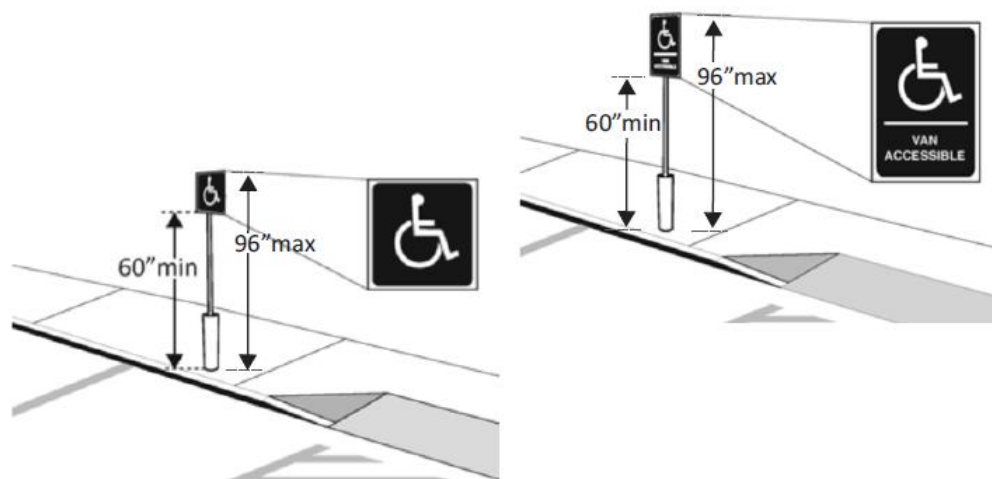


200 Portland Street, First Floor
Boston, MA 02114
617.695.1225 voice/tty
www.IHCDesign.org



The following images have been excerpted from IHCD's *Outdoor Accessibility Standards Pocket Guide*.





Parking Signs



SUBJECT: 5 Home Farm Way Mitigation Plan

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Determine that the submitted plan does not mean the prescribed conditions for approval. Direct the City Manager to proceed as per Section 704 (4) of the City's ordinances by immediately securing the building and, further to proceed with permanent mitigation of the nuisance. The Manager shall present a permanent mitigation plan on July 10, 2019. This plan will describe actions, costs and necessary steps.

Prior to July 5, 2019, any party may submit an alternate permanent mitigation plan which meets all conditions set on April 24.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Environmental Stewardship

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Action is consistent with Chapter 7, Article VII of the City ordinances.

BACKGROUND INFORMATION: On April 24th, the City Council conducted a hearing consistent with Chapter 7, Article VII of the city ordinances. Council determined:

The City Council unanimously finds that the building located at 5 Home Farm Way in Montpelier is a public nuisance under 7-701 (b), (d), (e) and (f) of the City's ordinances and adopts the Building Inspector's March 18, 2019 report as formal findings of fact.

Under Section 7-704 (2), the City Council requires a remediation and abatement plan be filed with the City Manager no later than noon time on Friday, May 17, 2019. This plan will be considered by the Council on May 22, 2019.

Conditions:

- Any plan submitted shall provide conclusive evidence that the submitting party is authorized to take action regarding the subject property including but not limited to being on the property and undertaking any physical work on the building or land.
- Any plan submitted shall provide, in detail, actions to be taken within 5 days of Council approval which will abate any immediate nuisance or hazard to the public. This will not be accepted as a

final remediation or abatement plan.

- Any final abatement or remediation plan submitted shall include a work plan explaining the specific work to be done, a specific financing plan (projected expenses based on documented estimates and projected sources of funds) for accomplishing that work and a specific schedule for completing the full mitigation.

At 11:45 AM on Friday, May 17th the attached memo from Jamie Duggan and David Ide was submitted to the City Manager's office. It was the only proposal received.

Upon review:

- The proposal does not address the issue of ownership or right to proceed in any manor other than references to historic preservation and conservation easements held on the building and property. The mortgage holder on the property is not mentioned or referenced in the memo.
- The proposal describes a short term security plan which would "likely include" certain steps. While "likely include" doesn't match the required "in detail", the actions listed are sufficient.
- The proposal describes a long term vision for the property's future but does not provide a plan for renovation or funding. It specifically seeks more time to develop such a plan but does not offer an expected time frame.

SUPPORTING DOCUMENTS: Memo from Jamie Duggan and David Ide of Two Rivers Partnership; Findings of Fact; City's nuisance ordinance

INTERESTED PARTIES: Connor Brothers – Montpelier Armory LLC – Fred Connor; Food Works via business point of contact following dissolution; Preservation Trust of Vermont; Vermont Community Loan Fund – Paul Hill; Vermont Housing and Conservation Board; Assistant City Manager Susan Allen; Jamie Duggan; Eric Gilbertson; Fire Chief Robert Gowans; Building Inspector Christopher Lumbrá; Stephen Whitaker

CITY MANAGER'S APPROVAL:



Two Rivers Partnership



Memorandum

To: Montpelier City Council

From: Jamie Duggan and David Ide, Two Rivers Partnership

Re: 5 Home Farm Way/Jacob Davis Property

Two Rivers Partnership, with principles Jamie Duggan and David Ide, is working with partners on a path forward to transition the historic Jacob Davis property to new ownership, restore the original farmstead, meet community needs and provide new and appropriate uses for the property. Proposed activities include: new greenhouses and point of sale location to support an adjacent successful Montpelier business, event and gathering spaces, public trails and river access located across the road from the new bike path extension, community gardens, dog park, acreage to support a local organic farm and riparian buffers and undeveloped land to absorb flood waters.

The Jacob Davis property consists of an historically significant farmstead and 19 acres located on Route 2, less than two miles from downtown Montpelier. Situated at the confluence of the Winooski River with the Stevens Branch, the tract contains organic certified agricultural soils, flood attenuation capability, wildlife habitat, public access potential and an historic house. The iconic property is at the eastern gateway to Vermont's capitol and offers the potential to provide community, economic and environmental benefits.

The property is part of an original 119-acre parcel, which was the second tract of land granted to Col. Jacob Davis in Montpelier. Jacob Davis constructed the first tavern in town and the first town meeting was held in his downtown Montpelier house in 1791. The property remained in the family for the next thirty years, and the land farmed by Davis' son, Jacob Jr. until Frederick Marsh acquired it in 1833. Constructed c. 1836 the post and beam frame, Georgian plan farmhouse is among the earliest Greek Revival

style buildings in Central Vermont. The site exists today as the only remaining open farmland left in this vicinity of Montpelier and the building is eligible for the National Register of Historic Places.

The open floodplain land has the potential to be part of a series of community use properties along the Winooski River under Montpelier's emerging "Face the River" initiative. Agricultural use that demonstrates "River Friendly Farming", riparian buffer planting that enhances water quality and urban wildlife habitat re-vegetation that includes critical pollinator species are all enhanced uses of the floodplain area that support community conservation objectives.

Over the past 20 years numerous partners and funders have supported the outcome to restore and renovate this historically significant farmstead and grounds and revive one of Montpelier's original farms. A restored farmstead continues to be envisioned as a focal point for educational programs as well as many community uses and compatible economic activity.

The Two Rivers Partnership has brought together two successful local garden and farm businesses with an experienced historic preservation contractor to breathe life back into the Jacob Davis property. David Ide, owner of the adjoining Agway property to the east, is interested in utilizing the building and land to expand his nursery business. George Gross is interested in growing organic vegetables at this site to support his Berlin-based Dog River Farm. Additionally, both see the Jacob Davis property as a place where the public can connect with land, farming and each other, whether through pick-your-own opportunities, harvest celebrations, walks or educational workshops and other events. The partnership sees a vegetable farm and plant nursery, along with a riverside public path close to the center of Montpelier as a great addition to the city. For David's long term success as a retailer, with the internet as his biggest competitor, the business must grow in areas where the internet doesn't compete. His niche is to be not just a lawn and garden retail store, but a destination.

Jamie Duggan has a successful track record of historic preservation and rehabilitation projects and has worked on landmark structures across the state and beyond through his work with Preservation Unlimited, the company he and his wife Maria have

operated over the past twenty-one years. From various projects at Shelburne Farms to work on the Vermont State House, Jamie has completed numerous, complex, multi-faceted restoration projects that have met the highest preservation standards, while also being completed on time and within budgets. Duggan has also taught graduate level architectural conservation courses and traditional building courses for homeowners, DIYers and preservation professionals at Yestermorrow Design/Build School and the Preservation Education Institute. For the past six years, Duggan has been part of the team of administrators at the Vermont Division for Historic Preservation managing facilities and maintaining buildings and grounds at Vermont's State Historic Sites.

Other partners and parties supporting the initiative include the Montpelier Historic Preservation Commission, the Vermont River Conservancy, Sustainable Montpelier Coalition, the Preservation Trust of Vermont and the Vermont Housing and Conservation Board. The Preservation Trust of Vermont and the Vermont Housing and Conservation Board co-hold an historic preservation easement on the farmstead and setting (the acreage immediately surrounding the building) requiring regular access to the building for charitable, educational, cultural or historic preservation purposes be provided to the public. The bulk of the land is protected by a conservation easement held by VHCB. Both of those perpetual legal documents require VHCB's approval for any transfer or encumbrance of the property.

The house was jacked up in 2009 above the base flood elevation, with foundation work and major timber stabilization also done at that time. The lower level floor framing and reinstallation of interior paneling/doors/etc. was not done. In 2011, the roof was replaced with a metal roof. Drainage and regrading was done at that time and a water diverting 'skirt' was added on the north side. As restoration work is incomplete, this is a great project for a public/private partnership to rehabilitate the main structure and tailor the building to specific needs.

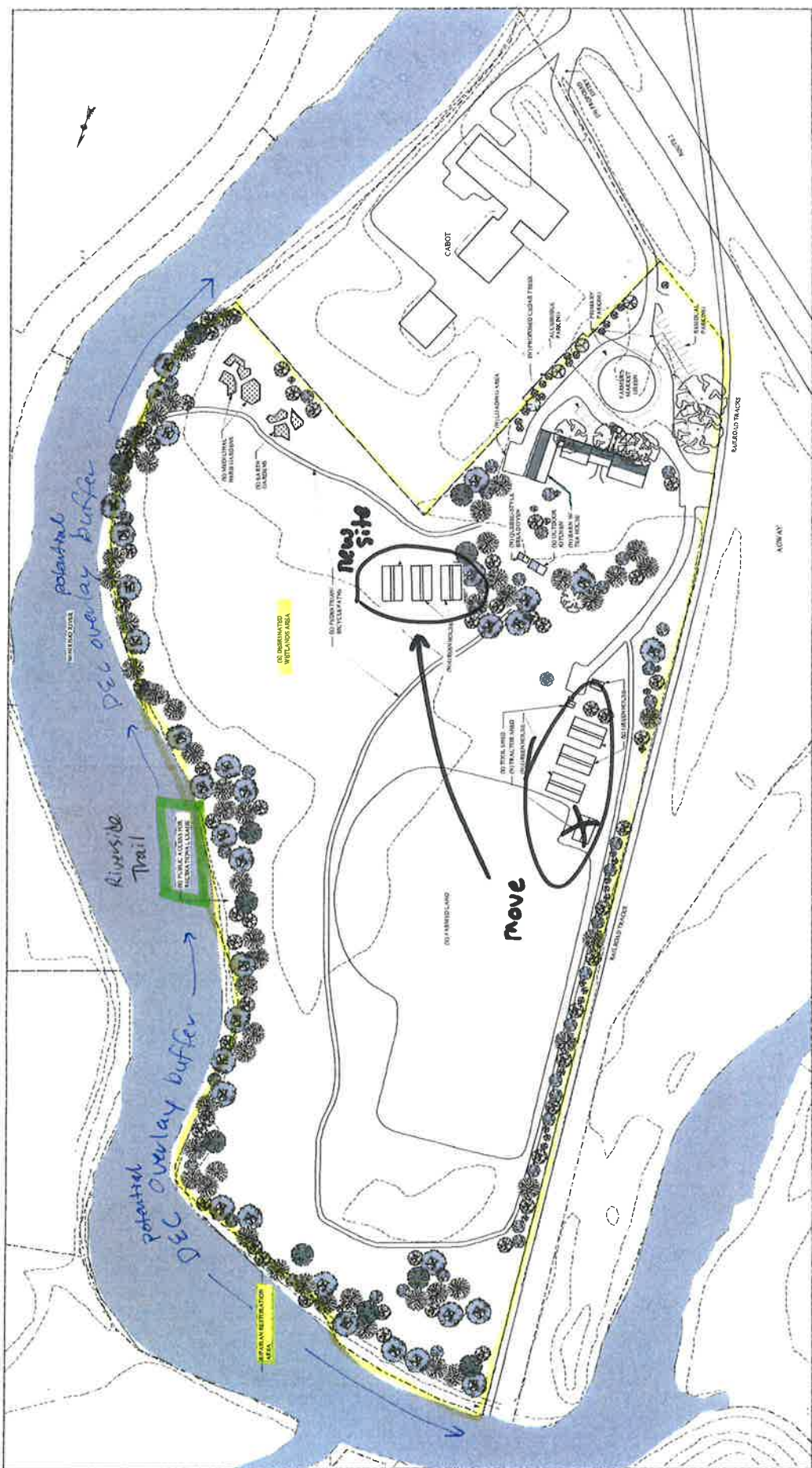
While the structure today is in tenuous condition, it has been in that state for at least the past 15 years. There are a number of straightforward, cost-effective solutions to secure and stabilize the building immediately and protect it, as well as the public, from any potential hazards. Our immediate remediation and abatement plan would likely include enclosing the building with a new, lockable safety fence; board up and

secure any open doors, windows or holes in the exterior walls to prevent people, animals and the elements from entering the building; enhancing the current temporary interior structural supports by replacing the undersized posts with towers of structural cribbing amongst other considerations.

The Two Rivers Partnership respectfully asks City Council to consider our immediate remediation and abatement plan and we request additional time to return with a more detailed plan to address the City Council's concerns relative to the Nuisance Ordinance.

Attachments: Two Rivers Partnership site plan and property orthophoto map

Cc Anne Watson, Montpelier City Council
Bill Fraser, City of Montpelier
Sue Allen, City of Montpelier
Christopher Allen, City of Montpelier
Robert Gowans, City of Montpelier
Geoff Beyer, City of Montpelier
Paul Bruhn, Preservation Trust of Vermont
Paul Hill, Vermont Community Loan Fund
Karen Freeman, Vermont Housing and Conservation Board
Eric Gilbertson, Montpelier Historic Preservation Commission
Steve Libby, Vermont River Conservancy
Elizabeth Courtney, Sustainable Montpelier Coalition
George Gross, Dog River Farm
Michael Kline, Vermont Department of Environmental Conservation
Laura Trieschmann, Vermont Division for Historic Preservation
Ben Doyle, USDA Rural Development



ROADWAYS & PATHWAYS AS NOTED

BAST & ROOD ARCHITECTS P.O. BOX 325 • 177 WINDHROW LN. RIVINGTON, VERMONT 05471 TEL: (802) 451-5907 FAX: (802) 451-5975 EMAIL: BAST&ROOD@BASTANDROOD.COM		Two Rivers Partnership MONTPELIER, VERMONT				SITE PLAN		DATE: 03/08/05 SCALE: 1" = 50'-0"		PAGE: A.1.0	
--	--	---	--	---	--	-----------	--	--------------------------------------	--	-------------	--

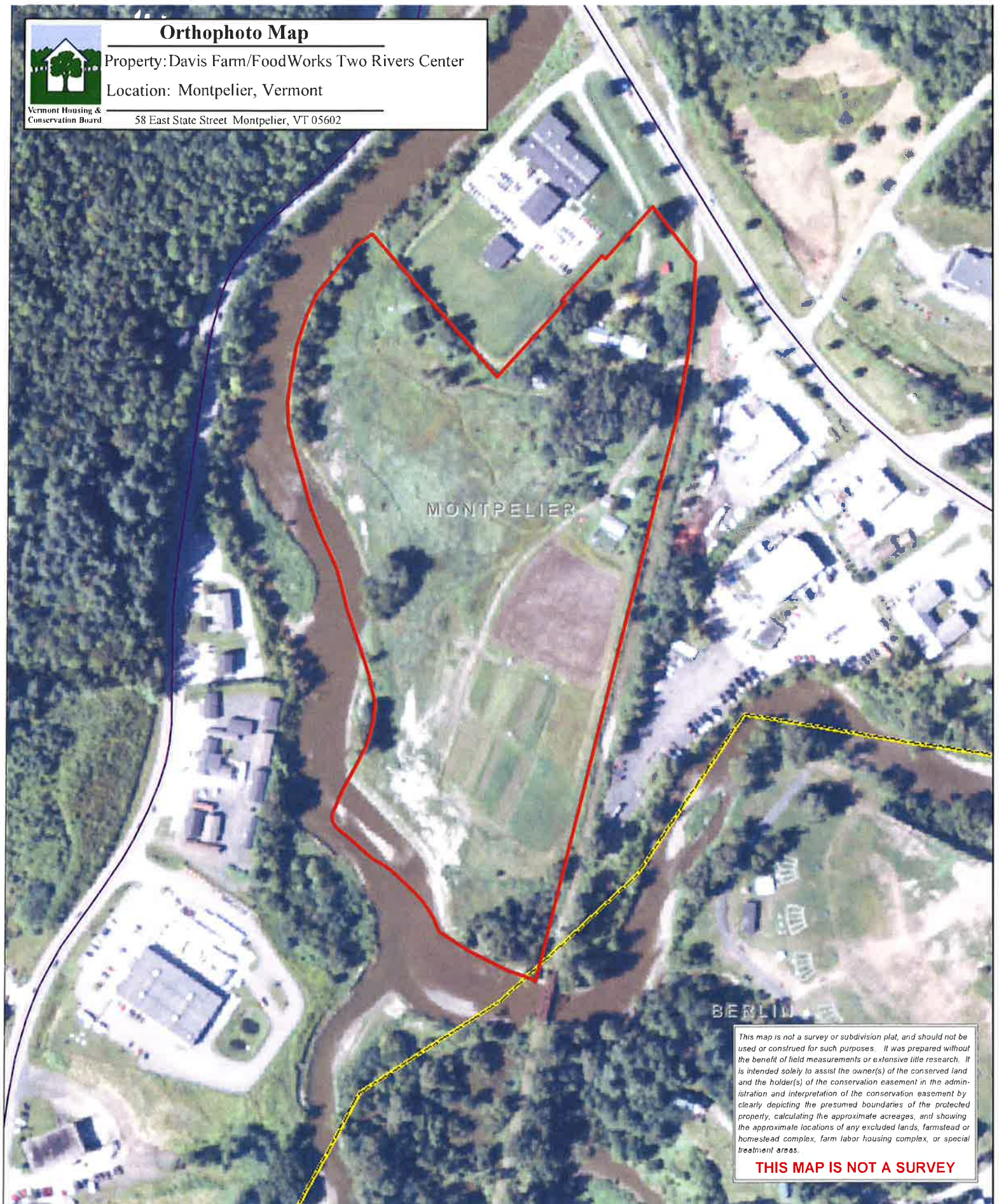


Orthophoto Map

Property: Davis Farm/FoodWorks Two Rivers Center

Location: Montpelier, Vermont

58 East State Street Montpelier, VT 05602



This map is not a survey or subdivision plat, and should not be used or construed for such purposes. It was prepared without the benefit of field measurements or extensive title research. It is intended solely to assist the owner(s) of the conserved land and the holder(s) of the conservation easement in the administration and interpretation of the conservation easement by clearly depicting the presumed boundaries of the protected property, calculating the approximate acreages, and showing the approximate locations of any excluded lands, farmstead or homestead complex, farm labor housing complex, or special treatment areas.

THIS MAP IS NOT A SURVEY



Protected Property VHCB # 2004-009

Scale:1:3,000

0 0.015 0.03 0.06 0.09 0.12 Miles



Mayor Anne Watson

City Council Members:

Dona Bate
Conor Casey
Lauren Hierl
Ashley Hill
Glen Coburn Hutcheson
Jack McCullough

William Fraser,
City Manager

Sue Allen,
Assistant City Manager

Jamie Granfield
Assistant to the City Manager

FINDINGS OF FACT AND DECISION
Re: 5 Home Farm Way, Montpelier, Vermont
April 26, 2019

The Montpelier City Council conducted a hearing under Article VII of the City's Ordinances pertaining to nuisances. The subject property was the building located at 5 Home Farm Way. Sworn testimony was provided by City Building Inspector Christopher Lumbra, Fire Chief/Health Officer Robert Gowans, Eric Gilbertson, Stephen Whitaker, Jamie Duggan, Fred Connor, Assistant City Manager Susan Allen and Paul Hill.

Admitted evidence

- The inspection report dated March 18, 2019 from Lumbra and Gowans
- Photos of the subject property submitted by Lumbra and Gowans and e-mail correspondence from Connor.
- Copy of meeting notice dated March 21, 2019
- Copies of return receipts from notice mailing
- Orthophoto map of the subject property prepared by the Vermont Housing and Conservation Board
- Letter from Fred Connor dated March 5, 2019

Inspector Lumbra and Chief Gowans testified that the building constituted a public nuisance as defined in the City ordinances. Their testimony provided specific examples with photographic support for the testimony. No testimony or evidence was offered which provided any information on the building's condition which contradicted the conclusions of the Inspector and Chief.

The City Council unanimously finds that the building located at 5 Home Farm Way in Montpelier is a public nuisance under 7-701 (b), (d), (e) and (f) of the City's ordinances and adopts the Building Inspector's March 18, 2019 report as formal findings of fact.

Under Section 7-704 (2), the City Council requires a remediation and abatement plan be filed with the City Manager no later than noon time on Friday, May 17, 2019. This plan will be considered by the Council on May 22, 2019.

Conditions:

- Any plan submitted shall provide conclusive evidence that the submitting party is authorized to take action regarding the subject property including but not limited to being on the property and undertaking any physical work on the building or land.
- Any plan submitted shall provide, in detail, actions to be taken within 5 days of Council approval which will abate any immediate nuisance or hazard to the public. This will not be accepted as a final remediation or abatement plan.
- Any final abatement or remediation plan submitted shall include a work plan explaining the specific work to be done, a specific financing plan (projected expenses based on documented estimates and projected sources of funds) for accomplishing that work and a specific schedule for completing the full mitigation.

As per Section 704 (4) of the City's ordinances: In the event the owner (or duly authorized party) fails to submit a plan of remediation and abatement; or if the owner (or duly authorized party) fails to comply with an approved plan; or if a submitted plan is not acceptable to the Council, the City shall proceed to enforce the ordinance which may include injunctive relief, penalties, abatement of nuisances and hazards, demolition of structures and imposition of liens for expenses incurred.

A copy of this decision will be sent to all parties with financial or legal interests in the property and all persons who testified in the April 24th hearing. This includes:

Connor Brothers – Montpelier Armory LLC – Fred Connor
Food Works via business point of contact following dissolution
Preservation Trust of Vermont
Vermont Community Loan Fund – Paul Hill
Vermont Housing and Conservation Board
Assistant City Manager Susan Allen
Jamie Duggan
Eric Gilbertson
Fire Chief Robert Gowans
Building Inspector Christopher Lumbra
Stephen Whitaker

Approved, April 26, 2019

Anne Watson, Mayor



Dona Bate



Conor Casey



Lauren Hierl

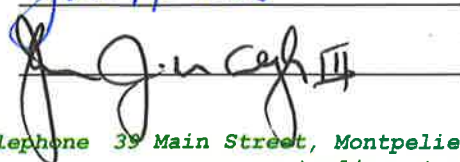


Ashley Hill



Glen Hutcheson

John McCullough



(802)-223-9502, Telephone 39 Main Street, Montpelier, Vt 05602
www.montpelier-vt.org

(802)-223-9519, Fax

ARTICLE VII. NUISANCES

Sec. 7-700. PURPOSE.

Any property within the city which is in a state of disrepair and deterioration, including vacant buildings, unsafe structures and potentially dangerous land conditions, are deemed to be public nuisances because their existence contributes to the decrease in value of surrounding properties, precipitates disinvestment by neighboring owners, provides a location for criminal activity, undermines the aesthetic character of the city and its neighborhoods and environs, and has other undesirable effects. Allowing public nuisances to remain indefinitely, even in the absence of code violations, structural boarding and other security measures, is detrimental to the public health, safety and welfare, unreasonably interferes with the reasonable and lawful use and enjoyment of other neighboring or adjacent property, may pose a danger to first responders in an emergency, and detracts from the appearance and good order of the neighborhood. The purpose of this ordinance is to abate public nuisances and to mitigate their impacts.

Sec. 7-701. DEFINITIONS.

- (1) As used in this Article, the term “nuisance” and “public nuisance” shall mean:
 - (a) the physical condition or occupancy of any premises or property regarded as a public nuisance at common law; or
 - (b) any physical condition or occupancy of any premises or property considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences and structures, or
 - (c) any premises that has unsanitary sewage or plumbing facilities; or
 - (d) any premises designated as unsafe for human habitation; or
 - (e) any premises or property that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
 - (f) any premises from which plumbing, heating or other facilities have been permanently removed or disconnected, destroyed or rendered ineffective, or the adequate precautions against trespassers have not been provided; or

- (g) any premise that is unsanitary, or that is littered with rubbish or garbage; or
 - (h) any structure that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, or damaged by fire or other casualty to the extent so as to not to be habitable, or in danger of collapse or failure; or dangerous to anyone on or near the premises, or detracts from the value, use and enjoyment of neighboring or adjacent property.
- (2) As used in this Ordinance, the term “Inspection Officials” shall mean the City Building Inspector, City Health Officer or City Fire Department Chief, or such other person so designated and appointed by the City Manager.
 - (3) As used in this Ordinance, the term “Owner” shall mean the person holding record title to premises or property, as well as any person occupying, using, controlling or operating such premises or property as tenant, lessee or any other capacity recognized at law.

Sec. 7-702. PROHIBITION.

- (1) No person shall create, operate or maintain a public nuisance within the city.
- (2) No person shall fail to comply with the terms of an order of abatement issued under this ordinance.

Sec. 7-703. INSPECTION.

- (1) Upon receipt of information that a violation of this ordinance has occurred, an Inspection Official shall undertake a physical inspection of the premises or property. The Inspection Official may enter any building, structure or premises within the city for the purpose of making inspections or investigations at all reasonable hours; provided that, except in case of emergency, the right and authority conferred by this section shall not apply to the entry of any premises or property unless advance written notice is served on the owner thereof. Such written notice shall contain a statement of the date and time that an inspection will be made and shall also contain a statement of the purpose of such inspection.
- (2) The Inspection Official shall prepare a written report of his inspection of the premises or property and any corrective or abatement recommendations, and shall deliver a copy thereof to the owner of the premises and to the City Manager for transmittal to the City Council.

Sec. 7-704. HEARING ENFORCEMENT.

- (1) Upon at least ten days advance written notice to the owner of the premises, the City Council shall convene a public hearing to consider and act upon the inspection report of the Inspection Official. At such hearing, the City Council shall allow testimony and evidence from the owner and/or tenant of the premises or property, city officials and employees, and the public relating to the condition of the premises.
- (2) Following such hearing, the City Council shall deliberate and may determine that the premises constitute a public nuisance based upon specific findings. In the event the City Council determines that the premises constitute a public nuisance, it shall direct that the owner thereof produce and deliver to the City Manager a plan and schedule of remediation and abatement, such submission to be made within a reasonable time frame established by the City Council, but in no event less than ten days of receipt of the City Council's findings.
- (3) In the event the owner's remediation and abatement plan is accepted and approved by the City Council, the owner shall implement said plan immediately, and shall complete the same within the time limits imposed by the City Council.
- (4) In the event the owner fails to submit a plan of remediation and abatement in accordance with Subsection (2), or if the owner fails to comply with Subsection (3), or if the owner fails to draft a plan accepted by the Council or fails to comply with Subsection (3), the City shall proceed to enforce this ordinance as provided herein, and shall seek such injunctive relief, enforcement remedies, and penalties as permitted by law, including, without limitation, abatement of common law nuisances, abatement of public health hazards, demolition of structures determined to be in violation of this ordinance, enforcement and foreclosure of liens for unpaid fees imposed under Section 7-706, and recovery in a civil action for remediation, mitigation and abatement costs incurred by the City.
- (5) In addition to being subject to penalties imposed for violating this ordinance, an owner whose property is found to be in violation or noncompliance of Section 7-704(4) shall be liable for all costs incurred by the City under Section 7-704(4), and for fees imposed under Section 7-706, payment of which shall be secured by a lien in the nature of a contractor's lien for labor and material in favor of the City upon such property.

Sec. 7-705. APPEALS.

A person, including the owner, aggrieved by any action taken hereunder by the City Council or a City official or employee may appeal any decision made by the City Council under Section 7-704. Such appeal shall be taken in the manner provided by law for appeals from governmental agencies and bodies.

Sec. 7-706. FEES.

Commencing thirty days from the date of delivery of the Inspection Official's report pursuant to Sec. 7-703(2) hereof, the Inspection Official shall conduct periodic inspections of the premises until the remediation plan has been completed in the judgment of the City Council, and shall furnish a report of such inspection to the owner and the City Manager. An inspection fee of \$50 for residential properties and \$100 for commercial properties for each such inspection is hereby established, such fee payable upon receipt by the owner of an invoice from the City Treasurer.

Sec. 7-707. SCOPE OF ORDINANCE.

The ordinance shall apply to all property within all areas of the city of Montpelier.

Sec. 7-708. DESIGNATION; PENALTIES.

The ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59, for a violation of which there is hereby imposed a penalty of \$100.00 per day for each day the owner fails to comply with Section 7-704(2)(3) or (4), in addition to any other penalties provided by law.

Sec. 7-709. SEVERABILITY.

If any portion of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

Sec. 7-710. AUTHORITY.

This ordinance is enacted under authority granted to the City under 24 V.S.A., §2291(14) and Sec. 701 of the Montpelier City Charter.

Sec's. 7-711 to 7-799. Reserved.

CHARTER REFERENCE: Subchapter 7, City Ordinances, §701. COUNCIL AUTHORITY.

Enacted May 24, 2017; Effective June 9, 2017.



CITY COUNCIL Agenda Item #19-166

Date: May 22, 2019

Consent ☐ **Discussion** ☒

SUBJECT: Representatives from the Montpelier Energy Advisory Committee will present the FY18 city energy consumption and progress toward Net Zero Montpelier.

SUBMITTING DEPARTMENT: Montpelier Energy Advisory Committee, Finance

RECOMMENDED ACTION: None

STRATEGIC OUTCOME/PRIOR ACTION: Environmental Stewardship, Sustainable Infrastructure, Public Health and Safety and Responsive and Responsible Government.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: N/A

SUPPORTING DOCUMENTS: The presentation documents will be distributed at or after the meeting presentation.

INTERESTED PARTIES: City Council, Voters, Residents and City Staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

NET ZERO MONTPELIER

FY18 MUNICIPAL ENERGY UPDATE

MONTPELIER ENERGY
ADVISORY COMMITTEE

WWW.NETZEROMONTPELIER.ORG

An aerial photograph showing rows of blue solar panels installed on a green grassy field. The panels are arranged in a grid pattern, and the grass is visible between the rows. The image is used as a background for the document.

RESOLUTION (PASSED 10-28-18)

Montpelier defines the City's Net Zero Goal as:

1. Montpelier is committed to becoming the first capital city to eliminate fossil fuel use by converting to 100% renewable energy.
2. By 2030, 100% of the energy used for municipal government operations (thermal, electrical, and transportation) will be renewable or offset.
3. By 2050, fossil fuel use will be eliminated entirely and 100% of energy needs (municipal, residential, and commercial) will be met renewably.

MUNICIPAL

buildings, fleet,
operations



Montpelier
Energy Advisory
Committee

PLANNING

master plan, energy
plan, zoning rewrite

TRANSPORTATION

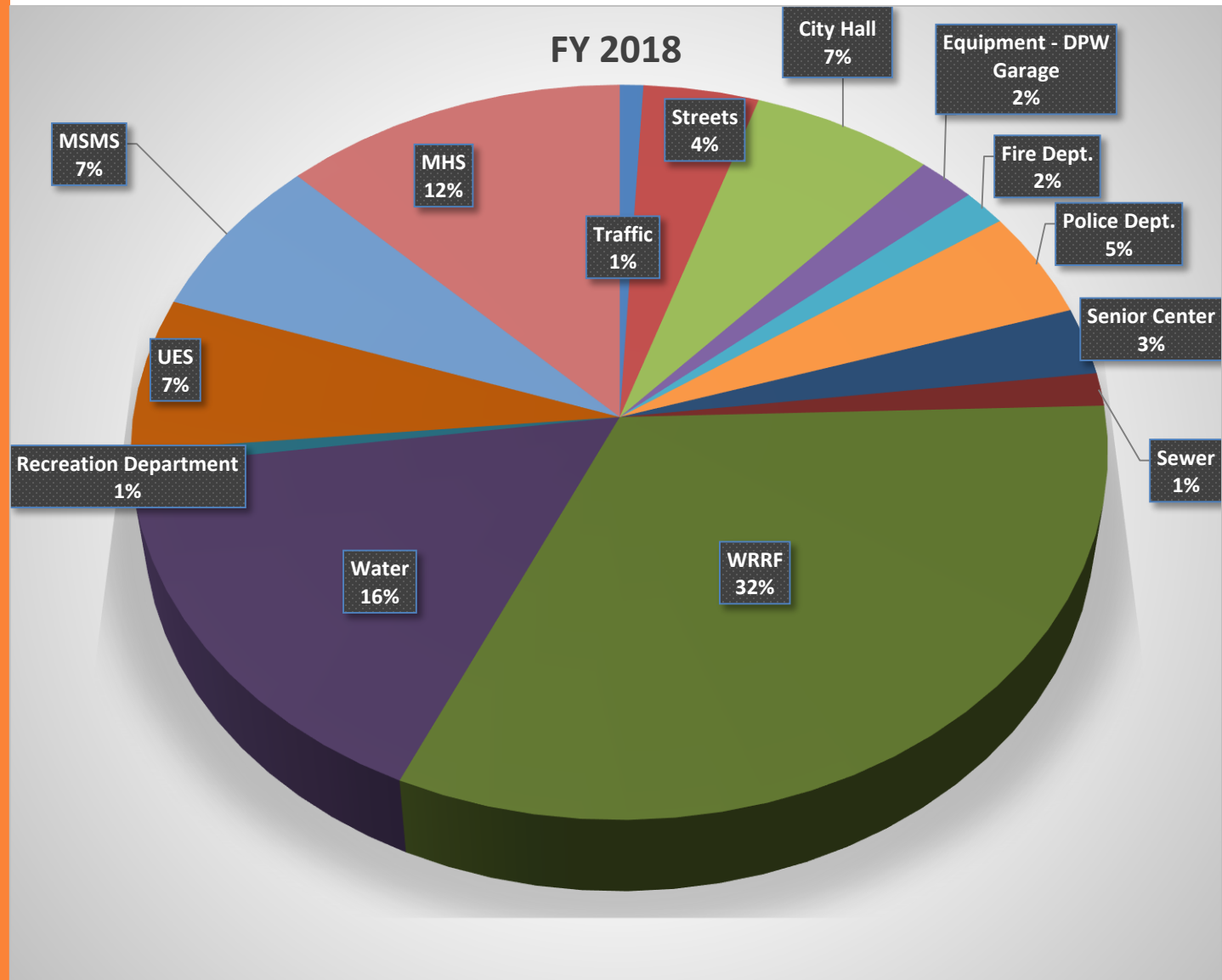
alternative transit,
EVs, bike/ped

RESIDENTIAL

homeowner and
landlord outreach

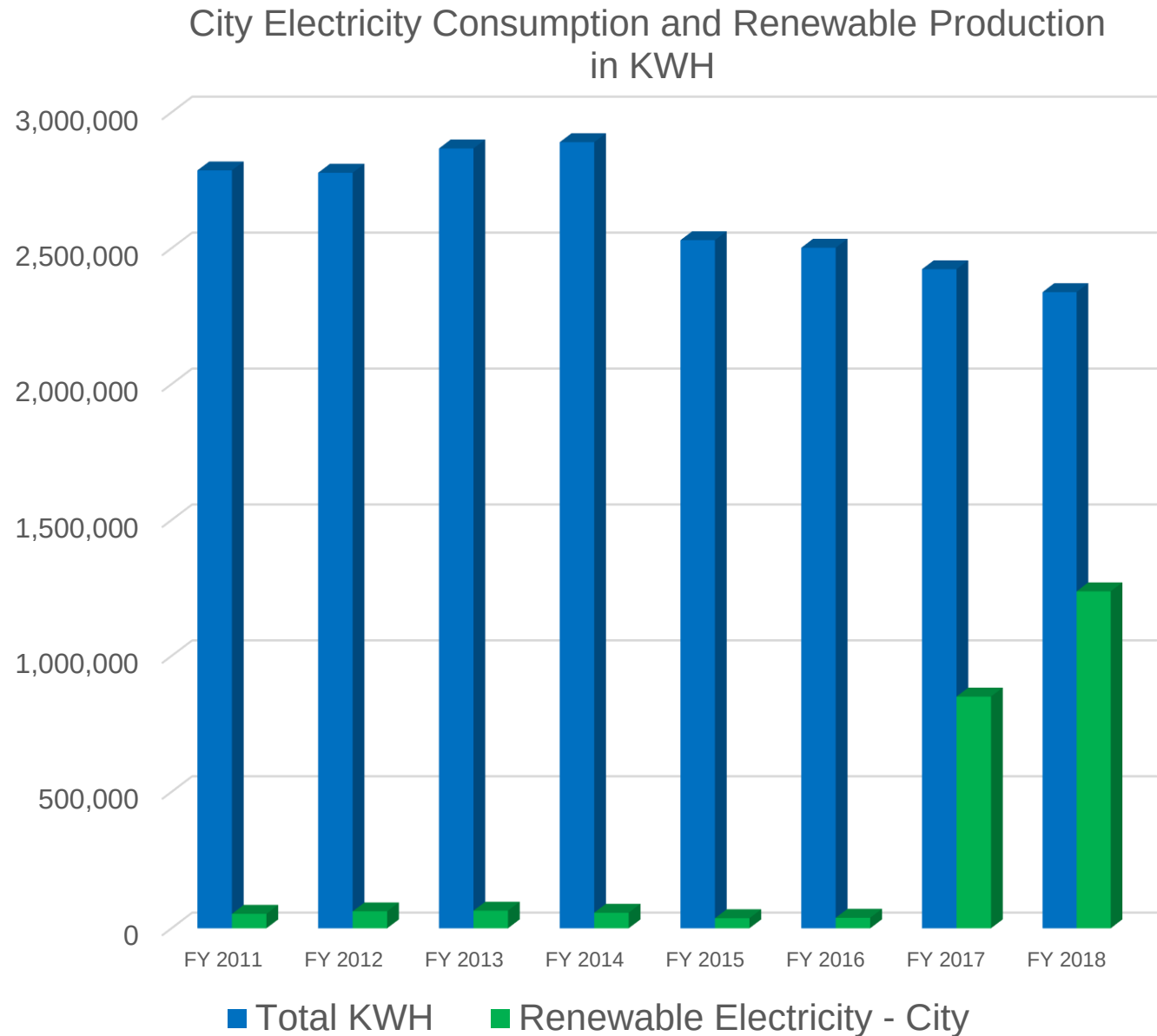
MUNICIPAL ENERGY DEMAND BY DEPARTMENT

Year: FY18
(Not including
vehicle fleet)



MUNICIPAL ELECTRICITY DEMAND AND SOLAR GENERATION

Year: FY2012-FY2018

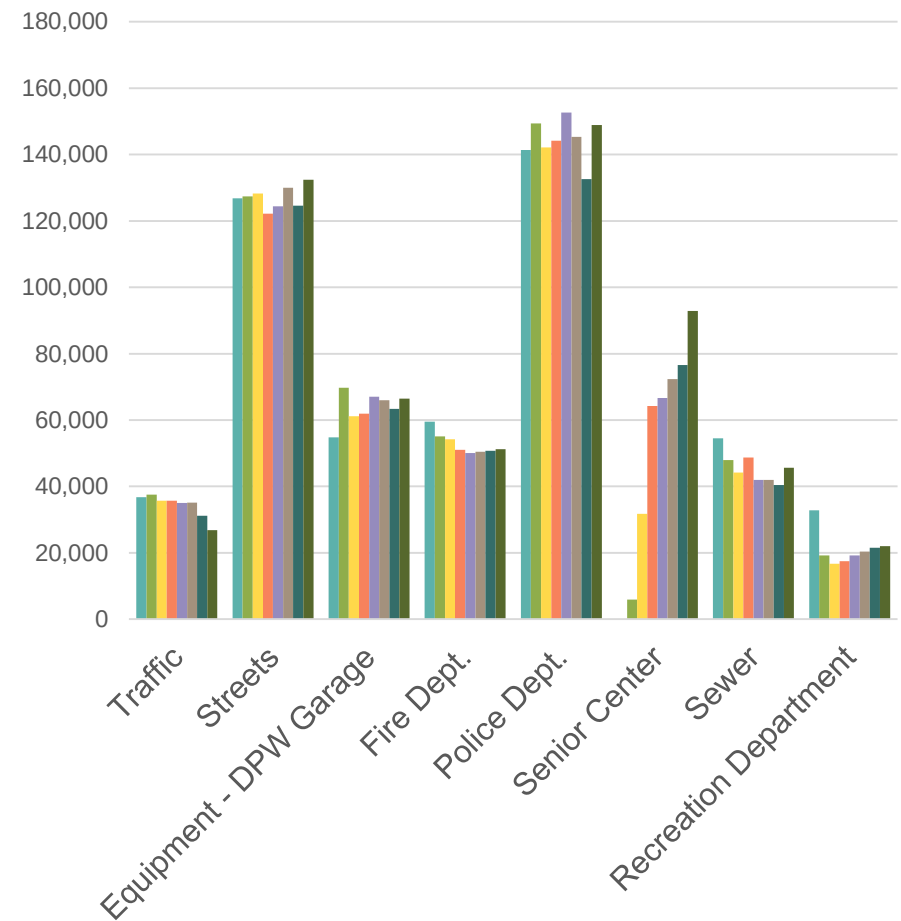


MUNICIPAL ELECTRICITY DEMAND BY DEPARTMENT

Electricity KWH Consumption By Largest Accounts



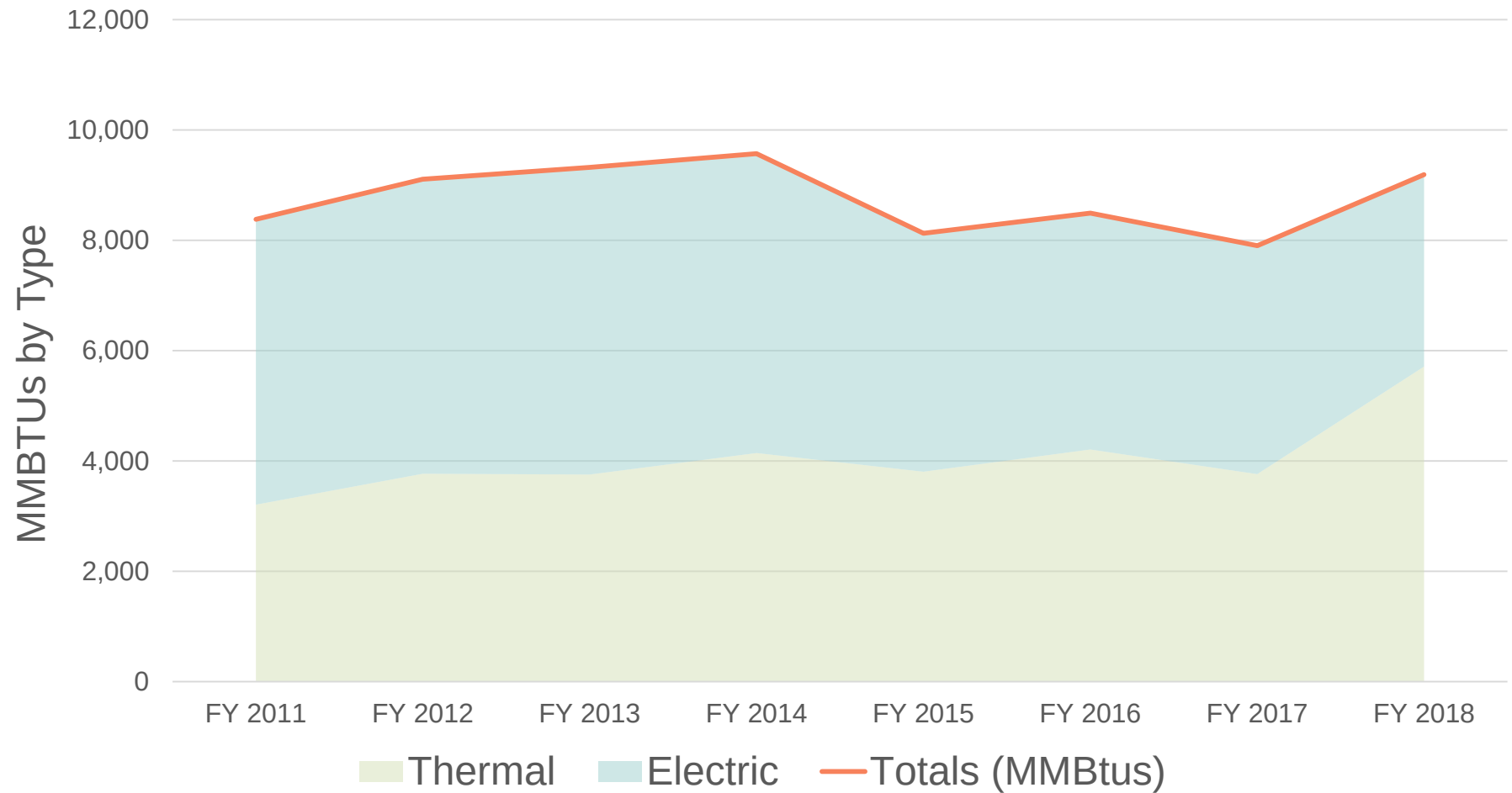
Electricity Consumption in KWH - Smaller Accounts



Electricity by Department 2011-2018

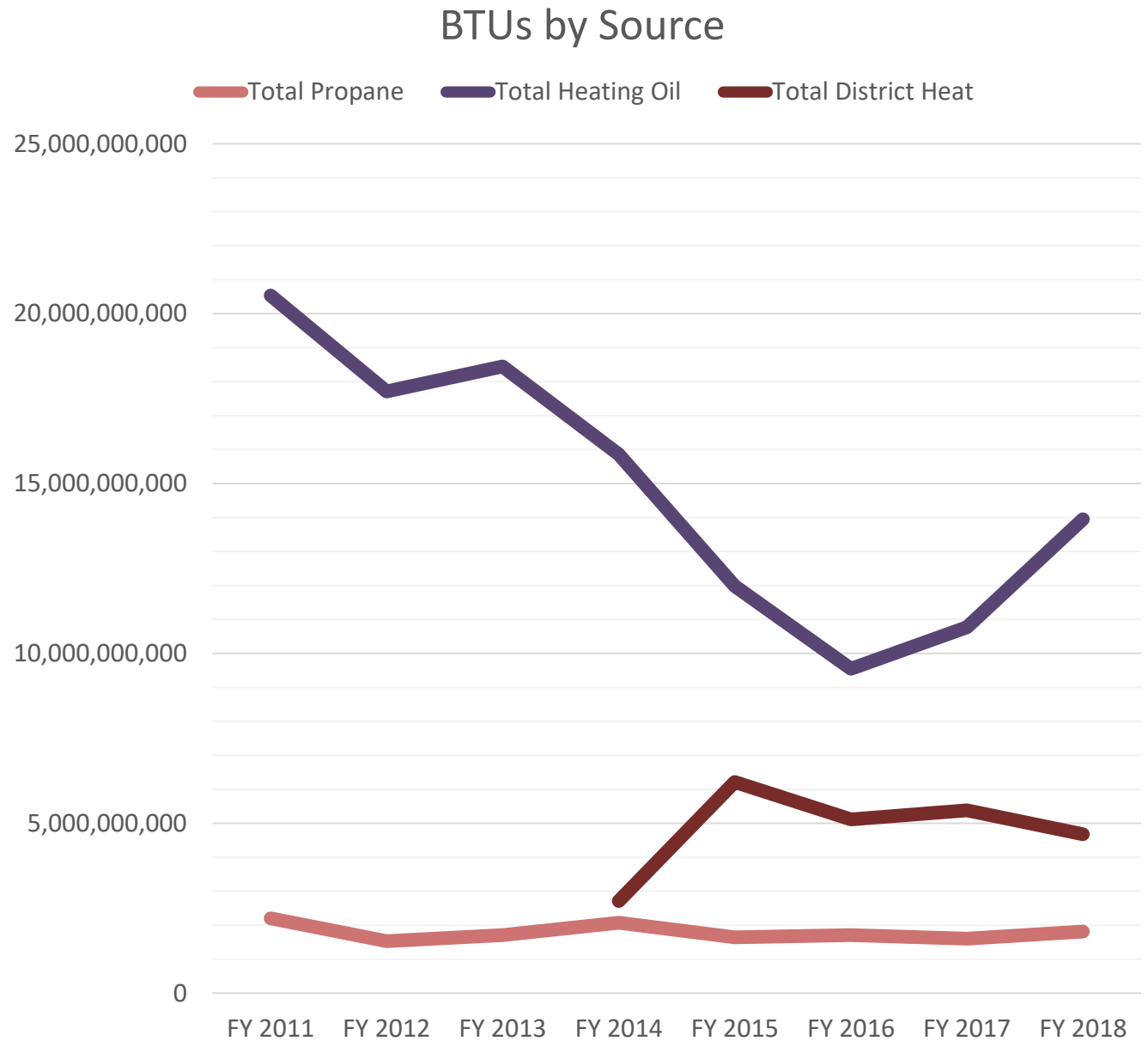
WATER RESOURCE RECOVERY FACILITY

MMBTUS BY TYPE AND TOTAL



MUNICIPAL THERMAL

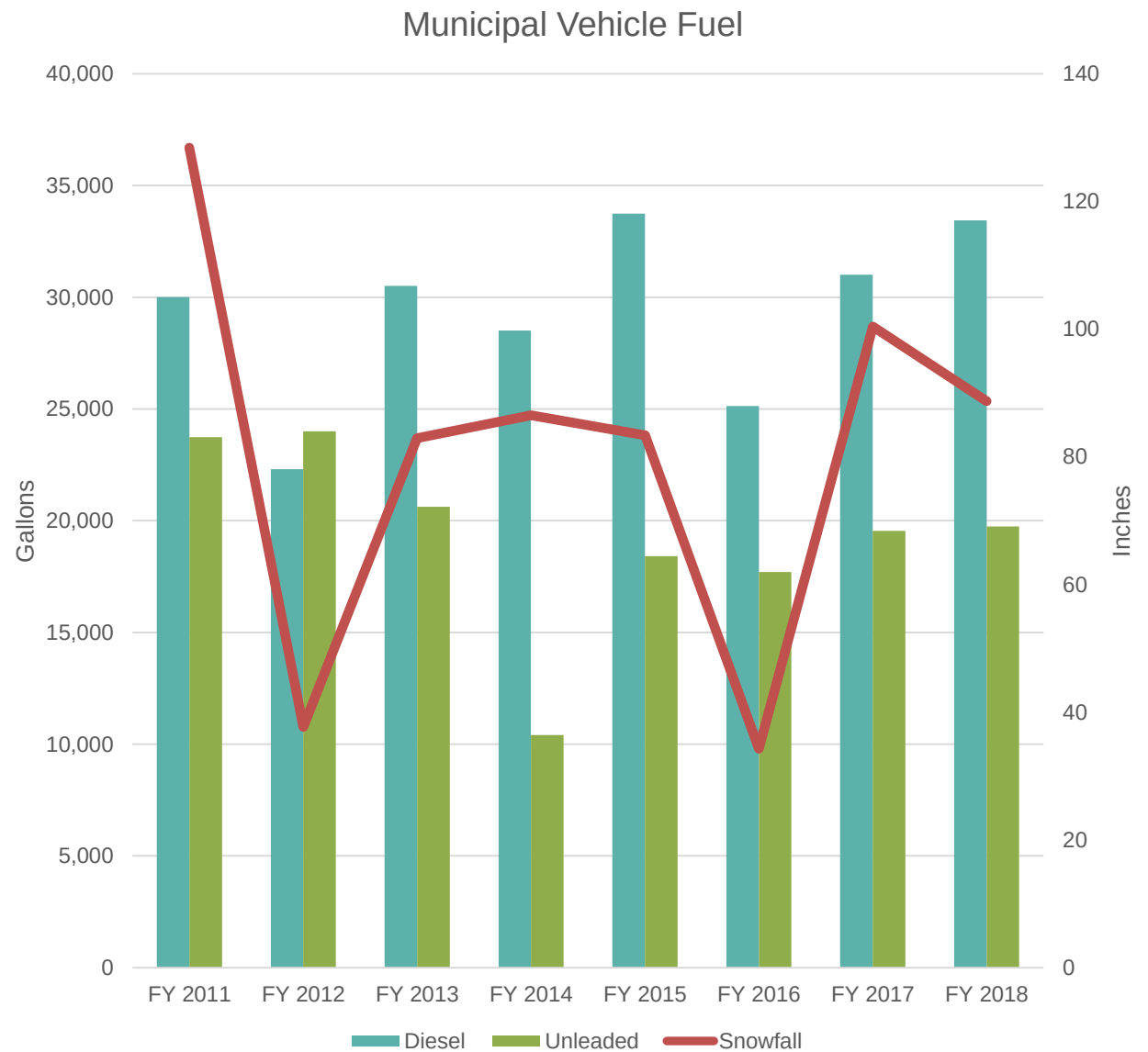
Year: FY2011-FY2018



MUNICIPAL VEHICLE FUELS

(GALLONS)

Year: FY2011-FY2018



*Note: 2011-2014 Does not include schools

MONTPELIER MUNICIPAL ELECTRICITY

FY 2011

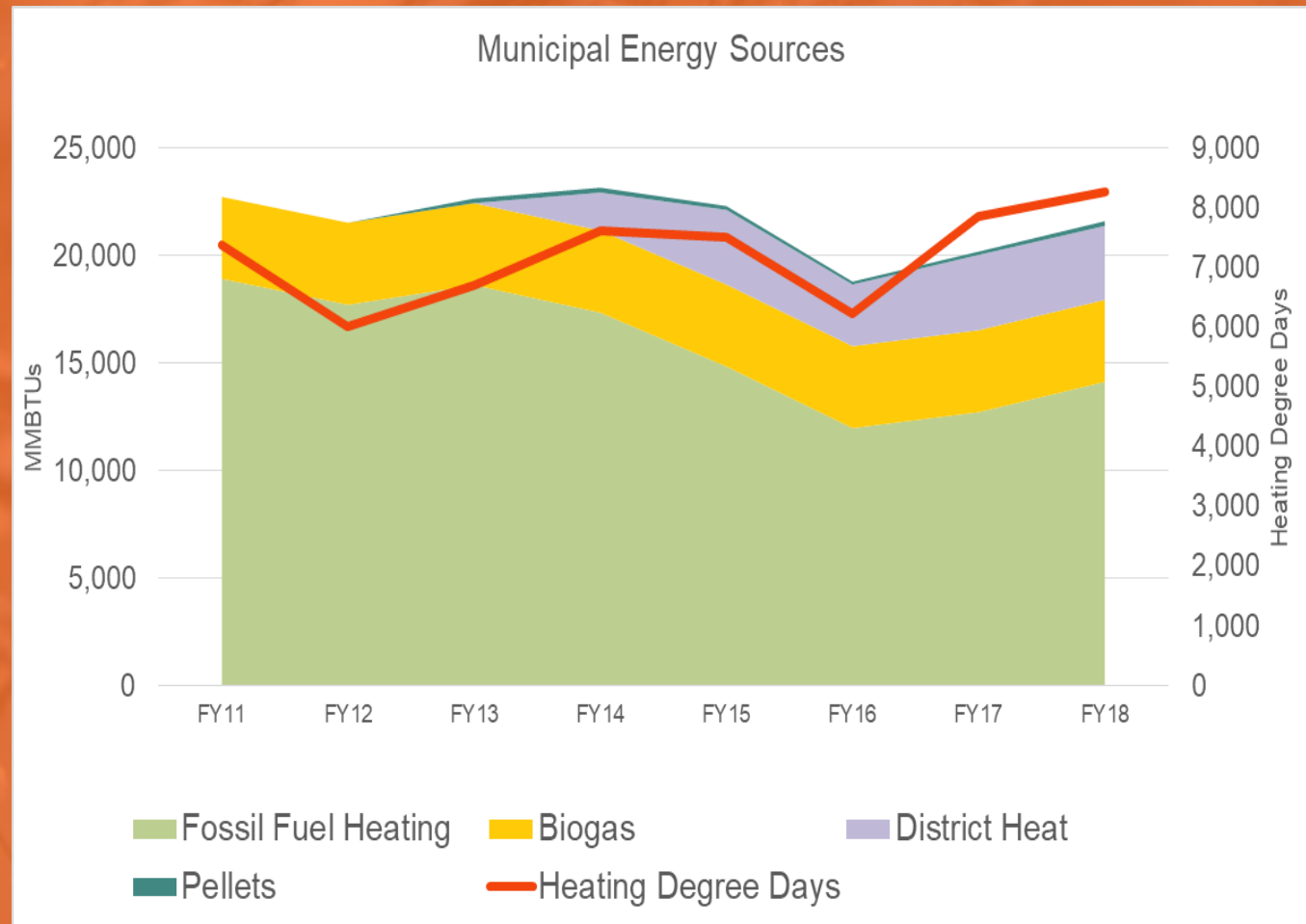


FY 2018

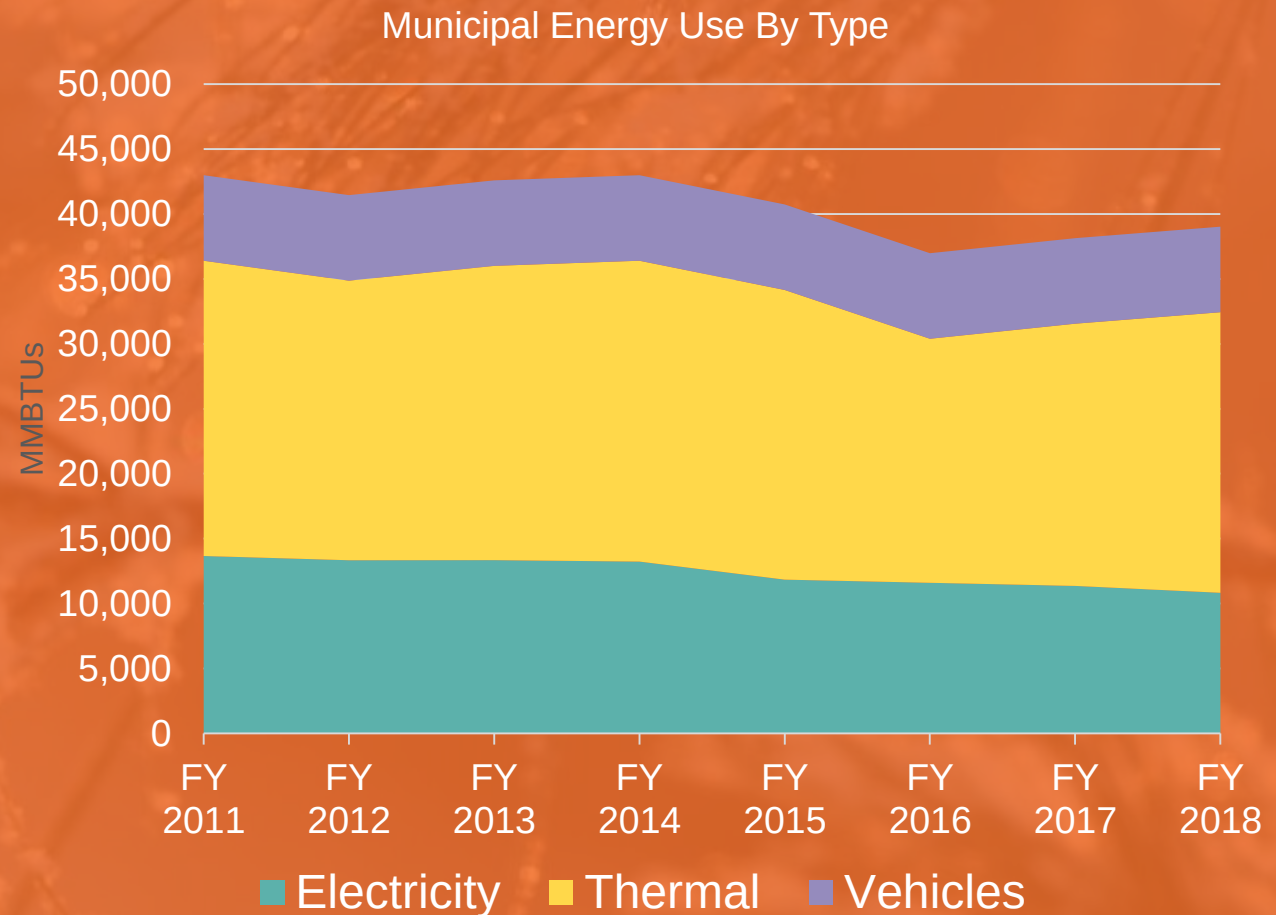


Includes all municipal buildings and schools

TOTAL THERMAL ENERGY



TOTAL MUNICIPAL ENERGY



PATH TO ZERO – FY18 TRENDS

THE GOOD NEWS

WRRF electric down by 16%

MHS electric down by 14%

THE BAD NEWS

WRRF oil consumption up 226%

Solar production down by 7%

Diesel up by 8%

REVOLVING LOAN FUND PROJECTS

PROJECTS COMPLETED

1. Capacitor at Water Treatment Plant
2. Insulation on district heat pipes to Fire Station
3. Replaced controls on snowmelt system at Fire Station
4. Replaced storm windows at DPW
5. Replaced house lights in City Hall theater with LEDs

PROJECTS IN PROGRESS

1. Weather stripping City Hall Windows

PATH TO ZERO – IN PROGRESS

Organics to Energy project at WRRF will reduce oil consumption

Repairs to solar inverter at WRRF will increase solar production

WRRF aeration project will decrease electric consumption

Police station recently converted to heat pumps for cooling

Fire station snowmelt system repairs will reduce summer district heat load

Signed on to ICLEI to use their ClearPath tool for tracking our Greenhouse Gas Emissions over time and forecasting the impacts of various initiatives

Explore options for energy efficiency regulations for new and existing buildings

PATH TO ZERO - STRATEGIES

Research availability of renewable diesel

Complete energy audits at schools

Develop purchasing policy to prioritize electric and hybrid vehicles

Explore fuel switching for all buildings using oil

Explore electrification of lawn equipment

Research purchase of offsets

Develop anti-idling policy

Develop 10 year plan for 2030 goal

Continue weatherization projects based on audit recommendations



MONTPELIER ENERGY
ADVISORY COMMITTEE

LEARN MORE

EMAIL

netzeromontpelier@gmail.com

WEBSITE

www.netzeromontpelier.org



CITY COUNCIL Agenda Item #19-167

Date: May 22, 2019

Consent ☐ Discussion ☒

SUBJECT: Introduce the proposed final zoning fixes

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: Council should review the proposal over the next few council meetings and, when ready to adopt, make a motion to set a date for a hearing to adopt the proposed zoning amendment.

RELATED COUNCIL GOAL/PRIOR ACTION: Thoughtfully planned built environment; Housing.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Permanent zoning changes are adopted under 24 V.S.A. 4442.

BACKGROUND INFORMATION: The Planning Commission has been reviewing a list of about 100 changes (many small) to the recently adopted zoning. These changes were discovered as the zoning was being used - some areas were unclear while other rules simply didn't work. The Commission has broken them into two sets- one of critical changes that the council should adopt quickly through an interim zoning fix; and a second set of clarifications/tips that will go through the full adoption (along with making these interim changes permanent). The Council voted on March 28th to adopt the interim changes. This is now the complete set of clarifications and tips including the previously approved interim changes.

SUPPORTING DOCUMENTS: A strike out copy of zoning changes is attached along with the punch list used by the Planning Commission to review the changes, [which can also be found by clicking this link](#). The fixes also include adjustments to the zoning map on North Street and changes to the Natural Resource Inventory Map (also attached). Finally, two areas of change the Commission wanted to provide additional comment on so 2 memos are also attached.

INTERESTED PARTIES: Planning Commission

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a light blue horizontal line.

Table of Contents

PART 1. GENERAL	1-1
Chapter 100. Legal Framework	1-1
Section 1001. Title, Enactment and Authority <u>and Enactment</u>	1-1
Section 1002. Purpose	1-1
Section 1003. Equal Treatment of Housing <u>Construction of Regulations</u>	1-1
Section 1004. Applicability	1-2
Section 1005. Conflict with Other Laws	1-2
Section 1006. Effective Date	1-2
Section 1007. Amendment or Repeal	1-2
Section 1008. Severability	1-2
Chapter 110. Exemptions	1-3
Section 1101. General Exemptions	1-3
Section 1102. Agriculture and Forestry	1-5
Section 1103. Utility, Energy and Telecommunications Infrastructure	1-5
Chapter 120. Vested Rights & Pre-Existing Development	1-6
Section 1201. Prior Permits and Approvals	1-6
Section 1202. Complete Applications	1-6
Section 1203. Nonconformities	1-6
Section 1204. Abandonment	1-7
Section 1205. Incomplete Land Development	1-8
Section 1206. Damaged or Destroyed Structures	1-8
Chapter 130. Miscellaneous Provisions	1-10
Section 1301. Information Points	1-10
Section 1302. Illustrations	1-10
Section 1303. Calculating Time	1-10
PART 2. ZONING DISTRICTS & STANDARDS	2-1
Chapter 200. General Provisions	2-1
Section 2001. Establishment of Base Zoning Districts & Neighborhoods	2-1
Section 2002. Establishment of Overlay Zoning Districts	2-1
Section 2003. Official Zoning Map	2-2
Section 2004. Zoning District Boundaries	2-2
Chapter 210. Base Zoning Districts & Neighborhoods	2-3
Section 2101. Urban Center 1 (UC 1) District & Neighborhoods	2-3
Section 2102. Urban Center 2 (UC 2) District & Neighborhoods	2-6
Section 2103. Urban Center 3 (UC 3) District & Neighborhoods	2-8
Section 2104. Riverfront (RIV) District & Neighborhoods	2-10
MONTPELIER UNIFIED DEVELOPMENT REGULATIONS	
DRAFT FIXES (5/16/2019)	

Section 2105. Eastern Gateway (EG) District & Neighborhoods	2-13
Section 2106. Western Gateway (WG) District & Neighborhoods	2-15
Section 2107. Mixed Use Residential (MUR) District & Neighborhoods	2-17
Section 2108. Residential 1500 (RES 1.5) District & Neighborhoods	2-20
Section 2109. Residential 3000 (RES 3) District & Neighborhoods	2-22
Section 2110. Residential 6000 (RES 6) District & Neighborhoods	2-25
Section 2111. Residential 9000 (RES 9) District & Neighborhoods	2-27
Section 2112. Residential 24000 (RES 24) District & Neighborhoods	2-29
Section 2113. Rural (RL) District & Neighborhoods	2-30
Section 2114. Municipal (MUN) District & Neighborhoods	2-32

Chapter 220. Overlay Zoning Districts..... 2-38

Section 2201. Design Control Overlay District	2-38
---	------

PART 3. DEVELOPMENT STANDARDS 3-1

Chapter 300. General Standards 3-1

Section 3001. Use Standards	3-1
Section 3002. Dimensional Standards	3-1
Section 3003. Accessory Structures and Uses	3-8
Section 3004. Demolition	3-9
Section 3005. Riparian Areas	3-12
Section 3006. Wetlands and Vernal Pools	3-14
Section 3007. Steep Slopes	3-15
Section 3008. Erosion Control	3-18
Section 3009. Stormwater Management	3-20
Section 3010. Vehicle Access and Circulation	3-21
Section 3011. Parking and Loading Areas	3-22
Section 3012. Signs	3-29

Chapter 310. Special Use Standards 3-39

Section 3101. Fences and Walls	3-39
Section 3102. Temporary Construction-Related Structures and Uses	3-39
Section 3103. Community Facilities	3-40
Section 3104. Accessory Dwelling Unit	3-40
Section 3105. Home Occupation, Home Business and Home Industry	3-41
Section 3106. Child Day Care Homes and Facilities	3-42
Section 3107. Group Home	3-42
Section 3108. Camping	3-42
Section 3109. Campgrounds	3-43
Section 3110. Bed-and-Breakfast or Inn	3-43
Section 3111. Rooming or Boarding House	3-44
Section 3112. Hotel or Motel	3-44
Section 3113. Automobile Repair or Service	3-45
Section 3114. Car Wash	3-45
Section 3115. Drive-Through Facility or Drive-In Establishment	3-45
Section 3116. Fueling Station	3-46

Section 3117. Neighborhood Market	3-47
Section 3118. Mini-Warehouse (Self-Storage Facility)	3-47
Section 3119. Satellite Dish Antennas	3-48
Section 3120. Energy Generation Facilities	3-48
Section 3121. Utility Facilities.....	3-48
Section 3122. Wireless Communications Facilities.....	3-49
Section 3123. Rural Enterprises.....	3-54
Section 3124. Extraction Operations.....	3-55
Chapter 320. Site Plan Standards	3-59
Section 3201. <u>Applicability and</u> Major/Minor Site Plan Determination.....	3-59
Section 3202. <u>Bike and Pedestrian -</u> Access and Circulation.....	3-59
Section 3203. Landscaping and Screening.....	3-60
Section 3204. Outdoor Lighting.....	3-68
Section 3205. Outdoor Seating, Display or Storage.....	3-72
Section 3206. Solar Access and Shading	3-74
Section 3207. Design and Compatibility	3-75
Chapter 330. Conditional Use Standards	3-77
Section 3301. Applicability	3-77
Section 3302. Capacity of Community Facilities and Utilities.....	3-77
Section 3303. Traffic	3-77
Section 3304. Character of the Neighborhood	3-78
Section 3305. Conditions of Approval.....	3-79
Chapter 340. Planned Unit Development Standards	3-80
Section 3401. Infill Housing Development.....	3-80
Section 3402. Cottage Cluster Development.....	3-81
Section 3403. Manufactured Home Park	3-83
Section 3404. New Neighborhood Development	3-84
Section 3405. Conservation Subdivision	3-88
Section 3406. Campus Development.....	3-90
Chapter 350. Subdivision Standards	3-94
Section 3501. Applicability	3-94
Section 3502. Capacity of Community Facilities and Utilities.....	3-94
Section 3503. Suitability of the Land.....	3-94
Section 3504. Traffic	3-94
Section 3505. Design and Configuration of Parcel Boundaries.....	3-95
Section 3506. Design and Layout of Necessary Improvements	3-96
Section 3507. Character of the Neighborhood and Settlement Pattern.....	3-101
Section 3508. Renewable Energy and Energy Conservation.....	3-101
Section 3509. Natural Resource Protection.....	3-102
Section 3510. <u>LotParcel</u> Line Adjustment and <u>LotParcel</u> Merger.....	3-103

PART 4. ADMINISTRATIVE PROCEDURES	4-1
Chapter 400. Functions and Responsibilities	4-1
Section 4001. Administrative Officer	4-1
Section 4002. Development Review Board	4-1
Section 4003. Advisory Committees	4-1
Chapter 410. Fees and Filing Requirements	4-3
Section 4101. Fee Schedule	4-3
Section 4102. Performance Bonds	4-3
Section 4103. As-Built Drawings	4-3
Chapter 420. Zoning Permit Procedures	4-4
Section 4201. Applying for a Zoning Permit	4-4
Section 4202. Reviewing and Referring a Zoning Permit Application	4-5
Section 4203. Approving or Denying a Zoning Permit Application	4-5
Section 4204. Zoning Permit Effect, Expiration and Extension	4-5
Section 4205. Amending a Zoning Permit or Site Plan	4-6
Section 4206. Revoking a Zoning Permit	4-7
Section 4207. Certificate of Compliance	4-7
Chapter 430. Development Review Procedures	4-9
Section 4301. Design Review	4-9
Section 4302. Conservation Commission Review	4-9
Section 4303. Site Plan Review	4-10
Section 4304. Conditional Use Review	4-10
Section 4305. Combined Review	4-11
Section 4306. Modification of Approved Plans	4-11
Chapter 440. Subdivision and PUD Review Procedures	4-12
Section 4401. Applicability	4-12
Section 4402. Pre-Application Conference	4-12
Section 4403. Sketch Plan Review	4-12
Section 4404. Final Plan Review	4-13
Section 4405. Subdivision Plat Filing	4-13
Section 4406. Modification of Approved Plats	4-14
Chapter 450. Notice, Hearing & Decision Procedures	4-15
Section 4501. Notifying the Public about a Hearing	4-15
Section 4502. Site Visits	4-15
Section 4503. Conducting a Hearing and Taking Evidence	4-16
Section 4504. Recessing a Hearing	4-16
Section 4505. Issuing a Decision	4-16
Chapter 460. Appeal Procedures	4-19
Section 4601. Appeal of an Administrative Action or Decision	4-19
Section 4602. Waivers	4-20
Section 4603. Variances	4-20
Section 4604. Appealing of a Development Review Board Decision	4-21

MONTPELIER UNIFIED DEVELOPMENT REGULATIONS

DRAFT FIXES (5/16/2019)

Chapter 470. Enforcement Procedures 4-23
Section 4701. Investigation and Action by the Administrative Officer4-23
Section 4702. Liability and Penalties for Violations4-24
Section 4703. Municipal Civil Complaint Ticket.....4-25
Section 4704. Notice of Violation.....4-26

PART 5. DEFINITIONS	5-1
----------------------------	------------

Chapter 500. Interpretation 5-1
Section 5001. General 5-1

Chapter 510. Defined Terms..... 5-2

PART 1. GENERAL

Chapter 100. Legal Framework

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

Section 1001. ~~Title, Authority and~~ -Enactment ~~and Authority~~

1001.A These ~~are the City of Montpelier's Unified Development Regulations~~ are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4), and constitute the city's zoning and subdivision regulations.

1001.B ~~The Montpelier City Council has~~ These regulations have been enacted adopted these regulations in accordance with ~~and as authorized by~~ the Vermont Municipal Planning and Development Act, (24 V.S.A. Chapter 117 hereinafter referred to as "the Act") and the Charter of the City of Montpelier.

Section 1002. Purpose

1002.A These regulations implement the policies of the *Montpelier Master Plan* and the ~~Vermont Planning and Development~~ Act. They are intended to:

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

Section 1003. ~~Equal Treatment of Housing~~ Construction of Regulations

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

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

~~1003.A—Other limitations required under state law may be discussed in other places of these regulations where appropriate, allow the development of housing in accordance with statutory requirements as follows:~~

- ~~(2)—Mobile or manufactured homes, modular homes and prefabricated homes are allowed in Montpelier to the same extent as conventional homes.~~
- ~~(3)—Mobile or manufactured home parks are allowed to the same extent as other residential subdivisions or developments.~~

~~(4)1003.B Multi-family housing is allowed in appropriate districts.~~

Section 1004. Applicability

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

~~1004.B~~ Development includes:

- ~~(1) The construction, reconstruction, conversion, structural alteration, relocation, enlargement or demolition of any building or other structure;~~
- ~~(2) Any earthwork including mining, excavation, filling or grading of land;~~
- ~~(3) The paving of unpaved surfaces;~~
- ~~(4) Any change in use of any structure or land or part thereof;~~
- ~~(5) The subdivision of a parcel which includes:~~
 - ~~(a) The division of a parcel into two or more parcels;~~
 - ~~(b) Any resubdivision, amendments to subdivisions, amendments to conditions of plat approval, and boundary line adjustments;~~

~~1004.A(c) Creation of easements or rights of way to allow access to parcels that lack frontage.~~

~~i Land development means constructing, installing, demolishing, reconstructing, converting, structurally altering, relocating or enlarging any structure; mining, excavating, filling or grading land; removing natural woody vegetation from within riparian buffers; changing or extending the use of land or a structure; adjusting or relocating the boundary between two lots; or dividing a lot into two or more lots.~~

~~Section 1006.~~Section 1005. Conflict with Other Laws

~~1006.A~~~~1005.A~~ If any provision of these regulations is more restrictive than any other law or regulation, then the provision of these regulations shall apply.

~~1006.B~~~~1005.B~~ Other city approvals or permits may be required for proposed land development that is exempted or approved under these regulations including, but not limited to, river hazard area permits and building permits

~~Section 1007.~~Section 1006. Effective Date

~~1007.A~~~~1006.A~~ The Montpelier City Council adopted these regulations on January 3, 2018 and they became effective on January 24, 2018.

~~Section 1008.~~Section 1007. Amendment or Repeal

~~1008.A~~~~1007.A~~ These regulations may be amended or repealed at any time in accordance with state law and the city charter.

~~Section 1009.~~Section 1008. Severability

~~1009.A~~~~1008.A~~ If a court of competent jurisdiction invalidates any provision of these regulations, that decision shall not affect the validity, application or enforcement of the remaining provisions of these regulations.

Chapter 110. Exemptions

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

- (1) 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 land development beyond the minimum necessary to stabilize and secure the structure shall require a zoning permit (see Section 1206 and Section 3004).
- (2) 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) 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) An antenna used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes.
- (5) 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) 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) 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) 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) Landscaping and outdoor lighting associated with single- and two-family unit parcels.
- (10) 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) Statutory exemptions:

(a) Agriculture and Forestry as described in Section 1102;

(b) Utilities, Energy, and Telecommunications as described in Section 1103.

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

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

- (1) Normal maintenance and repair of an existing structure as long as there is no change to its use or involves no change in design, materials, or outward appearance.
- (2) Any accessory ~~structure-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) 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) A swimming pool without a permanent foundation that conforms to setback requirements (see Section 3002 and Section 3003).
- (5) 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) An entry landing up to 25 square feet and any associated handicapped ramp or stairs provided that they are uncovered and that none of these features extend into the right-of-way.
- (7) Bulkheads that conform to setback requirements.
- (8) Dormers.
- (9) 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.
 - (b) A roof- or wall-mounted antenna that does not extend more than 12 feet above the roofline of the building it is attached to.
 - (c) A freestanding amateur radio antenna and its supporting structure that does not extend more than 50 feet above the ground.

Section 1102. Agriculture and Forestry

1102.A A zoning permit is not required to farm or harvest timber in accordance with the state's regulations and accepted practices.

i The Vermont Agency of Agriculture establishes and enforces various rules and regulations for farming, including the Accepted Agricultural Practices (AAPs). The Vermont Division of Forestry establishes and enforces various rules and regulations for timber harvesting, including the Acceptable Management Practices (AMPs).

1102.B A zoning permit is not required to build a farm structure as follows:

- (1) The landowner shall complete a zoning permit application.
- (2) The Administrative Officer shall not charge an application fee.
- (3) Except for a fence or wall used for agricultural purposes, an exempt farm structure shall meet setback requirements unless the applicant provides the Administrative Officer with a written waiver from the Vermont Secretary of Agriculture.
- (4) An exempt farm structure may exceed building height or footprint and lot coverage requirements.

1102.C A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

Section 1103. Utility, Energy and Telecommunications Infrastructure

1103.A A zoning permit is not required for any land development that receives a Certificate of Public Good from the Vermont Public Utilities Commission including, but not limited to:

- (1) Electric transmission facilities;
- (2) Electric generation facilities (including small, net-metered renewable energy systems);
- (3) Gas pipelines; and
- (4) Telecommunication facilities.

1103.B A zoning permit is not required for telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

Chapter 120. Vested Rights & Pre-Existing Development

i The purpose of this chapter is to preserve the rights of property owners to maintain lawfully established uses or structures and of applicants who have lawfully filed for and received permits or approvals when there are changes to these regulations. It is also to specify how these regulations affect pre-existing land development.

Section 1201. Prior Permits and Approvals

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

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

1201.B If an applicant received approval for a phased project before these regulations were adopted or amended, then the Administrative Officer shall issue permits for the land development as approved irrespective of any change in these regulations except:

- (1) If the phased project as a whole is not substantially completed within the timeframe specified in the approval, then the applicant shall apply for a new permit under the current regulations.

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

Section 1202. Complete Applications

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

Section 1203. Nonconformities

~~1203.A—Applicability. Unless more specific rules exist elsewhere in these regulations regarding non-conformities, the following will apply to all non-conforming parcels, non-conforming structures, and non-conforming uses. This section applies to all nonconformities, which are lots, structures and uses that:~~

- ~~(2)——Legally existed on the effective date of these regulations;~~
- ~~(3)——Do not comply or conform to the provisions of these regulations; and~~

~~(4)1203.A—Did comply or conform to any and all applicable laws, ordinances and regulations in place at the time they were created, constructed or commenced.~~

~~1203.B—Non-conforming parcel. A nonconformity may continue to exist unchanged indefinitely.~~

~~1203.C~~1203.B A ~~lot~~ parcel that is legally subdivided, separately owned from surrounding properties, and existed as of the effective date of these regulations may be developed in accordance with all applicable provisions of these regulations even if it no longer conforms to one or more dimensional standards of the district(s) in which it is located provided:

- (1) It is at least 3,000 square feet in area; and

- (2) A circle with a diameter of at least 40 feet can be drawn within its boundaries.

1203.C Non-conforming structure. The following rules apply to non-conforming structures:

~~1203.D~~—A nonconforming structure may undergo normal repair and maintenance provided that the degree of nonconformity is not increased.

~~(1)~~

~~(2)~~ A nonconforming structure may be altered, enlarged or expanded ~~without a waiver or variance~~ provided the degree of nonconformity is not increased.

~~1203.E(3)~~ The phrase “that the degree of non-conformity is not increased” means that there will be no volumetric increase to portions of a structure that are non-conforming.

~~(0)~~ The addition does not encroach beyond the existing, nonconforming building line; and

~~(0)~~ The structure is not subject to other conditions or restrictions from prior approvals or permits that would otherwise restrict the proposed addition.

~~1203.H(4)~~ The Development Review Board An applicant may approve request a waiver to allow enlargement or expansion of a nonconforming portion of a structure in the same manner, and to the same extent, as conforming structures beyond what is authorized in Subsection 1203.D (see Subsection 3002.J and Section 4602).

1203.D Non-conforming uses. The following rules apply to non-conforming uses:

~~1203.H(1)~~ Nonconforming uses shall not be enlarged, extended, expanded or intensified except as allowed below:

~~(1)(a)~~ The Development Review Board An applicant may grant conditional use approval request a waiver to allow a nonconforming use to fully-utilize more of the structure in which it is located.

~~(b)~~ The Development Review Board An applicant may request may grant conditional use approval to allow a nonconforming use to be changed to another nonconforming use. The applicant must demonstrate if it determines that the proposed use is of a less intensive nature and is more compatible with the uses allowed in the district than the current non-conforming use.

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

~~(2)(a)~~ If the nonconforming use was in a structure that was damaged or destroyed then the use may be re-established if the structure is repaired or rebuilt in accordance with Section 1206.

Section 1204. Abandonment

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

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

~~1204.A(2)~~ A zoning permit, and any applicable approvals, shall **not** be required to re-establish a ~~non~~residential use ~~if it unless the dwelling unit~~ has been ~~abandoned removed~~ or replaced with a new use.

~~(0)1001.A~~ A use shall be considered abandoned if the use has been discontinued for a period of one year. Intent to resume a use shall not confer the right to do so.

~~1206.~~ A lawful, vacant dwelling unit may be reoccupied at any time without a new zoning permit or any further approval under these regulations (city or state building, health and safety codes may apply).

~~1207.~~ A nonconforming use shall not be re-established if it has been abandoned or replaced with a new use except:

~~(0)~~ If the nonconforming use has been abandoned as result of damage to the structure in which it was housed, the nonconforming use may be re-established if the structure is repaired or rebuilt in accordance with Section 1206 within 5 years of the damage occurring.

~~Section 1209.~~Section 1205. Incomplete Land Development

~~1209.A~~1205.A If land development authorized by a zoning permit is not completed, the applicant shall demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to or within 6 months after the permit expires (see Section 4204).

~~Section 1210.~~Section 1206. Damaged or Destroyed Structures

~~1210.A~~1206.A Within 6 months of a structure being damaged or destroyed by any cause, the owner shall act to either:

- (1) Stabilize and secure the structure as necessary to protect public health and safety and to protect the structure from the elements, if the structure will be reconstructed; or
- (2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.

~~1210.B~~1206.B The Administrative Officer may grant one or more extensions in 6- to 12- month increments as most appropriate to the situation for a total of not more than 30 months upon finding that:

- (1) The site does not pose a hazard to public health or safety; and
- (2) The owner has been unable to meet the deadline due to factors beyond the owner's control.

~~1210.C~~1206.C If a nonconforming structure is damaged or destroyed, the structure may be rebuilt and used as before provided:

- (1) The structure as reconstructed does not ~~exceed the original floor area~~increase the degree of non-conformity as defined in Section 1203; and
- ~~(2) The structure as reconstructed is not more nonconforming than the original structure; and~~

~~(3)~~(2) The applicant receives a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

Chapter 130. Miscellaneous Provisions

Section 1301. Information Points

- 1301.A There are “information points” provided throughout these regulations, which are designated with the *i* symbol and italic print. These statements are intended to explain what topics are covered in a particular chapter or section, define a key terms or planning concepts mean, or provide similar guidance to readers. They are not to be interpreted as regulatory provisions.

Section 1302. Illustrations

- 1302.A There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision shall take precedence.

Section 1303. Calculating Time

- 1303.A The calculation of time periods defined in these regulations as a specific number of days shall be based on calendar days and shall not include the first day (i.e., the day a hearing was warned) but shall count the final day (i.e., the day a hearing was held).

PART 2. ZONING DISTRICTS & STANDARDS

Chapter 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 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.

Section 2003. Official Zoning Map

- 2003.A The map(s) delineating the boundaries of the various base and overlay zoning districts established in this chapter are incorporated by reference into these regulations and adopted as part of these regulations, and constitute the Official Zoning Map.
- 2003.B The Official Zoning Map is on file in the city's planning department office. A small-scale, unofficial version of the map(s) is attached for convenience only.

Section 2004. Zoning District Boundaries

- 2004.A The Administrative Officer shall interpret boundaries shown on the Official Zoning Map as specified below when a specific distance or measurement is not shown on the map:
- (1) Boundaries indicated as approximately following streets, railroad lines or rights-of-way shall be construed to follow the centerlines of such streets, railroad lines or rights-of-way.
 - (2) Boundaries indicated as approximately following ~~lot~~parcel lines or municipal boundaries shall be construed to follow such lines or boundaries.
 - (3) Boundaries indicated as approximately following rivers, streams or water bodies shall be construed to follow the centerlines of such rivers, streams or water bodies.
 - (4) If any of the above natural or built features as they exist on the ground vary from their depiction on the Official Zoning Map, boundaries shall be construed to follow the features as they exist on the ground at the time of the interpretation except that:
 - (a) A boundary line adjustment or subdivision that changes the location of a ~~lot~~parcel line shall not change the location of any zoning district boundary indicated as following that ~~lot~~parcel line.

Chapter 210. Base Zoning Districts & Neighborhoods

- i The purpose of this chapter is to describe the use and development standards that apply in each zoning district and neighborhood.

Section 2101. Urban Center 1 (UC 1) District & Neighborhoods

- 2101.A Purpose. The Urban Center 1 District encompasses the city's historic downtown, the Capitol Complex and adjacent mixed-use neighborhoods and corridors. The land in this district is served by city water and sewer, a gridded street network and public transit. The purpose of this district is to maintain a compact and walkable urban center by preserving historic character and encouraging compatible infill development.
- 2101.B Neighborhood Character. The Urban Center 1 District includes the following neighborhoods:
- (1) Civic. This neighborhood encompasses the Statehouse and surrounding state-owned properties, as well as adjacent private properties. Proposed land development should implement the *Capital District Master Plan*, protect historic character and allow for the continued use and operation of state facilities and supporting private development in this neighborhood.
 - (2) Downtown Business. This neighborhood encompasses most of the city's historic downtown business district characterized primarily by multi-story, block commercial buildings directly fronting on the sidewalk. Proposed land development should promote a pedestrian-oriented and mixed-use downtown that preserves and is compatible with historic character by using traditional building forms and street-level storefront designs.
 - (3) Elm Street - Urban. This neighborhood of historic row houses sits along the North Branch of the Winooski River. Across Elm Street, the terrain rises sharply forming a rocky cliff and steep wooded hillside. Proposed land development should promote the preservation and continued residential occupancy of these historic buildings in order to maintain the neighborhood's distinctive character. This neighborhood also includes the properties at 1 and 7 Court Street and 6 Hillside Ave. These are similar in character and use to the rest of Elm Street except that 7 Court is a larger block style commercial building.
- 2101.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Urban Center 1 district. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in Figure 2-15.
- 2101.D Dimensional Standards. Figure 2-01 establishes the dimensional standards for development in the Urban Center 1 district. Dimensional standards are discussed further in Section 3002.
- 2101.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:
- (1) Buildings with 3 or more stories shall incorporate a base, middle and cap as described below:
 - (a) The base shall include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which

shall be at least 2 inches deep and 4 inches high.

- (b) The middle may include windows and balconies.
- (c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.
- (2) Floor levels, windowsills, moldings and cornices shall align with those of adjacent buildings to the maximum extent feasible.
- (3) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 32 feet in width for a single, continuous facade.
- (4) Building facades shall incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width shall provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade shall not exceed 80 feet.
- (5) Pedestrian access shall be provided from the public sidewalk or street to the street-facing principal entrance(s) as follows:
 - (a) The street-facing principal entrance(s) and ground floor level shall align with the sidewalk elevation to the maximum extent feasible.
 - (b) Within the Downtown Business Neighborhood, doors opening to the sidewalk shall be recessed into the face of the building creating an entryway with not less than 15 square feet of floor space or shall be covered by an awning, gallery or arcade.
 - (c) Within the Downtown Business Neighborhood, entry doors shall not open out into the sidewalk in a manner that would restrict the sidewalk width to less than 4 feet.
 - (d) Within the Downtown Business Neighborhood, each detached building shall have at least one street-facing principal entrance. For detached buildings exceeding 60 feet in width or attached buildings, there shall be not more than 60 feet between the street-facing principal entrances.
- (6) The ground floor of building facades shall be designed to encourage and complement pedestrian-oriented activity as follows:
 - (a) Building facades shall feature ground-level windows or doors arranged so that interior spaces are visible from and accessible to the street on at least 40% of the facade length.
 - (b) Within the Downtown Business Neighborhood, at least 60% of the total surface area of the front ground floor elevation up to a height of 10 feet shall be public

entrances and transparent windows (including retail display windows).

- (c) Within the Downtown Business Neighborhood, ground floor residential units are prohibited along the street frontage.
 - (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.
- 2101.F Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:
- (1) Shall meet the ~~landscaping-groundcover~~ requirements of Section 3005. ~~F but, no riparian buffer is required.~~
 - (2) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to ~~landscaping-water setback~~ requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Figure 2-01. Urban Center 1 Dimensional Standards

LOT PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 3,000 sf min Frontage: 30 ft min Coverage: 100% max	Front: 0 ft min Side: 0 ft min Rear: 0 ft min Water: 120 ft min _ or per Note 2 or as per Note 2	Floor Area Ratio: 4.0 max	Frontage build-out: 70% min Height: 24 ft min, 60 ft max

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

Note 2 ~~Except in channelized sections of river where the s~~Setback will be 0 feet ~~for structures from top of bank on the North Branch~~ (see Section 3005 for specific information).

Section 2102. Urban Center 2 (UC 2) District & Neighborhoods

2102.A Purpose. The Urban Center 2 District includes the existing high density developments along Barre Street. The area is served by sewer and water and is located on major public transit routes. The purpose of this district is to maintain a compact walkable urban center by preserving the historic pattern of development.

2102.B Neighborhood Character. The Urban Center 2 District includes the following neighborhoods:

- (1) Barre Street - West. This neighborhood encompasses the blocks along Barre Street immediately adjacent to the downtown business district. Once largely residential, many of the historic homes in this neighborhood have been converted into mixed-use or multi-unit buildings. The development pattern is primarily characterized by large, multi-story residential-style buildings on small ~~lot~~ parcels with narrow front and side setbacks. Proposed land development should feature a mix of uses either within historic buildings or new construction that is compatible in scale and character to neighboring historic buildings. This neighborhood is well-suited for infill with higher-density, multi-family unit housing, particularly on sites that are currently developed at a lower density than allowed in this zoning district and with buildings that are not contributing historic structures.

2102.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Urban Center 2 district. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in Figure 2-15.

2102.D Dimensional Standards. Figure 2-02 establishes the dimensional standards for development in the Urban Center 2 district. Dimensional standards are discussed further in Section 3002.

2102.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

- (1) Buildings with 3 or more stories shall incorporate a base, middle and cap as described below:
 - (a) The base shall include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which shall be at least 2 inches deep and 4 inches high.
 - (b) The middle may include windows and balconies.
 - (c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.
- (2) Floor levels, windowsills, moldings and cornices shall align with those of adjacent buildings to the maximum extent feasible.
- (3) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 32 feet in width for a single,

continuous facade.

- (4) Building facades shall incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width shall provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade shall not exceed 80 feet.
- (5) Pedestrian access shall be provided from the public sidewalk or street to the street-facing principal entrance(s).
- (6) The street-facing principal entrance(s) and ground floor level shall align with the sidewalk elevation to the maximum extent feasible.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

2102.F Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:

- (1) Shall meet the ~~landscaping groundcover~~ requirements of Section 3005. ~~F but no riparian buffer is required.~~
- (2) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to ~~landscaping water setback~~ requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Figure 2-02. Urban Center 2 Dimensional Standards

LOT PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 6,000 sf min Frontage: 60 ft min Coverage: 90% max	Front: 5 ft min Side: 5 ft min Rear: 10 ft min Water: 20 ft min or as per Note 2	Floor Area Ratio: 3.0 max	Frontage build-out: 70% min Height: 24 ft min, 55 ft max

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

~~Note 2 — Except in channelized sections of river where the setback will be 0 feet (see Section 3005 for specific information).~~

Section 2103. Urban Center 3 (UC 3) District & Neighborhoods

2103.A Purpose. The Urban Center 3 District includes the existing high density developments along Main Street. The area is served by sewer and water and is located on major public transit routes. The purpose of this district is to maintain a compact walkable urban center by preserving the historic pattern of development.

2103.B Neighborhood Character. The Urban Center 3 District includes the following neighborhoods:

- (1) Main Street. This linear neighborhood extends out from the business district and historically developed with churches, civic buildings and grand houses. These buildings are located on small ~~lot~~ parcels with shallow front and side yards. While there has been some infill development and conversion of the large homes to office and multi-family unit residential uses, the historic character of the neighborhood remains distinctive and well-preserved. That character should be enhanced by preserving historic buildings, retaining landscaped front yards and green strips with trees between the sidewalk and street, and ensuring that new construction is compatible in scale, form and placement with the historic pattern.

2103.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Urban Center 3 district. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in Figure 2-15.

2103.D Dimensional Standards. Figure 2-03 establishes the dimensional standards for development in the Urban Center 3 district. Dimensional standards are discussed further in Section 3002.

2103.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

- (1) Buildings with 3 or more stories shall incorporate a base, middle and cap as described below:
 - (a) The base shall include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which shall be at least 2 inches deep and 4 inches high.
 - (b) The middle may include windows and balconies.
 - (c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.
- (2) Floor levels, windowsills, moldings and cornices shall align with those of adjacent buildings to the maximum extent feasible.
- (3) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 32 feet in width for a single, continuous facade.

- (4) Building facades shall incorporate at least one principal entrance as follows:
 - (a) Building facades exceeding 60 feet in width shall provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade shall not exceed 80 feet.
- (5) Pedestrian access shall be provided from the public sidewalk or street to the street-facing principal entrance(s).
- (6) The street-facing principal entrance(s) and ground floor level shall align with the sidewalk elevation to the maximum extent feasible.
- (7) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

~~2103.E~~—Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, land development ~~within the water setback area:~~

~~(9) Shall meet the landscaping requirements of Section 3005.~~

~~(10)2103.F~~ Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. ~~An applicant may request a waiver to landscaping requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.~~

Figure 2-03. Urban Center 3 Dimensional Standards

LOT PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 9,000 sf min Frontage: 60 ft min Coverage: 80% max	Front: 15 ft min or as per Note 2 Side: 10 ft min Rear: 10 ft min Water: 20-0 ft min or as per Note 3	Floor Area Ratio: 3.0 max	Height: 24 ft min, 45 ft max

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

Note 2 Where existing buildings on abutting properties are closer to the street than 15 feet, new buildings can match building lines of adjacent buildings.

~~Note 3 Except in channelized sections of river where the setback will be 0 feet (see Section 3005 for specific information).~~

Section 2104. Riverfront (RIV) District & Neighborhoods

- 2104.A Purpose. The Riverfront District includes land along Barre Street and Berlin Street on either side of the Winooski River. The land in this district is served by city water and sewer, a gridded street network and public transit. The district has historically been characterized by a mix of residential, commercial and industrial uses extending outward from downtown along the river. The purpose of this district is to encourage compact, higher-density infill development, particularly multi-family unit housing, within walking distance of downtown. This district is also intended to recognize the natural constraints and hazards created by the river corridor, and to encourage redevelopment of the riverfront as a public amenity and greenway corridor.
- 2104.B Neighborhood Character. The Riverfront District includes the following neighborhoods:
- (1) Barre Street – East. This neighborhood along Barre Street is more residential than the blocks closer to downtown. It includes both historic homes, now a mix of single-family unit and multi-unit buildings, as well as more recently constructed attached housing. There is a small neighborhood commercial center at the Sibley Avenue intersection. The buildings have shallow front and side yards. This neighborhood should continue to be primarily residential with a range of housing choices and opportunities for business activities that shall not adversely affect quality of life in the neighborhood.
 - (2) Cross Roads. This neighborhood near the intersection of Berlin Street and Northfield Street has an auto-oriented, highway commercial development pattern. This neighborhood has historically served as a service center for through travelers and those living or working in the city. Incremental redevelopment should be encouraged that would improve the walkability and visual character of this major entrance into the downtown. Higher-density, compact, walkable and mixed-use redevelopment and infill development that creates an attractive streetscape through the design of landscaping, signs, lighting and building facades should be encouraged.
 - (3) Route 2. 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.
- 2104.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Riverfront District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.
- 2104.D Dimensional Standards. Figure 2-04 establishes the dimensional standards for development in the Riverfront District. Dimensional standards are discussed further in Section 3002.
- 2104.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:
- (1) Buildings with 3 or more stories shall incorporate a base, middle and cap as described below:

- (a) The base shall include an entryway with transparent windows and a molding or reveal placed between the first and second story or over the second story, which shall be at least 2 inches deep and 4 inches high.
 - (b) The middle may include windows and balconies.
 - (c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.
- (2) Building facades shall be composed of modules or bays that:
- (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, piers, columns, colonnades, arcades or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.
- (3) Building facades shall incorporate at least one principal entrance as follows:
- (a) Building facades exceeding 60 feet in width shall provide multiple ground-level entrances.
 - (b) The distance between ground-level entrances along a single, continuous facade shall not exceed 80 feet.
- (4) Pedestrian access shall be provided from the public sidewalk or street to the street-facing principal entrance(s).
- (5) The street-facing principal entrance(s) and ground floor level shall align with the sidewalk elevation to the maximum extent feasible.
- (6) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street.
- 2104.F Riverfront Standards. To promote redevelopment of the riverfront as an amenity and greenway corridor, land development within the water setback area:
- (1) Shall meet the landscaping-groundcover requirements of Section 3005.F. Riparian buffers shall be required in areas where the river is unchannelized.
 - (2) Are encouraged to provide public walkways, multi-use pathways, outdoor seating and similar public amenities along the river. An applicant may request a waiver to landscaping water setback requirements for such amenities within the water setback upon demonstrating that the proposed design furthers the city's riverfront redevelopment goals.

Figure 2-04. Riverfront District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 3,000 sf min Frontage: 45 ft min Coverage: 80% max	Front: 5 ft min Side: 5 ft min Rear: 10 ft min Water: 20 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 2.0 max	Footprint: 5,000 sf max Frontage build-out: 50% min Height: 24 ft min, 45 ft max

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

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

Section 2105. Eastern Gateway (EG) District & Neighborhoods

- 2105.A Purpose. The Eastern Gateway District includes land along the major arterial roadways at the eastern entrance to the city that is primarily developed for retail, service, auto-oriented and light industrial uses, as well as businesses that cater to the traveling public. The district is served by city water and sewer and is generally accessible from major transportation corridors. The purpose of this district is to encourage increased business activity, mixed-use redevelopment and infill development that enhances property values, the quality of construction and site design, and the overall aesthetics of this entrance to the city.
- 2105.B Neighborhood Character. The Eastern Gateway District includes the following neighborhoods:
- (1) Eastern Corridor. 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 land 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.
 - (2) Farm and Factory. This neighborhood at the city's southeastern edge is primarily industrial with a number of the businesses connected to agriculture. Proposed land development should support ongoing industrial uses and compatible mixed-use development and to enhance the character of this neighborhood with well-designed buildings, landscaping and signage, particularly along the Route 2 frontage.
- 2105.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Eastern Gateway District. The Development Review Board may approve a drive-through facility or and drive-in establishment as a conditional use.
- 2105.D Dimensional Standards. Figure 2-05 establishes the dimensional standards for development in the Eastern Gateway District. Dimensional standards are discussed further in Section 3002.
- 2105.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:
- (1) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 36 feet in width for a single, continuous facade.
 - (2) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the front property line with materials that are compatible with the building's predominant exterior materials.
 - (3) Vehicle bay doors and loading areas shall be oriented away from the street, and to the side or rear of the ~~lot~~parcel.

Figure 2-05. Eastern Gateway District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 20,000 sf min Frontage: 120 ft min Coverage: 50% max	Front: 20 ft min Side: 20 ft min Rear: 30 ft min Water: 50 ft min	Residential: 1 du/5,000 sf max Nonresidential: 1.5 FAR max	Footprint: 40,000 sf max Height: 45 ft max

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

Section 2106. Western Gateway (WG) District & Neighborhoods

2106.A Purpose. The Western Gateway District includes land along the major arterial roadways at the western entrance to the city that is primarily developed for office, governmental and civic uses. The district is served by city water and sewer and is generally accessible from major transportation corridors. The purpose of this district is to:

- (1) Encourage the ongoing use of this district for office, governmental and civic uses, as well as the development of a mix of new uses to support a vibrant campus and village setting at National Life and an attractive gateway with uses that support the downtown;
- (2) Protect significant views of the Statehouse as one enters the city; and
- (3) Enhance pedestrian connections between this district and downtown.

2106.B Neighborhood Character. The Western Gateway District includes the following neighborhoods:

- (1) Office Park. This neighborhood located on Dewey Hill near Exit 8 overlooks downtown and the river valley. Sitting atop the hill is the National Life building, a major employment center that houses both the corporation's offices and state government offices. There is a large amount of undeveloped land in this neighborhood. Proposed land development should promote further office and compatible light industrial and mixed-use development in this neighborhood. Use of context sensitive siting and design should be encouraged to fit new development into the sloped and wooded setting.
- (2) Western Corridor. This neighborhood follows the Winooski River west from downtown. There is limited opportunity for further development within this neighborhood due to the combination of floodplains, land dedicated to the interstate and Exit 8, and the Montpelier High School. Proposed land development should facilitate these ongoing uses and functions with an emphasis on enhancing the attractiveness of this gateway from the interstate into downtown and protecting significant views of the Statehouse.

2106.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Western Gateway District. Drive-through facilities and drive-in establishments are prohibited except as specifically authorized in Figure 2-15.

2106.D Dimensional Standards. Figure 2-06 establishes the dimensional standards for development in the Western Gateway District. Dimensional standards are discussed further in Section 3002.

2106.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

- (1) Building facades facing or parallel to the street shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 48 feet in width and an average of 36 feet in width for a single,

continuous facade.

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

Figure 2-06. Western Gateway District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 20,000 sf min Frontage: 120 ft min Coverage: 50% max	Front: 20 ft min Side: 20 ft min Rear: 30 ft min Water: 50 ft min	Residential: 1 du/4,000 sf max Nonresidential: 1.5 FAR max	Footprint: 30,000 sf max Height: 24 ft min, 60 ft max

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

Section 2107. Mixed Use Residential (MUR) District & Neighborhoods

2107.A Purpose. The Mixed Use Residential District is composed mainly of traditional neighborhoods in proximity to the city's downtown that are predominately residential in form but that are more diverse in use. The land in this district is served by city water and sewer, a gridded network of neighborhood streets and public transit. The purpose of this district is to encourage infill development – including neighborhood-scale businesses and a range of housing choices – while preserving each neighborhood's distinct character and quality.

2107.B Neighborhood Character. The Mixed Use Residential District includes the following neighborhoods:

- (1) College Hill – East State Street. This neighborhood east of downtown includes the campus of the Vermont College of Fine Arts, as well as historic homes along major streets, many of which have been converted to multi-family unit or mixed-use buildings. The institutional properties have a substantial amount of greenspace that enhances the neighborhood. Proposed land development should protect the historic character and appeal of this neighborhood while allowing for compatible infill development and adaptive reuse of older institutional and residential structures.
- (2) Community College of Vermont. This neighborhood north of the downtown on Elm Street includes a small group of commercial properties near the recreation fields. They include the campus of the Community College of Vermont and what is currently a licensed day care facility. It is surrounded by residential properties and recreation fields that are farther from downtown than many other neighborhoods and therefore could benefit from some small commercial options in walking distance. Future development in this area should therefore support the college, recreation fields, and residential character of the abutting neighborhoods.
- (3) Court Street. This neighborhood includes the lot parcels fronting on or accessed from Court Street east of the State House, primarily developed with modest, historic homes, some of which have now been converted to office or multi-unit buildings. Proposed land development should protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location. The scale of these buildings and their proximity to the Capitol Complex and downtown makes this neighborhood particularly appropriate for a mix of office and residential uses. Court Street is a rare street whose neighborhood is different on the north (MUR) than the south (UC-1). Properties on each side of the street are expected to be developed consistent with the respective character of that neighborhood and therefore have difficulty meeting requirements regarding character of the neighborhood. As such, Urban Center projects on Court Street shall be exempt from the requirement of 3304.A that potential impacts of both neighborhoods shall be considered.
- (4) Lower East State Street. This neighborhood provides a transition from the urban downtown to the mixed use College Hill neighborhoods. The area includes high density residential housing with some mixed use and commercial uses primarily in historic buildings. Proposed land development should protect historic character and architectural appeal of this area as it shall continue to be a critical walking and biking route into the downtown.

- (5) Northfield Street - North. This linear neighborhood begins a block south of the intersection of Northfield Street and Berlin Street and is largely defined by its terrain. The street is traversing a hill and the adjacent land is steeply sloped. Development has been fit into the terrain and wooded landscape where feasible, resulting a more rural character than found in other neighborhoods in this district. At the same time, this neighborhood is very close to downtown and on a main highway corridor. There is a sidewalk along Northfield Street, although the hill limits the walkability of the neighborhood. Proposed land development should feature a mix of residential and commercial uses on those lands suitable for development.
 - (6) Redstone. This historic neighborhood, which extends up the hill west of the Capitol Complex and along Route 2, is primarily developed with residential structures, a number of which have been converted to offices. These regulations are intended to protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location as a gateway to downtown.
 - (7) School Street. This neighborhood is a small transitional neighborhood that connects the urban downtown to the high density residential neighborhoods immediately adjacent to downtown. The neighborhood includes Montpelier Union Elementary School, the historic First Baptist Church, and other historic multifamilyunit and commercial buildings. Proposed land development should protect the safe walkable neighborhood characteristics and maintain the traditional mix of uses found in this area.
 - (8) The Meadow – Elm Street. This traditional residential neighborhood along Elm Street is densely developed with historic homes close to the sidewalk on tree-lined streets. While many large homes have been converted to multi-familyunit buildings, the neighborhood continues to have historic appeal. These regulations are intended to protect the residential scale and character of the neighborhood created by the primarily residential use, historic building stock, front yards, porches and walkable, tree-lined streets.
- 2107.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Mixed Use Residential District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.
- 2107.D Dimensional Standards. Figure 2-07 establishes the dimensional standards for development in the Mixed Use Residential District. Dimensional standards are discussed further in Section 3002.
- 2107.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:
- (1) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet in length.
 - (c) Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.

- (2) The principal entrance shall open onto a street, sidewalk, plaza or public greenspace and shall not open onto a parking ~~lot~~lot.
- (3) Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-07. Mixed Use Residential District Dimensional Standards

LOT <u>PARCELS</u>	SETBACKS	DENSITY	BUILDINGS
Lot <u>Parcel</u> size: 3,000 sf min Frontage: 45 ft min Coverage: 70% max	Front: 5 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 3,000 sf max Height: 24 ft min, 40 ft max

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

Section 2108. Residential 1500 (RES 1.5) District & Neighborhoods

2108.A Purpose. The Residential 1500 District is composed mainly of traditional, higher-density residential neighborhoods close to downtown. The land in the district is served by city water and sewer, and a gridded network of neighborhood streets. The purpose of the district is to encourage infill residential development with a range of housing choices while preserving each neighborhood's distinct character and quality.

2108.B Neighborhood Character. The Residential 1500 District includes the following neighborhoods:

- (1) Blanchard Park. This neighborhood west of Hubbard Street is a densely built residential neighborhood characterized by large historic homes on small ~~lot~~parcels with narrow setbacks. Some of these residences have been converted to multi-familyunit occupancy, while others remain single-familyunit. Proposed land development should maintain the historic development pattern in this neighborhood. Modest increases in density may be accommodated in this neighborhood through ongoing, incremental conversion of single-familyunit residences to multi-familyunit buildings, further division of multi-familyunit buildings to add additional units, conversion of outbuildings for residential occupancy, or similar approaches that do not significantly alter the physical form of the neighborhood and its historic buildings.
- (2) Franklin Street - Southwest. This diverse neighborhood extends along the North Branch of the Winooski River north of downtown with a dense mix of residential, commercial and industrial buildings, the latter of which have been largely converted to residential use. A network of narrow streets serves the neighborhood, typically with sidewalks on one side. Small ~~lot~~parcels with shallow front and side yards and traditional homes with front porches are common features in the neighborhood. The result is a neighborhood with a diversity of building types and housing choices, which proposed land development should protect by featuring adaptive reuse of historic buildings and compatible – primarily residential – infill development.
- (3) Liberty Street - West. This traditional neighborhood adjacent to downtown is densely developed primarily with historic multi-story residences built close to the street on narrow ~~lot~~parcels. Many large homes have been converted to multi-familyunit buildings and a smaller number to professional offices. These regulations are intended to protect the traditional residential character of this neighborhood while allowing compatible infill development and adaptive reuse of historic buildings. Efforts should be made to provide public recreation opportunities within walking distance for neighborhood residents.

2108.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 1500 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2108.D Dimensional Standards. Figure 2-08 establishes the dimensional standards for development in the Residential 1500 District. Dimensional standards are discussed further in Section 3002.

2108.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

- (1) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane

projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.

- (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet in length.
- (c) Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
- (2) The principal entrance shall open onto a street, sidewalk, plaza or public greenspace and shall not open onto a parking lot.
- (3) Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-08. Residential 1500 District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 3,000 sf min Frontage: 45 ft min Coverage: 60% max	Front: 10 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 2,500 sf max Height: 35 ft max

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

Section 2109. Residential 3000 (RES 3) District & Neighborhoods

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

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

- (1) College Hill - South. This neighborhood east of downtown is primarily residential with homes located on small ~~lot~~parcels along narrow, tree-lined streets. Proposed land development should protect the historic character and appeal of this neighborhood while allowing for a moderate increase in residential density through compatible infill development, particularly with compact buildings, and conversion of existing buildings to multi-~~family~~unit occupancy.
- (2) Franklin Street - Northeast. This is a primarily single-~~family~~unit residential neighborhood with homes fit into the terrain, most with a compact development footprint. Proposed land development may feature a modest increase in residential density accomplished primarily through conversion of existing buildings to multi-~~family~~unit occupancy and with a limited amount of infill on suitable sites.
- (3) Liberty Street - East. This traditional neighborhood adjacent to downtown is densely developed primarily with historic multi-story residences built close to the street on small ~~lot~~parcels. These regulations are intended to protect the traditional residential character of this neighborhood while allowing some increase density through primarily through conversion of existing buildings to multi-~~family~~unit occupancy. Efforts should be made to provide public recreation opportunities within walking distance for neighborhood residents.
- (4) Main Street - East. Most of this residential neighborhood along Main Street east of North Street to Lincoln Avenue is densely built with small ~~lot~~parcels and narrow setbacks. The terrain has influenced the development pattern, with narrow ~~lot~~parcels and homes set into the hillside above street level on the north side of Main Street and wider ~~lot~~parcels with larger yards on south side. The neighborhood is currently developed with a mix of single-~~family~~unit and multi-~~family~~unit residences. Proposed land development should protect the residential character of this neighborhood while creating opportunities for small-scale infill development and incremental division of residential buildings to add additional dwelling units.
- (5) River Street. This is a traditional residential neighborhood along the south side of River Street (Route 2). Many of the historically single-~~family~~unit homes have been converted to multi-~~family~~unit occupancy, particularly along the highway. Proposed land development should protect the traditional residential development pattern and character, and avoid expansion of commercial activity along this segment of the highway. Side streets extend up the hillside with mostly single-~~family~~unit homes on larger, sloping ~~lot~~parcels. There is a significant amount of undeveloped land in this neighborhood, some of which is suitable for infill residential development. Proposed land development may feature residential growth with a diversity of housing in this neighborhood, including the potential for multi-~~family~~unit housing development on suitable undeveloped sites
- (6) Route 2 – Prospect Street. This is a residential neighborhood with many homes fit into the

steep terrain on significantly constrained ~~lot~~parcels. The streets serving most of the neighborhood are narrow and steep. Proposed land development should maintain the existing pattern of development, and avoid significant increases in density. A portion of this neighborhood fronts on the heavily trafficked Berlin Street (Route 2). Proposed land development should protect the residential character of this portion of the highway and avoid the continued expansion of commercial activity eastward from the Cross Roads neighborhood.

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

- 2109.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 3000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.
- 2109.D Dimensional Standards. Figure 2-09 establishes the dimensional standards for development in the Residential 3000 District. Dimensional standards are discussed further in Section 3002.
- 2109.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:
- (1) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.
 - (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
 - (c) Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
 - (2) The principal entrance shall open onto a street, sidewalk, plaza or public greenspace and shall not open onto a parking lot.
 - (3) Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.
 - (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-09. Residential 3000 District Dimensional Standards

LOT PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 3,000 sf min Frontage: 45 ft min Coverage: 60% max	Front: 10 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/3,000 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have

reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

Section 2110. Residential 6000 (RES 6) District & Neighborhoods

2110.A Purpose. The Residential 6000 District is composed mainly of established residential neighborhoods. The land in this district is or could reasonably be served by city water and sewer, an interconnected street network and public transit. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

2110.B Neighborhoods Character. The Residential 6000 District includes the following neighborhoods:

- (1) Berlin Street. This residential neighborhood is separated from downtown by a busy highway (Route 2) and the Winooski River. It is a mix of older and new homes, many with spacious yards, and has greater variability in setbacks and ~~lot~~parcel sizes. Many streets do not have sidewalks or a regular pattern of street trees like the older neighborhoods closer to downtown. While infill housing is encouraged, it should primarily be in the form of small-scale projects that do not substantially change the scale or density of development in the neighborhood. Efforts should be made to improve walkability between this neighborhood and the Urban Center 1 and Riverfront districts and to provide public recreation opportunities within walking distance for neighborhood residents.
- (2) College Hill - North. This neighborhood northeast of downtown is primarily residential with historic homes located on ~~lot~~parcels of varying size. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating modest increases in density through compatible infill development and conversion of existing buildings to multi-familyunit occupancy.
- (3) College Hill - Southeast. This neighborhood east of downtown is primarily residential with homes located on small ~~lot~~parcels along narrow streets. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating a moderate increase in residential density through compatible infill development, particularly with compact buildings, and conversion of existing buildings to multi-familyunit occupancy.
- (4) Redstone - North. This area northwest of the Capitol is primarily residential with homes located within a short walk of downtown. Proposed development should protect the character and appeal of this neighborhood while accommodating a moderate increase in residential density through compatible infill development and conversion of existing buildings to multi-familyunit.

2110.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 6000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2110.D Dimensional Standards. Figure 2-10 establishes the dimensional standards for development in the Residential 6000 District. Dimensional standards are discussed further in Section 3002.

2110.E Architectural Standards. The following standards apply for major site plan applications (see Section 3201) under Section 3207:

- (1) Building facades shall be composed of modules or bays that:
 - (a) Incorporate visible changes in the facade elevation through the use of wall plane

projections or recesses, a change in roof form, or similar architectural features that create a distinct facade elevation.

- (b) Feature a regular pattern of windows and entryways so that the length of solid or blank walls shall not exceed 20 feet.
- (c) Shall not exceed 40 feet in width and an average of 32 feet in width for a single, continuous facade.
- (2) The principal entrance shall open onto a street, sidewalk, plaza or public greenspace and shall not open onto a parking lot.
- (3) Pedestrian access shall be provided from the public sidewalk or street to the principal entrance.
- (4) Mechanical equipment, electrical meter and service components, and similar utility devices whether at ground level or mounted on the building shall be screened from view at the street with materials that are compatible with the building's predominant exterior materials.

Figure 2-10. Residential 6000 District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 6,000 sf min Frontage: 60 ft min Coverage: 50% max	Front: 15 ft min Side: 10 ft min Rear: 20 ft min Water: 25 ft min	Residential: 1 du/6,000 sf max Nonresidential: 0.5 FAR max	Footprint: 2,500 sf max Height: 35 ft max

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

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

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

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

- (1) Cliffside. This small, hillside neighborhood sits between downtown and Hubbard Park. Its primarily single-~~family~~unit homes are nestled into the hillside in a wooded setting that offers views to downtown and the river valley below. Proposed land development may feature infill housing to the extent that it can be fit into the terrain and wooded setting without requiring extensive land disturbance or changes in natural drainage patterns.
- (2) Crestview. This neighborhood encompasses the portions of the undeveloped property at the western side of the city that is most suitable for development. It presents an opportunity to develop a new neighborhood in proximity to downtown and other developed city neighborhoods and corridors. Proposed land development should result in a new neighborhood built in accordance with traditional neighborhood development principles that incorporates a range of housing options, energy-efficient and compact building types, a walkable street network, and public recreation areas and open spaces.
- (3) Elm Street. This linear residential neighborhood extends along Elm Street (Route 12). While much of the suitable frontage has been developed, proposed land development may feature infill housing particularly where there is adequate depth to accommodate development behind the existing ~~lot~~parcels.
- (4) Gallison Hill. This outlying neighborhood extends up Gallison Hill Road off Route 2 at the eastern edge of the city. Its primarily single-~~family~~unit homes have been built over recent decades on generously sized ~~lot~~parcels created on former farmland. The neighborhood is adjacent to the U32 High School. Proposed land development may feature infill residential development, particularly on the larger parcels in this neighborhood.
- (5) Murray Hill. This is one of the city's more recent residential developments with single-~~family~~unit homes and townhouses accessed by several cul-de-sac streets and a substantial amount of open space. Proposed land development may feature infill residential development where infrastructure is available and to the extent feasible given the availability and ownership of land in this neighborhood.
- (6) North Street. This is a small, linear, transitional neighborhood between the traditional residential neighborhoods to the south and the rural lands to the north. There are a number of houses located close to the road and much of the frontage is wooded. Proposed land development may feature infill residential development where infrastructure is available or the land is capable to support growth.
- (7) Northfield Street. This typical, post-war suburban neighborhood features modest homes on spacious, landscaped lots, along with more recent duplexes and townhomes. There is a network of curvilinear streets, largely without sidewalks. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

- (8) Park West. This residential neighborhood grew over time up into the hills along several tree-lined streets behind the Capitol Complex and abutting Hubbard Park. This development pattern has resulted in a suburban neighborhood that offers a range of housing options and is appealing for families. Proposed land development may feature compatible infill housing and should protect the neighborhood's character and quality of life.
- (9) Stonewall Meadows. This more recently developed neighborhood is a mix of modest single-family unit homes and attached, multi-unit buildings accessed by several cul-de-sac streets. There remains a considerable amount of undeveloped land in this neighborhood suitable for housing. Proposed land development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.
- (10) Towne Street. This small neighborhood is largely developed with single-family unit homes on spacious lots. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.
- (11) Toy Town. This small residential neighborhood is nestled between the interstate and the Winooski River at the western edge of the city. There is a limited amount of land available for additional growth. Proposed land development may feature compatible infill residential development but should not result in significant increases in overall density within the neighborhood.

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

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

Figure 2-11. Residential 9000 District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot/Parcel size: 9,000 sf min Frontage: 75 ft min Coverage: 40% max	Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min	Residential: 1 du/9,000 sf max Nonresidential: 0.5 FAR max	Footprint: 2,500 sf max Height: 35 ft max

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

Section 2112. Residential 24000 (RES 24) District & Neighborhoods

2112.A Purpose. The Residential 24000 District is composed of established neighborhoods on small ~~lot~~parcels mixed with larger undeveloped parcels. Most of the land in this district is served by either city water or sewer or, in many cases, both. The purpose of this district is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.

2112.B Neighborhoods Character. The Residential 24000 District includes the following neighborhoods:

- (1) College Pasture. This three-acre undeveloped parcel is presently owned by the college and is located behind properties on Sabin Street. The land abuts other undeveloped land owned by the college to the north (zoned Mixed Use Residential) and south (zoned Riverfront). The open space also connects to Sabin's Pasture to the east. This land is close to downtown and could support some housing development or have those units transferred to other undeveloped land abutting the parcel in order to conserve the open space.
- (2) Towne Hill. This is a large neighborhood with residential developments separated by significant amounts of undeveloped land, including several large tracts of open farmland. City water and sewer is not available throughout the entire neighborhood. Proposed land development may feature further housing development in this neighborhood where infrastructure is available and the land is capable to support growth.

2112.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Residential 24000 District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2112.D Dimensional Standards. Figure 2-12 establishes the dimensional standards for development in the Residential 24000 District. Dimensional standards are discussed further in Section 3002.

Figure 2-12. Residential 24000 District Dimensional Standards

LOT <u>PARCELS</u>	SETBACKS	DENSITY	BUILDINGS
Lot <u>Parcel</u> size: 24,000 sf min Frontage: 75 ft min Coverage: 30% max	Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min	Residential: 1 du/24,000 sf max Nonresidential: 0.5 FAR max	Footprint: 3,500 sf max Height: 35 ft max

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

Section 2113. Rural (RL) District & Neighborhoods

2113.A Purpose. The Rural District is composed mainly of large landholdings used for rural residential, agricultural, forestry, recreation, open space, conservation and other natural resource-based purposes. Generally, land in this district is not served by city water or sewer or by roads capable of accommodating heavy traffic. The purpose of this district is to maintain a low-density settlement pattern and rural character by clustering land development and protecting farmland, forestland, open space and important natural resources.

2113.B Neighborhood Character. The Rural District includes the following neighborhoods:

- (1) Eastern Rural. This neighborhood encompasses approximately 600 acres of land along the city's eastern boundary. It includes the golf course, productive farmland and a small amount of residential development, but most of the land is undeveloped forestland or former farmland returning to forest. This undeveloped land remains in large parcels. Proposed land development should discourage fragmentation of this land by following conservation subdivision principles that would cluster development while protecting large tracts of open space for conservation, forestry, farming and recreation uses.
- (2) Highland. This neighborhood encompasses approximately 200 acres of land along North Street and Main Street at the northern edge of the city. It is generally farmland and large, rural residential properties. Proposed land development should feature the continued productive use of this land for commercial agriculture, homesteading or rural residential estates.
- (3) Hill Street. This neighborhood encompasses approximately 300 acres of land along Hill Street at the southern edge of the city. It is a mix of open, productive farmland and undeveloped, wooded hillsides. There has been some residential development on smaller ~~lots~~ parcels along the road frontage. Proposed land development should feature rural residential housing in this neighborhood, particularly when it is located off productive farmland.
- (4) Pembroke Heights. This neighborhood encompasses approximately 250 acres of land in the northwestern part of the city. It is largely undeveloped, wooded and steep. Proposed land development should facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.
- (5) Sabin's Pasture. Sabin's pasture is an undeveloped property that presents an opportunity to develop a new neighborhood for Montpelier. This area has complex natural features including floodplains, wetlands steep slopes and an old quarry. These opportunities and constraints invite a proposal that would cluster development in higher densities along existing roadways (zoned Riverfront) while protecting open space in more challenging areas. Proposed land development should result in a new neighborhood built in accordance with traditional neighborhood development principles that incorporates a range of housing options, energy-efficient and compact building types, a walkable street network, and public recreation areas and open spaces. Open space should be protected in accordance with the Natural Resources Inventory Map and any Official Map, if so adopted.

- (6) Southwestern Rural. This neighborhood encompasses approximately 40 acres of land in the southwestern corner of the city, much of which is developed with the interstate highway. The remaining private land in this district is undeveloped and accessible only from Berlin. Proposed land development should facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.
- (7) Western Rural. This neighborhood encompasses approximately 200 acres of undeveloped, primarily wooded land along the city's western boundary. Its development potential is constrained by a number of factors including slopes and wetlands. Proposed land development should facilitate the ongoing use of this land for open space, recreation and forest uses with the opportunity for limited, low-density residential development.
- (8) Wrightsville. This neighborhood encompasses approximately 950 acres in the northern portion of the city, terminating at the Wrightsville Reservoir. It is a mix of open farmland in the valley along the North Branch of the Winooski River and wooded hillsides. There has been some residential development along Elm Street and Gould Hill Road. Proposed land development should discourage fragmentation of this land by following conservation subdivision principles that would cluster development while protecting large tracts of open space for conservation, forestry, farming and recreation uses. Efforts should be made to locate any new residential development off quality farmland and out of the floodplain.

2113.C Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Rural District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.

2113.D Dimensional Standards. Figure 2-13 establishes the dimensional standards for development in the Rural District. Dimensional standards are discussed further in Section 3002.

Figure 2-13. Rural District Dimensional Standards

LOT/PARCELS	SETBACKS	DENSITY	BUILDINGS
Lot Parcel size: 2 ac min Frontage: 120 ft min Coverage: 20% max	Front: 20 ft min Side: 20 ft min Rear: 40 ft min Water: 50 ft min	Residential: 1 du/ 2 ac max Nonresidential: 0.2 FAR max	Height: 35 ft max

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

Section 2114. Municipal (MUN) District & Neighborhoods

- 2114.A Purpose. The Municipal District encompasses city-owned lands, including parks, recreation facilities, cemeteries and other facilities. The purpose of this district is to continue to use and conserve these properties as appropriate to provide municipal services and infrastructure.
- 2114.B Use Standards. Figure 2-15 lists the uses that are permitted or conditional in the Municipal District. Drive-through facilities and drive-in establishments are prohibited as a component of any allowed use.
- 2114.C Dimensional Standards. Figure 2-14 establishes the dimensional standards for development in the Municipal District. Dimensional standards are discussed further in Section 3002.

Figure 2-14. Municipal District Dimensional Standards

LOT PARCELS	SETBACKS	DENSITY	BUILDINGS
n/a	Front: 20 ft min Side: 40 ft min Rear: 40 ft min Water: 50 ft min	n/a	n/a

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

Figure 2-15. Use Table

P = Permitted Use
C = Conditional Use
– = Use Not Allowed

	ZONING DISTRICT													
	UC 1	UC 2	UC 3	RIV	EG	WG	MUR	RES 1.5	RES 3	RES 6	RES 9	RES 24	RL	MUN
RESIDENTIAL														
One or-and two dwelling-dwelling- unitsunits ⁷	P	P	P	P	C	C	P	P	P	P	P	P	P	–
Three or-and four dwelling-dwelling- units ⁷	P	P	P	P	C	C	P	P	P	P	C	C	C	–
Multi- family unit dwellings (5 or more units)	P	P	P	P	C	C	C	C	C	C	C	–	–	–
Group home, major	P	P	P	P	C	C	C	C	C	C	C	C	C	–
Senior housing	P	P	P	P	C	C	P	P	P	C	C	C	C	–
Congregate living	P	P	P	P	C	C	C	C	C	C	C	C	–	–
Skilled-nursing services	P	P	P	P	C	C	C	C	C	C	C	C	–	–
LODGING														
Bed and breakfast	P	P	P	P	P	P	P	P	P	C	C	C	C	–
Inn	P	P	P	P	P	P	P	–	–	–	C ⁶	–	C	–
Temporary housing	P	P	P	P	C	C	C	C	C	C	C	C	–	–
Hotel or motel	P	P	P	P	P	P	C	–	–	–	–	–	–	–
COMMERCIAL														
Retail sales and service (indoor)	P	P	P	P	P	P	C ⁴	–	–	–	–	–	–	–
Retail sales & service (outdoor)	–	–	–	C	C	C	C	–	–	–	–	–	–	–
Neighborhood market	–	–	–	C	C	C	C	C	–	–	–	–	–	–
Open market or market shop	–	–	–	P	P	C	C	–	–	–	–	–	–	–
Malls or shopping centers	C	C	C	C	C	–	–	–	–	–	–	–	–	–
Car wash	–	–	–	C	P	–	–	–	–	–	–	–	–	–

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Fueling station	–	–	–	C ³	P	–	–	–	–	–	–	–	–	–
<i>P = Permitted Use</i> <i>C = Conditional Use</i> <i>– = Use Not Allowed</i>	ZONING DISTRICT													
	UC 1	UC 2	UC 3	RIV	EG	WG	MUR	RES 1.5	RES 3	RES 6	RES 9	RES 24	RL	MUN
Automobile repair and service	–	–	–	C	P	–	–	–	–	–	–	–	–	–
Automobile sales or rental establishment	–	–	–	–	P	–	–	–	–	–	–	–	–	–
Lumberyard & bldg material sales	–	–	–	C	P	–	–	–	–	–	–	–	–	–
Bank	P ¹	P ¹	P ¹	P	C	P ¹	–	–	–	–	–	–	–	–
Personal or professional services	P	P	P	P	P	P	P	–	–	–	–	–	–	–
Veterinary and animal services	P	P	P	P	P	P	–	–	–	–	–	–	C	–
Office	P	P	P	P	P	P	C	–	–	–	–	–	–	–
Restaurant	P	P	P	P	C	C	C	–	–	–	–	–	–	–
Restaurant, take-out	P	P	P	P	C	C	C	–	–	–	–	–	–	–
Bar or nightclub	P	P	P	C	C	C	–	–	–	–	–	–	–	–
Food service contractor	P	P	P	P	P	–	C	–	–	–	–	–	C	–
Contractor's yard (with outdoor storage)	–	–	–	C	P	–	–	–	–	–	–	–	C	–
INDUSTRIAL														
<u>Painting studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>–</u>	<u>–</u>	<u>–</u>	<u>–</u>	<u>–</u>	<u>P</u>	<u>–</u>
Light manufacturing	C ²	C ²	C ²	C	P	C	–	–	–	–	–	–	C	–
Manufacturing	C ²	C ²	C ²	C	P	C	–	–	–	–	–	–	–	–
Heavy manufacturing	–	–	–	–	C	C	–	–	–	–	–	–	–	–
Laboratory or technical facility	P	P	P	P	P	C	C	–	–	–	–	–	–	–
Warehouse or storage	C ²	C ²	C ²	C	P	C	–	–	–	–	–	–	C	–
Mini-warehouse	–	–	–	–	C	C	–	–	–	–	–	–	–	–
Large area distribution or transit warehouse	–	–	–	–	C	–	–	–	–	–	–	–	–	–

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Tank farms	–	–	–	–	C	–	–	–	–	–	–	–	–	–
<i>P = Permitted Use</i> <i>C = Conditional Use</i> <i>– = Use Not Allowed</i>	ZONING DISTRICT													
	UC 1	UC 2	UC 3	RIV	EG	WG	MUR	RES 1.5	RES 3	RES 6	RES 9	RES 24	RL	MUN
Wholesale trade establishment	C	C	C	C	P	C	–	–	–	–	–	–	–	–
Publishing	P	P	P	P	P	C	–	–	–	–	–	–	–	–
PUBLIC ASSEMBLY														
Performance theater	P	P	P	P	C	P	C	–	–	–	–	–	–	–
Movie theater	P	P	P	P	C	–	–	–	–	–	–	–	–	–
Amphitheater	P	P	P	P	C	P	–	–	–	–	–	–	C	P
Indoor games facility	P	P	P	P	C	–	C	–	–	–	–	–	–	C
Sports arena	C	C	C	C	C	–	C	–	–	–	–	–	–	C
Exhibition, convention or conference structure	P	P	P	P	P	P	C	–	–	–	–	–	–	C
Religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Government facility, office or courthouse	P	P	P	P	–	P	C	–	–	–	–	–	–	P
Other community centers	P	P	P	P	C	P	C	–	–	–	–	–	C ⁵	P
Fitness, sports, gym or athletic facility	P	P	P	P	C	P	C	–	–	–	–	–	C ⁵	P
Golf course	–	–	–	–	–	–	–	–	–	–	–	–	C	P
Camps, camping and related establishments	–	–	–	–	–	–	–	–	–	–	–	–	C	C
Nature or recreational park	P	P	P	P	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL OR COMMUNITY FACILITY														
Hospital	C	C	C	C	C	P	–	–	–	–	–	–	–	–
Medical clinic building	P	P	P	P	P	P	C	–	–	–	–	–	–	–
Grade school	P	P	P	P	–	P	P	P	P	P	P	P	–	C

PART 2. ZONING DISTRICTS & STANDARDS
Chapter 210. Base Zoning Districts & Neighborhoods

Academic institution	P	P	P	P	P	P	P	C	C	C	C	C	–	–
<i>P = Permitted Use</i> <i>C = Conditional Use</i> <i>– = Use Not Allowed</i>	ZONING DISTRICT													
	UC 1	UC 2	UC 3	RIV	EG	WG	MUR	RES 1.5	RES 3	RES 6	RES 9	RES 24	RL	MUN
Library	P	P	P	P	–	P	P	C	C	C	C	C	–	P
Museum, gallery or exhibition hall, or pavilion	P	P	P	P	–	P	P	C	C	C	C	C	C	P
Public safety facility	P	P	P	P	P	P	C	–	–	–	–	–	C	P
Cemetery	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Funeral home or cremation facility	P	P	P	P	P	C	P	–	–	–	–	–	C	–
Child day care facility, licensed	P	P	P	P	C	P	P	C	C	C	C	C	C	C
Child day care home, registered	P	P	P	P	P	P	P	P	P	P	P	P	P	–
TRANSPORTATION FACILITY														
Surface parking	P	P	P	P	P	P	C	C	–	–	–	–	–	P
Parking structure or garage	P	P	P	P	P	P	–	–	–	–	–	–	–	P
Bus stop shelter	P	P	P	P	P	P	P	P	P	P	P	P	C	P
Bus maintenance facility	–	–	–	C	P	–	–	–	–	–	–	–	–	–
Rail transportation facility	P	P	P	P	P	P	–	–	–	–	–	–	–	–
Road passenger & transit services	P	P	P	P	P	P	C	–	–	–	–	–	–	C
Truck & freight transport. Services	–	–	–	–	C	C	–	–	–	–	–	–	–	–
UTILITIES														
Utility structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water supply related facility	C	C	C	C	P	P	–	–	–	–	–	–	P	P
Sewer related facility	C	C	C	C	C	C	–	–	–	–	–	–	C	P
Communication antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Communication tower	C	C	C	C	P	C	–	–	–	–	–	–	C	P
---------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---

P = Permitted Use
C = Conditional Use
– = Use Not Allowed

	ZONING DISTRICT													
	UC 1	UC 2	UC 3	RIV	EG	WG	MUR	RES 1.5	RES 3	RES 6	RES 9	RES 24	RL	MUN
MINING, AGRICULTURE AND FORESTRY														
Stable or equine facility	–	–	–	–	P	–	C	–	–	–	C	C	P	C
Composting facility	–	–	–	–	C	–	–	–	–	–	–	–	C	C
Greenhouse	P	P	P	P	P	C	C	C	C	C	C	C	P	P
Kennel	–	–	–	C	P	–	–	–	–	–	–	–	P	–
Mining, extracting, quarrying and stone cutting	–	–	–	–	C	C	–	–	–	–	–	–	C	–
Agriculture and forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rural enterprise	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Support functions for animal production	–	–	–	C	P	C	–	–	–	–	–	–	C	–
Game and fishing retreats and reserves	–	–	–	–	–	–	–	–	–	–	–	–	P	–

Notes

- 1 Drive-through or drive-in establishment allowed with conditional use approval from the Development Review Board.
- 2 Use shall not occupy more than 20,000 square feet of floor area and shall be fully enclosed.
- 3 Use allowed only in the Cross Roads neighborhood and on the river side of Berlin Street / River Street.
- 4 Use shall not occupy more than 3,000 square feet of floor area.
- 5 Use shall not occupy more than 6,000 square feet of floor area.
- 6 Use is limited to a maximum of 20 guest rooms.
- 7 Each residential category is a separate use. Although listed on the same line in the table, a change from one unit to two units is a change of use. A change from three units to four units is a change of use.

Chapter 220. Overlay Zoning Districts

I *The purpose of this chapter is to establish overlay zoning districts that supplement or supersede the standards of the underlying zoning district in order to address special conditions or resources that require additional or modified regulations.*

Section 2201. Design Control Overlay District

2201.A Boundary. The Design Control Overlay District includes all properties identified on the Official Zoning Map, but not including any properties within the Capitol Complex.

2201.B Purpose. In accordance with 24 VSA 4414(1)(E), the Design Control Overlay District has been created to guide development in an area with particular historical, architectural, urban design, visual or cultural significance.

2201.C Applicability. Within the Design Control Overlay District, no structure, including fences and above ground storage tanks, may be erected, reconstructed, substantially altered, restored, moved, or demolished, without review of the design plans ~~by the Design Review Committee, and approval of the design plans by the Development Review Board~~under the process established under Section 4301 and the following rules:-

- (1) Exempt Development. The following development is exempt from design review approval requirements:
 - (a) The subdivision of land;
 - (b) Changes in use that do not cause any exterior changes in appearance of the building or ~~lot~~parcel;
 - (c) The repair or replacement of architectural features using materials of identical composition, type and appearance;
 - (d) Non-substantial alterations, as determined in writing by the Administrative Officer;
 - (e) The removal of signs (no evidence of sign's installation may remain); and
 - (f) Interior renovations (the alteration to doors or windows, located on exterior walls is not an exempt activity).

2201.D Development in the Design Control Overlay District. The Design Review Committee shall evaluate design review plans based on the following considerations:

- (1) Preservation or reconstruction of the appropriate historic style if the proposed project is in the historic district or involves an historic structure;
- (2) Harmony of exterior design with other properties in the district;
- (3) Compatibility of proposed exterior materials with other properties in the district;
- (4) Compatibility of the proposed landscaping with the district;
- (5) Prevention of the use of incompatible designs, buildings, color schemes, or exterior materials;
- (6) Location and appearance of all utilities;

- (7) Recognition of and respect for view corridors and significant vistas including gateway views of the city and State House; and
- (8) The design standards established in Section 2201.E for development that is also within the Western Gateway district and in Section 2201.F for development that is also within the Riverfront district.

2201.E Specific Design Guidelines for the Western Gateway District. For development within both the Western Gateway district and the Design Control Overlay District, the following design standards apply:

- (1) Site development shall provide visual protection for gateways to city and view corridors.
- (2) Minimum setbacks shall be established for each development parcel from main roadways to retain natural terrain and landscape vegetation as a buffer between the main roadway and new construction.
- (3) Protection shall be established for natural terrain, vegetation, and ridges with minimum intrusion of new development by:
 - (a) Clustering of development on site to maximize the preservation of open areas and conform with the natural topography;
 - (b) Building on areas of minimum slope with minimum use of cut and fill;
 - (c) Height, width, bulk, and materials of building which create a development profile consistent with dominant expanse of mainly forested hillsides and ridges as seen from main roadway entrances concerned and from elsewhere in the city.
- (4) Internal relationships between individual units of the planned commercial development shall be designed so as to provide a well-landscaped harmonious development, with compatible materials, building elements, and signage throughout the development.
- (5) Parking shall be provided as specified in Section 3011 and may be clustered or divided as appropriate to achieve adequate circulation and an attractive visual relationship to the existing landscape.
- (6) All utilities shall be placed underground (except for major transmission lines). Public lighting shall be included in all development and shall meet the requirements of Section 3204

2201.F Specific Design Guidelines for the Riverfront District. For development within both the Riverfront district and the Design Control Overlay District, the proposed development shall be consistent with the purpose of the Riverfront district as outlined in section 2103.A and in the following design standards:

- (1) Spatial Relationships. Spatial relationships between individual structures shall be designed to provide for a well-landscaped, harmonious district with compatible materials, building elements, and signage.

- (2) **Directional Expression & Sense of Entry.** New development shall be oriented so that both river and street facades are primary. Materials on the riverside of a structure shall be of equal character and quality as those on the street side. Both facades should incorporate fenestration, detailing and other building components that are dimensionally proportional and are pedestrian friendly.
- (3) **Materials and Details.** Artificial, composition type materials (including simulated wood or masonry) lacking strong evidence of durability and compatibility with traditional types of building materials are discouraged. Structures should create an attractive and interesting exterior form through variation in surface, colors, texture and materials which carry through on all sides.
- (4) **Screening.** Loading docks, service entrances, dumpsters, propane tanks, utility cabinets, and other similar above-ground structures shall not be located on either the street side or river side of the structures and should be screened from view with landscaping or building materials in such a way as to be integrated into the site and building design.
- (5) **Solar Gain.** Building designs are encouraged to take full advantage of solar gain for purposes of energy conservation.
- (6) **Lighting.** Light levels should provide for safety and security, should enhance the building and site design, and should not create glare for neighboring properties or street. The number, location and appearance of light fixtures should be compatible with the building design and landscaping.
- (7) **Rooftop Appearances.** Rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a structure shall be arranged to minimize visibility from any point at or below the roof level of the structure. Such features, in excess of one foot in height, shall be either; enclosed by outer building walls or parapets, grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design and materials of the building.
- (8) **Signs.** Meet requirements of Section 3012.
- (9) **Landscaping.** Landscaping shall be integrated with the building and site design, including screening required in Section 2201.F(4), and enhance the appearance of the project.

2201.G Signs in Design Control District

- (1) Required application materials for signs within the Design Control District. For sign applications within the Design Control District, the following materials shall be submitted:
 - (a) A current color photograph of the property showing the present storefront or structure, and showing the immediate neighboring buildings.
 - (b) A two-dimensional illustration of the building façade (i.e., architectural elevation) drawn to scale showing the proposed sign and its relation to the building.
 - (c) A large-scale drawing showing the sign itself and including the size, materials, colors, lighting, lettering (size, style, and spacing), method of attachment, support and projection. Physical samples of all materials showing these features may be required for clarification, along with the manufacturer's catalog data and illustrations, if applicable.

- (2) Sign standards in the Design Control District. Review of signs proposed to be located in the Design Control District shall be based on the following guidelines:
- (a) The sign shall satisfy the design review standards in § 2201,
 - (b) The sign shall conform, to the extent possible and desirable, to any recommendations provided for sign placement and design in the Montpelier —Cityscape studies;
 - (c) The proposed sign design, dimensions, color scheme, and materials shall be compatible with the subject property and other properties in the district.
 - (d) The proposed sign shall not obscure significant architectural detail.
 - (e) In the Urban Center-2, Urban Center-3 and Western Gateway Districts, if there are more than one sign per building, the signs shall have a uniform and consistent appearance, and all such signs shall be located uniformly and consistently.
 - (f) Internally illuminated signs are not permitted.
 - (g) Pennants and banners, except as provided for in Section 3012.D, are not permitted in the Design Control District.
 - (h) Building signs which consist of solely individual letters affixed directly to the building or structure, or painted onto or engraved into the building or structure are encouraged.

PART 3. DEVELOPMENT STANDARDS

Chapter 300. General Standards

Section 3001. Use Standards

3001.A ~~Applicability Standards~~. Land development shall conform to the use standards for the applicable zoning district unless:

- (1) A subject use is a nonconformity and the proposed land development is in conformance with the requirements of Section 1203;
- (2) The proposed land development shall be approved as a planned unit development in accordance with the provisions of Chapter 440.

3001.B ~~Mixed Uses~~. Any combination of permitted or conditional uses may be allowed on a single ~~lot~~parcel.

- (1) Where residential uses are in separate or multiple structures, the use will be regulated based on the total number of units on the parcel. Three single-~~family~~unit homes on a non-subdivided ~~lot~~parcel will therefore be a conditional use in the Rural district because three dwelling units is a conditional use in that district.

3001.C ~~Prohibited Uses~~. A use not specifically listed is prohibited unless the Administrative Officer finds that the unlisted use:

- (1) Is materially similar to a listed use in accordance with Subsection 3001.D; or
- (2) Is required to be permitted in a zoning district by state or federal law.

3001.D ~~Materially Similar Uses~~. The Administrative Officer may determine that an unlisted use is materially similar to a listed use in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that listed use if it has:

- (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that listed use.

Section 3002. Dimensional Standards

3002.A ~~Applicability Standards~~. Land development shall conform to the dimensional standards for the applicable zoning district unless:

- (1) A subject ~~lot~~parcel or structure is a nonconformity and the proposed land development is in conformance with the requirements of Section 1203;
- (2) The applicant receives a waiver (Section 4602) or variance (Section 4603) to a dimensional standard from the Development Review Board; or

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

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

- (1) The total amount of development on the ~~lot~~ parcel shall not exceed the maximum density or FAR allowed in the district.
- (2) Approval of multiple principal buildings on a ~~lot~~ parcel shall not constitute a right to subdivide or separately convey those structures. Structures cannot be conveyed separately without subdivision or PUD.

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

- (1) ~~In the Riverfront and Mixed Use Residential districts, m~~ M maximum residential density shall be based on a ~~lot~~ parcel's total acreage or square footage.
- ~~(2) In all other districts, maximum residential density shall be based on a lot's buildable rather than total acreage or square footage, which does not include:~~
 - ~~(-) Any land with a slope of 30% or more as mapped based on the attached slope map or on a professionally prepared topographic survey submitted by the applicant and measured in accordance with Section 3007; and~~
 - ~~(-) Wetlands and their required buffers as identified on the Montpelier Natural Resources Inventory Map or delineated in a professionally prepared natural resource assessment submitted by the applicant.~~
- ~~(5)~~ (2) Any nonconforming ~~lot~~ parcel may be developed with one dwelling unit in accordance with these regulations irrespective of whether it has the required amount of buildable land required to meet the applicable district standard.
- ~~(6)~~ (3) The number of dwelling units on a ~~lot~~ parcel shall not exceed the maximum density specified in each zoning district except:
 - (a) Accessory apartments approved under Section 3104 shall not count as a dwelling unit for the purposes of calculating density.
 - (b) ~~Any single-family dwelling on a~~ At a minimum, any conforming ~~lot~~ parcel served by city water and sewer may be ~~converted used to a~~ for two- dwelling family units ~~dwelling~~ irrespective of the district density standard provided that all other applicable standards of these regulations are met. Further, any parcel served by sewer and water may be subdivided such that two dwelling units are on a conforming parcel irrespective of the district density provided all other applicable standards of these regulations are met.

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

- (1) Nonresidential Development. The density of nonresidential development shall be measured as floor area ratio (FAR), which is the ratio of gross floor area to the total ~~lot~~ parcel area as shown in Figure 3-04.

- (2) Residential Development. The density of residential development shall be measured in square feet of ~~lot~~parcel area per dwelling units (sf/du). 1 acre = 43,560 square feet as shown in Figure 3-05.
- ~~(4) Maximum residential density may be limited by the amount of buildable land on the parcel (see Section 3007 for additional details and for districts in which those requirements may apply).~~
- ~~(4)(3)~~ Mixed Use Development. Proposals with both residential and non-residential development shall not exceed the necessary square footage of the combined uses. For example, an 8,500-square foot ~~lot~~parcel in Mixed Use Residential has a maximum residential density of 1 unit per 1,500 square feet and an FAR of 1.0. If an applicant proposes three dwelling units (4,500 square feet used) then they would be allowed up to 4,000 square feet of non-residential use.
- ~~(5)~~ Off-street parking located within the footprint of a principal building shall not be included in the calculation of floor area ratio.
- (4)

Figure 3-01. Illustrated ~~Lot~~Parcel Dimensional Standards

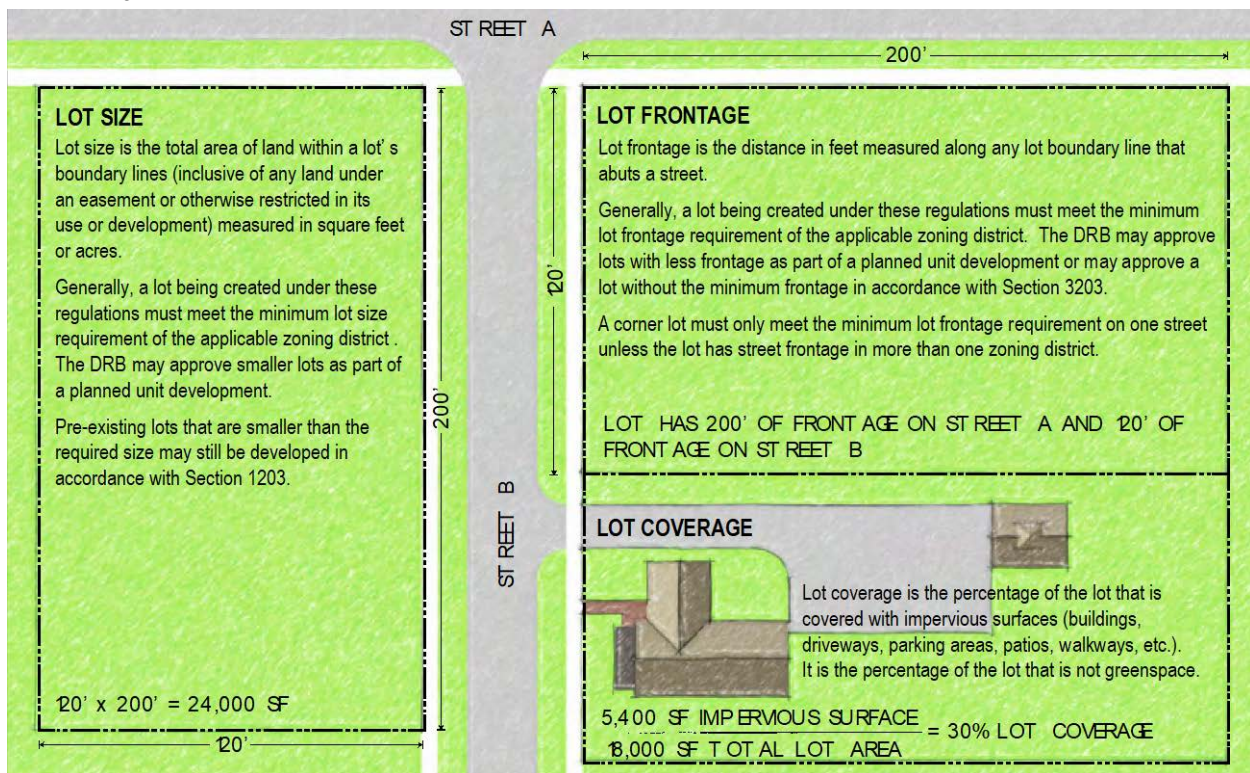


Figure 3-02. Illustrated Setback Dimensional Standards

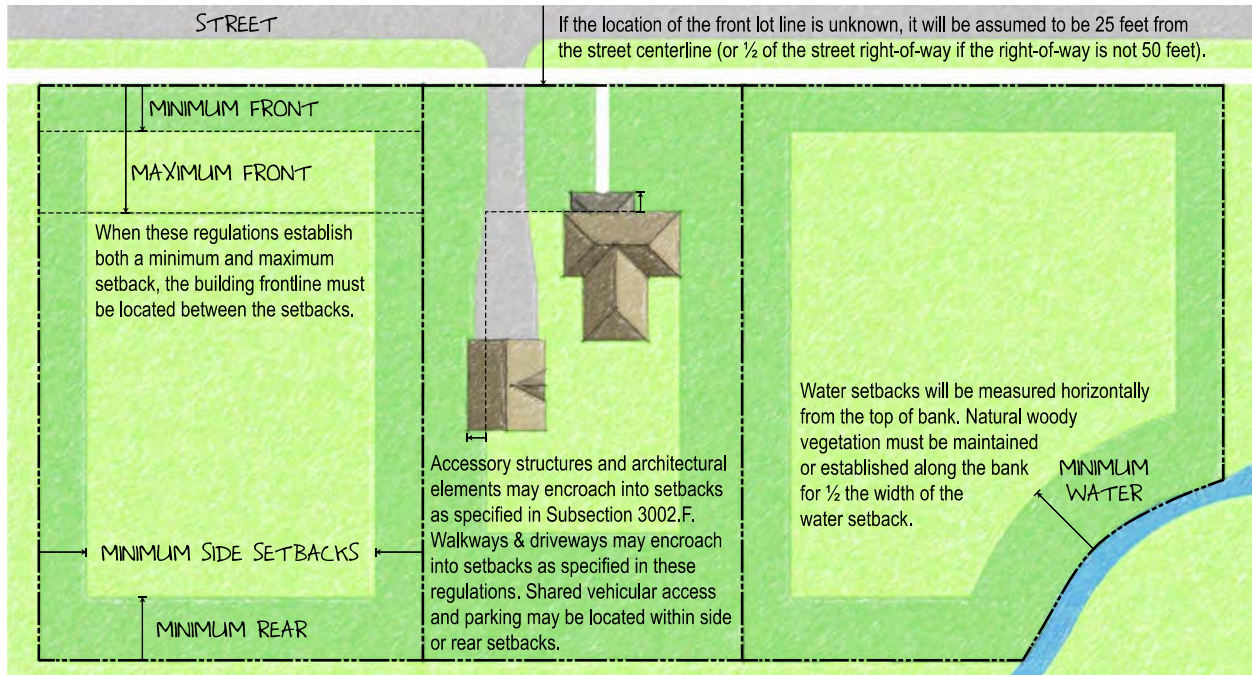


Figure 3-03. Illustrated Building Dimensional Standards

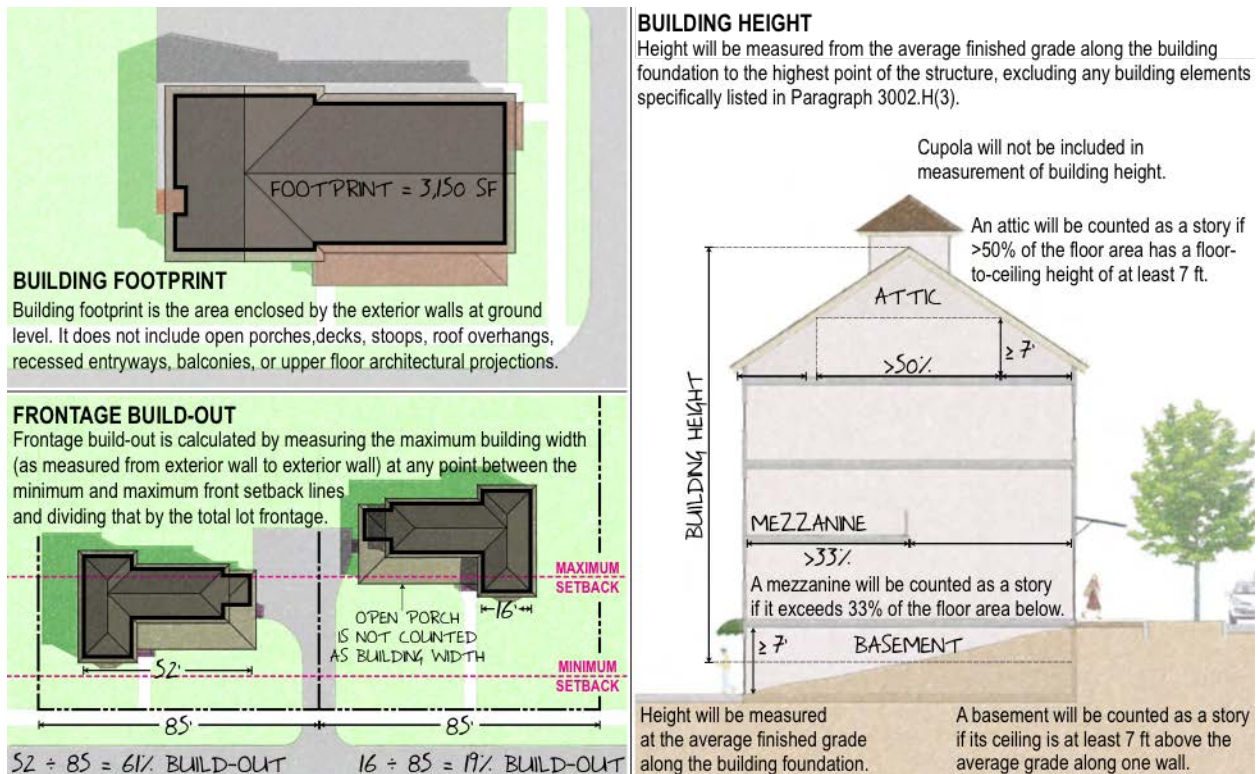


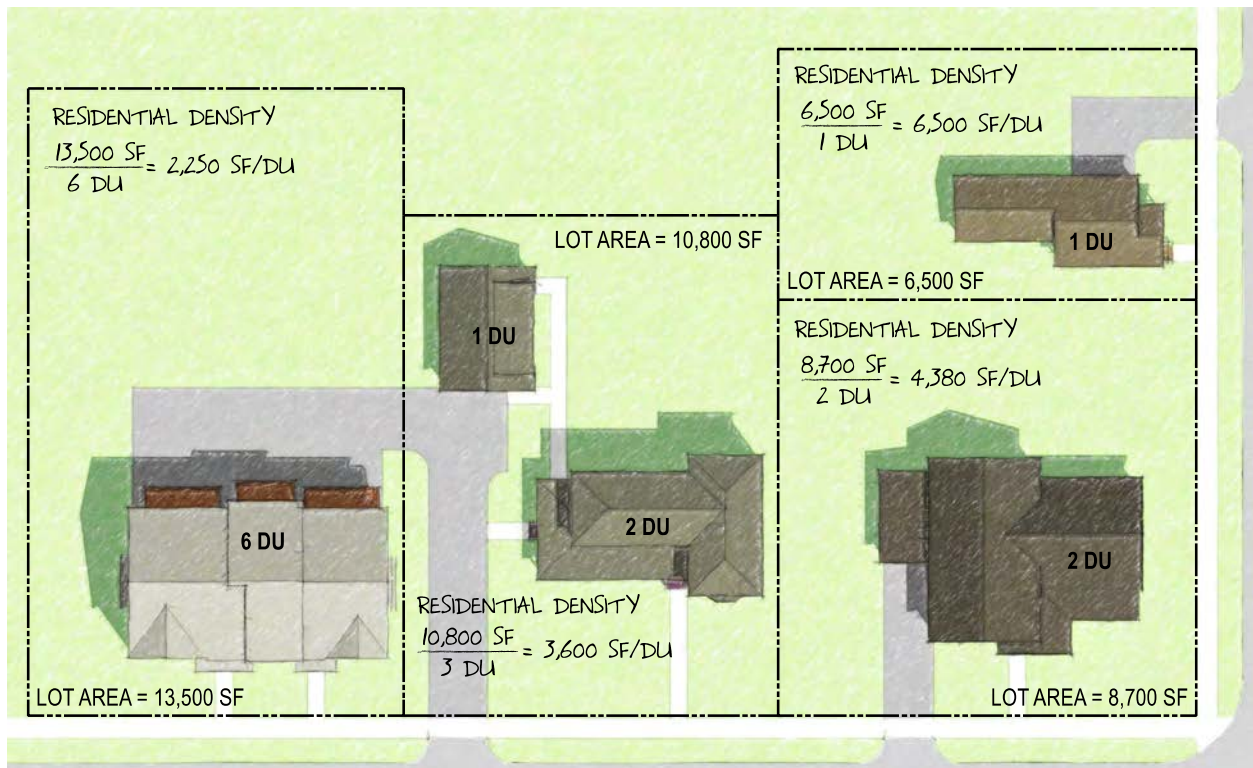
Figure 3-04. Floor Area Ratio (FAR) Illustrated

FLOOR AREA RATIO (FAR)

Floor area ratio is calculated by dividing the total gross floor area by total lot area. Gross floor area (GFA) is the sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine, attached garage or other accessory building with a floor-to-ceiling height at least 7 ft.



Figure 3-05. Dwelling Units per Square Foot of Lot/Parcel Area (sf/du) Illustrated



3002.E ~~Lot~~Parcel Size. ~~Lot~~Parcel size shall be regulated in accordance with the following:

- (1) Any ~~lot~~parcel created under these regulations shall meet the minimum ~~lot~~parcel size requirement for the district in which it is located unless approved as part of a planned unit development in accordance with the provisions of Chapter 440.
- (2) Nonconforming ~~lot~~parcels are regulated in accordance with Subsection ~~1203.B~~1203.C.
- (3) A ~~lot~~parcel that has or will include land in more than one zoning district shall meet the minimum ~~lot~~parcel size based on the proportional contribution of each zone. For example, a parcel proposed to have 2,000 square feet in MUR and 1,000 square feet in RES 6 shall have 0.667% of an MUR ~~lot~~parcel (2,000 divided by 3,000 square feet minimum ~~lot~~parcel size) and 0.167% of a RES 6 ~~lot~~parcel (1,000 divided by 6,000) so combined it would have 0.833% (not enough for a legal ~~lot~~parcel). Had that same scenario included 1,000 square feet in RES 3 rather than RES 6 it would count for 0.333% and make the total 1.0.

3002.F Street Frontage. All ~~lot~~parcels shall front on a public or private street as specified in each zoning district and in accordance with the following:

- (1) An existing ~~lot~~parcel without the minimum required frontage on public or private street must have access to such a street over an easement or right-of-way approved by the Development Review Board that is not less than 20 feet wide for single- and two-~~family~~unit residential ~~lot~~parcels and 50 feet wide for all other ~~lot~~parcels.
- (2) ~~Lot~~Parcels that front on more than one street shall only be required to meet minimum frontage requirements on one street except:
 - (a) On ~~lot~~parcels in more than one zoning district the minimum frontage shall be maintained on at least one street in each district where the ~~lot~~parcel has frontage.
- (3) All new ~~lot~~parcels created under these regulations shall have the minimum frontage on a public or private street unless the Development Review Board:
 - (a) Approves a ~~lot~~parcel with less frontage as part of a planned unit development in accordance with the provisions of Chapter 440; or
 - (b) Reduces the frontage requirement to not less than 20 feet for irregularly shaped ~~lot~~parcels or ~~lot~~parcels accessed by a shared driveway.

3002.G Setbacks. Buildings shall be set back from streets, property lines and water bodies as specified in each zoning district and in accordance with the following:

- (1) ~~Lot~~Parcels with frontage on more than one street shall meet front setback requirements on each street, and shall meet side setback requirements on the remaining sides.
- (2) Accessory structures and uses may encroach into a required setback as specified in Section 3003.
- (3) Driveways may encroach into a required setback as specified in Section 3010.
- (4) To encourage a regular building pattern along a street, the Administrative Officer shall reduce the minimum front setback requirement to allow a principal building to match the average setback of the two closest principal buildings on the same side of the street.

- (5) Setbacks for buildings and similar structures shall be measured on a level line to the closest point on the structure to the subject property line or water body.
- (6) LotParcels without frontage shall have no front or rear setback but shall have sides setbacks from all property lines.

3002.H Height. No structure may exceed district height limits as measured in accordance with this section and as specified below:

- (1) Minimum and maximum height requirements for principal structures are established for each zoning district.
- (2) Accessory structures shall not exceed the height requirements established in Section 3003.
- (3) Height limits do not apply to:
 - (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
 - (b) Skylights, parapet walls, cornices, chimneys, ventilators, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
- (4) Where a minimum building height is specified:
 - (a) Buildings with a footprint of less than 6,000 square feet shall maintain that height along the entire facade and for a depth of at least 20 feet.
 - (b) Buildings with a footprint of 6,000 square feet or more shall maintain that height along at least 30% of the facade and for a depth of at least 30 feet.
- (5) Height shall be measured as the vertical distance from the highest point of the structure (excluding building elements in Paragraph (3) above) to the average of the highest and lowest points where the exterior wall meets the finish grade. See Figure 3-03.

3002.I Measuring Dimensional Standards. The dimensional standards for lotparcels, setbacks and buildings shall be measured as shown in Figure 3-01, Figure 3-02 and Figure 3-03.

- (1) Building footprint is a maximum cap for individual buildings and is not a cap of the cumulative total of all buildings.
- (2) LotParcels without frontage shall not be required to meet frontage buildout for the district in which they are located.

~~3002.I~~—Waivers. Applicants may request a waiver to dimensional standards not to exceed the maximum waiver in ~~3002.I~~Figure 3-06. Applicants shall follow the process in Section 4602 and shall demonstrate the request shall meet the standards in Figure 4-02.

3002.J

~~Figure 3-07.~~ Figure 3-06. Waiver Limitations

STANDARD	MAXIMUM WAIVER
<u>LotParcel</u>	

STANDARD	MAXIMUM WAIVER
Coverage	5% or 2,000 sf more than district standard, whichever is less
Setback	
Side	10 ft less than district standard, but not to less than 5 ft
Rear	10 ft less than district standard, but not to less than 10 ft
Building	
Footprint (maximum)	No maximum limit to waiver request
Height (maximum)	5 ft
Other Dimensional Standards	
The Development Review Board may modify any dimensional standard in these regulations by not more than 10%.	

Section 3003. Accessory Structures and Uses

- 3003.A **Applicability.** This section applies to any subordinate use of a structure or land that is clearly incidental to, and customarily found in conjunction with, the principal use or structure. Accessory structures and uses are allowed in all districts in accordance with this section.
- 3003.B **Establishment.** An accessory structure or use shall not be converted to a principal structure or use without complying with dimensional requirements for primary structures.
- 3003.C **Dimensional and Density Standards.** Accessory structures and uses shall meet all of the following:
- (1) Except with regards to water setbacks, the accessory structures and uses may encroach into district setbacks as specifically authorized in [Figure 3-07](#) ~~Figure 3-07~~.
 - (a) Where a base district setback is less than the setback in [Figure 3-07](#) ~~Figure 3-07~~, the smaller setback applies.
 - (2) The height of an accessory structure located within the minimum setback required for principal structures in the zoning district shall not exceed the height specified in [Figure 3-07](#) ~~Figure 3-07~~.
 - (3) The height of an accessory structure located outside the minimum setback required for principal structures in the zoning district shall not exceed the standard for a principal structure within the applicable zoning district.

~~Figure 3-08.~~ [Figure 3-07.](#) Accessory Structures and Uses Within Setbacks for Principal Buildings

Structure	Location (Yard)	Setback	Max Height
Arbors	Any	0 ft	12 ft
Berms	Any	0 ft	–
Driveways	Any	0 ft	–
Equipment, ancillary (unless otherwise specified in these regulations)	Rear or side	5 ft	–
Fences (see Section 3101)	Any	0 ft	8 ft
Fire escapes, entry stairs, handicap ramps or similar safety/accessibility structures	Any	0 ft	–
Flag poles	Any	10 ft	35 ft
Garages, carports, pole barns, and similar large accessory structures (max 2 per lot parcel) may be located within the setback for principal structures unless meeting all the dimensional standards for principal buildings in the applicable	Rear or side	10 ft	35 ft

Structure	Location (Yard)	Setback	Max Height
district)			
Gates	Any	0 ft	–
Heating and cooling units	Rear or side	5 ft	–
Mailboxes	Any	0 ft	–
Pools, hot tubs, decks or patios	Rear or side	5 ft	–
Parking areas	Rear or side	5 ft in Urban Center 1 10 ft in all other districts 0 ft if shared	–
Retaining walls (see Section 3101)	Any	0 ft	12 ft
Sheds or similar small accessory buildings (max 3 per lot/parcel, max 200 sf footprint each may be located within the setback for principal structures unless meeting all the dimensional standards for principal buildings in the applicable district)	Rear or side	5 ft	15 ft
Sidewalks	Any	0 ft	–
Sports or recreation equipment	Any	5 ft	15 ft
Green stormwater infrastructure	Any	0 ft	–

Section 3004. Demolition

3004.A Applicability. A zoning permit is required to demolish a structure or part of a structure ~~except demolition of minor structures meeting the exemption under Chapter 110.~~

3004.B In addition to basic application requirements, the application shall include a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site shall be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.

3004.C All demolition shall be completed with 60 days of commencement and, at a minimum, completion shall include:

- (1) All structural materials and debris shall be removed from the site;
- (2) The site shall be restored to a natural grade; and
- (3) Groundcover shall be re-established to prevent erosion unless otherwise specified as a condition of approval.

3004.D Demolition. Within the Design Control Overlay District, The demolition or replacement of any structure, or portion thereof, listed as a contributing structure on the ~~Vermont Historic Sites and Structures Survey and the~~ National Register for Historic ~~Resources~~Places, or any application for development which involves the demolition of such structures, shall be reviewed by the Development Review Board under the following provisions:

- (1) Application Requirements. The permit application shall include, in addition to other required materials:
 - (a) A demolition and site restoration plan which, at a minimum, describes the intended use of the site and the manner in which the site is to be restored to grade, surfaced, landscaped or screened to minimize adverse visual impacts, and

secured to prevent hazards to public safety and adjoining properties; and

- (b) For historic structures, documentation that the rehabilitation of the structure would cause undue financial hardship to the owner, or that the demolition is part of a site development plan that would provide clear and substantial benefit to the municipality.
- (2) Demolition of Historic Structures. ~~Within the Design Control Overlay District, the~~ The demolition or replacement of any structure or portion thereof listed as a contributing structure on the ~~Vermont Historic Sites and Structures Survey or the~~ National Register for Historic Places is prohibited unless the Development Review Board approves the demolition and site restoration plan, and:
- (a) The Board finds, pursuant to Paragraphs (3) and (4) below, that rehabilitation of the structure or portion thereof would cause undue financial hardship to the owner; or
 - (b) The Board finds that the demolition is part of a site development plan and design plan (if applicable) that would provide clear and substantial benefit to the community.
- (3) Standards for Determination. The Development Review Board shall consider the following factors in making its determination regarding whether undue financial hardship exists under Paragraph (4) below:
- (a) The applicant's knowledge of the property's historical significance at the time of acquisition, or of its status subsequent to acquisition;
 - (b) The structural soundness of the building, or any structures on the property and their suitability for rehabilitation;
 - (c) The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition;
 - (d) The current level of economic return on the property as considered in relation to the following:
 - (i) amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;
 - (ii) a substantial decrease in the fair market value of the property as a result of the denial of the permit;
 - (iii) the fair market value of the property at the time the application is filed;
 - (iv) real estate taxes for the previous three (3) years;
 - (v) annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and a depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;
 - (vi) remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;

- (vii) all appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - (viii) any state or federal income tax returns on or relating to the property for the previous three (3) years.
 - (e) The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
 - (i) any real estate broker or firm engaged to sell or lease the property;
 - (ii) reasonableness of the price or rent sought by the applicant, and
 - (iii) any advertisements placed for the sale or rent of the property by the owner or applicant.
 - (f) The feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
 - (i) a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings/structures on the property and their suitability for rehabilitation;
 - (ii) testimony from a licensed engineer or architect with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of existing buildings/structures on the property.
 - (g) Studies and evaluations conducted at the owner's expense shall identify impact of economic incentives and funding available to the applicant through federal, state, city, or private programs, including tax credits, in relation to a ten (10) year pro forma of projected revenues and expenses for the reasonable uses or revenues that takes into consideration the utilization of incentives programs available.
 - (h) Input from community organizations, preservation groups, other associations and private citizens who may wish to evaluate and comment on a submission made under the financial hardship provision.
- (4) Determination of Undue Financial Hardship. A determination of undue financial hardship may be granted only if the project fully complies with one of the following requirements:
- (a) For income producing properties – the building, site or object cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; or
 - (b) For non-income producing properties – the building site or object has no beneficial use as a residential dwelling or for an institutional use in its present state or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property.
- (5) Conduct to be excluded from review – Demonstration of undue financial hardship by the owner shall not be based on conditions caused by or resulting from the following:

- (a) willful or negligent acts by the owner, agents, tenants, or licensees;
 - (b) purchasing the property for substantially more than market value at the time of purchase;
 - (c) failure to perform normal maintenance and repairs;
 - (d) failure to diligently solicit and retain tenants;
 - (e) failure to prescribe a rental amount which is reasonable; or
 - (f) failure to provide normal tenant improvements.
 - (g) failure to maintain or repair significant architectural features or structural components.
- (6) Hearing Recess. Prior to approving the demolition of an historic structure, the Development Review Board may temporarily adjourn the hearing process for a period not to exceed six months from the date of complete application, to provide time to assess the feasibility of rehabilitation of the structure, or to document the historic and architectural elements of the structure prior to its demolition.
- (7) Site Restoration. Within 30 days after a permanent or temporary building or structure has been demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over and filled to the normal grade by the owner(s), unless otherwise required as a condition of an approved site restoration plan.
- (8) The requirements of this section shall not apply to orders of the Building Inspector or Fire Marshall requiring that a building be removed due to public health, safety, or welfare concerns.

Section 3005. Riparian Areas

3005.A Purpose. The purpose of this section is to protect and enhance the overall quality, natural function, ecological health, scenic benefits, and recreation potential of the city's water resources by limiting or mitigating the impact of development within riparian areas.

3005.B Applicability. The provisions of this section apply to land within the water setback as established in the base district and as measured below. Pre-existing buried streams, regardless of whether it is identified on Montpelier Natural Resources Map, shall meet the requirements of Subsection 3005.D.

3005.C Measuring Water Setbacks. Water setbacks shall be measured from top of bank of all surface waters mapped on the Montpelier Natural Resources Inventory Map.

3005.C3005.D Exception- pre-existing buried streams. Pre-existing buried streams are exempt from the requirements of this section except that a 10 foot setback shall be maintained from the centerline of the culvert. No buffer is required for buried streams.

3005.D3005.E Development in the Riparian Area. Except as outlined in Subsection 3005.~~E,F~~ and Subsection 3005.~~F,G~~ below, all development is prohibited in the ~~riparian area~~water setback.

~~(0) Except within Urban Center 1, Urban Center 2, Urban Center 3, and Riverfront Districts, applicants may request a waiver from the Development Review Board where this standard shall create an undue burden. The Development Review Board shall find that the proposal meets the requirements in Subsection 3005.G. Within the unchannelized portions of the Urban Center 1, Urban Center 2, and Urban Center 3 Districts and within the entire Riverfront District, the riparian buffer shall be 15 feet. Within the channelized portions of Urban Center 1, Urban Center 2, and Urban Center 3, there shall not be a buffer requirement.~~

3005.F Groundcover within Water Setbacks. Applicants shall establish or maintain a riparian buffer of natural woody vegetation from the top of bank a distance equal to or greater than half of the water setback for the applicable zoning district (i.e., a 50-foot water setback requires a 25-foot riparian buffer).

- (1) The water setback area that is not part of the required riparian buffer may be covered with mowed lawns, patios, decks, walkways, or other impervious area provided impervious cover does not exceed 20% of the entire ~~riparian area~~water setback area.
- (2) The setback area that is not part of the required riparian buffer may be used for stormwater treatment and snow storage.
- (3) The applicant may apply for a waiver to remove woody vegetation from part of the riparian buffer to allow for the development of water access and the development of water-dependent uses.
 - (a) Applicants shall submit waiver requests to the Conservation Commission for written comments before the Development Review Board shall review the request.
 - (b) In addition to the requirements of Subsection ~~3005.F~~3005.G, the applicant shall demonstrate that the amount of woody vegetation proposed to be removed shall be minimized, that the location is not critical habitat, and that erosion and other environmental hazards are mitigated. The Development Review Board may require replacement of an equal amount of buffer in the water setback area.

i *A water-dependent structure or use means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.*

3005.G Non-Conforming Development within the Riparian Buffer. Non-conforming development within the riparian buffer shall be regulated as follows:

- (1) A non-conforming building or developed site may be used for any purpose allowed in the zoning district.
- (2) Where an applicant proposes to expand a non-conforming structure or non-conforming site in the riparian area, a waiver shall be required in accordance with Paragraph 1001.A~~3005.D(1)~~.
- (3) When a proposal requiring major site plan approval occurs on a ~~lot~~parcel with a non-conforming riparian area, the applicant shall bring the riparian area into conformance to the maximum extent feasible.
 - (a) Maximum extent feasible shall be interpreted to mean that buffer material shall be planted and maintained, impervious cover shall be removed to meet maximum

coverage, and similar non-conformities removed but that encroaching structures, especially primary structures shall not be required to be removed.

- (4) On previously developed residential ~~lot~~parcels, natural woody vegetation shall not have to be re-established on areas within the riparian setback maintained as lawns or gardens. Non-conforming lawn or garden areas within the riparian buffer shall not be expanded except in accordance with this section. Landowners are encouraged to replace non-conforming lawn or garden areas with natural woody vegetation, which can provide multiple benefits including bank stabilization, filtration of runoff and wildlife habitat.
- (5) Demolished non-conforming structures within the Urban Center 1, Urban Center 2, Urban Center 3 and Riverfront Districts may rebuild on the previous footprint provided all other requirements of these regulations are met and an application to rebuild is made within 12 months of demolition.

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

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

Section 3006. Wetlands and Vernal Pools

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

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

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

- (1) Land development that obtains a state wetlands permit shall be assumed to have met the requirements of this section with the exception of land development within an identified vernal pool or vernal pool buffer. Any zoning permit or approval shall be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.
- 3006.C Hearing Required. Land development subject to this section shall require approval of a waiver from the Development Review Board meeting the standards in Subsection 3006.D.
- 3006.D Development Standards. Land development in the affected area shall not have an undue adverse impact on the wetland or vernal pool. The Development Review Board shall consider the following factors in determining impact including:
- (1) Prohibit development including disturbance of vegetation, soils, and forest canopy within the first 50 feet of the delineated boundary of all vernal pools on the Montpelier Natural Resources Inventory map.
 - (2) Locate land development on portions of the ~~lot~~parcel outside wetlands and vernal pools.
 - (3) Maintain naturally vegetated areas between wetlands or vernal pools and nearby development. Where disturbance and clearing are necessary, the disturbance and clearing should be minimized within wetland buffers and vernal pool buffers.
 - (4) Minimize earthwork and alteration of the natural grade of the land and natural drainage characteristics.
 - (5) Limit road and utility crossings through wetland buffers and vernal pool buffers and locate any unavoidable crossings at the narrowest section of the wetland buffer or vernal pool buffer. Consider use of existing crossings or shared driveways to access upland areas on the ~~lot~~parcel.
 - (6) Minimize the amount of impervious surface. Consider use of pervious materials.
 - (7) Avoid water withdrawal or changes in drainage patterns that shall direct water away from the wetland or vernal pool.

Section 3007. Steep Slopes

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

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

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

- (1) ~~p~~Proposes to ~~disturb or clear land~~develop on steep slopes, including disturbing or clearing land, that which exceeds the threshold amount(s) specified in ~~Figure 3-08~~Figure 3-09; or

~~3007.B(2)~~ Results in slopes that exceed the thresholds in Figure 3-09.

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

- (1) ~~disturbing~~Disturbing or clearing includes any activity that removes the existing, natural vegetative cover from the ground as a precursor to or component of land development. It does not include normal property maintenance or management activities such as removing invasive species or hazard or diseased trees, or the harvesting of timber for personal use.

~~3007.C(2)~~ Steep slopes are any slopes equal to, or in excess of, 15%.

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

- (1) Determine using the attached slope map.
- (2) Rely on other more accurate elevation and slope data available from the city or state (see the Vermont Agency of Natural Resource's *Natural Resource Atlas*).
- (3) Provide a professionally prepared topographic survey.
- (4) Exclude isolated areas with slopes ~~in equal to or in~~ excess of 15% that are less than 500 square feet in area, including any contiguous areas with slopes equal to or in excess of 15% on adjacent properties.

3007.E Hearing Requirement. Any land development that proposes to ~~disturb or clear~~develop land on steep slopes that exceeds the threshold amount(s) specified in ~~Figure 3-08~~Figure 3-08 shall require a hearing by the Development Review Board in accordance with the process for conditional use review outlined in Chapter 450. In addition to other applicable provisions of these regulations, the Development Review Board shall consider the extent to which the proposed development conforms to the design standards established in Subsection 3007.H.

3007.F ~~Grading-Engineered~~ Plan and Report. An applicant shall not propose to ~~disturb or clear~~develop land in excess of the limit established in ~~Figure 3-09~~Figure 3-09 unless the applicant submits, and the Development Review Board approves, a grading plan signed and sealed by licensed-a professional engineer registered in the State of Vermont. The plan and report shall, at a minimum, address the following:

- (1) Existing and proposed grades;
- (2) Foundations and retaining walls designs, if applicable;
- (3) Drainage and swale information;
- (4) A written statement from the engineer indicating that the project will not have an adverse effect on slope stability and safety of existing or proposed structures;

~~3007.F~~ —

3007.G Disturbance and Clearing Limits. The Development Review Board may establish development envelopes and limit the amount of disturbance or clearing outside such envelopes as deemed necessary to further the purposes of this section.

3007.H Design Standards. ~~To the maximum extent feasible, d~~Development on steep slopes shall be safe and not have an undue adverse effect on slope stability. Development therefore shall

be designed to:

- (1) Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
- ~~(2) — Not create slopes steeper than 30%.~~
- ~~(3)~~(2) Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
- ~~(4)~~(3) Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
- ~~(5)~~(4) Produce a final grade that is compatible with surrounding natural terrain.
- ~~(6)~~(5) Create a harmonious transition between graded slopes and the natural terrain.
- ~~(7)~~(6) Avoid creating continuous unbroken slopes or linear slopes.
- ~~(8)~~(7) Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
- ~~(9)~~(8) Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
- ~~(10)~~(9) Consider use of retaining walls and terracing rather than cut-and-fill banks.
- ~~(11)~~(10) Vary the pad elevations on sites with multiple structures to follow the natural terrain.
- ~~(12)~~(11) Provide roads and drives that follow existing contours.
- ~~(13)~~(12) Use compact building forms and or multi-story buildings to minimize building footprint.
- ~~(14)~~(13) Use split- or multi-level building forms that step up or down the slope.

~~Figure 3-09.~~ Figure 3-08. Hearing Required

SLOPE	HEARING THRESHOLD
≥15%	Disturbing 48 ,000 sf or more of land in this slope category on the lot <u>parcel</u> shall require a hearing.
≥20%	Disturbing 36 ,000 sf or more of land in this slope category on the lot <u>parcel</u> shall require a hearing.
≥25%	Disturbing 24 ,000 sf or more of land in this slope category on the lot <u>parcel</u> shall require a hearing.
≥30%	All development —disturbance or clearing— of land in this slope category on the lot is prohibited <u>shall require a hearing.</u>

~~Figure 3-10.~~

~~Figure 3-11.~~ **Figure 3-09. Engineered Plan Required**

SLOPE	DISTURBANCE OR CLEARING LIMIT
≥15%	No more than 84 ,000 sf of the land in this slope category on the lot parcel may be disturbed-developed without an engineered plan.
≥20%	No more than 63 ,000 sf of the land in this slope category on the lot parcel may be disturbed-developed without an engineered plan.
≥25%	No more than 42 ,000 sf of the land in this slope category on the lot parcel may be disturbed-developed without an engineered plan.
≥30%	All development, disturbance or clearing of land in this slope category on the lot parcel is prohibited requires an engineering plan.

Section 3008. Erosion Control

3008.A Purpose. This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.

3008.B Applicability. ~~All construction activities that will disturb soil shall implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies (for further guidance see the Vermont Agency of Natural Resource's Low Risk Site Handbook for Erosion Prevention and Sediment Control).~~ The provisions of this section apply to any land development that will disturb soil except that:

- (1) Land development that obtains a state construction general or individual permit shall be assumed to have met the requirements of this section. Any zoning permit or approval shall be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

3008.C Erosion Control Plan Required. Applicants shall submit and implement a professionally prepared erosion control plan for construction activities that exceed the threshold amount(s) of soil disturbance specified in ~~Figure 3-10~~Figure 3-10 in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

3008.D Erosion Control Practices. Construction activities shall be undertaken in accordance with the following practices:

- (1) Limit the size of the construction area to the minimum necessary to accommodate the proposed development.
- (2) Preserve significant existing trees within the construction area where possible.
- (3) Mark site boundaries to identify the limits of construction with flags or fencing. The site boundaries should include storage and access areas. No soil compaction should occur outside the delineated construction area. Trees to be preserved within the construction area should be protected by fencing that at a minimum encloses the area around their drip line.
- (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.

- (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto streets.
- (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
- (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment shall not be diverted to neighboring properties, public rights-of-way or water bodies.
- (8) Treat and filter any water pumped out of the construction area before allowing it to flow off the site or to be discharged to a storm drain or water body.
- (9) Slow down any concentrated flows of runoff by installing stone check dams in drainage channels.
- (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete. All areas of disturbance should have permanent stabilization within 48 hours of reaching final grade with recognition that this may not be possible in every case, particularly for construction occurring between mid-October and mid-April.
- (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.
- (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (13) In order to promote water infiltration and plant health:
 - (a) Any compacted soil should be tilled prior to the final seeding and mulching; and
 - (b) Topsoil removed during construction shall be stockpiled and spread back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it should be amended as needed.

Figure 3-12. Figure 3-10. Erosion Control Plan Required

SLOPE	THRESHOLD FOR ENGINEERED PLAN
≥10%	An erosion control plan is required for development disturbing 10,000 sf or more of soil on the lot parcel that is steeper than 10%.
≥15%	An erosion control plan is required for development disturbing 8,000 sf or more of soil on the lot parcel that is steeper than 15%.
≥20%	An erosion control plan is required for development disturbing 6,000 sf or more of soil on the lot parcel that is steeper than 20%.
≥25%	An erosion control plan is required for development disturbing any amount of soil on the lot parcel that is steeper than 25%.

See Subsection 3007.D for guidance on measuring slope.

Section 3009. Stormwater Management

- 3009.A General Requirement. Storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.
- 3009.B Management Plan. Where required by the Director of Public Works, a stormwater management plan shall be submitted for review and approval by the Development Review Board. Stormwater control facilities shall be designed to accommodate the 25-year storm event frequency or as required. All existing facilities for the conveyance of waters, both private and public, which may be affected or impacted by the development shall be identified and analyzed. An historical account of off-site facilities within a drainage area (culverts, ditches and brooks, etc.) may also be required. The plan shall show all natural and constructed drainage ways, both existing and proposed.
- 3009.C Minimization of Stormwater Runoff. The best available technology shall be used to minimize stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, swales and minimal use of impervious surfaces.
- (1) Stormwater drainage shall not negatively affect adjacent properties. Low points and standing water should be avoided unless specifically designed as in detention ponds, artificial wetlands, or similar facilities. Failure to maintain natural and engineered on-site systems as part of an approved development shall be considered a violation of the permit.
- 3009.D Type of Drainage Systems. Natural watercourses and drainage ways shall be incorporated into the design of drainage systems to the fullest extent possible. Where open drainage systems are proposed, minimum grades shall be provided as directed by the Director of Public Works. Closed drainage systems shall be required where directed by the Director of Public Works based upon an evaluation of building densities and drainage conditions.
- 3009.E Public vs. Private Drainage Systems. Drainage systems associated with public streets shall be located within the street right-of-way or within an easement provided to the city and indicated on the plan. All public drainage systems shall be designed in accordance with the Department of Public Works specifications. Drainage systems on individual ~~lot~~ parcels shall be privately owned and maintained.
- 3009.F Responsibility for Downstream/Off-site Drainage. Where anticipated discharge from the development shall overload existing downstream drainage facilities, the Development Review Board shall not approve the development until provision has been made for improvement of the downstream facilities. The Development Review Board may require detention ponds or other measures such that a zero percent increase in drainage flows result from the development.
- 3009.G Design Calculations. All calculations for the drainage system - including upstream potential discharge, downstream capacity, and requirements for on-site facilities and easement width – shall be based on a 25-year storm or as required by the Director of Public Works.

Section 3010. Vehicle Access and Circulation

3010.A Purpose. The provisions of this section are intended to promote safe and efficient access to and circulation within a property for vehicular, bicycle and pedestrian traffic.

3010.B Vehicular Access. All ~~lot~~parcels being developed or redeveloped shall provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standards for Residential and Commercial Drives and the standards below. Where a vehicular access is a driveway or private street that is providing access to more than 3 ~~lot~~parcels, the access is also required to meet the street standards described in Section 3506. In the case of any conflict the city's public works specifications would take precedence over standards of this section, and the standards of this section would take precedence over the B-71 standard:

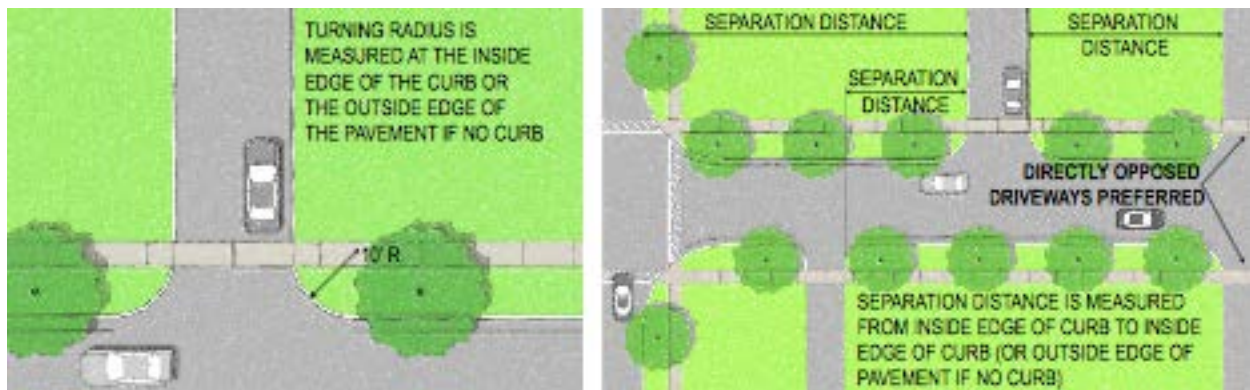
- (1) General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive-through lanes, bicyclists and pedestrians) within the site.
- (2) State or Class 1 Highways. Access to ~~lot~~parcels with frontage on a state or Class 1 highway shall be in conformance with the following:
 - (a) Access to a corner ~~lot~~lot fronting on a state or Class 1 highway shall be from the secondary street unless otherwise approved by the Development Review Board upon the applicant demonstrating that access from the state or Class 1 highway shall improve traffic circulation or safety.
 - (b) If the ~~lot~~parcel shall be accessed from a state highway, the applicant shall provide a letter of intent confirming that the Vermont Agency of Transportation is prepared to issue an access permit and setting out any proposed conditions on that permit.
- (3) Number. Shared access between adjacent properties is strongly encouraged. A ~~lot~~parcel may be served by only one access point except as provided for below:
 - (a) A corner lot not fronting on a state or Class 1 highway may have one access point on each street provided that the spacing requirements specified below shall be met.
 - (b) The Development Review Board may approve more than one access on a ~~lot~~parcel when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site.
- (4) Spacing. Access spacing shall be measured from the inside curb or pavement edge of the proposed driveway to the inside curb or pavement edge of the adjacent or opposite driveway or street as shown in ~~Figure 3-12~~Figure 3-12. Access points shall be spaced as specified in ~~Figure 3-11~~Figure 3-11. The Development Review Board may:
 - (a) Reduce the spacing for residential driveways based on the site and street conditions.
 - (b) Reduce the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the city or state, as applicable.

- (5) **Cross Access.** Proposed nonresidential or mixed-use land development shall provide for cross access between adjacent properties whenever physically feasible. At the time of subdivision, the Development Review Board may require construction of the access or a common access easement with agreement for later construction of the access as a condition of approval.
- (6) **Length.** Driveway length and internal circulation patterns shall be adequate to prevent vehicles entering and exiting the site from causing queuing on the street.
- (7) **Emergency Vehicle Access.** All proposed land development shall provide adequate access for emergency vehicles including fire lanes, pull-offs and turnarounds as necessary to accommodate emergency vehicles.
- (8) **Street Improvements.** The applicant may need to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study.
- (9) **Nonconformities.** Previously developed sites with nonconforming access shall come into conformance with the provisions of this section when changes are proposed to the site layout, access, or circulation.
 - (a) The Development Review Board may approve a waiver for this requirement where the applicant demonstrates the proposal cannot come into compliance due to the physical characteristics of the ~~lot~~parcel or existing structures on the ~~lot~~parcel.

Figure 3-13. ~~Figure 3-11.~~ Driveway Separation Standards

	UC 1, UC 2, UC 3 RIV & MUR	RES 1.5, RES 3, RES 6, RES 9 & RES 24	All Other Districts
Distance between Street Intersections and Driveways	50 ft min	100 ft min	200 ft min
Distance between Driveways	30 ft min	45 ft min	120 ft min

Figure 3-14. ~~Figure 3-12.~~ Illustrated Driveway Standards



Section 3011. Parking and Loading Areas

3011.A Purpose. The provisions of this section are intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian-friendly environment.

3011.B Applicability. Except within the Urban Center 1, Urban Center 2, Urban Center 3 and Residential 1500 districts, all development shall provide off-street parking in accordance with this section and all nonresidential or mixed-use development shall provide loading areas in accordance with this section.

- (1) Within the Urban Center 1, Urban Center 2, Urban Center 3 and Residential 1500 districts, there are no minimum parking or loading requirements, but any parking or loading areas that will be provided shall meet the provisions of this section including specifically Paragraph 3011.G(5).

3011.C Minimum Amount of Parking. All development shall provide off-street parking in accordance with the following:

- (1) The minimum number of spaces may be determined based on ~~Figure 3-13~~ Figure 3-13.
- (2) If ~~a proposed use is not listed or if~~ uncertainty exists as to which ratio in ~~Figure 3-13~~ Figure 3-13 applies to a proposed use, the Administrative Officer shall ~~make a determination set a ratio based on the listed use that is the most similar to the proposed use.~~
- (3) The Development Review Board may waive some or all off-street parking requirements to that extent that:
 - (a) The applicant submits a parking study demonstrating that less parking will be needed;
 - (b) The applicant meets the requirements for shared parking in Paragraph 3011.E;
 - (c) There is adequate on-street or public parking available within 1,000 feet of the proposed development to meet all or a portion of the demand;
 - (d) There is an existing or proposed public transit stop within ¼ mile of the proposed development; or
 - (e) The proposed development shall provide secure, enclosed bicycle storage and shower facilities for employees who bicycle, jog or walk to work.

~~(e)(4)~~ When calculation of minimum parking requirements based on these ratios results in a fractional number, the number of spaces shall be rounded down to the nearest whole number.

3011.D Maximum Amount of Parking. The creation of more than twice the minimum amount of parking as calculated based on ~~Figure 3-13~~ Figure 3-13 shall be approved by the Development Review Board in accordance with the following:

- (1) The applicant shall submit a parking study demonstrating that the additional parking is necessary.
- (2) The Development Review Board may condition approval of any parking in excess of the minimum on the additional area being surfaced with pervious materials and being phased so that it is constructed only as warranted to meet future demand.

3011.E Shared Parking. A shared parking plan may be approved to allow parking to be shared by two or more uses or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:

- (a) Determining the minimum parking requirements based on ~~Figure 3-13~~Figure 3-13 for each use as if it were a separate use.
 - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in ~~Figure 3-14~~Figure 3-14. ~~For uses not listed on the figure, the~~ Administrative Officer shall determine percentages based on comparing the proposed use to the use in ~~Figure 3-14~~Figure 3-14 that is most similar in parking demand.
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Any shared or off-site parking shall be located within a 1,000-foot walk of the associated use(s). The parking area and building(s) served shall be connected by a sidewalk or hard-surfaced walkway.
- (3) The applicant shall submit a written agreement between the owners and lessees executed for a minimum of 20 years. Should the use(s), parties involved, or terms of the agreement change in a manner that would alter the amount of parking provided or required, a revised agreement will need to be submitted and approved in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided shall be considered in violation of these regulations unless replacement parking is provided in accordance with this section.
- (4) The applicant shall submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking shall be provided, the location of the parking, and the schedule of times used by those sharing the parking.
- 3011.F Loading Areas. An applicant for a use that will regularly receive deliveries or generate shipments by truck shall demonstrate that there will be adequate off-street space for loading and unloading without interfering with traffic circulation, access and parking.
- 3011.G Locational Standards. Off-street parking and loading areas shall be located as follows:
- (1) Parking and loading areas shall be located on the same ~~lot~~parcel as the use or structure it serves unless a shared parking plan is approved in accordance with Subsection 3011.E.
 - (2) Parking and loading areas (inclusive of vehicle overhang) shall be located behind the front line of the building. Irrespective, parking of personal vehicles is allowed within any lawful residential driveway.
 - (3) Parking located behind buildings is encouraged in all zoning districts.
 - (4) A loading area shall be located to the side or rear of the building it serves.
 - (5) Within the Urban Center 1, Urban Center 2, Urban Center 3 and Riverfront districts, the following standards apply:
 - (a) No additional off-street surface parking may be constructed between the street and the frontline on the ~~lot~~parcel (this does not apply to ~~lot~~parcels where parking is the principal use).

3011.H Dimensional Standards. Off-street parking and loading areas shall conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces shall not be less than 8½ feet wide by 18 feet deep, except for compact car spaces approved by the Development Review Board. Each space shall be accessible from a driveway or access aisle except for:
 - (a) Stacked spaces within a driveway serving not more than 4 dwelling units; or
 - (b) Tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.
- (2) **Access Aisles.** The access aisles within a parking lot or structure shall be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be designed in accordance with accepted engineering standards.
- (3) **Loading Areas.** Loading areas shall conform to the following minimum standards:
 - (a) Off-street loading areas for single-unit trucks shall have an overhead clearance of at least 10 feet and shall be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.
 - (b) Off-street truck loading areas for trailer trucks shall have an overhead clearance of at least 14 feet and shall be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
- (4) **Turnarounds.** All off-street, non-residential parking and loading areas shall be designed so that vehicles can enter and exit the property without backing out onto a street right-of-way to the maximum extent feasible given the physical characteristics of the subject property.

3011.I Design, Construction and Maintenance Standards. Off-street parking and loading areas shall conform to the following:

- (1) **Pavement.** Off-street parking and loading areas shall provide a firm, level surface appropriate for the anticipated level of use in all seasons in accordance with the following:
 - (a) Parking areas for more than 20 vehicles, drive-through lanes and large truck loading areas shall be surfaced with asphalt, concrete or other durable materials.
 - (b) The Development Review Board may modify the surfacing requirement for parking areas that will not be regularly used.
 - (c) Use of pervious pavement for lightly used parking areas is strongly encouraged.
- (2) **Layout.** Perpendicular (90 degree) parking is encouraged and angled parking should be avoided unless necessitated by site-specific conditions.
- ~~(3) **Erosion and Drainage.** Off-street parking and loading areas shall be surfaced, graded, drained and maintained to properly dispose of all surface water and minimize erosion in accordance with the provisions of Section 3009. Run-off and eroded surface materials shall not flow onto adjacent streets or properties.~~
- ~~(4)~~**(3) Snow Storage.** Snow cleared from off-street parking and loading areas shall be stored on-site without obstructing vehicular or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the subject property and in accordance with the following:

- (a) If adequate space for snow storage is not available on-site, the snow shall be removed from the property as necessary and disposed of in accordance with state regulations.
- (b) Snow shall not be cleared or stored in a location or manner that would damage required landscaping.
- (c) Use of low impact development techniques to filter and infiltrate snowmelt is strongly encouraged.

~~(5)~~(4) Markings and Edging. Parking areas with more than 10 spaces shall demarcate the parking spaces in accordance with the following:

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

~~(6)~~(5) Electric Vehicle Charging. Electric vehicle charging stations may be provided within parking areas as an allowed accessory use in any zoning district. Development that will create more than 40 parking spaces for residents or employees shall provide at least 1 electric vehicle charging station per 20 parking spaces. Additional parking shall not be required when parking spaces are converted and reserved for charging vehicles and such spaces shall count towards the minimum parking required under this section.

~~(7)~~(6) Maintenance. Parking and loading areas shall be maintained in good condition free of weeds, dirt, trash and debris.

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

Figure 3-15. ~~Figure 3-13.~~ Minimum Parking Ratios

USE	MINIMUM PARKNG SPACES
Residential	
Single- family unit, accessory or multi- family unit dwelling	1.0 per DU
Retirement housing, assisted living or nursing homes	0.5 per DU (household living) or 0.3 per bed (congregate living)
Other residential	1.0 per DU (household living) or 0.5 per bed (congregate living)
Lodging	
Bed and breakfast, inn, rooming or boarding house	2.0 + 1.0 per guest room

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

USE	MINIMUM PARKNG SPACES
Hotel or motel	0.8 per guest room + 1.0 per 600 sf of public assembly space
Commercial	
Uses with high customer turnover	1.0 per 300 sf of GFA
Uses with regular customer traffic	1.0 per 450 sf of GFA
Uses with limited customer traffic	1.0 per 600 sf of GFA
Uses with no regular customer traffic	1.0 per 900 sf of GFA
Industrial	
Uses with no customer traffic	1.0 per 1,500 sf of GFA
Uses with limited customer traffic	1.0 per 900 sf of GFA
Uses with regular customer traffic	1.0 per 600 sf of GFA
Public Assembly	
Facilities for mass assembly	1.0 per 6 seats or 1.0 per 60 sf of assembly area if no seats
Public assembly with high visitor turnover	1.0 per 300 sf of GFA
Public assembly with regular visitor traffic	1.0 per 450 sf of GFA
Public assembly with limited visitor traffic	1.0 per 600 sf of GFA
Institutional or Community Facility	
Hospital	1.0 per 600 sf of GFA
Medical clinic building	1.0 per 300 sf of GFA
Grade school	0.1 per student + 1.0 per 300 sf of office space
College or university	0.3 per student
Trade or specialty school	1.0 per 300 sf of GFA
Library	1.0 per 300 sf of GFA
Museum or exhibition hall	1.0 per 1,200 sf of GFA
Public safety facility	1.0 per employee + 1.0 per 300 sf of office space
Funeral home	1.0 per 300 sf of GFA
Supervision or rehabilitative services	1.0 per 600 sf of GFA
Social assistance, welfare or charitable services	1.0 per 300 sf of GFA
Mining, Agriculture and Forestry	
Stable or equine facility or greenhouse	1.0 per 600 sf of GFA
Kennel	1.0 per 300 sf of GFA
Mining, extracting, quarrying and stone cutting	1.0 per employee + 1.0 per facility vehicle
Support functions for animal production	1.0 per 600 sf of GFA

PART 3. DEVELOPMENT STANDARDS
Chapter 300. General Standards

USE	MINIMUM PARKNG SPACES
-----	-----------------------

Notes: When calculation of minimum parking requirements based on these ratios results in a fractional number, the number of spaces shall be rounded up to the nearest whole number.

If a proposed use is not listed, the Administrative Officer shall set a ratio based on the listed use most similar to the proposed use.

_DU = Dwelling Unit. GFA = Gross Floor Area.

High turnover uses are characterized primarily by an ongoing stream of customers or visitors arriving throughout the day and staying for a limited period of time (ex. convenience store, coffee shop or gym).

Uses with regular traffic are characterized by customers or visitors arriving primarily at an expected or appointed time, and staying for moderate period of time (ex. sit-down restaurant, theater, or medical office).

Uses with limited traffic are characterized by customers or visitors arriving infrequently and primarily by appointment (ex. attorney or accountant).

Figure 3-14. Shared Parking Percentages

<u>Land Use</u>	<u>Weekday</u>		<u>Weekend</u>		<u>Nighttime</u> (12 AM – 6 AM)
	<u>Daytime</u> (9 AM – 4 PM)	<u>Evening</u> (6 PM – 11 PM)	<u>Daytime</u> (9 AM – 4 PM)	<u>Evening</u> (6 PM – 11 PM)	
<u>Office or Industrial</u>	100%	10%	10%	5%	5%
<u>Retail</u>	60%	70%	100%	70%	5%
<u>Lodging</u>	70%	100%	70%	100%	70%
<u>Dining</u>	50%	100%	70%	100%	5%
<u>Other Commercial</u>	40%	100%	80%	100%	5%
<u>Residential</u>	50%	90%	80%	90%	100%

Figure 3-00. Shared Parking Percentages

Land-Use	Weekday		Weekend		Nighttime (12 AM—6 AM)
	Daytime (9 AM—4 PM)	Evening (6 PM—11 PM)	Daytime (9 AM—4 PM)	Evening (6 PM—11 PM)	
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	70%	100%	70%	100%	70%
Dining	50%	100%	70%	100%	5%
Other Commercial	40%	100%	80%	100%	5%
Residential	50%	90%	80%	90%	100%

~~Section 3067.~~Section 3012. Signs

~~3067.A~~3012.A Purpose. By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

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

~~3067.B~~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.

~~3067.C~~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 ~~except for electronic message signs in accordance with Paragraph 3012.G(7).~~
- (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.

~~3067.D~~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.
- (3) One temporary sign with an area that does not exceed 4 square feet displayed for fewer than 48 consecutive hours on a ~~lot~~parcel where a garage sale, yard sale or other similar sale of personal property is taking place.
- (4) One temporary sign with an area of not more than 6 square feet in area adjacent to each street on which a ~~lot~~parcel that is actively for sale has frontage. Such signs shall be removed within 1 week following the sale or lease of the parcel.
- (5) One temporary sign with an area of not more than 32 square feet in area on a ~~lot~~parcel where construction is taking place. Such signs shall be removed not more than 3 days after the Administrative Officer issues a certificate of compliance for the project on the ~~lot~~parcel or when construction on the ~~lot~~parcel ceases if no certificate of compliance is required.
- (6) One open flag not more than 15 square feet or open/closed sign not more than 2 square feet in area per business. The flag shall be displayed only when the business is open. An open sign may be illuminated only when the business is open.
- (7) Posted, trespassing, hunting or similar signs not more than 2 square feet in area.
- (8) Non-illuminated name, address or similar identification signs not more than 2 square feet in area.
- (9) Decorative signs or banners on single-~~family~~unit or two-~~family~~unit residential property.
- (10) Sandwich board signs are exempt from these regulations but are required to receive approval from the Department of Public Works.
- (11) Signs on the inside of windows and inside buildings shall not be considered signs for the purposes of these regulations.

~~3067.E~~3012.E Dimensional Standards. ~~Figure 3-16~~Figure 3-16 establishes the maximum sign area and height by zone to be calculated or measured as follows:

- (1) Sign Area. Sign area shall be calculated by drawing one or more rectangles around all the components (ex. text, logos, symbols, graphics) that serve to communicate the sign's message in accordance with the following:
 - (a) Support components (ex. frames, bases, poles, posts, roofs, etc.) shall not be included in the calculation of sign area unless they are integral to communicating the sign's message.
 - (b) Sign area only includes one side of a multi-sided sign provided that the message is the same on all sides (if it is not, each unique message component shall be counted once in the calculation).
 - (c) The area of a nonrectangular sign shall be adjusted to compensate for the amount of negative space within the sign area rectangle(s) as specified in ~~Figure 3-17~~Figure 3-17.
 - (d) See ~~Figure 3-17~~Figure 3-17 for further guidance on calculating sign area.
- (2) Sign Height. The height of a ground-mounted sign shall be measured from the lowest point on the ground at the base of the sign to the highest point of the sign, including any support component (ex. post, roof, etc.). See ~~Figure 3-16~~Figure 3-16 for further guidance on measuring sign height.

~~3067.F~~3012.F General Standards. Signs shall conform to the following:

- (1) Signs shall be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.
- (2) Permanent ground-mounted signs shall be self-supporting structures built on and attached to concrete foundations.
- (3) Signs shall not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.
- (4) Signs shall not be designed or located in a manner that would obstruct access to any fire escape, required exit, window or door.
- (5) Sign lighting shall meet the provisions of Subsection 3012.H.
- (6) Signs shall not be displayed more than 14 days before the associated use commences.
- (7) All signs shall be maintained in a safe, legible, functional and well-kept condition that is substantially the same as when they were constructed or installed.

~~3067.G~~3012.G Specific Standards. Signs shall conform to the following:

- (1) Wall Signs. Wall signs are allowed as specified in ~~Figure 3-15~~Figure 3-15 and in accordance with the following:
 - (a) A building may have multiple wall signs.
 - (b) Wall signs may be mounted on any building facade.
 - (c) The total area of all wall signs on a building shall be counted towards the maximum area of building-mounted signs specified in ~~Figure 3-16~~Figure 3-16.
 - (d) The width of a wall sign shall not exceed 80% of the width of the building facade associated with the office, space or unit occupied by either a use, for buildings

with two or more uses and/or a residence or business, for a building with more than one occupant or building facade, for buildings with one use and one occupant.

- (e) A wall sign may be illuminated in accordance with Subsection 3012.H.
 - (f) Wall signs that project more than 6 inches from the wall shall have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
 - (g) Wall signs may encroach into required setbacks or over sidewalks.
- (2) Projecting Signs. Projecting signs are allowed as specified in ~~Figure 3-15~~Figure 3-15 when designed and placed so the sign is visible to, and for the purpose of capturing the attention of a pedestrian walking along the same side of the street as the building to which the projecting sign is attached or under a building arcade or canopy in accordance with the following:
- (a) There shall not be more than one projecting sign per customer entrance except as allowed under Paragraph (4) below.
 - (b) The sign shall not exceed 6 square feet in area.
 - (c) The area of a projecting sign shall be counted towards the maximum area of building-mounted signs per building specified in ~~Figure 3-16~~Figure 3-16.
 - (d) The sign may be illuminated in accordance with Subsection 3012.H.
 - (e) The sign and its support structure shall have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
 - (f) The sign and its support structure shall not project more than 3 feet from the wall of the building on which the sign is mounted.
 - (g) The sign and its support structure may encroach into required setbacks and over sidewalks to within 1 foot of the curb.
 - (h) Projecting signs shall not be mounted on a building facade above the second floor level, except that blade signs may be mounted at ground or second floor level and extend more than one story in height not to exceed the eaves or parapet.
 - (i) No projecting sign shall be located less than 24 feet from another projecting sign.
- (3) Directory Signs. Building-mounted directory signs are allowed as specified in ~~Figure 3-15~~Figure 3-15 to identify uses that shall be accessed from inside the building and in accordance with the following:
- (a) There shall not be more than one directory sign per shared building entrance.
 - (b) The sign shall not exceed 6 square feet in area.
 - (c) The sign shall be located at or adjacent to a building entrance.
 - (d) The sign may be illuminated in accordance with Subsection 3012.H.
 - (e) The area of a directory sign shall be counted towards the maximum area of building-mounted signs per building specified in ~~Figure 3-16~~Figure 3-16.

- (4) Signs for Businesses located above Ground Floor Level of a Building. Building-mounted signs identifying uses where a building has more than one residence, business, or occupants, with a space, office or unit located above the ground floor level of building are allowed as specified in ~~Figure 3-15~~Figure 3-15 and in accordance with the following:
- (a) For each building occupant with a space, office or unit located above the ground floor level of a building, there shall be no more than one building mounted sign.
 - (b) The sign may be a wall or projecting sign.
 - (c) The sign shall be mounted above the ground floor level at the same height and location as the space office or unit occupied by the associated use or building occupant. The preferred mounting location for a projecting sign associated with a use or building occupant with a space, office or unit located on the second floor level of a building is beside a window for the space, office or unit occupied by the associated use or building occupant and not higher than the top of that window.
 - (d) The sign may be illuminated in accordance with Subsection 3012.H.
 - (e) The total area of all signs for uses or building occupants with a space, office or unit located above the ground level of a building shall be counted towards the maximum area of building-mounted signs per building specified in ~~Figure 3-16~~Figure 3-16.
 - (f) All signs mounted above the ground floor level of the same building shall be compatible in type, scale and placement.
- (5) Ground-mounted signs. Ground-mounted signs are allowed as specified in ~~Figure 3-15~~Figure 3-15 and in accordance with the following:
- (a) There shall not be more than one ground-mounted sign per parcel, except that a parcel with frontage on more than one street may have one ground-mounted sign located adjacent to each street on which the parcel has frontage.
 - (b) The maximum size and height of a ground-mounted sign is specified in ~~Figure 3-16~~Figure 3-16.
 - (c) Ground mounted signs may be located within required setbacks, but shall be set back at least 3 feet from the ~~lot~~parcel line. Signs that exceed 6 feet in height shall be set back from the ~~lot~~parcel line a distance equal to no less than 50% of their height.
 - (d) The sign may be illuminated in accordance with Subsection 3012.H.
 - (e) No ground-mounted sign shall be located less than 50 feet from any other ground mounted sign.
 - (f) Ground-mounted signs associated with multiple uses, dwellings and/or businesses located on the same parcel are encouraged to identify only the name of the overall development or project on the parcel, the address of the parcel and the name of each resident or business.

- (6) Common Scheme Premises Signs. A site that consists of more than one ~~lot~~parcel sharing a common entrance from the street may have one ground-mounted sign associated with all the uses and/or occupants of building and/or land within the site, even though one or more of those uses or building or land occupants are not located on the same ~~lot~~parcel as the sign and without regard for the number landowners.
- ~~(7) Electronic Message Signs. Electronic message signs are allowed as specified in Figure 3-15 and in accordance with the following:~~
- ~~(-) There shall not be more than one electronic message sign per use or where there is more than one occupant in a building or on a single parcel, per building or land occupant, except as specifically authorized in Subsection 3012.I.~~
 - ~~(-) Electronic message signs shall not exceed 12 square feet in area.~~
 - ~~(-) Changeable-copy electronic message signs shall not flash, scroll, fade, brighten, dim or otherwise be animated or create the effect of movement.~~
 - ~~(-) The message content may change but not more than once every 15 minutes. Regardless of changes to the message content, any electronic message sign shall display message content only in a single color.~~
 - ~~(-) The brightness of the sign's message display shall not be so intense as to cause unsafe conditions. The brightness of the message display of any electronic message signs that will be illuminated after dark shall adjust automatically, or be adjusted in response to, ambient light levels.~~
- ~~(13)~~(7) Awnings and Similar Accessory Structures. Signs on awnings or similar attachments to a building shall be considered wall signs for the purposes of determining the total number and area of signs allowed on a ~~lot~~parcel or site. Umbrellas or similar accessory structures shall also be considered wall signs if more than 10% of their surface area is covered with one or more signs that are also intended to be legible from off-premises.
- ~~(14)~~(8) Instructional and Wayfinding Signs. Instructional and wayfinding signs not designed to be legible from off the premises or for advertising purposes are allowed without limitation and shall not be counted when determining the total number and area of signs allowed on a ~~lot~~parcel or site.
- ~~(15)~~(9) Temporary Signs. Temporary signs are allowed to advertise openings, sales or similar special events as specified in ~~Figure 3-15~~Figure 3-15 and in accordance with the following:
- (a) There shall not be more than one temporary sign per ~~lot~~parcel except ~~lot~~parcels or sites that include more than one occupant and/or use in Eastern Gateway Zoning District may have not more than one temporary sign per occupant or use.
 - (b) A temporary sign shall be displayed not more than 7 consecutive days nor more than a total of 14 days in any calendar year.
 - (c) A temporary sign shall be securely attached to either a building or a permanent ground-mounted sign.
 - (d) A temporary sign shall not exceed 20 square feet in area.

- (e) Temporary signs shall not count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16.
- (f) A temporary sign shall not be illuminated.

~~3067.H~~3012.H Sign Lighting. All sign lighting shall conform to the following:

- (1) Externally Illuminated Signs. External illumination for signs shall be considered Class 1 lighting and shall conform to the standards of Subsection 3204.F. All upward directed sign lighting is prohibited.
- (2) Luminous Tube ~~and Fixed-Copy Electronic Message~~ Signs. Luminous tube ~~and fixed-copy electronic message signs~~ shall not count towards the site's total outdoor lighting output provided the lighting is located within the sign message area. Any lighting extending beyond the sign message area shall be treated as Class 3 lighting and shall count towards the site's total outdoor lighting output. ~~Also see Paragraph 3012.G(7).~~
- (3) High Intensity Lights. Any sign that includes the use of laser source lights, searchlights or other high intensity lights is prohibited.
- (4) Time Limits. Sign lighting shall be turned off by 9 p.m. within Lighting Zone 1 and by 11 p.m. within Lighting Zone 2, or at the close of business if later. The Development Review Board may further limit the time period when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood.

~~3067.I~~3012.I Special Use Signs. There are special standards for the following uses:

- (1) Theaters. In addition to the signs otherwise allowed under this section, a theater may have either:
 - (a) A marquee, shall not project more than 6 feet from the building and shall not exceed 4 feet in height and 12 feet in width. The three faces of the marquee may be used as signs and shall be considered one electronic message sign. The marquee shall not count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16; ~~In Urban Center 1, Urban Center 2, Urban Center 3, and Eastern Gateway Districts, the marquee may use a multi-color, changeable-copy electronic message sign and shall not be subject to the size limitation of Paragraph 3012.G(7); or~~
 - (b) Temporary wall or window signs may be mounted in permanently installed frames. These signs shall not count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16 or be subject to the limitations of Paragraph ~~3012.G(9)~~3012.G(10). The total area of these signs shall not exceed 32 square feet except that multiplexes may have an additional 8 square feet of signage per additional theater.
- (2) Fueling Stations. In addition to the signs otherwise allowed under this section, a fueling station may have either:
 - (a) One pricing sign affixed to each pump or not more than one pricing sign affixed to each side of the canopy. Such pricing signs shall not count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16. Each sign shall not exceed 3 square feet in area. Pricing signs may be single-color changeable-copy electronic

message signs ~~provided that the standards of Paragraph 3012.G(7) are met (the multiple pricing signs shall be considered one electronic message sign);~~ or

- (b) One ground-mounted pricing sign adjacent to each street upon which the parcel has frontage. The pricing sign shall count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16. The pricing sign may be a single-color changeable-copy electronic message sign ~~provided that the standards of Paragraph 3012.G(7) are met.~~
- (3) Farm Stands or Markets. In addition to the signs otherwise allowed under this section, a farm stand or market may display not more than 4 non-illuminated signs advertising seasonal products. Such signs shall not count towards the maximum area of signs allowed under ~~Figure 3-16~~Figure 3-16. Each sign shall not be more than 4 square feet in area and shall not be displayed more than a total of 90 days in any calendar year.

~~3067.J~~3012.J Signs in Public Rights-of-Way. Permission from the Department of Public Works is required before any sign may be placed in a public right-of-way, irrespective of whether or not it requires a zoning permit.

~~3067.K~~3012.K Sign Removal. All signs shall be removed within 90 days after its associated use, building or land occupant changes, closes, or terminates (if the sign is nonconforming see Subsection 3012.L). For lawful, conforming signs, only the message components of the sign associated with the changed, closed, or terminated use, building or land occupant shall be removed or covered and the support components may remain. If the support components are not going to be reused, they shall be removed before the Administrative Officer may issue a zoning permit for any new signs on the property.

~~3067.L~~3012.L Nonconforming Signs. The following applies to any sign that has become a nonconformity:

- (1) A nonconforming sign shall not be altered, modified or reconstructed unless:
 - (a) The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or
 - (b) The alteration, modification or reconstruction of the sign will not change the area or primary content of the sign (ex. business name or logo) and will be limited to replacement of a sign panel, or replacing individual letters or logos within the same area, or repainting a sign face. No changes beyond normal repair and maintenance shall be allowed to the structure or framing, and the sign shall not be relocated.
- (2) Otherwise a nonconforming sign shall be brought into conformance with these regulations when:
 - (a) There is a substantial improvement to the exterior of the building occupied by the use or building occupant associated with the sign.
 - (b) The sign has been damaged to the extent that the cost of repair or restoration exceeds 30% of the replacement value of the sign immediately prior to the damage.

- (3) A nonconforming sign shall be removed within 90 days after its associated use, building or land occupant changes, closes, or terminates. Both the message and support elements of the sign shall be removed. The Development Review Board may allow a nonconforming sign to remain after the associated use, building or land occupant closes or terminates upon determining that the nonconforming sign has artistic, historic or landmark value to the city and is an essential component of the unique identity of a neighborhood, site or building.

Figure 3-15. Sign Types Allowed

	UC 1,2 & 3	EG	WG, RIV & MUR	All other districts
Wall Sign	Y	Y	Y	Y
Projecting Sign	Y	Y	=	=
Directory Sign	Y	Y	Y	Y
Signs for Uses or Occupants located above Ground Floor	Y	Y	=	=
Ground-Mounted Sign, Multiple Uses	Y	Y	Y	Y
Ground-Mounted Sign, Single Use	Y	Y	Y	Y
Ground-Mounted Sign, Entrance	Y	Y	Y	Y
Temporary Sign	Y	Y	Y	Y

Figure 3-16.

	UC 1,2 & 3	EG	WG, RIV & MUR	All other districts
Wall Sign	Y	Y	Y	Y
Projecting Sign	Y	Y	-	-
Directory Sign	Y	Y	Y	Y
Signs for Uses or Occupants located above Ground Floor	Y	Y	-	-
Ground-Mounted Sign, Multiple Uses	Y	Y	Y	Y
Ground-Mounted Sign, Single Use	Y	Y	Y	Y
Ground-Mounted Sign, Entrance	Y	Y	Y	Y
Electronic Message Sign	-	Y	-	-
Temporary Sign	Y	Y	Y	Y

~~Figure 3-77.~~ ~~Figure 3-16.~~ Maximum Sign Area and Height

	UC 1,2 & 3	EG	WG, RIV & MUR	All other districts
Building-Mounted Sign Area (per foot of the width of the building facade)	2.0 sf	2.5 sf	0.3 sf	0.2 sf
Building-Mounted Sign Area (building setback >200 ft from street)	–	3.0 sf	0.6 sf	0.4 sf
Building-Mounted Sign Area (multi-story building)	extra 12 sf for each level or story above ground floor level	extra 18 sf for each level or story above the ground floor level	–	–
Ground-Mounted Sign Area	12 sf	32 sf	12 sf	8 sf
Ground-Mounted Sign Area (multiple uses, buildings or land occupants)	–	extra 8 sf per use or occupant	–	–
Ground-Mounted Sign Height	8 sft	12 ft	12 ft	8 ft

~~Figure 3-78.~~ ~~Figure 3-17.~~ Sign Area Adjustment for Nonrectangular Signs

IF NEGATIVE SPACE COMPRISES:	THEN REDUCE THE CALCULATED SIGN AREA BY:
30% to <50% of the Sign Area Rectangle	15%
50% to <70% of the Sign Area Rectangle	30%
70% or more of the Sign Area Rectangle	45%

Chapter 310. Special Use Standards

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

Section 3101. Fences and Walls

- 3101.A Applicability. All fences and walls shall be designed and located in accordance with the provisions of this section.
- 3101.B Location. Fences or walls are not subject to setbacks.
- 3101.C Orientation. The support posts shall be placed on and faced towards the inside of the subject property and the finished surface of the fence or wall shall face the abutting property or street.
- 3101.D Front Yard. Fences or walls located within a front yard shall not exceed a height of 4½ feet and the applicant shall demonstrate that the fence will not interfere with line of sight of pedestrians, bicycles, or vehicles in the right-of-way.
- 3101.E Side or Rear Yard. Fences or walls located within a side or rear yard shall not exceed a height of 6 feet except:
- (1) Where a higher fence is approved by the Development Review Board or required under these regulations for buffer, screening or security purposes.
 - (2) Where the fence or wall abuts Interstate 89 or a state or Class 1 highway, the maximum height shall be 8 feet.
 - (3) Where the ground floor elevation of the principal building is at least 4 feet higher than the elevation at the base of the fence or wall, the maximum height shall be 8 feet.
- 3101.F Materials. A fence or wall shall not be constructed of barbed wire, razor wire or similar materials capable of inflicting significant physical injury unless required by state or federal regulation.

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

- (1) The fence or wall shall be opaque between the heights of 1 and 4 feet above the ground.
- ~~3101.F(2)Use of corrugated or galvanized metal sheets and chain link fences with inserts are prohibited.~~

Section 3102. Temporary Construction-Related Structures and Uses

- 3102.A The Administrative Officer may issue a permit to allow temporary structures and uses in conjunction with and to be located on the site of approved land development including, but not limited to, offices, trailers, dumpsters, storage buildings and signs in accordance with this subsection.
- 3102.B A construction dumpster on private property shall:

- (1) Not be located so that it impedes pedestrian or vehicular access to and from adjoining properties, or otherwise creates an unsafe condition for pedestrian and vehicular traffic;
- (2) Clearly identify the owner's name and telephone number;
- (3) Be clearly labeled for the purpose of collecting construction materials only; and
- (4) Be routinely emptied so it does not create unsightly or dangerous conditions on the property.

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

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

Section 3103. Community Facilities

3103.A Land development associated with a community facility requires approval under these regulations and may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking, loading facilities, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use.

3103.B Community facilities include:

- (1) Institutions and facilities owned and operated by the city or state;
- (2) Schools and other educational facilities certified by the state;
- (3) Places of worship and other religious facilities;
- (4) Hospitals certified by the state; and
- (5) Waste management facilities certified by the state.

Section 3104. Accessory Dwelling Unit

3104.A The Administrative Officer shall issue a zoning permit for one accessory dwelling unit (ADU) within or associated with any single-~~family~~unit dwelling that meets all the following:

- (1) The ADU is an efficiency or one-bedroom apartment that is clearly subordinate to the primary dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.
- (2) The ADU does not exceed 900 square feet or 30% of the total habitable floor area of the primary dwelling (prior to creation of the ADU), whichever is greater.
- (3) The ADU meets applicable dimensional standards and parking requirements (see Section 3011).

Section 3105. Home Occupation, Home Business and Home Industry

3105.A Purpose. The purpose of this section is to ensure these regulations do not infringe on the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the area in which it is located. These rules should also provide appropriate guidance for home businesses and industries to allow modest uses of one's dwelling provided the neighborhood is protected from undue impacts.

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

3105.C Home Office. No zoning permit shall be required for a home office provided:

- (1) All activities occur inside of the principal dwelling;
- (2) The office only employs residents of the dwelling; and
- (3) The activity does not involve signs, public access, or any outdoor storage or display.

3105.D Home Business. Home businesses are considered accessory uses to residential uses and are permitted uses in all zoning districts. Home businesses shall:

- (1) Be conducted by the residents of the dwelling and up to two non-resident employees on-site at any time.
- (2) Be conducted within the principal dwelling or an accessory structure on the same ~~lot~~parcel.
- (3) Not occupy more than 1,000 square feet of gross floor area.
- (4) Not generate more than 10 additional vehicle trips per day.
- (5) Be conforming with respect to parking requirements.
- (6) Not have commercial vehicles other than passenger vehicles (e.g. cars, vans, pick-up trucks) associated with the business parked on the premises.
- (7) Have not more than one sign (see Section 3012).
- (8) Not allow outdoor storage or display.

3105.E Home Industry. Home industries are considered accessory uses to residential uses and are conditional uses in all zoning districts. Home Industries shall meet the following:

- (1) The business shall be conducted on-site by residents of the dwelling, and up to three non-resident employees on-site at any time.
- (2) Any exterior storage of materials and equipment associated with the home industry shall be limited to a clearly designated area approved by the Development Review Board. The area shall meet all applicable setbacks and avoid adverse impacts to neighboring properties or the public right-of-way.
 - (a) The Development Review Board may require greater setbacks or require screening as a condition of approval.
- (3) Commercial vehicles associated with the home industry shall be parked within designated parking areas approved by the Development Review Board.

- (a) The Development Review Board may require greater setbacks or require screening as a condition of approval.
- (4) On-site sales or service are limited to the sales of goods or services produced on premises.
 - (a) The Development Review Board may limit days and hours of operation as a condition of approval.
- (5) The business does not have more than one sign (see Section 3012).

Section 3106. Child Day Care Homes and Facilities

- 3106.A A child day care home is considered, by-right, to be a permitted single ~~family~~unit residential use of property if the applicant meets all of the following:
- (1) A resident of the dwelling operates the ~~family~~family childcare home.
 - (2) The family child care home is registered or licensed by the state.
 - (3) The family child care home serves no more than 6 full-time and 4 part-time children in accordance with statute.
- 3106.B A child day care home that serves more than six full time and four part time children shall be reviewed as listed on Figure 2-15.
- 3106.C All licensed child day care facilities shall be reviewed as listed on Figure 2-15.

Section 3107. Group Home

- 3107.A A residential care home or group home operated under state licensing or registration that will serve not more than 8 residents who have a handicap or disability as defined in statute ~~and that will not be located closer than 1,000 feet to another existing or permitted group home~~ is a by-right use of a single-~~family~~unit dwelling.
- 3107.B No zoning permit is required for a lawful single-~~family~~unit dwelling to be used as a group home.
- 3107.C A zoning permit may be required for other associated land development to the same extent as would be required if the property was occupied by any household.
- 3107.D Group homes not meeting the requirements above shall be regulated as a Group Home – Major as listed on Figure 2-15.

Section 3108. Camping

- 3108.A Camping is allowed on private property in accordance with the following:
- (1) A ~~lot~~parcel that is occupied by more than 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) for more than 7 days shall be considered a campground (see Section 3109).
 - (2) A zoning permit shall be required if one or more camping units shall be located on the premises and occupied for more than 7 consecutive days in accordance with the standards below:

- (a) Camping units shall not be located within required district setbacks.
 - (b) On developed ~~lot~~parcels that are less than 2 acres in area, camping units shall be located to the side or rear of the building.
 - (c) Camping units shall not be located on the premises and occupied for more than a total of 90 days in any calendar year. Storage of unoccupied camping units shall conform to the requirements of Section 3205.
 - (d) Camping units shall meet applicable city and state requirements for water supply and wastewater systems.
- (3) No permit shall be required for a camping unit located on a ~~lot~~parcel with a dwelling and used by residents of that dwelling for recreational purposes.

Section 3109. Campgrounds

3109.A Campgrounds may be allowed in specified districts in accordance with the following:

- (1) Any parcel of land occupied by or designed to accommodate more than 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) shall be considered a campground under these regulations.
- (2) No campsite or cabin may be occupied between November 1 and March 31 except for primitive campsites accessory to a lawful park or recreation area.
- (3) A campground shall not exceed a maximum density of 10 campsites or cabins per acre.
- (4) A campground shall have a resident manager. This provision shall not apply to a site that provides primitive campsites as an accessory use to a park or recreation area.
- (5) A campground may include one single-~~family~~unit dwelling for the campground manager, which may be occupied year-round.

Section 3110. Bed-and-Breakfast or Inn

3110.A Bed-and-Breakfasts. A dwelling may be used as a bed-and-breakfast in specified zoning districts in accordance with the following:

- (1) A bed-and-breakfast shall not rent out more than 5 guest bedrooms unless approved by the Development Review Board as a conditional use.
- (2) The maximum occupancy period shall be less than 30 days.
- (3) A resident of the dwelling shall operate the bed-and-breakfast.
- (4) Meals shall not be provided to the general public.
- (5) Guests may be housed in the dwelling and any accessory building on the property.

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

- (1) An inn shall be residential in scale and character. Guests may be housed in the dwelling or any accessory buildings on the property.
- (2) The number of guest rooms shall not exceed 1 per 400 square feet of gross floor area.
- (3) The maximum occupancy period shall be less than 30 days.

- (4) An inn may include accessory uses such as restaurants, event venues, fitness centers or spas that are open to the general public and not otherwise allowed in the zoning district upon review and approval by the Development Review Board as a conditional use.
- (5) The inn shall have a resident manager.

Section 3111. Rooming ~~or and~~ Boarding House

3111.A A single ~~family unit~~ dwelling may be used as a rooming or boarding house in specified zoning districts in accordance with the following:

- (1) A rooming ~~or and~~ boarding house shall not rent out more than 5 rooms unless approved by the Development Review Board as a conditional use.
- (2) A resident of the dwelling shall operate the rooming or boarding house.
- (3) No more than 2 adults may be housed in each room.
- (4) Rooms shall not be offered for rent for less than a continuous period of 30 days.
- ~~(5) Rooms shall not include private kitchen facilities.~~
- ~~(6)~~(5) Renters shall share common kitchen and may share common bathroom facilities.
- ~~(7)~~(6) Meals may be provided to renters, but shall not be provided to the general public.

Section 3112. Hotel or Motel

3112.A The number of guest rooms in a hotel or motel shall not exceed 1 per 400 square feet of gross floor area.

- (1) Guests of hotels or motels are limited to less than 30 consecutive days and not more than 90 days in any 365-day period unless residing in an extended stay unit as described below.

3112.B Extended stay rooms shall be allowed after review and approval by the Development Review Board as a conditional use and in accordance with the provisions below.

- (1) Extended stay units shall be furnished apartment type units rented on a short-term basis each with a kitchen (including stove with an oven or microwave oven, minimum 12 cubic foot refrigerator, sink, and cooking and eating utensils), bath, living space, and separate bedroom/sleeping space.
- (2) Extended stay occupancy shall be defined a guest room that is registered to or occupied by the same guests for a continuous period of 30 or more than days.
- (3) All guest rooms designed or used for extended stay occupancy shall be a minimum of 220 square feet in area and shall include full bathroom and kitchen facilities.
 - ~~(a)~~ A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination.
 - ~~(a)(b)~~ A full kitchen includes a sink, refrigerator, and a stove, range top, or oven.
~~A full kitchen includes a sink, refrigerator, and a stove, range top or oven.~~

~~(5)~~(4) A minimum of 100 square feet of usable open space suitable for passive recreation and accessible to all guests shall be required per extended stay guest room. The open space area shall not be less than 30 feet in any dimension.

Section 3113. Automobile Repair or Service

- 3113.A All automobile repair or service activities, including body work, painting, lubrication and motor vehicle washing, shall be carried out within an enclosed building.
- 3113.B Automobile repair bays shall not face the street except within the Eastern Gateway district where repair bays may face the street if they are located at least 120 feet from the front ~~lot~~parcel line.
- 3113.C The following activities and equipment shall be permitted only behind the building frontline:
- (1) Storage of vehicle parts.
 - (2) Temporary storage of vehicles being repaired.
 - (3) Vacuuming and cleaning equipment.
- 3113.D A non-operable, disabled, wrecked or partially dismantled vehicle shall not be stored outside an enclosed building for more than 14 days.

Section 3114. Car Wash

- 3114.A The provisions of this section apply to any car wash established as a permanent use. They do not apply to any temporary car-washing fundraising events that occur for no more than 3 consecutive days or the washing of personal vehicles on the owner's property.
- 3114.B All car washing and drying activities shall be carried out within a fully enclosed building except that self-service bays may be open on two sides.
- 3114.C Vacuuming equipment shall be located behind the building frontline.
- 3114.D Cleaning bays shall not face the street except within the Eastern Gateway district where cleaning bays may face the street if they are located at least 120 feet from the front ~~lot~~parcel line.
- 3114.E Car washes shall contain all wastewater onsite and prevent it from running off the property or into municipal storm drains.

Section 3115. Drive-Through Facility or Drive-In Establishment

- 3115.A Drive-through facilities or drive-in establishments may be allowed in specified districts in association with specified uses in accordance with the following:
- (1) A drive-through facility is composed of one or more stacking lanes and a service area. The stacking lane is the space occupied by vehicles queuing for drive-through service. The service area includes all the space and elements (menu boards, pick-up windows, transaction windows, speakers, automated teller machines, etc.) used to provide drive-through service.

- (2) Stacking lanes (where vehicles queue for service) and service areas shall be located to the side or rear of the building.
- (3) Stacking lanes shall be clearly signed, marked and separated from travel lanes.
- (4) Stacking lanes shall not block access to parking, loading and service areas.
- (5) One or more designated pedestrian crossings shall be provided across any stacking lane that separates parking from the building.
- (6) No stacking lane or space may be located within a minimum required setback.
- (7) Each stacking space within a stacking lane shall be a minimum of 18 feet in length by 9 feet in width.
- (8) The service area shall incorporate a roof overhang, canopy, awning or similar structure that provides weather protection.
- (9) Drive-through facilities and drive-in establishments shall be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

Section 3116. Fueling Station

- 3116.A ~~Lot~~Parcels. A fueling station shall be located on a ~~lot~~parcel that is at least 20,000 square feet in area with at least 150 feet of frontage.
- 3116.B Fuel Pumps and Islands. All fuel pumps and islands shall be set back at least 30 feet or the district minimum from all property lines, whichever is greater. Fuel pumps and islands shall not be located between the principal building and the street.
- 3116.C Canopies. Fueling station canopies shall be designed in accordance with the following:
- (1) Canopies shall be set back at least 20 feet from all property lines or the district minimum, if greater.
 - (2) Canopies shall not exceed 16 feet in height if flat or 24 feet in height if sloped.
 - (3) Canopies shall be architecturally integrated with the principal building on the site through the use of the same or compatible materials, colors and roof pitch.
 - (4) Only the underside of canopies may be illuminated. Light fixtures shall be recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches. Canopy lighting shall be in accordance with Paragraph 3204.G(3).
 - (5) Signage other than pricing and franchise or corporate identification elements shall not be mounted on or incorporated into freestanding canopies.
 - (6) Pricing signs shall not extend above the top edge or roofline of the canopy or below the bottom edge or underside of the canopy (see Paragraph 3012.I(2) for further guidance on pricing signs).
 - (7) Signs may be mounted on or incorporated into a canopy that is attached to a building to the same extent as otherwise allowed on that building. Canopy frontage shall not be considered building frontage when calculating the maximum sign area of building-mounted signs in accordance with ~~Figure 3-16~~Figure 3-16.

- 3116.D Convenience Store. A convenience store may be an accessory use to a fueling station. The floor area of convenience store shall not exceed 3,500 square feet.

Section 3117. Neighborhood Market

- 3117.A A neighborhood market is a small retail food store that devotes at least 40% of the selling area to staple foods. Staple foods are food items intended primarily for home preparation and consumption such as meat, poultry, fish, bread, cereals, vegetables, fruits, juices and dairy products.
- 3117.B A neighborhood market may include accessory food service.
- 3117.C Parking requirements for a neighborhood market shall be 1 space per 600 square feet of gross floor area provided that parking is allowed on the street in front of the market and the applicant provides bicycle parking.
- 3117.D No more than two markets shall be allowed within any neighborhood (as defined on the zoning map).

Section 3118. Mini-Warehouse (Self-Storage Facility)

- 3118.A A self-storage facility that is not located within a mixed-use development shall be located on a ~~lot~~parcel that is at least 2 acres and the facility shall not occupy more than 5 acres on any parcel.
- 3118.B Within the Rural District, a self-storage facility shall only be allowed if it will be:
- (1) An adaptive re-use of a historic barn that maintains the architectural integrity of the building exterior as viewed from public vantage points; or
 - (2) In a location that is fully screened from public view.
- 3118.C Mini-storage buildings fronting on the street shall be oriented with their short side facing the street to the maximum extent feasible. If storage unit doors shall face the street, the Development Review Board may require additional fencing or screening as deemed necessary to provide a pedestrian-friendly and attractive streetscape.
- 3118.D All mini-storage buildings on the premises shall be compatible in design, materials and color with one another. The building exteriors shall use muted or neutral colors that would help blend the buildings into the surrounding landscape and shall not use intense or vibrant colors that would call attention to the buildings.
- 3118.E No outside or unenclosed storage shall be permitted.
- 3118.F No storage of hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil shall be permitted.
- 3118.G No business activity other than the rental of storage units may be conducted on the premises unless the self-storage facility is a component of an approved mixed-use development.

3118.H No vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property may be conducted on the premises.

Section 3119. Satellite Dish Antennas

3119.A Applicability. The standards of this subsection apply to satellite dish antennas not exempted in Section 1101 or Section 1103.

3119.B Location. To the maximum extent feasible without restricting its operation, a satellite dish antenna shall not be located or mounted:

- (1) In the minimum front or side setback;
- (2) Between the principal building and the street, except if located on an accessory structure; and
- (3) On the roof or wall of a building that faces the street.

3119.C Screening. A ground-mounted satellite dish antenna shall be screened from view from streets and adjacent properties to the maximum extent feasible without restricting its operation.

3119.D Height. A roof-mounted satellite dish antenna may exceed district height requirements provided that it does not extend more than 10 feet above the roof surface.

Section 3120. Energy Generation Facilities

3120.A Applicability. The standards of this subsection apply to energy generation facilities not exempted in Section 1101 or Section 1103.

3120.B Setbacks. An energy generation structure shall be set back a distance equal to the structure's height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted.

3120.C Height. The height of a ground-mounted solar energy generating apparatus shall not exceed 35 feet. The height of a wind energy apparatus shall not exceed 120 feet.

3120.D Removal. A facility that has been out-of-service for more than 180 days shall be considered abandoned and shall be removed unless the owner can demonstrate to the Administrative Officer an intent to resume the energy generation use within 2 years of abandonment.

Section 3121. Utility Facilities

3121.A Applicability. The standards of this subsection apply to utility facilities not exempted in Section 1103.

3121.B District Standards. Minimum ~~lot~~parcel size and frontage requirements shall not apply to parcels owned by utilities and used for utility facilities.

3121.C Site Security. Utility facilities shall be designed and maintained to prevent unauthorized access and protect public safety.

3121.D Buffer. A landscaped buffer at least 25 feet deep shall be provided around the site perimeter.

Section 3122. Wireless Communications Facilities

3122.A Purpose. The purpose of this subsection is to:

- (1) Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- (2) Accommodate the growing need and demand for wireless communications facilities;
- (3) Encourage the location and collocation of wireless communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional antenna support structures;
- (4) Provide for the replacement and removal of nonconforming or discontinued antennas and antenna support structures; and
- (5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the City of Montpelier.

3122.B Applicability. Except as specifically exempted in Section 1103, the standards of this subsection apply to the installation, construction or modification of the following wireless communications facilities:

- (1) Existing and proposed antennas and supporting structures;
- (2) Replacement antennas and supporting structures;
- (3) Broadcast antennas and supporting structures;
- (4) Collocated and combined antennas on existing antenna supporting structures;
- (5) Roof-mounted antennas and supporting structures;
- (6) Surface-mounted antennas;
- (7) Stealth wireless communications facilities; and
- (8) Amateur radio antennas and support structures with an overall height greater than 50 feet.

3122.C De Minimis Impact. The Administrative Officer may administratively approve and issue a zoning permit for an application for a wireless communication facility if the Administrative Officer determines that it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Administrative Officer shall only consider an application to have a de minimis impact if it meets all of the following:

- (1) The height and width of the facility or support structure, excluding equipment, antennas or ancillary improvements, shall not increase;
- (2) The total amount of impervious surface, including access roads, associated with the facility or support structure shall not increase by more than 300 square feet;
- (3) Any addition, modification or replacement of an antenna or other equipment shall not extend vertically more than 10 feet above and horizontally more than 10 feet from the facility or support structure; and

- (4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, shall not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.
- 3122.D Pre-Application Conference. Prior to submitting an application for a wireless communication facility under this subsection (excluding applications determined to have de minimis impact), the applicant shall meet with the Administrative Officer for a pre-application conference. Among the matters to be addressed at the pre-application conference are:
- (1) The proposed location, type of facility, overall height and number of antennas;
 - (2) The expected date of application and preliminary schedule for development review;
 - (3) The ability of any proposed antenna supporting structure to accommodate future collocations;
 - (4) Alternative locations or facility configurations that may result in reduced impacts on adjacent properties and the surrounding neighborhood;
 - (5) Compatible colors for the proposed facility;
 - (6) The vantage points from which any required photo-simulated, post-construction renderings shall be oriented; and
 - (7) Application requirements.
- 3122.E Application Requirements. Applicants for a wireless communication facility may be required to submit any the following to determine compliance with the provisions of this subsection:
- (1) A signed statement from the facility's owner or owner's agent state that the radio frequency emissions comply with Federal Communications Commission (FCC) standards for such emissions.
 - (2) Proof that the proposed wireless communications facility has been designed to withstand sustained winds of 110 mph and at 15-second wind gust of 130 mph.
 - (3) Proof that the proposed antenna supporting structure has been designed so that, in the event of a structural failure, the facility shall collapse within the boundaries of the ~~lot~~parcel on which it is located.
 - (4) An FCC license, and construction development approval if applicable, to transmit radio signals in the City of Montpelier.
 - (5) The name, address and telephone contact information for the owner of any proposed or existing antenna supporting structure, and a statement that such information shall be updated annually or more frequently if there is a change in ownership. Failure to report annually for two consecutive years shall be considered evidence of possible discontinuance.
 - (6) A stamped structural analysis of the proposed wireless communications facility prepared by a professional engineer, indicating the proposed and future loading capacity of the facility.

- (7) Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures and ancillary appurtenances as they would look after construction from locations determined during the pre-application conference.
 - (8) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace.
 - (9) Shared use plan.
 - (10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility.
 - (11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.
- 3122.F Siting Priorities. No antenna supporting structure shall be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility. In order to justify the construction of an antenna supporting structure, the applicant shall provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:
- (1) Collocated or combined antennas;
 - (2) Surface-mounted antennas;
 - (3) Roof-mounted antenna supporting facility; and
 - (4) Stealth wireless communications facility.
- 3122.G Collocated or Combined Antennas. The following standards shall apply to all collocated or combined antennas:
- (1) Collocations shall not increase the overall height of an antenna supporting structure except in accordance with Paragraph 3122.K(1), below.
 - (2) Collocations shall be approved only in accordance with the standards for visual impact and antenna type expressed in Paragraph 3122.K(4), below.
 - (3) Antenna supporting structures and ancillary appurtenances, including transmission lines, shall maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.
- 3122.H Surface-Mounted Antennas. The following standards shall apply to all surface-mounted antennas:
- (1) Surface-mounted antennas and associated ancillary appurtenances shall maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color shall be more contextually compatible.
 - (2) Transmission lines shall be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.

- (3) Surface-mounted antennas shall be placed at least 15 feet above the ground and, where proposed to be placed on a building, shall be placed so that no portion of the antenna is less than 3 feet below the roof line.
- (4) Surface-mounted antennas shall be approved only in accordance with the standards for visual impact and antenna-type expressed in Paragraph 3122.K(4), below.

3122.I Roof-Mounted Antenna Supporting Facilities. The following standards shall apply to all roof-mounted antennas:

- (1) Roof-mounted antennas may be placed only on commercial, industrial, institutional or multi-family unit buildings at least 35 feet in height.
- (2) The roof-mounted antenna, attachment device, equipment enclosure, and any ancillary appurtenance shall not extend above the roof line of the building to which it is attached by more than 20 feet.
- (3) Roof-mounted structures shall have a monopole-type construction.
- (4) Roof-mounted structures shall be approved only in accordance with the standards for visual impact and antenna type expressed in Paragraph 3122.K(4), below.
- (5) Roof-mounted structures, ancillary appurtenances, and equipment enclosures shall maintain a galvanized gray finish unless the Development Review Board finds that another color shall be more contextually compatible.
- (6) Transmission lines placed on the exterior of a building shall be camouflaged or otherwise shielded with an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.
- (7) No signs may be placed on any roof-mounted structure, ancillary appurtenances or equipment enclosures.
- (8) Roof-mounted structures shall be screened by a parapet or other device in order to minimize their visual impact from the lot parcel lines of the subject property. Roof-mounted facilities shall be placed as near to the center of the roof as possible.

3122.J Stealth Wireless Communications Facilities. No stealth facility may have antennas or ancillary equipment that is readily identifiable from a public vantage point as wireless communications equipment. Stealth facilities shall be designed so that they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the Development Review Board shall consider the following:

- (1) Overall height;
- (2) The compatibility of the proposed facility with surrounding built and natural features;
- (3) Scale;
- (4) Color;
- (5) The extent to which the proposed facility blends with the surrounding environment;
- (6) The extent to which the proposed facility has been designed to reasonably replicate a contextually-appropriate non-wireless structure or feature (ex. silo, flagpole, or tree); and

- (7) The extent to which the proposed facility is not readily identifiable as a wireless communications facility.

3122.K Antenna Supporting Structures. The following standards shall apply to all antenna supporting structures:

- (1) Antenna supporting structures shall be set back a distance at least equal to their overall height from all ~~lot~~parcel lines (this does not include any guy-wire anchors). A nonconforming replacement structure shall not be placed any closer to a ~~lot~~parcel line than the original structure and the height shall not be increased if the minimum setback cannot be met.
- (2) Antenna supporting structures shall have a monopole-type construction except that broadcast structures taller than 200 feet, amateur radio antennas, and AM broadcast antennas may have a lattice-type construction.
- (3) Antenna supporting structures and ancillary appurtenances, including transmission lines, shall maintain a galvanized gray finish or other contextually-compatible color as determined by the Development Review Board, except as otherwise required by the FAA and FCC.
- (4) Antennas shall be configured on antenna supporting structures in a manner that is consistent with the character of neighborhood and that minimizes adverse visual impacts on adjacent properties. Antenna types that may be permitted (in order of preference) include: (i) flush-mounted; (ii) panel; (iii) whip; and (iv) dish. In order to justify the use of an antenna type lower in the ranked listed above, the applicant shall provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.
- (5) No lights, signals or other illumination shall be permitted on any antenna supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
- (6) Site lighting may be placed in association with an approved equipment enclosure in accordance with Section 3204 of these regulations. Site lighting shall remain unlit except when authorized personnel are present.
- (7) No signs may be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or any fence or wall except for hazard notification signs as required by state or federal law and one required identification sign not larger than 2 square feet attached to the access gate that lists the federal registration number (if applicable), name of the owner or contact person, and an emergency contact number.
- (8) Antenna supporting structures shall be designed to accommodate future collocations. The applicant shall submit a shared use plan that commits the owner of the proposed antenna support structure to accommodate future collocations where reasonable and feasible.
- (9) A fence at least 8 feet in height from the finished grade with a locked gate and a landscaped buffer at least 25 feet deep shall enclose the base of the antenna supporting structure and associated equipment enclosures.

- 3122.L Discontinuance. The following applies to any antennas and antenna supporting structures that have not been legally used for a period of at least 180 days:
- (1) The Administrative Officer may make a preliminary determination of discontinuance and may request documentation from the property owner regarding the structure's usage.
 - (2) If the owner does not provide evidence that the structure remains in use or that resumption of its use is eminent, the Administrative Officer may make a final determination that use of the structure has been discontinued. Upon make that determination, the Administrative Officer shall send the property owner a written notice of discontinuance by certified mail.
 - (3) If the property owner does not respond to the notice of discontinuance within 90 days and adequately demonstrate that the structure is not discontinued, the Administrative Officer shall send the property owner a declaration of discontinuance by certified mail.
 - (4) Within 120 days of the Administrative Officer issuing the declaration of discontinuance, the property owner shall either:
 - (a) Dismantle and remove the facility; or
 - (b) Apply for a permit under this subsection to reactive the use of the structure as a wireless communications facility in full conformance with all applicable provisions of these regulations

Section 3123. Rural Enterprises

- 3123.A Purpose. This section recognizes that Vermont's rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate rural enterprises that support economically viable farm and forest lands in the city and region by:
- (1) Adding value to local farm or forest products;
 - (2) Direct marketing of local farm or forest products;
 - (3) Engaging in agritourism or education; and
 - (4) Offering goods or services needed for farming or forestry.
- 3123.B Applicability. Rural enterprises not otherwise provided for in these regulations may be allowed in any district following review and approval by the Development Review Board as a conditional use in accordance with the provisions of this section.
- 3123.C Standards. A rural enterprise shall meet the following standards:
- (1) Retail or food service or manufacturing uses shall have the sale or use of locally produced farm or forest products as a core element of the business.
 - (a) Local farm or forest products shall be interpreted to be within the State of Vermont.
 - (2) Any agricultural buildings converted, modified or expanded to accommodate the business shall retain their original form, massing and style, particularly as viewed from public vantage points.

- (3) If the enterprise is located in the Rural district:
 - (a) New structures shall be similar in form, massing and style to residential or agricultural buildings typical in the area.
 - (b) The overall character of the property as viewed from public vantage points shall be predominately rural and agricultural and shall not be predominately commercial or industrial.
- (4) Any agricultural land and current or former agricultural buildings may be used or adaptively reused for public assembly uses.

Section 3124. Extraction Operations

3124.A **Applicability.** The provisions of this subsection apply to quarrying and sand or gravel excavation as specified below:

- (1) Quarrying is a land development activity principally designed to mine, extract or remove limestone, minerals or bedrock materials for commercial purposes.
- (2) Sand or gravel excavation is a land development activity principally designed to mine, extract or remove unconsolidated sediments for commercial purposes.
- (3) The provisions of this section do not apply to cut and fill operations associated with approved land development.

3124.B **Pre-Existing Sites.** An expansion of a pre-existing or previously approved extraction site shall require a complete review of the use as if an original application was being made. The review shall consider the relationship and coordination of activities between the original site and the expanded portion of the site. The additional and cumulative impacts that shall be caused by the combined operations on factors such as the environment, traffic, safety, noise, air pollution, neighborhoods and adjacent land uses shall be of principal concern during this review.

3124.C **Setback Distances.** ~~Figure 3-18~~**Figure 3-18** establishes minimum setback distances for specific on-site activities associated with an extraction operation from adjacent property.

3124.D **Buffer Yards.** A minimum buffer yard of 100 feet shall be maintained adjacent to all property boundaries and street rights-of-way in accordance with the following:

- (1) No excavation or storage of equipment or materials may occur within the buffer yard.
- (2) Natural vegetation shall be maintained or supplemented as needed within the buffer yard. The Development Review Board may require additional screening, including berms, to protect adjacent property owners from the impacts of the excavation activity.
- (3) The Development Review Board may approve the location of vegetated earthen berms for erosion control or stormwater management purposes within the buffer yard.

3124.E **Operational Standards.** The following minimum operational standards shall apply to all excavation operations unless otherwise approved by the Development Review Board:

- (1) Any topsoil removed from the surface and retained on the site for reapplication to disturbed areas during reclamation shall be carefully removed and stockpiled to prevent erosion.

- (2) Extraction activities shall be phased. A new phase shall not begin until at least 50% of the active/current phase is reclaimed in accordance with the approved reclamation plan and the Administrative Officer has verified completion of the reclamation. The Development Review Board may place conditions on the size and sequence of the phases.
 - (3) The applicant shall submit and implement plans for erosion control and stormwater management. The Administrative Officer may periodically inspect the site to ensure compliance with erosion control and stormwater management plans.
 - (4) An excavation operation shall not cause the drainage of a wetland except as permitted by the Vermont Agency of Natural Resources.
 - (5) No excavation activity may occur within riparian areas as established in Subsection 3004.D.
 - (6) Operational activities, including blasting, excavation, processing and hauling are prohibited between the hours 7 p.m. (or dusk if earlier) and 7 a.m. The Development Review Board may further limit hours as deemed necessary to mitigate impacts to adjacent properties and streets.
 - (7) Designated truck routes shall be used for all hauling and access to the site to the maximum extent feasible. Upon the recommendation of the Department of Public Works, the Development Review Board may impose weight limits on truck leaving the site if the streets serving the site are not suitable for heavy truck traffic.
 - (8) A 6-foot continuous security fence shall be provided around the entire perimeter of the site on which quarrying activity shall take place. The Development Review Board may impose additional fencing requirements on portions of the site abutting residential areas, community facilities, other public gathering places.
 - (9) The applicant shall install warning signs on the property and along haul routes as deemed necessary to protect safety and general welfare in the area.
 - (10) Operations shall maintain compliance with local standards for noise, dust and vibration. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access and haul roads shall be maintained in a dust-free condition by surfacing, watering or other treatment on a regular basis.
 - (11) Stockpiles shall not exceed 50 feet in height. The Development Review Board may further restrict the height of stockpiles as necessary to mitigate their visibility from public vantage points and adjacent property.
- 3124.F Reclamation Standards. Sites shall be reclaimed at the completion of extraction activities in accordance with the following:
- (1) No approvals or permits for subsequent land development on the extraction site shall be issued prior to reclamation of the site.
 - (2) Topsoil capable of sustaining vegetative growth shall be provided and evenly spread on all disturbed areas.

- (3) Disturbed areas shall be stabilized and seeded at the earliest possible time following completion of extraction operations in an area in accordance with the approved erosion control plan. Progressive reclamation practices shall be implemented to continue to reclaim and stabilize disturbed areas prior to moving to a new phase. Final reclamation of each phase shall be completed within 6 months of the completion of each phase of the operation.
 - (4) All equipment, stockpiles, debris, signs, and other materials or improvements associated with excavation shall be removed from the site after completion of the activity.
 - (5) Erosion control measures shall be kept in place until permanent vegetation has been established on the site and erosion is controlled.
 - (6) If the extraction activities will result in the creation of a water body, at the completion of the operation the water body shall have a natural form with variation in shoreline and depth.
 - (7) Following reclamation, no slope on the site shall exceed a 30% slope (horizontal to vertical) over a distance of 30 feet. The Development Review Board may require a flatter angle if it is shown that the site will not be stable at a 30% slope or that vegetation cannot be established on the 30% slope. The Development Review Board may waive this requirement for areas of exposed ledge.
 - (8) In addition to being seeded to prevent erosion, the reclaimed site shall be landscaped. The applicant shall submit a landscape plan that best suits the ultimate proposed use and design of the site provided that at least 8 deciduous and 8 evergreen large trees are planted for each disturbed acre.
 - (9) The applicant shall submit a master plan for the post reclamation use of the site that demonstrates that the reclaimed site shall be suitable for a use allowed in the district and for development in accordance with the applicable provisions of these regulations.
- 3124.G Performance Bond. The Development Review Board may require the applicant to provide a performance bond or other financial security in an amount satisfactory to and approved by the city to ensure that all standards are fully met during operation and that proper site reclamation is completed in a timely manner. Failure to stabilize the site, failure to make necessary repairs and improvements to streets damaged by the excavation activity, failure to reclaim the site as specified in the approved reclamation plan, or any other inconsistencies between the approved operation and reclamation plans and the actual extraction or reclamation activities carried out will be cause for the City of Montpelier to redeem the performance bond or other financial security to make the necessary corrections.
- 3124.H Inspection and Monitoring. As a condition of approval, the Development Review Board may require that the Administrative Officer inspect the site at a specified interval to ensure that the extraction activity is being undertaken in accordance with the approved plans. As a condition of approval, the Development Review Board may require on-going monitoring of the operation to ensure that extraction activities are not adversely impacting the natural environment, the surrounding neighborhood or public infrastructure.
- 3124.I Review Criteria. The Development Review Board shall find that the proposed extraction activity meets the conditional use criteria and that the development shall:

- (1) Not result in a danger to life or property due to: steep or unstable slopes; unsafe access to the property; excessive traffic; or proximity to existing or planned neighborhoods, parks and roadways.
- (2) Adequately mitigate visual, noise, dust and excessive on- or off-site environmental impacts on existing or planned neighborhoods, parks and roadways.
- (3) Adequately mitigate the effects of the use of trucks and heavy equipment on road safety and maintenance and shall not cause excessive congestion of public roads providing access to the site.
- (4) Not adversely affect the quality of air, groundwater or surface water, and shall minimize impacts of significant ecological resources and natural communities.
- (5) Not result in negative impacts on drainage patterns or stormwater management facilities.
- (6) Adequately restore the site following completion of the excavation activity so that upon completion any adverse effects to scenic quality, natural landscapes, wildlife or habitat shall be mitigated.
- (7) Provide buffers to screen unsightly features of the excavation operation year-round from public vantage points and adjoining properties.
- (8) Be appropriate in intensity and anticipated duration given the size and location of activity.

Figure 3-79. Figure 3-18. Setback Distances for Extraction Activities

Required Distance from Adjacent Property in the:	EG District	RL District	All Other Districts
Excavation areas with an elevation change >10 ft	100 ft min	150 ft min	250 ft min
Stockpiles (long-term storage)	100 ft min	150 ft min	250 ft min
Stockpiles (short-term storage) and loading points	100 ft min	200 ft min	300 ft min
Crushing or processing	100 ft min	500 ft min	1,000 ft min
Blasting (from a developed property)	300 ft min	500 ft min	1,000 ft min

Chapter 320. Site Plan Standards

i The purpose of this chapter is to establish additional standards for proposed land development subject to site plan review (land development other than one- and two-family unit dwellings).

Section 3201. Applicability and Major/Minor Site Plan Determination

3201.A All development shall meet the requirements of this Chapter except parcels used for one or two dwelling units.

~~3201.A~~ 3201.B Classification. The Administrative Officer shall classify site plans as specified below:

- (1) The following shall require major site plan review:
 - (a) Construction of new principal buildings.
 - (b) Major renovations of existing principal buildings.
 - (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
 - (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
 - (e) Construction of an addition of more than 2,000 square feet to an existing building.
- (2) All other applications shall require minor site plan review.

Section 3202. Bike and Pedestrian - Access and Circulation

3202.A Bicycle Access. Bicycle access and storage may be required in accordance with the following:

- (1) If bicycle racks are required, they shall be located within 200 feet of the entrance.
- (2) The Development Review Board may require sites with high traffic volumes to incorporate designated bicycle lanes or paths that provide safe and convenient routes between the street and the bicycle parking area(s) on the site. Bicycle lanes adjacent to vehicular travel lanes shall be at least 4 feet wide. Separated bicycle or multi-use paths shall be at least 8 feet wide.

3202.B Pedestrian Access. All development shall provide safe and convenient pedestrian access in accordance with the following:

- (1) Public Sidewalks. A sidewalk shall be provided along the street frontage of the subject property if a sidewalk currently terminates at a property abutting the subject property in accordance with the following:
 - (a) Curb ramps and crosswalks shall be provided at intersections and where driveways bisect public sidewalks. The Development Review Board may require a marked crosswalk in accordance with the VTrans Crosswalk Design Guidelines and as recommended by the Department of Public Works.
 - (b) Public sidewalks and crosswalks shall be constructed in accordance with the city's public works specifications.
 - (c) If public sidewalks shall not be constructed within the street right-of-way, the

applicant shall provide a maintenance easement.

- (d) An applicant may request a waiver to modify the public sidewalk requirements, but any request shall include a recommendation in support of the waiver from the Director of Public Works.
- (2) Internal Walkways. Continuous internal pedestrian walkways shall be provided as follows:
 - (a) Walkways shall connect pedestrians to public sidewalks, transit stops, crosswalks, building entrances, bicycle and vehicle parking areas, adjacent development, and community spaces on or adjoining the site.
 - (b) Walkways not exceeding 30 feet in length shall be at least 3 feet wide. Walkways more than 30 feet in length shall be at least 4 feet wide.
 - (c) Walkways shall be hard-surfaced.
 - (d) Walkways shall be separated or distinguished from driving and parking surfaces by a landscaped buffer, change in elevation and change in surface material.
- (3) Parking Areas. Walkways shall be provided between the parking area(s) and building entrance(s). Parking lots with more than 40 spaces shall have designated internal walkways that separate pedestrian and vehicular traffic.

~~3203. —Alternative Transportation. The applicant shall demonstrate that the proposed development enables energy-efficient modes of transportation such as walking, biking, transit, electric vehicles, and carpooling or car sharing as feasible and appropriate given the location and use.~~

~~Section 3204.~~ Section 3203. Landscaping and Screening

~~3204.A~~ 3203.A Purpose. The provisions of this section are intended to protect quality of life and community character by:

- (1) Enhancing the appearance of the built environment as viewed from public vantage points;
- (2) Creating shade along sidewalks and walkways, and within parking lots;
- (3) Providing a landscaped buffer between residential and nonresidential land uses; and
- (4) Screening land uses and development that create visual clutter and distraction.

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

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

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

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

(2) Applications for major site plan review shall include a ~~landscape~~ landscaping and screening plan prepared by a licensed landscape architect or certified horticulturalist.

3203.D Administrative Rules. The following rules shall apply when applying landscaping and screening provisions:

- (1) Plantings shall be defined by their mature or maintained height as identified on Figure 3-20.
- (2) In making calculations regarding minimum plantings, one planting may be counted towards meeting two or more different requirements.

3204.B(a) For example, a tree that meets the minimum standards for both a street tree and a shade tree for a parking area can be counted towards meeting both requirements.

~~3204.C1001.A Landscape Design. Generally, landscaping should be designed to fit into and enhance the site's natural features and setting. Landscape plans that feature a mix of plant materials arranged in informally shaped and spaced groupings are strongly encouraged.~~

3203.E ~~Plant Materials~~ Planting Specifications. Plantings shall meet the following standards:

- (1) ~~Plant materials~~ Plantings shall meet the minimum caliper or minimum height ~~planting specifications in Figure 3-19~~ Figure 3-20, as appropriate for the specimen.
- (2) Plantings shall be centered in an area meeting the minimum planting area specified in Figure 3-20.
 - (a) Planting areas may be identified as any shape on the landscape and screening plan but shall not be narrower than the minimum planting area width listed in Figure 3-20.
 - (b) Planting areas shall be suitable for rooting of trees and shrubs, as applicable, and be maintained in a pervious condition with cover appropriate for the specimen.
- (3) Plantings shall be in accordance with the ANSI A300 standards.
- (4) ~~Use of native plant materials is strongly encouraged.~~ Use of invasive plant materials is prohibited (see <https://vtinvasives.org/gallery-of-land-invasives> for a current list or contact the Invasive Plant Coordinator at the Vermont Department of Forests, Parks and Recreation).
- (5) Use of native plant materials is strongly encouraged.
- (6) Use of a diversity of tree species is strongly encouraged.

3204.D(7) ~~Applicants are strongly encouraged to retain~~ Retention of existing ~~mature vegetation~~ plants on development sites to meet landscaping and screening requirements is strongly encouraged.

3203.F ~~Landscape~~ing and Screening General Standards ~~Design~~. All landscaping and screening shall meet the following general standards and any specific standards for Street Trees (Subsection 3203.G), Parking Landscaping (Subsection 3203.H), Screening (Subsection 3203.I), and Total Site Landscaping (Subsection 3203.J), as applicable.

- (1) Generally, landscaping should be designed to fit into and enhance the site's natural features and setting. Landscape plans that feature a mix of plant materials arranged in informally shaped and spaced groupings are strongly encouraged. All plantings shall meet the planting specifications of 3203.E.
- (2) Development shall not reduce the minimum planting area or minimum planting area dimension of any existing plantings.
- (3) Where existing plants are retained to meet landscaping and screening requirements, development shall protect the plants as well as the planting area during the construction process.

~~3204.F1001.A Maintenance. Landscaping required under this section or as a condition of approval shall be maintained in a healthy condition. Dead or dying plants shall be replaced within 1 growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-19.~~

~~3204.F3203.G Street Trees. Applications[MM1] requiring major site plan approval within any district except the Urban Center-1 and Rural districts are required to provide street trees along existing and new streets in accordance with meet Figure 3-20 and the following:~~

- (1) Administrative Rules. The following rules apply to the administration and enforcement of the provisions of this section.
 - (a) Street trees defined. Street trees are trees located within the road right of way (i.e. on public property) as well as all trees where the center of the tree trunk is located within ten feet of the frontage line.
 - ~~(1)(b)~~ These provisions shall not be used to require applicants to plant street trees in the street right-of-way. Where an applicant chooses to plant one or more street trees in the street right of way, they must receive approval for such plantings through the Montpelier Tree Board prior to applying for site plan approval. Street trees shall be planted within 5 feet of the edge of the street right-of-way unless otherwise recommended by the Department of Public Works.
- (2) Utility standards. If a planting area at least 5 feet wide within or immediately adjacent to the street right-of-way does not exist, or is not feasible to establish as determined by the Department of Public Works, the Development Review Board may waive the street tree requirement.
- ~~(3)(2)~~ Street trees shall beWhere overhead utility lines are existing or proposed:
 - (a) Large trees are prohibited where there are no existing or proposed overhead utility lines.
 - ~~(b)(a)~~ Medium trees where there are lowest existing or proposed overhead utility lines are 35 feet or more in height.
 - ~~(c)(b)~~ Small Large and medium trees are prohibited where there are existing or proposed overhead lowest utility lines are less than 35 feet in height.
 - (4) Minimum plantings. The Development Review Board may waive the requirement for large street trees and allow the applicant to plant medium or small trees to accommodate sites with existing buildings or similar obstructions that could conflict with large trees as they mature.

- ~~(3) Street trees shall generally be planted with even, linear spacing. Street trees shall be planted to meet the following:~~
- ~~(a) Large trees shall be planted at a minimum ratio of one for every 50 feet of frontage; or-~~
 - ~~(b) Medium or small trees shall be planted at a minimum ratio of one for every 30 feet of frontage.~~
 - ~~(5)(c) The trees should be evenly spaced but spacing may be shifted to accommodate site features or maintain sight distance.~~
 - ~~(6)(a) Use of a diversity of tree species is strongly encouraged.~~
 - ~~(7)(d) Preservation of existing trees to meet this requirement is strongly encouraged.~~
- ~~(4) Non-conformities. Where a previously developed site is nonconforming with respect to the street tree requirements the site shall be brought into compliance with the street tree requirements unless the applicant requests a waiver and demonstrates:~~
- ~~(a) The site lacks suitable area to meet the planting specifications planting area for additional street trees;~~
 - ~~(b) Compliance with the street tree requirements would diminish the appearance of the built environment from public vantage points; and~~
 - ~~(c) That the applicant cannot create suitable planting area through the removal of impervious cover.~~
- ~~(5) Waivers. The Development Review Board may waive the street tree standards where an applicant demonstrates that the waiver requested creates the minimum variance from the standard and either:~~
- ~~(a) Compliance with the street tree requirements would diminish the appearance of the built environment from public vantage points; or~~
 - ~~(8)(b) location, spacing and alignment to allow existing trees within 6 feet of the edge of the street right-of-way to meet street tree requirements. Existing natural features (e.g. streams, ledge, and wetlands) would make compliance with such standards undesirable or impossible.~~

~~3204.C Site Landscaping. Except within the Urban Center 1, Urban Center 2, Urban Center 3 and Riverfront districts, sites shall be landscaped in accordance with the following:~~

- ~~(0) A minimum of 1 shrub is required for each 5 feet and 1 tree is required for each 30 feet of exterior principal building perimeter.~~
- ~~(0) Landscaping should be used or installed to:~~
 - ~~(-) Provide direction to and enhance building entrances;~~
 - ~~(-) Enhance and shade walkways;~~
 - ~~(-) Provide visual breaks along blank building facades; and~~
 - ~~(-) Intercept and filter stormwater runoff (ex. rain garden).~~
 - ~~(0) Plant materials should be planted in groupings and should be distributed around the areas of the site visible from public vantage~~

points.

3203.H ~~Parking Lot~~ Landscaping. Applications requiring major site plan approval where there is existing or proposed parking lots (not including vehicle sales lots) with of more than 10 spaces shall be landscaped with medium or large shade trees to meet the following:

- (1) Exception. Parking landscaping shall not apply to portions of sites used for vehicle sales.
- (2) Defining shade trees. Shade trees are medium or large trees that are located within six feet of the edge of pavement when measured to the center of the tree trunk.

~~3204.O~~(3) create a tree canopy that will Minimum planting requirement. Shade trees shall be provided shade for a minimum of equivalent to shade 40% of the parking lot area, including aisles and driveway, in accordance with the following:

- (a) Parking areas located to the rear of a principle building that will be screened from view at the street by the principal buildings or other screening may reduce the percentage of landscaping required under this subsection from 40% to 25% for this area.

~~(1)~~(b) Each large tree shall be considered to provide 1,200 square feet of shade.

~~(2)~~(c) Each medium tree shall be considered to provide 600 square feet of shade.

~~(3) Trees shall be planted within an island at least 9 feet wide by 18 feet deep.~~

- (4) Incorporating parking lot landscaping into the site's stormwater management system is strongly encouraged.

~~(4)~~(5) Nonconformities. Where an existing parking area is nonconforming with respect to minimum plantings required but lacks sufficient planting area to plant additional trees, the Development Review Board may waive some or all of the parking landscaping requirements provided the applicant demonstrates that the development meets other landscaping and screening requirements to minimize the visual impacts of the parking from the street or abutting properties.

~~(0) Rear parking lots that will be screened from view at the street by the principal buildings may reduce the percentage of landscaping required under this subsection from 40% to 25%~~

~~3204.Q~~3203.I Screening. The following screening standards apply for non-residential applications where the project abuts a residential property; when parking areas, utilities, service areas, or building mounted equipment are proposed or modified; or where the Development Review Board has required screening as a condition of approval for another provision. The site plan shall include landscaped buffers, berms, fences, walls, screens, camouflage or similar mechanisms to minimize impacts of proposed development on adjacent properties and public views in accordance with the following:

- (1) Performance Intent Standard. The purpose of s Screening ~~is shall be applied~~ to minimize the visibility and impacts of incompatible, disruptive, or visually unappealing aspects of proposed development on the surrounding neighborhood. This is not to be interpreted to mean that all views of the area or element to be screened shall be fully blocked, rather screening should be used to soften and break up views and to create visual interest elsewhere on the site so that the area or element to be screened no longer dominates the view.

~~(1)(2) Screening materials. Screening may include natural or manmade elements including landscaped buffers of trees and shrubs, earthen berms, fences, walls, screens, camouflage or similar mechanisms.~~

~~(a) Landscaped Buffers. Vegetative buffers that feature a mix of evergreen and deciduous plant materials arranged in informally shaped and spaced groupings are strongly encouraged. Existing mature vegetation should be retained to provide buffers between adjoining properties to the maximum extent feasible.~~

~~(b) Fences and Walls. Where fences or walls are used as screening, In addition to the standards of Section 3101 shall also apply, fences or walls used as a buffer or screen shall conform to the following:~~

~~— The fence or wall shall be opaque between a height of 1 and 5 feet above the ground.~~

~~— Use of corrugated or galvanized steel or metal sheets, and chain link fencing with inserts are prohibited.~~

~~(c) Berms. Landscaped berms are encouraged as an effective means of screening parking and loading or other utilitarian site features from view. Berms shall be designed in accordance with the following:~~

~~(i) Berms shall not have a slope greater than 30%.~~

~~(ii) The surface of the berm not planted with trees or shrubs shall be covered with perennial herbaceous or woody ground cover and mulch.~~

~~(iii) Berms should have an organic shape that replicates natural landform~~

~~(2) Side and Rear Yards. The Development Review Board may require an applicant to retain or establish a landscaped buffer or fencing along side or rear lot lines when a more intensive use is proposed to locate adjacent to a less intensive use.~~

(3) Parking Lots. Parking lots shall be screened from view from the street and abutting properties ~~to the maximum extent feasible.~~

(4) Utilities. All utility boxes, pump stations, substations, and similar aboveground utilities shall be screened from view from the street and abutting properties ~~to the maximum extent feasible.~~

(5) Service Areas. Off-street loading areas, refuse and outdoor storage areas, mechanical equipment and similar utilitarian site features areas shall be screened ~~from the street and abutting properties.~~

(6) Building-Mounted Equipment. Mechanical equipment and utilities mounted on building walls or roofs shall be designed and located to minimize their visibility from the street and adjoining property in accordance with the following:

(a) Wall-mounted equipment or utilities shall be painted or otherwise colored to match building materials ~~to the maximum extent feasible.~~

(b) Rooftop equipment or utilities shall be enclosed or screen by building walls or parapets that shall be compatible with the form, design and materials of the building.

~~(6)(1) Fences and Walls. In addition to the standards of Section 3101, fences or walls used as a buffer or screen shall conform to the following:~~

~~(d)(a) The fence or wall shall be opaque between a height of 1 and 5 feet above the ground.~~

~~(e)(a) Use of corrugated or galvanized steel or metal sheets, and chain link fencing with inserts are prohibited.~~

~~(6)(1) Berms. Landscaped berms are encouraged as an effective means of screening parking and loading or other utilitarian site features from view. Berms shall be designed in accordance with the following:~~

~~(g)(a) Berms shall not have a slope greater than 30%.~~

~~(h)(a) The surface of the berm not planted with trees or shrubs shall be covered with perennial herbaceous or woody ground cover and mulch.~~

~~(7) Berms should have an organic shape that replicates natural landform.~~ Nonconformities. Where an existing site is nonconforming with respect to screening requirements, applicants shall be required to come into compliance unless the cost of coming into compliance will exceed 5% of the project cost. In that instance the applicant shall only be required to add screening not to exceed 5% of the total project cost

~~(i)(a) Where total project costs are less than \$2,000, the improvements to non-conforming screening shall be considered de minimis and shall not be required.~~

3203.J Total Site Landscaping. Except within the Urban Center 1 district, sites shall be landscaped in accordance with the following:

(1) Administrative rules. The following rules apply to the administration and enforcement of the provisions of this section.

(a) Calculating planting area- Where the applicant demonstrates that natural woody vegetation on the parcel furthers the purposes outlined in Section 3203.A, the Administrative Officer or Development Review Board may consider the natural woody vegetation towards landscaping requirements on a 2:1 basis. For example, retaining two square feet of natural forest cover or riparian habitat could be counted towards one square foot of landscaped area.

(b) Perennial plantings may be used to meet the landscaping requirement and will be counted 1 square foot for each square foot of perennial plantings

(c) To be counted as an existing tree or shrub for the purposes of this subsection, trees and shrubs must be healthy and have suitable planting area to support its long term viability. Unmanaged or unmaintained portions of a site shall not count as landscaping unless the area meets the provisions in Subsection 3203.J(1)(a). Invasive species shall not be counted towards total landscaping.

(2) Minimum planting area. Plantings shall meet or exceed the minimum planting area based upon the amount of impervious cover on the property. To determine the square footage of planning area that will be required, multiply the square footage of the total proposed impervious cover by 0.033.

- (3) Placement. Landscaping shall be placed so as to enhance the appearance of the built environment as viewed from public vantage points. The following guidelines should be used to guide the compliance with the performance standard:
- (a) Landscaping should provide direction to and enhance building entrances;
 - (b) Landscaping should enhance and shade walkways;
 - (c) Provide visual breaks along blank building facades;
 - (d) Intercept and filter stormwater runoff (ex. rain garden);
 - (e) Plant materials should be planted in groupings and should be distributed around the areas of the site visible from public vantage points;
- (4) Non-conformities. Where an existing site is nonconforming with respect to landscaping requirements, applicants shall be required to come into compliance unless the cost of coming into compliance will exceed 5% of the project cost. In that instance the applicant shall only be required to add landscaping in an amount not to exceed 5% of the total project cost.
- (a) Where an existing site is non-conforming with respect to impervious cover and the applicant demonstrates that, as a result of the non-conformity, the site cannot reasonably meet the total landscaping requirement, the Development Review Board may waive some or all of the total landscaping required.
- (5) Waivers. The Development Review Board may waive the amount and placement standards where an applicant demonstrates that the waiver requested creates the minimum variance from the standard and either:
- (a) Compliance with the total landscaping requirements would diminish the appearance of the built environment from public vantage points; or
 - (b) Existing natural features (e.g. streams, ledge and wetlands) would make compliance with such standards undesirable or impossible.

~~Landscaped Buffers. Vegetative buffers that feature a mix of evergreen and deciduous plant materials arranged in informally shaped and spaced groupings are strongly encouraged. Existing mature vegetation should be retained to provide buffers between adjoining properties to the maximum extent feasible.~~ Maintenance **Conditions of Approval.** Landscaping required under this section or as a condition of approval shall be maintained in a healthy condition. Dead or dying plants shall be replaced within 1 growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-19 **Figure 3-20.**

~~(7)~~3203.K

~~Figure 3-80.~~ **Figure 3-19.** Parking Lot Landscaping Illustrated Standards



~~Figure 3-81.~~ **Figure 3-20.** Planting Specifications

Plant Material	<u>Mature or Maintained Height</u>	Minimum Caliper	Minimum Height	Minimum Planting Area	<u>Minimum Planting Area Width</u>
Large Tree	<u>≥50 ft</u>	1-1/4 2-inches for single-trunk trees (measured at <u>6-in above-grade the DBH</u>)	6 ft for multi-trunk trees	100 sf	<u>5 ft</u>
Medium Tree	<u>30 to <50 ft</u>			<u>24-49</u> sf	<u>4 ft</u>
Small Tree	<u><30 ft</u>			<u>16-25</u> sf	<u>3 ft</u>
Large Shrub	<u>≥6 ft</u>	–	2 ft	12 sf	–
Medium Shrub	<u>3 to <6 ft</u>	–	1 ft	8 sf	–
Small Shrub	<u><3 ft</u>	–	1 ft	6 sf	–

~~Section 3205.~~Section 3204. Outdoor Lighting

~~3205.A~~3204.A Purpose. Outdoor lighting shall be regulated to reduce its obtrusive and disruptive aspects, and shall be limited to the minimum necessary for safety, security and nighttime use of property. It is the intent of this section to maintain a dark night sky and reduce light trespass, glare and energy use by encouraging lighting designs that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient lamps, and discouraging the use of poorly shielded or directed light fixtures.

~~3205.B~~3204.B Applicability. All outdoor lighting shall be installed in accordance with the provisions of this section except for:

- (1) Streetlights.
- (2) Decorative holiday lighting using low-wattage lamps that is illuminated for no more than 90 days in any calendar year.
- (3) Outdoor lighting incidental to permitted construction or the maintenance, repair or construction of public facilities or infrastructure, or to work conducted in the public interest such as law enforcement or emergency response.

~~3205.C~~3204.C Lighting Plans. Applications for major site plan approval shall include a lighting plan prepared by a qualified professional lighting designer or engineer.

~~3205.D~~3204.D Previously Developed Sites. When changes to existing outdoor lighting are proposed on a site with nonconforming lighting, the applicant shall bring ~~the entire site~~all similar lighting (e.g. all parking lot lighting), including any previously installed and proposed new outdoor lighting, into conformance with this section.

~~3205.E~~3204.E Lighting Classes and Zones. This section regulates outdoor lighting based on the following classes and zones:

- (1) Class 1 Lighting includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work activities occur after dark, display areas, assembly areas like amphitheaters, recreational facilities, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.
- (2) Class 2 Lighting includes all outdoor lighting used for illumination of walkways, roadways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.
- (3) Class 3 Lighting includes all outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting, landscape lighting and similar applications.
- (4) Lighting Zone 1 encompasses the Mixed Use Residential, Residential 1500, Residential 3000, Residential 6000, Residential 9000, Residential 24000, Rural and Municipal zoning districts.
- (5) Lighting Zone 2 encompasses the Urban Center 1, Urban Center 2, Urban Center 3, Riverfront, Eastern Gateway and Western Gateway zoning districts.

3204.F General Standards. All outdoor lighting shall be kept to the minimum required for safety, security, and the intended use in accordance with the following:

~~3205.F~~—:

- ~~(1)~~ (1) Shielding. All nonexempt outdoor light fixtures shall be shielded as specified in ~~Figure 3-21~~Figure 3-21. All fixtures that are required to be fully shielded shall be installed and maintained in such a manner that the shielding is effective.
- ~~(2)~~ (2) Total Output. Total output from all nonexempt outdoor light fixtures on a site shall not exceed the limits specified in ~~Figure 3-22~~Figure 3-22.
- ~~(3)~~ (3) Uniformity. Outdoor lighting shall be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lower light levels with more uniformity provide safer and more efficient lighting than higher light levels with less uniformity. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are strongly discouraged.
- ~~(4)~~ (4) Allowed Lamp Types. All lamps shall conform to the types specified in ~~Figure 3-21~~Figure 3-21 and shall be LED lamps or Energy Star certified.

(5) Spot Light Aiming. Light fixtures containing spot or flood lamps:

- (a) Shall be aimed no higher than 45° above straight down.
- (b) Shall be considered fully shielded when aimed straight down.
- (c) Shall be considered partially shielded when aimed above straight down.
- (d) With high-intensity light output are discouraged.

~~(e)~~

(6) Light Trespass. Any outdoor light fixture containing a lamp with an initial output of more than 10,000 lumens that will be located within 50 feet of residential property or a public right-of-way shall use an internal or external "house side" shield. The light fixture and shield shall be oriented to minimize light trespass over the adjacent property or right-of-way.

(7) Freestanding Lights. Freestanding light fixtures:

- ~~(e)(a)~~ Shall not exceed 25 feet in height.
- ~~(f)(b)~~ Should not be more than 12 feet in height when used to light walkways and other pedestrian-oriented spaces.
- ~~(g)(c)~~ May be located within front setbacks.
- (d) Shall be set back from side and rear property lines at least a distance equal to their height except if located within a shared parking or loading area, or if the adjoining properties are commonly owned.

~~(h)~~

(8) Internally Illuminated Architecture. The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated and that is not a sign shall be considered partially shielded, Class 3 lighting.

(9) Luminous Tube Lighting. Luminous tube lighting does not require shielding but it shall be considered partially shielded lighting for the purposes of calculating total outdoor light output for the site.

(10) Indoor Lighting. Any indoor light fixture within a non-residential structure containing a lamp with an initial output of 2,000 lumens or more that is mounted such that any part of the fixture is lower than the height of a window or door shall be fully shielded.

(11) Time Limits. ~~Outdoor lighting shall be extinguished as specified in Figure 3-21.~~ The Development Review Board may ~~further~~ limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood. Use of timers, dimmers and sensors is encouraged.

~~3205.G~~3204.G Special Use Lighting. There are special standards for the following uses:

- (1) Recreation Facilities. Lighting for outdoor recreation facilities:
 - (a) Shall be considered Class 1 Lighting and shall be exempt from the lumens per acre limit specified in ~~Figure 3-22~~Figure 3-22.
 - (b) Shall be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - (c) Shall use fixtures that are fully-shielded or use internal or external louvers or shields to minimize off-site glare and light trespass.
 - (d) Shall use fixtures that are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
 - (e) Shall be extinguished within 30 minutes of the cessation of play.
 - (f) Shall not be illuminated after 11 p.m. Illumination of the facility shall be permitted after 11 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.
- (2) Frontage Row of Vehicle Display Areas. Lighting for the frontage row of vehicle display areas shall be considered Class 1 Lighting and shall conform to the following:
 - (a) All frontage row vehicle display area lighting shall use properly installed and maintained fully-shielded light fixtures.
 - (b) The total outdoor light output for the frontage row of vehicle display areas shall be exempt from the lumens per acre limit specified in ~~Figure 3-22~~Figure 3-22, but shall not exceed 60 lumens per square foot.
 - (c) Any frontage row of vehicle display light that exceeds the lumens per acre limit specified in ~~Figure 3-22~~Figure 3-22 shall be turned off after 9 p.m., or 30 minutes after the close of business if later.
 - (d) Lighting for the frontage row of vehicle display areas remaining on after the time limit shall be considered Class 2 Lighting and shall conform to the standards of Subsection 3204.F.
- (3) Fueling Station Canopies. Lighting for fueling station canopies shall be considered Class 1 Lighting and shall conform to the following:
 - (a) All light fixtures mounted on or recessed into the lower surface of fueling station canopies shall be fully shielded and use flat lenses.
 - (b) The total light output used for illuminating fueling station canopies shall not exceed 60 lumens per square foot of canopy.
 - (c) The total light output used for illuminating fueling station canopies shall be counted towards the site's lumens per acre limit as specified in ~~Figure 3-22~~Figure 3-22.

~~3205.H~~3204.H Security Lighting. The Development Review Board may approve security lighting in accordance with the following:

- (1) No provision of this section shall be interpreted to prohibit the minimum security lighting required to meet state or federal code.
- (2) The Development Review Board may waive or modify the lighting time limits for security lighting used in association with on-site electronic or video surveillance systems or when the premises will be occupied or staffed overnight.
- (3) The use of timers and sensors to automatically activate and deactivate security lighting is strongly encouraged.

Figure 3-21.

Figure 3-83. Light Fixture Shielding ~~and~~, Lamp Type ~~and Time Limits~~

	ZONE 1	ZONE 2	LAMP TYPE
CLASS 1 LIGHTING			
Initial output <2,000 lumens	Fully shielded	Partially shielded	All types
Initial output 2,000 lumens or more	Fully shielded	Fully shielded	All types
CLASS 2 LIGHTING			
Initial output <2,000 lumens	Fully shielded	Partially shielded	All types
Initial output 2,000 lumens or more	Fully shielded	Fully shielded	"warm white" LED High-pressure sodium Low-pressure sodium
CLASS 3 LIGHTING			
Initial output <2,000 lumens	Partially shielded	Partially shielded	All types
Initial output 2,000 lumens or more	Prohibited	Prohibited	–

Figure 3-84. ~~Figure 3-22.~~ Total Outdoor Light Outputs

	ZONE 1	ZONE 2
Commercial, Industrial or Mixed Use		
Max of all fully shielded light fixtures (fully + partially shielded)	50,000 lumens/acre	100,000 lumens/acre
Max of all P partially shielded light fixtures only	5,000 lumens/acre	10,000 lumens/acre
Multi-Family Unit Residential		
Max of all fully shielded light fixtures (fully + partially shielded)	10,000 lumens/dwelling	10,000 lumens/dwelling
Max of all P partially shielded light fixtures only	3,000 lumens/dwelling	3,000 lumens/dwelling

~~Section 3206.~~Section 3205. Outdoor Seating, Display or Storage

~~3206.A~~3205.A **Applicability.** The standards of this section apply to outdoor seating and service, and to keeping any goods, material or merchandise in an unroofed area for more than 24 hours.

~~3206.B~~3205.B **Outdoor Seating and Service.** Outdoor seating and service areas for patrons may be permitted as an accessory use in accordance with the following:

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

- (2) Outdoor seating and service areas may be located on the sidewalk in the Urban Center 1, Urban Center 2, Urban 3, and Riverfront districts in accordance with applicable city ordinances and in consultation with the Department of Public Works. In all other districts, outdoor seating and service areas shall be located outside required setbacks.
- (3) Outdoor seating and service areas shall not be placed or located where they will interfere with pedestrian or vehicular access and circulation, building entrances, vehicular parking, loading areas, emergency access or egress, utilities or other service areas.
- (4) Outdoor seating and service areas shall be level and surfaced with asphalt, concrete or other suitable all-weather material.
- (5) The Development Review Board may place limits on the hours outdoor seating and service areas may be used and the level of noise that may be generated as necessary to protect the character of the neighborhood.

~~3206.C~~3205.C Outdoor Display. Outdoor display of retail goods, wares and merchandise may be permitted as an accessory use in accordance with the following:

- (1) The site plan shall show the location and boundaries of the outdoor display area.
- (2) Retail goods may be displayed on the sidewalk in the Urban Center 1, Urban Center 2, Urban Center 3 and Riverfront districts in accordance with applicable city ordinances and in consultation with the Department of Public Works. In all other districts, outdoor display areas shall be located outside required setbacks.
- (3) Merchandise shall not be placed or located where it will interfere with pedestrian or vehicular access and circulation, building entrances, vehicular parking, loading areas, emergency access or egress, utilities or other service areas.
- (4) Merchandise shall be placed on a firm, level surface.

~~3206.D~~3205.D Outdoor Storage. The keeping any materials, goods, equipment, unregistered vehicles, or other items not for sale in an unroofed area for more than 24 hours may be allowed as an accessory use in accordance with the following:

- (1) The site plan shall show the location and boundaries of the outdoor storage area.
- (2) Outdoor storage areas shall not be located within required setbacks.
- (3) Except within the Eastern Gateway district, outdoor storage areas shall not be located between the principal building and the street unless otherwise approved by the Development Review Board upon its determination that the storage area cannot reasonably be located elsewhere on the site and shall not detract from the character of the neighborhood.
- (4) Outdoor storage areas shall be fenced in ~~and or~~ screened from view from the street and surrounding properties.

~~Section 3207.~~Section 3206. Solar Access and Shading

~~3207.A~~3206.A Purpose. The city's energy goals and policies strongly encourage solar heating and cooling of buildings, solar heated hot water, solar generated electricity and energy conservation. While the use of solar energy systems is optional, these regulations protect the right to solar access by ensuring that proposed development does not unreasonably reduce the ability to use solar energy on neighboring properties. The provisions of this section are also intended to increase the energy efficiency of proposed land development.

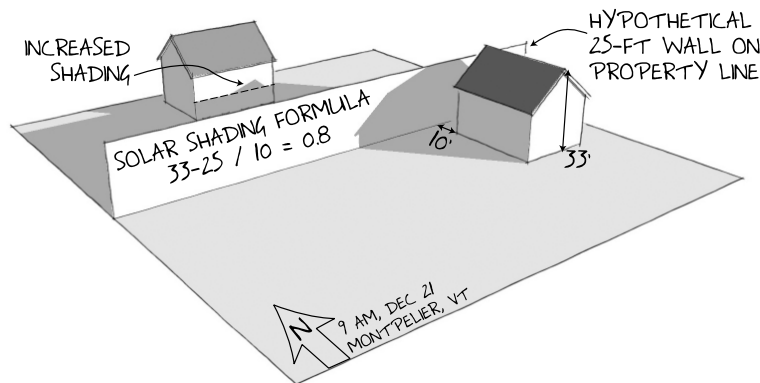
~~3207.B~~3206.B Applicability. The standards of this section apply to any land development requiring major site plan review not located within the Urban Center 1, Urban Center 2, Urban Center 3 or Riverfront districts.

~~3207.C~~3206.C Solar Access and Shading. Proposed land development shall not shade existing yards, walls or roofs oriented within 15° of true south on abutting ~~lot~~parcels to a greater extent than a hypothetical 25-foot high wall constructed on the property line between the hours of 9 a.m. and 3 p.m. on December 21. Applicants may demonstrate conformance with this standard by either:

- (1) Showing that the building height minus 25 feet and then divided by the distance between the building and the property line equals 0.25 or less; or
- (2) Submitting a solar shading diagram.

~~3207.D~~3206.D Nonconforming Shading. The Development Review Board may waive or modify the provisions of this section for previously developed ~~lot~~parcels that already shade abutting property to a greater extent than allowed under this section provided that the amount of shading is not increased further.

~~Figure 3-85.~~ Figure 3-23. Solar Shading Diagram



~~3207.E~~3206.E Solar Siting. Unless the Development Review Board determines that use of solar energy is not feasible due to site-specific conditions, the roof surface of new buildings shall:

- (1) Be flat or oriented so that its long axis is within 30° of a true east-west direction.
- (2) Be physically and structurally capable of supporting at least 75 square feet of solar collectors per dwelling unit in the building or, for nonresidential buildings, capable of providing at least ½ the anticipated hot water needs of the building.
- (3) Have unimpeded solar access.

~~Section 3208.~~Section 3207. Design and Compatibility

~~3208.A~~3207.A Purpose. This section is intended to ensure that proposed land development will:

- (1) Be compatible with and enhance the visual appearance of the street and neighborhood (as defined in Part 2 of these regulations) in which they are located.
- (2) Exhibit consistent design integrity in all building components including, but not limited to, roof forms, windows and entrances (proportion and placement), building materials, facade details, fencing and landscaping.

~~3208.B~~3207.B Applicability. All projects requiring major site plan approval shall meet the requirements of this section.

- (1) Projects reviewed under Section 2201 are exempt from the requirements of this section.

~~3208.C~~3207.C Standards. Application required to meet this section shall meet the following:

- (1) Architectural Standards
 - (a) In districts with architectural standards, projects shall meet the standards required in that district.
- (2) Form and Massing
 - (a) Appear similar in mass and scale to structures typical of the neighborhood.
 - (b) Match the building and roof forms that are typical of the neighborhood.
 - (c) Avoid large box-like forms with continuous unrelieved surfaces by incorporating articulation to reduce buildings' perceived bulk.
 - (d) Limit overall building size or designing buildings with features to break up building bulk such as changes in wall plane (instead of a long flat wall), changes in roof form and height, or major full-height recesses (typically at least 8 feet deep) along the length of the building that successfully break the building into smaller discrete masses.
 - (e) Have window recesses, window trim, doorways, columns, overhangs and other architectural elements with depth adequate to create shadow and architectural relief.
 - (f) Have facades that provide a pedestrian scale and orientation through overhangs, eaves, awnings, display windows and architectural ornamentation.
- (3) Compatibility
 - (a) Align building facades with the established setbacks on the block.
 - (b) Locate the tallest portions of new buildings away from adjoining residential properties, in order to provide height transitions between taller and lower buildings, and to maximize light, air, and privacy for dwelling units.
 - (c) Reduce the visual and shadow impact of upper stories on adjoining residential properties through means such as stepping back the upper floors from the stories below, tucking the top story inside a pitched roof, using pitched roofs with dormers, etc.

- (4) Materials
 - (a) Use high quality building materials.
 - (b) Use a complimentary palette of materials on all sides of buildings.
 - (c) Have material changes located at interior corners or other logical terminations and not at external corners.
- (5) Windows and Entries
 - (a) Orient entrances in a manner similar to the established pattern on the block.
 - (b) Consider the overall composition of the building facade when locating and sizing window openings.
 - (c) Emphasize public building entrances with architectural and landscape treatment.
 - (d) Provide access to all dwelling units from private entrances that are separated from public entrances to non-residential portions of the building.
- (6) Energy
 - (a) Meet the applicable stretch code for residential or commercial buildings as demonstrated by the applicant submitting an energy certificate in accordance with Subsection 4207.E.
 - (b) Unless the applicant demonstrates that use of solar energy is not feasible due to neighborhood compatibility or site-specific conditions, be sited and designed so that the roof shall be appropriately oriented and structurally capable of accommodating solar collectors.
- (7) Service Areas
 - (a) Ensure that service areas do not detract from the overall quality of public, common and residential outdoor use areas.
 - (b) Minimize the impact (noise, light, odors, etc.) of service areas on residents.
 - (c) Locate ancillary facilities (such as trash receptacles and utility meters) within buildings, not along building facades, to the maximum extent feasible. If ancillary facilities cannot be incorporated into a building, locate them at the rear of the site in freestanding, enclosed structures designed to be compatible with the architecture of the principal building.
 - (d) Locate utilities underground to the maximum extent feasible given site-specific conditions.
 - (e) Locate electrical panels to minimize their visibility from the street, in locations such as side yard walls, and behind landscaped areas, and integrate them into the design of the buildings to the maximum extent feasible.
 - (f) Minimize the visibility of loading areas from public and residential areas by screening them with screen walls, landscaping, and other devices.

~~3208.D~~3207.D An applicant may request a waiver to the provisions in this section, including any architectural standards in Part 2, through the process and standards established in Section 4602.

Chapter 330. Conditional Use Standards

Section 3301. Applicability

3301.A All land development listed as a conditional use in Part 2 of these regulations shall conform to the standards of this chapter.

Section 3302. Capacity of Community Facilities and Utilities

3302.A The applicant shall demonstrate that the proposed development shall not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Street infrastructure and maintenance.
- (4) Parks and recreation facilities.
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.

Section 3303. Traffic

3303.A Standards. The applicant shall demonstrate that the proposed development will not have an undue adverse effect upon the traffic in the area including:

- (1) That the volume, type and timing of traffic generated by the proposed development shall not be substantially greater than what would normally occur at nearby uses or at other uses permitted in the neighborhood.
- (2) That the traffic generated by the proposed development shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.
 - (a) Class 1 and Class 2 streets shall be maintained at a level of service of at least C for unsignalized intersections and D for signalized intersections. Class 3 streets should be maintained at level of service of at least B and in no case shall the level of service drop to below C.
 - (b) The Development Review Board may factor in the results of the Traffic Impact Study when one is required.
- (3) That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed development.

3303.B Traffic Impact Study. A traffic impact study prepared by a qualified professional in accordance with VTrans' traffic impact study policy shall be included in any application for proposed development that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour on Class 1 roads, and 50 or more new trips during the a.m. or p.m. peak hours on Class 2 and 3 roads. The Development Review Board may require any applicant to submit a professionally prepared traffic impact study as deemed necessary to determine compliance with this section, particularly if traffic is anticipated to impact an intersection with a level of service of E or F.

- 3303.C Mitigation Measures. The Development Review Board may require the applicant to mitigate transportation impacts as a condition of approval, including paying for all or a portion of off-site improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development.

Section 3304. Character of the Neighborhood

- 3304.A Establishment of Neighborhoods. Neighborhoods are established and their character described in Part 2 of these regulations.

- 3304.B Character of the Neighborhood. Neighborhood character is the sum of the elements and qualities that distinguish an area. To be compatible with and enhance neighborhood character, proposed development shall be located and designed in accordance with the following:

- (1) Architectural Compatibility. New development shall be architecturally compatible with the neighborhood through relationships of scale, massing, siting, detail and materials. Architectural compatibility does not mean replicating what already exists. Rather, each project should contribute to the character of the neighborhood by designing a unique, distinctive building that reflects the best qualities of the surrounding neighborhood. The result should be an architecturally diverse neighborhood with shared common qualities. New development shall be designed and located:
 - (a) So that the visible mass conforms to the scale of the neighborhood as viewed from the street.
 - (b) To maintain perceived building heights that are appropriate to the neighborhood in order to avoid interfering with views from nearby properties and buildings, and excessively shading adjoining properties and buildings.
 - (c) With articulated wall planes that create variety and reduce perceived scale.
 - (2) Yards, Lot Coverage and Landscaping. New development shall maintain a sense of open space that is appropriate to the neighborhood by balancing the size of the building's footprint with the mass of the structure and the size of the ~~lot~~parcel. This does not mean that new development cannot reduce the total amount of greenspace within the neighborhood. Rather, the balance of building area to open space shall be typical of the neighborhood and the structure shall be sized and located on the site to maintain the pattern of greenspace existing in the neighborhood. New development shall be designed and located:
 - (a) To maintain the neighborhood's existing setback patterns.
 - (b) To incorporate landscaping into required setback areas to maximize the perception of open space, reduce the perceived scale of buildings and create curb appeal.
- (b)(3) Use. The impacts of the use shall be consistent with the neighborhood especially with respect to noise, hours of operation, and other features that define an areas character. The existence of one conditional use in a neighborhood should not necessarily be interpreted as justification for a similar conditional use to be located in that area.

3304.C Standards. The applicant shall demonstrate that the proposed development shall not have an undue adverse effect on the character of the neighborhood.

Section 3305. Conditions of Approval

3305.A The Development Review Board may place conditions on any approval as deemed necessary to further the purposes of these regulations and ensure conformance with all applicable provisions of these regulations (see Subsection 4505.E).

3305.B The Development Review Board may require the applicant to mitigate any impacts of proposed development as a condition of approval through measures that may include, but are not limited to:

- (1) Paying for all or a portion of off-site improvements to community facilities and utilities deemed necessary to accommodate the proposed development.
- (2) Phasing proposed development so that the rate of growth shall not exceed the city's ability to provide community facilities and utilities.
- (3) Paying for all or a portion of off-site transportation improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development.
- (4) Setting aside land for recreation purposes such as playgrounds, parks, trails and multi-use paths.

(5) Setting aside land for conservation purposes and protecting it from future development

~~(5)~~3305.C The Development Review Board may require an applicant to retain or establish a landscaped buffer or fencing along side or rear parcel lines when a more intensive use is proposed to locate adjacent to a less intensive use..

Chapter 340. Planned Unit Development Standards

i The purpose of this chapter is to provide flexibility for land development types and patterns that further the goals of the Montpelier City Plan.

Section 3401. Infill Housing Development

3401.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 ~~lot~~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.

3401.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.

3401.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.

3401.D Dimensional Standards. Applicants may apply to:

- (1) Modify ~~lot~~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.

3401.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.

3401.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.

3401.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.

3401.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 3402. Cottage Cluster Development

3402.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.

3402.B Applicability. Cottage cluster developments are permitted in the Residential 3000, Residential 6000, Residential 9000, Residential 24,000, and Rural districts.

3402.C Density Standards. The maximum density for a cottage cluster development shall be 200% the residential density allowed in the applicable zoning district.

3402.D Dimensional Standards. The Development Review Board may:

- (1) Modify ~~lot~~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.
- 3402.E Use Standards. Nonresidential principal uses are prohibited within a cottage cluster development, irrespective of the standards of the applicable zoning district.
- 3402.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.
- 3402.G Cottage Design. A cottage as allowed under this section shall be a single-family 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.
- 3402.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.
- 3402.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.

3402.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.

3402.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 ~~lot~~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 3403. Manufactured Home Park

3403.A Applicability. The provisions of this subsection apply to all manufactured home parks.

3403.B Standards. The following standards apply to manufactured home parks:

- (1) Manufactured home parks shall be allowed in any district where detached single-~~family~~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 ~~lot~~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 3404. New Neighborhood Development

- 3404.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

3404.B Applicability. New neighborhood developments are:

- (1) Allowed in the Riverfront, Western Gateway, Mixed Use Residential, Residential 3000, Residential 6000, ~~and~~ Residential 9000, and Residential 24,000 districts on parcels that are 2 acres or more in size. If a parcel proposed for a new neighborhood development includes land in the Rural district, that land may be counted when calculating the maximum development potential of the project, but the number of dwelling units developed in the portion of the property in the Rural district shall not exceed the base density of the Rural district (no transfer of density from higher density districts into Rural district and no additional housing through density bonuses).
- (2) Required for any development of either 40 ~~lot~~parcels or dwelling units or more in a 10-year period on a parcel that is 10 acres or larger and that is not located in the Urban Center 1 or entirely in the Rural district.

3404.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.

3404.D Dimensional Standards. The Development Review Board may:

- (1) Modify ~~lot~~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 ~~lot~~parcels provided that the ~~lot~~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.

3404.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-~~family~~unit and multi-~~family~~unit units-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.

3404.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 ~~lot~~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.

3404.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.

3404.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-familyunit 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-familyunit dwelling shall have access to a private or semi-private outdoor living space such as a yard, patio, courtyard, rooftop, terrace or balcony.

3404.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-familyunit 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.

3404.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 3405. Conservation Subdivision

3405.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.

3405.B Applicability. Conservation subdivisions are:

- (1) Allowed in the Residential 9000, Residential 24000 and Rural districts.
- (2) Allowed on any site with significant natural resource constraints that preclude reasonable use of the infill housing or new neighborhood development types.
- (3) Required for subdivision of 4 ~~lot~~parcels or more in a 10-year period in the Rural district unless the ~~lot~~parcels or units are counted as a part of another type of planned unit development. However, if the ~~lot~~parcels are counted as a part of another type of planned unit development the number of ~~lot~~parcels would otherwise require a conservation Subdivision, the other planned unit development must meet the requirements of Subsection 3405.F for any portion of the development in the Rural district.

3405.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.

3405.D Dimensional Standards. The dimensional standards for ~~lot~~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.

3405.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-~~family~~unit buildings with 5 or more dwelling units and live-work units.

3405.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.

3405.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 ~~lots~~parcels or dwelling units surrounded by open space.
- (2) At least 40% of the ~~lots~~parcels or dwelling units shall abut a conservation area.
- (3) All ~~lots~~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.
- 3405.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.
- 3405.I Conservation Commission Review. The application for a conservation subdivision shall require review by the Montpelier Conservation Commission in accordance with Section 4302.
- 3405.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 3406. Campus Development

- 3406.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.
- 3406.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 ~~lot~~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.
- 3406.C Dimensional Standards. The Development Review Board may waive the dimensional standards for ~~lot~~parcels, setbacks and buildings in the base zoning district within a campus development. The development shall meet all applicable setbacks around its perimeter. Lot coverage for the development as a whole shall not exceed 70% or the district maximum, whichever is less.
- 3406.D Density of Development. Floor area ratio and density for the development as a whole shall not exceed the maximum for the applicable district.
- 3406.E Use. Uses shall be allowed within a campus development as follows:
- (1) Any use (permitted or conditional) allowed in the base zoning district shall be allowed in a campus development as a permitted use if listed in the Campus Master Plan as incidental to or supportive of the primary purpose of the campus development.
 - (2) The Development Review Board may approve uses in the Campus Master Plan not otherwise allowed in the base zoning district provided the applicant receives conditional use approval and demonstrates that the proposed use is incidental to or supportive of the principal purpose of the campus development.
 - (3) Retail, service or similar customer-oriented uses that are designed and operated primarily to serve campus residents or employees may also be available for the public.
 - (4) Any use not listed in the Campus Master Plan as incidental to and supportive of the primary use of the campus development shall be regulated as allowed in the based zoning district.
- 3406.F Building Design. Buildings within a campus development shall be designed as follows:
- (1) Buildings taller than 3 stories shall be set back a distance equal to or exceeding twice their height from parcels abutting the perimeter of the campus development. The Development Review Board may reduce this setback requirement to the district minimum if the proposed development within the campus shall be compatible in scale and intensity with the existing or planned development pattern on the abutting parcel(s).
 - (2) Buildings shall be oriented to streets, common open space areas or pedestrian walkways. Buildings shall not be oriented to parking lots.
 - (3) The Development Review Board may waive building massing (footprint and height requirements) provided the increased scale of buildings is balanced appropriately with open space and landscaping.
- 3406.G Open Space. At least 30% of the total area of the campus shall be reserved as common open space, including parks, greens or quads developed for passive recreational use but excluding outdoor areas developed for active recreational use (ex. sports courts or fields).

- 3406.H Pedestrian Access. All principal buildings within a campus development shall be connected with a system of sidewalk or paths. The Development Review Board may require the applicant to extend sidewalks along nearby public streets into the campus.
- 3406.I Vehicular Access. Vehicular access to a campus development shall be provided in a manner that minimizes traffic impacts on neighborhoods streets. To the maximum extent feasible, vehicular access shall be provided from an arterial street.
- 3406.J Parking. Applicants shall provide a shared parking plan consistent with Section 3010 that addresses the parking needs of all uses. Where a campus owns both sides of a street, the applicant may count on-street parking in the supply of available parking although this should not be interpreted to mean that on-street parking is dedicated for use only by the campus.
- 3406.K Signage. The campus development shall have an approved common scheme signage plan and the campus shall be considered a “common scheme premises” for the purposes of regulating signage under Section 3012. The campus may have an entrance sign not more than 32 square feet in area and 12 feet in height at its principal street entrance. Any secondary entrance may have a sign that is not more than 32 square feet in area and 12 feet in height. All other signage shall be designed and located so as to be primarily visible from within the campus. The Development Review Board may approve waivers to the standards not to exceed 100% in size and 50% in height provided the additional size shall not negatively affect the character of the neighborhood.
- 3406.L Campus Master Plan Application Requirements. In addition to other application requirements, the applicant shall submit a Campus Master Plan that includes:
- (1) A site plan showing boundary lines, existing buildings, open space, pedestrian and vehicular access, parking lots and other impervious cover. If appropriate, a second site plan may be included that identifies the locations for proposed new buildings, open space, pedestrian and vehicular access, parking lots, and other impervious cover shall be located.
 - (2) Within the written text:
 - (a) A statement describing the principal purpose of the campus development;
 - (b) Any request for waivers to dimensional standards consistent with Subsection 3406.C;
 - (c) A description of the amount of residential and non-residential development and how it is consistent with Subsection 3406.D;
 - (d) A list of uses to be approved as a base of principal and accessory uses that can be amended by issuance of a permit consistent with Subsection 3406.E;
 - (e) For any new construction, describe consistency with the requirements of Subsection 3406.F or present any request for waivers consistent with Subsection 3406.F;
 - (f) Description of compliance with the open space standards of Subsection 3406.G;
 - (g) If any supporting information is needed to the site plan on compliance with pedestrian and vehicular access as described in Subsections 3406.H and 3406.I;

- (h) A shared parking plan describing compliance with provisions of Subsection 3406.J;
and
- (i) A sign plan consistent with Subsection 3406.K.

3406.M Permits and Amendments to the Campus Master Plan. Unless otherwise noted in Subsection 3406.E, individual permits for development consistent with the approved Campus Master Plan shall be administrative. Applications for development not consistent with the approved Campus Master Plan shall require an amendment to the master plan as described in Subsection 3406.L.

- (1) Approved campus master plans shall not expire. Proposed developments requiring major site plan approval shall occur within 5 years or such approval shall expire. ~~This provision shall not apply to the shared parking plan or sign plan.~~

Chapter 350. Subdivision Standards

Section 3501. Applicability

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

Section 3502. Capacity of Community Facilities and Utilities

3502.A The applicant shall demonstrate that the proposed subdivision shall not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Street infrastructure and maintenance.
- (4) Parks and recreation facilities.
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.

~~(6) Solid waste disposal services and facilities~~

~~Section 3504.~~Section 3503. Suitability of the Land

~~3504.A~~3503.A The land to be subdivided shall be suitable for use without endangering public health or safety, and causing undue adverse impacts on the environment, neighboring properties or the character of the area.

~~3504.B~~3503.B Land subject to periodic flooding, poor drainage, inadequate capability to support development or other hazardous conditions shall not be subdivided unless the applicant can demonstrate that appropriate measures shall be taken to overcome the physical limitations.

~~3504.C~~3503.C Buildings and building envelopes on recorded plat shall be representative only and be placed only to demonstrate a suitable area for development. Approval of a plat with a house site or building envelope shall not be inferred as a permit to build such structure nor shall it be a limitation to future development outside of the envelope or house site unless included as a condition of approval.

~~Section 3505.~~Section 3504. Traffic

~~3505.A~~3504.A Standards. The applicant shall demonstrate that the proposed subdivision will not have an undue adverse effect upon the traffic in the area including:

- (1) That the traffic generated by the proposed subdivision shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel.
 - (a) Class 1 and Class 2 streets shall be maintained at a level of service of at least C. Class 3 streets should be maintained at level of service of at least B and in no case shall the level of service drop to below C for unsignalized intersections and D for signalized intersections.
 - (b) The Development Review Board may also factor the results of the Traffic Impact

Study when one is required.

- (2) That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed subdivision.

~~3505.B~~3504.B Traffic Impact Study. A traffic impact study prepared by a qualified professional in accordance with VTrans' traffic impact study policy shall be included in an application for any proposed subdivision that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour on Class 1 roads, and 50 or more new trips during the a.m. or p.m. peak hours on Class 2 and 3 roads. The Development Review Board may require any applicant to submit a professionally prepared traffic impact study as deemed necessary to determine compliance with this section, particularly if traffic is anticipated to impact an intersection with a level of service of E or F.

~~3505.C~~3504.C Mitigation Measures. The Development Review Board may require the applicant to mitigate transportation impacts as a condition of approval, including paying for all or a portion of off-site improvements deemed necessary to accommodate anticipated traffic resulting from the proposed subdivision.

~~Section 3506.~~Section 3505. Design and Configuration of Parcel Boundaries

~~3506.A~~3505.A ~~Lot~~Parcel Arrangement. The applicant shall design the subdivision:

- (1) To follow and extend the planned settlement pattern (including ~~lot~~parcel size, ~~lot~~parcel configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
- (2) To connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.
- (3) So that there shall be no foreseeable difficulties in obtaining zoning permits to build on all ~~lot~~parcels not intended for conservation purposes in accordance with the standards of these regulations.
- (4) So that there shall be no foreseeable difficulties in providing access to buildings on ~~lot~~parcels not intended for conservation purposes from an approved street.
- (5) To avoid direct access from arterial streets or state or Class 1 highways. The Development Review Board may require shared access or other means to minimize new access points along arterial streets or highways.
- (6) To allow further subdivision on any remaining undivided land and adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

~~(0) — So that there shall be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.~~

~~3506.C~~3505.B ~~Lot~~Parcel Dimensions. The applicant shall design the subdivision:

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

- (2) So that ~~lot~~parcel dimensions meet the minimum standards for the zoning district.
- (3) So that generally side ~~lot~~parcel lines are at right angles to straight street lines or radial to curved street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (4) So that generally rear ~~lot~~parcel lines are parallel to street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (5) To avoid flag and other irregularly shaped ~~lot~~parcels except when desirable to respond to the site's topography and natural features.
- (6) To minimize the number of ~~lot~~parcels with frontage on more than one street.
- ~~(7) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.~~
- ~~(7)~~ All new ~~lot~~parcels shall contain sufficient buildable area to meet minimum density requirements of Subsection 3002.C
- (8) So not to create any nonconforming structures (See section 1203), but may involve an existing non-conformity provided the degree of non-conformity is not increased.

~~Section 3507.~~Section 3506. Design and Layout of Necessary Improvements

~~3507.A~~3506.A Streets. Applicants shall design and construct all new streets within a subdivision in accordance with this subsection.

- (1) General. Applicants shall design and construct all new streets within a subdivision to:
 - (a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).
 - (b) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles.
 - (c) Provide efficient access to property and avoid congestion on existing streets.
 - (d) Logically extend and improve the connectivity of the city's existing street network.
 - (e) Fit into the landscape and follow the natural terrain to the greatest extent feasible.
 - (f) Provide for livable neighborhoods and attractive streetscapes.
 - (g) Not be excessively wide, in order to calm traffic and minimize impervious surface.
- (2) Topography and Arrangement. New streets shall be:
 - (a) Designed to relate appropriately to the pre-existing topography and provide adequate drainage.
 - (b) Graded and laid out to conform as closely as possible to the pre-existing topography.
 - (c) Integrated into the city's existing street network to the maximum extent feasible.
 - (d) Extended to the boundary lines of the parcel(s) being subdivided to facilitate the coordinated development of adjacent undeveloped land unless prevented by topography or other physical conditions.

- (e) Designed to discourage through and high-speed traffic.
 - (f) Designed to minimize the amount of impervious surface necessary to provide convenient and safe access to property.
 - (g) Designed to minimize the number of stream crossings.
 - (h) Oriented to create ~~lot~~parcels that facilitate passive solar design to the maximum extent feasible.
 - (i) Designed to terminate with views of prominent buildings or open spaces to the maximum extent feasible.
- (3) Connectivity. Discontinuous street systems are inefficient and cause undue congestion, while a well-connected street system disperses traffic efficiently and improves walkability. Accordingly, cul-de-sac or dead-end streets are prohibited except that the Development Review Board may approve cul-de-sacs or dead-end streets if one of the following applies:
- (a) As stubs to permit future expansion. The Development Review Board may require construction of street stubs or condition approval on a future agreement to extend streets when adjacent property is developed.
 - (b) Where topography or other physical conditions make construction of through streets impossible or undesirable.
 - (c) To serve not more than 5 ~~lot~~parcels.
- (4) Access Management. Applicants shall implement proper access management techniques that follow VTrans' Access Management Program Guidelines in the design of new streets.
- (5) Access Points. A subdivision with more than 10 ~~lot~~parcels or 40 dwelling units shall have at least two access points from public streets. The Development Review Board may waive or modify this requirement as recommended by the Technical Review Committee for sites with physical conditions that make provision of a second access impractical. The Development Review Board may allow the secondary access to be limited to emergency access. The Development Review Board may require a secondary or emergency access for smaller subdivisions or developments when deemed necessary to protect public safety.
- (6) Design Standards and Construction Specifications. Applicants shall:
- (a) Design new streets to the *VTrans A-76 Standards for Town and Development Roads* except as otherwise specified in this section; and
 - (b) Construct new streets in accordance with the city's Public Works Specifications.
- (7) Design Speed. Applicants shall design new roads for a speed of 30 miles per hour or less.
- (8) Width. Applicants shall design new roads in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:
- (a) For streets with a traffic volume of less than 100 trips per day on average, lane widths shall be at least 8 feet and not more than 9 feet.
 - (b) For streets with a traffic volume of 100 trips per day or more on average, lane

widths shall be at least 9 feet and not more than 10 feet with 2-foot shoulders on both sides.

- (c) For streets intended to accommodate on-street parking, a parking lane at least 7 feet and not more than 9 feet wide may be located on one or both sides.
 - (d) For alleys intended to provide access to rear parking or service areas for ~~lot~~ parcels that front on another street, a total paved width of at least 10 feet and not more than 18 feet.
- (9) Intersections. New streets shall be:
- (a) Laid out to intersect as close to 90 degrees as physically possible. They shall not intersect at less than 75 degrees or more than 105 degrees.
 - (b) Designed with directly opposed intersections whenever feasible. If not directly opposed, the centerline offset of street intersections shall be at least 150 feet.
 - (c) Designed with an intersection approach that does not exceed a 3% grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting street.
 - (d) Designed with a curb radius at the intersection that does not exceed 30 feet as measured from the edge of the traveled way. Applicants are strongly encouraged to use the smallest curb radius that can safely accommodate anticipated vehicular traffic to minimize conflict between vehicles and pedestrians. The Development Review Board may allow a larger curb radius to respond to site-specific physical conditions or uses with heavy truck traffic.
- (10) Drainage. New streets shall be designed:
- (a) With drainage facilities to divert run-off to vegetated areas.
 - (b) To maintain or establish a buffer of natural woody vegetation between streets and surface waters at least 50 feet wide. The Development Review Board may waive or modify the buffer requirement to respond to site-specific physical conditions.
 - (c) Not to block the flow of drainage in existing ditches, swales or gutters.
 - (d) Not to unreasonably contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure.
 - (e) With culverts where needed that are sized to convey anticipated peaks stormwater flows and that are not less than 18 inches in diameter.
 - (f) With culverts that extend at least 2 feet beyond the edge of the street and that are installed to minimize erosion damage at the inlet and outlet.
- (11) Grade. New streets shall generally conform to the topography and shall not exceed a maximum grade of 10% as measured over any 100-foot section. The Development Review Board may allow short segments to exceed the maximum grade to respond to the site's topography and natural features. The Development Review Board may allow short street segments with steeper grades when recommended by the Department of Public Works.
- (12) Cross-Slope. All streets shall have a cross-slope of at least 1% and not more than 3%.

- (13) **Planting Strip.** The planting strip shall be located between the curb or edge of pavement and the sidewalk parallel with the street. Planting strips designed to collect and infiltrate stormwater runoff are encouraged.
- (14) **Street Trees.** The applicant shall plant trees along new streets in accordance with Subsection ~~3203.G~~**3203.F** of these regulations.
- (15) **Street Lights.** The applicant:
 - (a) Should provide streetlights only as necessary for safety and security.
 - (b) Should consider locating streetlights at intersections, crosswalks and high-traffic areas.
 - (c) Shall meet the requirements of Section 3204.
- (16) **Street Names and Signs.** The applicant shall name streets and install street signs in accordance with state and city requirements.

~~3507.B~~**3506.B** **Pedestrian and Bicycle Facilities.** The applicant shall integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

- (1) **Sidewalks.** Except within the Rural District, applicants shall install sidewalks along both sides of new streets. The Development Review Board may allow a sidewalk to be constructed on only one side of a street if the density of the subdivision or development shall be less than 4 dwelling units per acre. Sidewalks shall be at least 5 feet wide and constructed of concrete or a similar material with equivalent durability in accordance with city Public Works Specifications.
- (2) **Paths.** Applicants shall install pedestrian and multi-use paths as necessary to provide access within the subdivision to common lands or facilities, parking areas or similar amenities, as well as between buildings and to allow access to public trails and greenways.
- (3) **Bike Facilities.** The applicant shall provide travel ways for bicycles in conformance with the Vermont Pedestrian and Bicycle Facility Planning and Design Manual.

~~3507.C~~**3506.C** **Water and Wastewater Facilities.** The applicant shall design the subdivision to provide potable water and wastewater facilities in accordance with the following:

- (1) Any subdivision within the city's water service area shall be connected to the municipal system. The applicant shall provide water service to each ~~lot~~**parcel** not intended for conservation purposes in accordance with the city's Public Works Specifications.
- (2) Any subdivision within the city's sewer service area shall be connected to the municipal system. The applicant shall provide sewer service to each ~~lot~~**parcel** not intended for conservation purposes in accordance with the city's Public Works Specifications.
- (3) ~~For Any~~ subdivision not within the city's water or sewer service areas, the applicant shall demonstrate compliance with, or the ability to comply with, the state's wastewater system and potable water supply rules.

~~3507.D~~**3506.D** **Firefighting Facilities.** The applicant shall design the subdivision to provide water for fire protection in accordance with the following:

- (1) Within any subdivision that will be connected to the city's water system, the applicant shall install fire hydrants in accordance with the city's Public Works Specifications.
- (2) Within any subdivision that will not be connected to the city's water system, the Development Review Board may require the applicant to install a fire pond or make other appropriate provisions to facilitate firefighting.

~~3507.E~~3506.E Public and Private Utilities. The applicant shall design the subdivision to provide utility service to each ~~lot~~parcel not intended for conservation purposes in accordance with the following:

- (1) All utilities shall be located underground unless prevented by ledge or other physical conditions.
- (2) Utilities shall be located within street rights-of-way to the maximum extent feasible. The applicant shall provide the city with a maintenance and access easement for any utilities not located within a street right-of-way.

~~3507.F~~3506.F Landscaping. The applicant shall design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping (which may be installed when ~~lot~~parcels are subsequently developed) as necessary to:

- (1) Maintain and provide privacy both for adjoining property owners and between ~~lot~~parcels within the subdivision.
- (2) Enhance the appearance of street frontages and shade streets and sidewalks.
- (3) Maintain or establish vegetated buffers along waterways and other natural areas.
- (4) Utilize green stormwater infrastructure practices.

~~3507.G — Erosion Control. The applicant shall design and undertake construction within the subdivision in accordance with the standards of Section 3008.~~

~~3507.H — Stormwater Management. The applicant shall design the subdivision with adequate drainage and stormwater infrastructure in accordance with Section 3009 and city specifications.~~

~~3507.I~~3506.G Parks and Recreation Areas. The applicant shall design the subdivision with appropriate areas and facilities for active and passive outdoor recreation in accordance with the following:

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

- (3) Each ~~lot~~parcel within the subdivision shall have convenient access to the common recreation areas or facilities.

~~3507.J~~3506.H Monuments and ~~Lot~~Parcel Corner Markers. The applicant shall install:

- (1) Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.
- (2) ~~Lot~~Parcel corner markers at corners and angle points of all ~~lot~~parcels in accordance with state statute.

~~3507.K~~3506.I Construction and Maintenance of Necessary Improvements. The applicant shall:

- (1) Construct the necessary improvements in accordance with all conditions of approval and city specifications before the Administrative Officer may issue any zoning permits for further land development within the subdivision.
- (2) Maintain necessary improvements while ~~lot~~parcels within the subdivision are being sold or developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under this section shall be maintained once ~~lot~~parcels have been sold or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents with the city along with the final plat.

~~Section 3508.~~Section 3507. Character of the Neighborhood and Settlement Pattern

~~3508.A~~3507.A Establishment of Neighborhoods. Neighborhoods are established and their character described in Part 2 of these regulations.

~~3508.B~~3507.B Standards. The applicant shall demonstrate that the proposed subdivision shall:

- (1) Be compatible with or extend the city's traditional settlement pattern as a compact urban center.
- (2) Not contribute to a pattern of strip development.
- (3) Be compatible with the character of the neighborhood.

~~Section 3509.~~Section 3508. Renewable Energy and Energy Conservation

~~3509.A~~3508.A Applicability. The general standards of this section apply to all subdivisions. The ~~remaining solar orientation~~ provisions of this section apply to any subdivision with more than 10 ~~lot~~parcels.

~~3509.B~~3508.B General Standards. To the maximum extent feasible given topography, orientation and vegetation, the applicant shall design the subdivision:

- (1) So that the maximum number of ~~lot~~parcels shall receive direct sunlight sufficient for using solar energy systems.

- (2) With streets and ~~lot~~parcel lines that shall accommodate buildings oriented with their long axis oriented within 30 degrees of true east west.
- (3) With the highest densities sited on south-facing slopes and the lowest densities sited on the north facing slopes.
- (4) With appropriate protections for each ~~lot~~parcel's solar access.

~~3509.C~~3508.C Solar Orientation. Unless the Development Review Board determines that solar orientation is not feasible due to site-specific conditions such as topography, existing vegetation or other physical limitations, the applicant shall demonstrate that a minimum of 80% of the ~~lot~~parcels within a residential subdivision comply with one of the options below:

- (1) The ~~lot~~parcel has a:
 - (a) Front ~~lot~~parcel line that is oriented within 30 degrees of a true east-west axis; and
 - (b) North-south dimension of at least 90 feet. The north-south dimension shall be measured along a line beginning at the midpoint of northern ~~lot~~parcel line and extending in a southerly direction perpendicular to the northern ~~lot~~parcel line until it reaches a property boundary.
- (2) Development envelope that shall allow a typical single-family~~unit~~ home or other residential structure to be built on the ~~lot~~parcel with:
 - (a) Its long axis oriented within 30 degrees of a true east-west axis; and
 - (b) At least 80% of its ground floor south wall unshaded by existing structures or vegetation.

~~Section 3510.~~Section 3509. Natural Resource Protection

~~3510.A~~3509.A General. The applicant shall demonstrate that the proposed subdivision has been designed and located to avoid, or if avoidance is not feasible then to minimize and mitigate, adverse impacts to any natural resource areas identified on the Montpelier Natural Resources Inventory Map in accordance with the following:

- (1) Conservation Commission Review. The Administrative Officer shall forward an application for a proposed subdivision that shall include any natural resource areas or their required buffers identified on the Montpelier Natural Resources Inventory Map to the Conservation Commission for review. The Conservation Commission, following the process established in Section 4302 may make recommendations on the application to the Development Review Board. Applicants are strongly encouraged to meet with the Conservation Commission prior to submitting an application for subdivision on a site with or adjoining mapped natural resources.
- (2) Natural Resource Assessment. Where a proposed development shall disturb or otherwise impact a natural resource area on the Montpelier Natural Resources Inventory Map, the applicant shall submit a professionally prepared natural resource assessment. The assessment shall identify the potential impacts of the proposed development on the natural resource areas within or adjacent to the project site and mitigation methods for each.

~~Section 3511.~~ Section 3510. ~~Lot~~Parcel Line Adjustment and ~~Lot~~Parcel Merger

~~3511.A~~3510.A The Administrative Officer may approve the realignment, relocation or elimination of a boundary line between adjoining ~~lot~~parcels provided that the proposed change:

- (1) Shall not result in an increase in the number of ~~lot~~parcels;
- (2) Shall not result in a nonconformity (see Section 1203), but it may involve an existing nonconformity provided that the degree of nonconformity is not increased; and
- (3) Shall not violate any conditions of a prior permit or approval.

PART 4. ADMINISTRATIVE PROCEDURES

Chapter 400. Functions and Responsibilities

I *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 land development within the Design Control 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).

- (2) The committee's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and Development Review Board, but shall not be deemed binding on the applicant unless they are incorporated into the permit or decision.
- 4003.B Conservation Commission. The City Council appoints members to the Conservation Commission. The Conservation Commission shall review applications as specified in these regulations as follows:
 - (1) The commission shall provide written comments and recommendations on the natural resource impacts of the application to the Administrative Officer, which the Administrative Officer shall send to the applicant and Development Review Board (as applicable).
 - (2) The commission's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and Development Review Board, but shall not be deemed binding on the applicant unless they are incorporated into the permit or decision.
- 4003.C Technical Review Committee. The Technical Review Committee is an advisory staff committee comprised of representatives from city departments that reviews development applications as requested by the Administrative Officer as follows:
 - (1) Committee members may provide written comments and recommendations to the Administrative Officer, which the Administrative Officer shall send to the applicant and Development Review Board (as applicable), indicating all requirements and identifiable impacts of the proposed project.
 - (a) In assessing those impacts, committee members shall consider the cumulative impact of land development.
 - (2) The committee's comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and Development Review Board, but shall not be deemed binding on the applicant unless they are incorporated into the permit or decision.

Chapter 410. Fees and Filing Requirements

i *The purpose of this chapter is to authorize administrative actions such as charging fees to cover the cost of administering these regulations and requiring performance bonds to ensure compliance with these regulations.*

Section 4101. Fee Schedule

- 4101.A The City Council establishes fees for administering these regulations that may include the cost of:
- (1) Posting and publishing notices, holding public hearings, recording documents and conducting periodic inspections during construction.
 - (2) An independent technical or legal review of an application when deemed necessary to ensure compliance with these regulations.
 - (3) Monitoring and inspection when deemed necessary to ensure compliance with these regulations.

Section 4102. Performance Bonds

- 4102.A The Administrative Officer or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to insure the completion of required improvements.
- 4102.B The amount, form, manner of execution and period of the bond or surety shall meet statutory requirements (see 24 V.S.A. § 4464(b)) and be satisfactory to the City Attorney.
- 4102.C The City of Montpelier shall only release a bond or surety after certification by the applicant and determination by the Administrative Officer that the required improvements have been satisfactorily completed.

Section 4103. As-Built Drawings

- 4103.A The Development Review Board may require an applicant to file as-built drawings as a condition of approval.
- 4103.B As-built drawings shall be required for any infrastructure to be built within public rights-of-way or to be turned over to the city.

Chapter 420. Zoning Permit Procedures

- i *The purpose of this chapter is to establish the process that applicants shall follow to apply for zoning permits and the process the Administrative Officer shall follow to review and act on zoning permit applications, and issue and administer zoning permits and related development approvals.*

Section 4201. Applying for a Zoning Permit

- 4201.A Prior to applying for a zoning permit or related development approval, applicants are encouraged to meet with the Administrative Officer for a preliminary review of the proposal and a discussion of the applicable provisions of these regulations, permitting requirements, application materials, fees, and review procedures.
- 4201.B The Administrative Officer shall determine whether proposed land development will require a zoning permit or any other type of development approval and shall provide applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
- 4201.C The Administrative Officer shall notify the prospective applicant of any fees, including impact fees, or other charges that may apply to the proposed land development.
- 4201.D The Administrative Officer shall provide the applicant with a copy of the state energy standards for residential or commercial buildings as applicable.
- 4201.E To apply for a zoning permit or related development approval, the applicant shall submit the completed form(s), supporting materials and fees to the Administrative Officer.
- 4201.F The Administrative Officer may:
- (1) Waive an application requirement upon finding the information is not necessary to determine compliance with these regulations.
 - (2) Require an applicant to provide additional information as necessary to determine compliance with these regulations.
- 4201.G The Administrative Officer shall determine whether the application is complete promptly after the applicant submits it and inform the applicant in writing of the determination as follows:
- (1) If the application is incomplete, the Administrative Officer shall inform the applicant of what additional information is required.
- 4201.H If the Administrative Officer does not determine whether an application is complete within 7 days after written request by the applicant, the applicant may file an appeal with the Development Review Board as specified in Section 4601, but shall not be able to file for a “deemed approval” of the application (see Subsection 4202.B).
- 4201.I 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 4202. Reviewing and Referring a Zoning Permit Application

- 4202.A Once the Administrative Officer determines that an application is complete, the Administrative Officer shall act within 30 days to approve, deny or refer it to the Development Review Board.
- (1) If the application will be referred to a state agency or other entity for comment, the 30-day time limit shall not commence until that comment period has elapsed or comments have been submitted, whichever is sooner.
 - (2) If the application requires other permits or approvals before the Administrative Officer may issue a permit, the 30-day time limit shall not commence until the applicant has submitted evidence that he/she has received the necessary permits or approvals.
- 4202.B If the Administrative Officer does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

Section 4203. Approving or Denying a Zoning Permit Application

- 4203.A The Administrative Officer shall approve or deny applications in writing and specifically provide the following information:
- (1) When approving an application, the Administrative Officer shall inform the applicant that the applicant shall:
 - (a) Post a notice of the zoning permit in a location on the subject property that is within view of the public right-of-way throughout the 15-day period; and
 - (b) Not commence the land use or development until the appeal period has ended.
 - (2) When denying an application, the Administrative Officer shall:
 - (a) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
 - (b) Include a copy of Section 4601, which explains the appeal process.
- 4203.B The Administrative Officer shall:
- (1) Post a copy of the zoning permit in at least one public place within 3 days after issuing it, which shall remain posted throughout the 15-day appeal period;
 - (2) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the City Clerk for recording within 30 days after it becomes effective;
 - (3) File a copy of the permit as part of the Administrative Officer's office records; and
 - (4) Provide a copy of the permit to the City Assessor.

Section 4204. Zoning Permit Effect, Expiration and Extension

- 4204.A A zoning permit takes effect on the 16th day after the Administrative Officer issues it provided that no appeal is lawfully filed during the previous 15 days.
- (1) If an appeal is filed, the zoning permit shall not take effect until the appeal is decided.

4204.B A zoning permit and any associated Development Review Board approvals expire two years from the date the zoning permit takes effect unless:

- (1) The Development Review Board specifies otherwise as a condition of approval;
- (2) The applicant commences any use and substantially completes any construction authorized by the permit prior to its expiration; or
- (3) Prior to the zoning permit's expiration, the applicant requests and receives an extension of not more than 12 months from the Administrative Officer.
 - (a) The Administrative Officer may only grant one such extension upon finding that any improvements completed to date conform to the permit requirements and these regulations.

4204.C If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant shall apply for a new zoning permit and any other associated development approvals under these regulations.

Section 4205. Amending a Zoning Permit or Site Plan

4205.A Upon written request from the applicant, the Administrative Officer may, prior to completion ~~and-or~~ occupancy, amend a zoning permit or approved site plan upon finding that the proposed change:

- (1) Is not a material change; and
- (2) Does not affect the type, character or intensity of the approved development or use to the extent specified below:
 - (a) Any proposed change shall not result in an increased requirement for parking or loading spaces.
 - (b) Any proposed change in building footprint shall not exceed 5% or 100 square feet, whichever is less.
 - (c) Any proposed substitution of planting materials shall not change the overall landscape design concept.

i A material change means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.

4205.B The Administrative Officer may:

- (1) Require that the owners of properties adjoining the subject property be notified and have an opportunity to comment prior to acting on the amendment request.
- (2) Decline to amend an approved site plan and refer the request to the Development Review Board (see Section 4306).
- (3) Require the applicant to submit an application for a new zoning permit.

4205.C Where the Administrative Officer amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit.

~~4205.C~~4205.D Once land development for a permit is complete, a new application is required for any amendments.

Section 4206. Revoking a Zoning Permit

4206.A Any permit issued based on material inaccuracies or misrepresentation in an application, or any supporting documentation to an application, shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these regulations subject to enforcement.

Section 4207. Certificate of Compliance

4207.A Where required by the Development Review Board as a condition of approval, an applicant shall receive a certificate of compliance from the Administrative Officer before any such land development may be occupied or used.

4207.B The Administrative Officer shall act on a complete application for a certificate of compliance promptly and in all cases within 30 days.

4207.C The Administrative Officer may inspect the subject property and consult with other city departments or state agencies as necessary to determine compliance.

4207.D If the Administrative Officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4207.E The Administrative Officer may only issue a certificate of compliance upon finding that:

- (1) The fully completed land development conforms to the requirements of the zoning permit and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations;
- (2) All infrastructure connections are fully complete and conform to Department of Public Works Specifications, permit requirements and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations;
- (3) The applicant has filed any required documents with the city including, but not limited to, as-built drawings, floodplain elevation certificate, floodproofing certificate, energy certificate, wastewater permit or allocation, access permit, or stormwater permit; and
- (4) The applicant has paid all required fees, including impact fees if applicable.

4207.F The Administrative Officer shall approve or deny applications for a certificate of compliance in writing.

4207.G If denying an application, the Administrative Officer shall:

- (1) State the reasons for the denial;
- (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (3) Include a copy of Section 4601, which explains the appeal process.

- 4207.H If the Administrative Officer denies the application for a certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.
- 4207.I If the Administrative Officer denies the application for a certificate of compliance and finds a violation of these regulations, the Administrative Officer shall commence appropriate enforcement action under Chapter 470.
- 4207.J The Administrative Officer may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:
- (1) The Administrative Officer may require the applicant to submit a performance bond in accordance with Section 4102 to insure full completion of the outstanding required improvements.
 - (2) The applicant shall apply for a permanent certificate of compliance prior to the temporary certificate expiring.
- 4207.K Unless a certificate of compliance was required as a condition of approval by the Development Review Board, certificates of compliance for permits issued under previous bylaws will no longer be required to be applied for or approved.

Chapter 430. Development Review Procedures

Section 4301. Design Review

- 4301.A The Administrative Officer shall refer all applications requiring review under Subsection 2201.C and within the Design Control Overlay District to the Design Review Committee prior to any review by the Development Review Board or to the Administrative Officer issuing a zoning permit.
- 4301.B The Design Review Committee shall evaluate the design plan based on the standards and criteria in Section 2201.
- 4301.C The meeting shall be noticed in accordance with Open Meeting Law.
- 4301.D The Design Review Committee 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 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 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, 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.
- 4302.D The Conservation Commission shall review the proposal based on the criteria and standards of the applicable provisions of these regulations where the commission has jurisdiction to comment.

- 4302.E The Conservation Commission shall provide written recommendations to the Administrative Officer within seven days of the close of the meeting. The Administrative Officer shall forward such recommendation to the applicant, interested persons appearing at the meeting and, if applicable, the Development Review Board for consideration.
- 4302.F The Conservation Commissions comments and recommendations are intended to provide general direction to the applicant, Administrative Officer and Development Review Board, but shall not be considered binding on the applicant unless incorporated into the permit or decision.

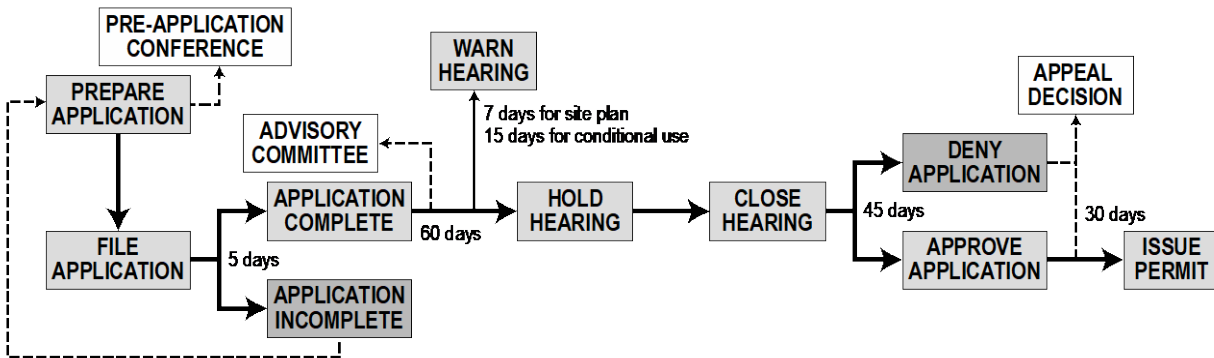
Section 4303. Site Plan Review

- 4303.A **Applicability.** All land development other than single-~~family~~unit and two-~~family~~unit uses requires site plan approval.
- 4303.B **Minor Site Plan Review.** The Administrative Officer shall review minor site plans in accordance with the following:
- (1) The Administrative Officer shall forward the application to the Technical Review Committee, Design Review Committee or other advisory committee as applicable.
 - (2) The Administrative Officer shall approve or deny a complete site plan application within 30 days.
 - (3) To approve a site plan, the Administrative Officer shall find that it conforms to the applicable site plan standards in Chapter 320.
 - (4) 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.
- 4303.C **Major Site Plan Review.** The Development Review Board shall review major site plans in accordance with the following:
- (1) The Development Review Board shall hold a public hearing and act on a site plan application in accordance with Section 4501 and Section 4505.
 - (2) To approve a site plan, the Development Review Board shall find that the site plan conforms to the site plan standards in Chapter 320.

Section 4304. Conditional Use Review

- 4304.A The specific land uses that require conditional use approval from the Development Review Board are listed in Chapter 210 for each zoning district.
- 4304.B The Development Review Board shall hold a public hearing and act on a conditional use application in accordance with Section 4501 and Section 4505.
- 4304.C To approve a conditional use, the Development Review Board shall find that the application conforms to the conditional use standards in Chapter 330.

Figure 4-01. Major Site Plan and Conditional Use Review Flow Chart



Section 4305. Combined Review

- 4305.A When land development requires more than one approval, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the application.
- 4305.B The hearing for a combined review shall be warned as per Section 4501. The notice shall:
- (1) Include a statement that the hearing shall be a combined review of the proposed land development; and
 - (2) List each type of review the Development Review Board shall conduct.
- 4305.C All hearing and decision requirements, and all deadlines applicable to each review process shall apply.
- 4305.D The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.
- 4305.E The Development Review Board shall review site plans (major and minor) during a conditional use review hearing.

Section 4306. Modification of Approved Plans

- 4306.A The Development Review Board shall review any request to amend an approved plan that the Administrative Officer cannot approve under Section 4205.
- 4306.B The process for applying for an amendment shall be the same as for the original approval.
- 4306.C The process for reviewing and issuing a decision on an amendment shall be the same as for the original approval except that the scope of the review shall be limited to those aspects of the plan affected by the proposed amendment.

Chapter 440. Subdivision and PUD Review Procedures

i The purpose of this chapter is to establish the requirements for applicants seeking approval to subdivide land or undertake a planned unit development (PUD) and the procedures the city shall use review subdivision applications.

Section 4401. Applicability

- 4401.A A planned unit development (PUD) shall require approval as a subdivision in accordance with the provisions of this chapter.
- (1) If a planned unit development requires site plan or conditional use approval, the Development Review Board shall conduct that review concurrently with subdivision review as authorized in Section 4305.
- 4401.B A landowner shall not lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer or agree to sell any land in a subdivision or land development whether by reference to or other use of a plat of that subdivision or land development or otherwise, or erect any structure on that land, unless final plat has been prepared in full compliance with these regulations and said plat recorded in the land records of the City of Montpelier. [§4451(b)]
- 4401.C A landowner may file boundary surveys and corrective deeds to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries without obtaining approval under this chapter.

Section 4402. Pre-Application Conference

- 4402.A The applicant shall schedule a pre-application conference with the Administrative Officer prior to filing an application for subdivision review to discuss the proposed subdivision, application requirements and review process.

Section 4403. Sketch Plan Review

- 4403.A The applicant shall file a complete application and sketch plan for consideration by the Development Review Board.
- 4403.B The purpose of sketch plan review is to provide the applicant with an opportunity to consult with and receive feedback from the Development Review Board prior to spending time and money preparing detailed plans.
- 4403.C The Administrative Officer may forward the sketch plan to the Technical Review Committee or other advisory committee for comment as appropriate prior to the sketch plan meeting with the Development Review Board.
- 4403.D The Development Review Board shall hold a meeting to review the sketch plan within 60 days of its filing.
- 4403.E The sketch plan meeting shall be warned as specified in Section 4501.
- 4403.F Following the sketch plan meeting, the Development Review Board shall:

- (1) Make recommendations to guide the applicant in preparation of more detailed plans.
- (2) Request any additional application materials deemed necessary to determine compliance with these regulations.
- (3) Request that advisory committees review and make recommendations on the application as appropriate.

4403.G The Development Review Board's determinations and recommendations shall be recorded in the minutes and provided to the applicant, but those actions shall not constitute a formal decision on the subdivision plan.

4403.H After the Development Review Board has concluded its meeting on sketch plan and provided comments to the applicant, the applicant shall have one year to file the materials required for final plan review.

Section 4404. Final Plan Review

4404.A The applicant shall file a complete application and final subdivision plan for consideration by the Development Review Board.

4404.B The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and assure that all conditions imposed on the sketch plan have been met.

4404.C The Development Review Board shall hold a public hearing and act on a final subdivision in accordance with Section 4501 and Section 4505.

4404.D The Development Review Board's approval of a final plan shall not constitute the city's acceptance of any street, easement, open space or other feature shown on the plan. Action by the City Council is required to accept any street, easement, open space or other feature.

Section 4405. Subdivision Plat Filing

4405.A After the Development Review Board approves the final plan, the applicant shall file a final subdivision plat for filing in the city's land records within 180 days except:

- (1) If the subdivision shall be phased, the applicant shall file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the decision.
- (2) Upon written request by the applicant prior to the expiration of the 180 days, the Administrative Officer may grant a 90-day extension to the filing deadline if other local or state permits are still pending.

4405.B The form and content of the final subdivision plat shall meet all city and state requirements (see 27 VSA § 1403).

4405.C Prior to being filed in the land records, the Chair of the Development Review Board shall sign the final subdivision plat.

- (1) If a final plat is recorded without that signature, it shall be considered null and void unless re-approved by the Development Review Board.
- 4405.D No one shall make any changes, erasures, modifications or revisions to a final plat after it has been signed except in accordance with Section 4406.
 - (1) If a modified plat is recorded in violation of this requirement, it shall be considered null and void unless re-approved by the Development Review Board.
- 4405.E Once properly filed, a final subdivision plat shall not expire.

Section 4406. Modification of Approved Plats

- 4406.A The Development Review Board shall review any request to amend an approved plat except:
 - (1) The Director of Public Works may issue a written authorization modifying the design of any public improvement at any time before or during construction provided that the modification would not result in a material change to the approved development.
 - (a) A copy of any such authorization shall be sent to the Administrative Officer.
- 4406.B The process for applying for an amendment shall be the same as for the original approval.
- 4406.C The process for reviewing and issuing a decision on an amendment shall be the same as for the original approval except that the scope of the review shall be limited to those aspects of the plat affected by the proposed amendment.

Chapter 450. Notice, Hearing & Decision Procedures

Section 4501. Notifying the Public about a Hearing

- 4501.A The Administrative Officer shall notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision applications by all of the following:
- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Montpelier.
 - (2) Posting the date, place and purpose of the hearing at City Hall and at least two other public places within Montpelier.
 - (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted on the subject property within public view.
 - (a) It shall be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
 - (4) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing.
 - (a) The notification shall include a description of the proposed project and shall clearly explain to the recipient where to obtain additional information and that he/she shall participate in the hearing in order to have the right to any subsequent appeal.
- 4501.B The Administrative Officer shall notify the public at least 7 days before a hearing for any other Development Review Board actions by all of the following:
- (1) Posting the date, place and purpose of the hearing at City Hall and at least two other public places within Montpelier.
 - (2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing.
 - (a) The notification shall include a description of the proposed project and shall clearly explain to the recipient where to obtain additional information and that he/she shall participate in the hearing in order to have the right to any subsequent appeal.
- 4501.C A defect in the form or substance of the public notice requirements shall not invalidate any Development Review Board action or decision when a reasonable effort has been made to provide adequate posting and notice.

Section 4502. Site Visits

- 4502.A The Administrative Officer or Development Review Board may require an applicant to grant them access to the subject property prior to making a decision on an application when deemed necessary to ensure compliance with these regulations.
- 4502.B A site visit shall be warned as a public meeting in accordance with Section 4501 and open to the public if a quorum of the Development Review Board will be present.

Section 4503. Conducting a Hearing and Taking Evidence

- 4503.A The Development Review Board shall hold a public hearing within 60 days of the Administrative Officer determining that an application is complete unless otherwise specified in these regulations.
- 4503.B The Development Review Board shall conduct public hearings, hear testimony and take evidence according to its adopted rules of procedures.
- 4503.C All hearings shall be open to the public as follows:
- (1) Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing.
 - (2) The Development Review Board shall give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- 4503.D The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the Development Review Board shall be considering the application.
- (1) The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
 - (2) In the case of such a continuation, the intervening days shall not be counted as part of any time period within which the Development Review Board is required to act.
- 4503.E Development Review Board members shall not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed hearing.

Section 4504. Recessing a Hearing

- 4504.A The Development Review Board may recess a hearing on any application pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
- 4504.B If the Development Review Board recesses a hearing to a specific date and time, the hearing shall not have to be warned again when resumed.

Section 4505. Issuing a Decision

- 4505.A Within 45 days of closing a hearing, the Development Review Board shall issue a written decision to approve, approve with conditions or deny the application.
- 4505.B The Development Review Board may discuss and make a decision on the application either in open public session or in a closed deliberative session.

- 4505.C If the Development Review Board does not issue a decision within 45 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 4505.D The written decision shall include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.
- 4505.E The Development Review Board may attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
- (1) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
 - (2) Required improvements to public facilities or infrastructure to serve the proposed development;
 - (3) Paying for all or a portion of off-site improvements to community facilities and utilities deemed necessary to accommodate the proposed development;
 - (4) Paying for all or a portion of off-site transportation improvements deemed necessary to accommodate anticipated traffic resulting from the proposed development;
 - (5) Schedule or phasing of development, so that the rate of growth shall not exceed the city's ability to provide community facilities and utilities;
 - (6) Inspection or monitoring; and
 - (7) Performance bonds.
- 4505.F Any conditions or limitations shall be specifically described in the Development Review Board's written decision.
- 4505.G If the Development Review Board attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant shall submit an amended site or subdivision plan that satisfies those conditions prior to Administrative Officer issuing a zoning permit.
- 4505.H The Development Review Board shall:
- (1) Send a copy of the decision to applicant (by certified mail) and all others who participated in the hearing;
 - (2) File a copy of the decision with the Administrative Officer; and
 - (3) Record its decision in the City Land Records.
- 4505.I Following Development Review Board approval of a waiver, variance, site plan or conditional use application, the Administrative Officer shall issue a zoning permit.
- (1) Any conditions attached to the Development Review Board's approval shall be considered part of that zoning permit.

- 4505.J If the approved development is not substantially completed or the use commenced before the zoning permit expires (see Section 4204), the development approval shall expire with the zoning permit.
- 4505.K If the approved development is substantially completed or the use commenced before the zoning permit expires (see Section 4204), the development approval shall remain in effect unless the use or development is abandoned or discontinued (see Section 1204).

Chapter 460. Appeal Procedures

i *The purpose of this chapter is to establish the procedures for appealing an action taken or decision made under these regulations.*

Section 4601. Appeal of an Administrative Action or Decision

4601.A An interested person may appeal any action or decision of the Administrative Officer to the Development Review Board.

i *An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on the person's property, or a group of 10 people voting or owning property in the city. The full definition is found in Paragraph 5101.I(5).*

4601.B To appeal, an interested person shall file a notice of appeal and any applicable fees with the Administrative Officer within 15 days of the date the Administrative Officer's action or decision.

4601.C A notice of appeal shall be in writing and shall include all of the following information:

- (1) The name and address of the appellant (the person filing the appeal);
- (2) A copy of the Administrative Officer's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);
- (3) A brief description of the subject property;
- (4) A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied; and
- (5) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.

4601.D The Administrative Officer shall forward a copy of the notice of appeal to the Development Review Board.

4601.E The Development Review Board shall either:

- (1) Hold a public hearing and act on the appeal in accordance with Section 4501 and Section 4505; ~~or~~
- (2) Reject the appeal without a hearing and render a decision within 10 days of the notice being filed, if the Development Review Board determines that it decided the issues in an earlier appeal.

4601.F An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action taken or decision made by the Administrative Officer.

4601.G If no person appeals a decision of the Administrative Officer within 15 days of the decision, that decision is deemed final.

Section 4602. Waivers

4602.A Where authorized in these regulations, the Development Review Board may approve waivers that authorize adjustments to the standards of these regulations as specified in these regulations except:

- (1) The Development Review Board shall not approve a waiver to allow a subdivision that shall create a ~~lot~~parcel that does not conform to the applicable provisions of these regulations.

4602.B The applicant shall file a complete zoning permit application and a written request for a waiver with the Administrative Officer that includes all of the following:

- (1) A brief description of the subject property and project.
- (2) A reference to specific dimensional standard(s) of these regulations that the applicant is requesting a waiver from.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board shall use to decide whether to approve the waiver.

4602.C To approve a waiver, the Development Review Board shall find that all of the applicable criteria specified in Figure 4-02 for waivers have been met.

4602.D The Development Review Board shall hold a public hearing and act on the waiver request in accordance with Section 4501 and Section 4505.

- (1) If the applicant is requesting a waiver from the required setback from a state highway, notice shall also be sent to the Vermont Secretary of Transportation.

Section 4603. Variances

4603.A The Development Review Board:

- (1) May approve variances that authorize more substantial adjustments to the standards of these regulations under the specific circumstances described below.
- (2) Shall not approve a variance to allow a prohibited use.
- (3) Shall not approve a variance to allow the subdivision of a ~~lot~~parcel that does not conform to the applicable provisions of these regulations.

4603.B The applicant shall file a complete zoning permit application and a written request for a variance with the Administrative Officer that includes all of the following:

- (1) A brief description of the subject property and project.
- (2) A reference to specific provision(s) of these regulations that the applicant is requesting a variance from.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board shall use to decide whether to approve the variance.

4603.C The Development Review Board shall hold a public hearing and act on the variance request in accordance with Section 4501 and Section 4505.

- (1) If the applicant is requesting a variance from the required setback from a state highway, notice shall also be sent to the Vermont Secretary of Transportation.

4603.D To approve a variance, the Development Review Board shall find that all of the applicable criteria specified in Figure 4-02 have been met.

- (1) There are specific variance criteria that apply to renewable energy structures.
- (2) For all other variance requests, the general variance criteria apply.

Figure 4-02. Waiver and Variance Review Criteria

CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE
1 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot parcel size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.		✓	
2 Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.		✓	
3 Unnecessary hardship has not been created by the appellant.		✓	✓
4 The variance, if authorized shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.	✓	✓	✓
5 The applicant is proposing the least deviation possible from these regulations that shall afford relief.		✓	✓
6 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.			✓
7 The proposed land development shall not reduce access to renewable energy resources on adjacent property.			✓
8 The proposed land development is beneficial or necessary for the continued reasonable use of the property.	✓		

Section 4604. Appealing of a Development Review Board Decision

4604.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days.

i An interested person includes the applicant, a person owning property in the immediate neighborhood who can demonstrate a physical or environmental impact on the person's property, or a group of 10 people voting or owning property in the city. The full definition is found in Paragraph 5101.1(1).

4604.B The appellant shall send a notice of appeal to every interested person who participated in the hearing. The interested person list shall be available from the Administrative Officer.

- 4604.C When the Administrative Officer issues a zoning permit to implement the Development Review Board approval, it is a ministerial action that cannot be appealed under Section 4601.
- 4604.D If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval shall be considered an appeal of the zoning permit as well and the applicant shall not commence any use or development authorized by the zoning permit until the appeal is resolved.
- 4604.E Except as otherwise provided by state statute, an appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action taken or decision made by the Development Review Board.
- 4604.F If no person appeals a decision of the Development Review Board within 30 days of the decision, that decision is deemed final.

Chapter 470. Enforcement Procedures

Section 4701. Violations, Investigation and ~~Action-Initiation of the Notice of Violation~~ by the Administrative Officer

~~4701.A~~ The commencement or continuation of any development which is not in conformance with the provisions of these regulations shall constitute a violation.

~~4701.B~~ Violations of these regulations shall be prosecuted in accordance with the Act including any penalties, remedies, and limitations established therein [24 V.S.A. §§4451, 4452, and 4454].

~~4701.A~~~~4701.C~~ Whether through direct observation, written or oral complaint, site visit, or notification of the violation from the landowner, the discovery of a violation must be pursued by the Administrative Officer. The Administrative Officer shall investigate alleged violations of is required, by law, to enforce all violations of these regulations [24 V.S.A. §4448]these regulations. The commencement or continuation of any land development which is not in conformance with the provisions of these regulations shall constitute a violation.

~~4701.B~~~~4701.D~~ The Administrative Officer may not enter upon any private property for the purposes of inspection and investigation except by permission of the landowner or per a search warrant duly issued by a court (13 V.S.A. §4701).

~~4701.E~~ Upon discovery of a violation, the Administrative Officer shall first providesend to the property owner with a notice of violation as described in Section 47040. Any notice of violation shall be sent by certified mail, be recorded in the City Land Records, and a copy placed in the zoning files.

~~4702.—.~~

~~4703.—~~ The Administrative Officer shall take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:

~~(0)—~~ Requiring the applicant to apply for a new zoning permit.

~~(0)—~~ Requiring the immediate correction or cessation of a violating use.

~~(0)—~~ Denying a certificate of compliance.

~~(0)—~~ Imposing fines and penalties to the maximum extent allowed under state law until the property owner remedies the violation.

~~4708.—~~ Upon determining that a violation of these regulations exists, the Administrative Officer may issue a municipal civil complaint ticket (see Section 4703) as he/she deems appropriate.

Section 4702. Notice of Violation

~~————~~ The Administrative Officer shall issue a notice of violation for any violation of these regulations.

~~————~~ The Administrative Officer shall:

~~4702.A Send a notice of violation to the property owner by certified mail that shall:~~

- ~~(1) Describes the State a violation exists;~~
- ~~(2) Identifies the specific provision(s) of these regulations being violated;~~
- ~~(3) State the facts supporting the determination that a violation exists;~~
- ~~(4) States Provide the specific possible action(s) required that would to cure the violation;~~
- ~~(5) States that if the violation is not cured within 7 days, the city may institute court proceedings to obtain a court order directing compliance with these regulations enforcement actions including but not limited to potential fines and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;~~
- ~~(6) States that the alleged offender will not be entitled to another warning notice after the seven day period. Further enforcement may occur without notice and without an opportunity to cure if the violation if the violation occurs again within the next 12 months; and~~
- ~~(7) States that the applicant has the right to appeal, that the appeal must be filed with the Administrative Officer who will pass the appeal to the Development Review Board for consideration, and that notice of violation must be appealed within 15 days of the notice. may be appealed as per If there are any other provisions of Section 4601 that the alleged offender should be made aware of, then the Administrative Officer should pass that information along.~~

~~4702.B Because state statute allows for 15 days to appeal the notice of violation, the City will generally not pursue enforcement actions until the property owner's appeal rights have expired.~~

~~Deliver a copy of a notice of violation to the City Clerk for recording.~~

~~Upon failure of the property owner to cure a violation of these regulations after receipt of a notice of violation, the Administrative Officer may institute appropriate court action on behalf of the city.~~

~~4709. The city shall observe any limitations on enforcement proceedings set forth in the Act [24 V.S.A. 4454].~~

~~Section 4710-Section 4703. Liability and Penalties for Curing Violations and Enforcement Actions~~

~~4703.A Where a landowner is cooperating with the Administrative Officer in finding a cure for the violation, the Administrative Officer has the authority to enter written agreements to resolve violations.~~

~~4703.B The Administrative Officer is under no obligation to enter into any agreement; these agreements are not required under statute and are provided by the City as an alternative means of resolving violations.~~

~~4703.C The Administrative Officer is prohibited from making any agreement allowing a violation to continue even if the violation is minimal, inadvertent, and/or the violator agrees to pay a fine.~~

- (1) Acceptable reasons for providing time to cure may include winter weather (e.g. unable to plant landscaping until spring).

4703.D At a minimum, any agreement:

- (1) Shall be in writing and be signed by both the alleged violator and the Administrative Officer;
- (2) Must establish the minimum reasonable timeline for curing the violation;
- (3) Give written authorization that will allow the Administrative Officer to inspect the premises upon completion (or the agreed upon date of completion) to ensure compliance.

4703.E Where a property owner fails to remedy the situation within the 7 day period, or timetable agreed to under an agreement, the Administrative Officer, in the name of the City of Montpelier, shall bring appropriate action to enforce the provisions of this regulation

4703.F Enforcement actions may be by any means established under the Act [§4454] including but not limited to:

- (1) The Administrative Officer may issue a Municipal Complaint and pursue enforcement before the Judicial Bureau in accordance with 24 V.S.A. §§1974a and 1977 and Section 4704 below.
- (2) The Administrative Officer may notify the City Attorney of the violation who will take action in the Environmental Division of Superior Court, as appropriate, with penalties as prescribed below:
- (a) Any person who violates these regulations shall be fined not more than the amount prescribed by the Act [§4451(a)] which at the time of the development of these regulations is \$200 per day.

~~4710.A~~4703.G The property owner shall be held responsible for the violation and be subject to any penalties imposed under this chapter.

~~4710.B~~4703.H A violation of these regulations is a civil offense.

~~4710.C~~4703.I Each day that a violation exists constitutes a separate offense.

~~Section 4711.~~Section 4704. Municipal Civil Complaint Ticket

~~4711.A~~4704.A The Administrative Officer may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

~~4711.B~~4704.B A violation ticketed under this section shall be punishable by a fine of:

- (1) \$75 for a first offense, with a waiver fee of \$50.
- (2) \$200 for a second offense ticketed for the same violation within 1 year, with a waiver fee of \$150.
- (3) \$500 for a third and any subsequent offense ticketed for the same violation within 1 year, with a waiver fee of \$250.

~~4711.C4704.C~~ Upon the fourth offense, the city may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

~~Section 4711~~ ~~Section 1001~~ ~~Notice of Violation~~

~~4711.E1001.A~~ The Administrative Officer shall issue a notice of violation for any violation of these regulations.

~~4711.F1001.A~~ The Administrative Officer shall:

- ~~(0)(1) Send a notice of violation to the property owner by certified mail that:~~
 - ~~(-)(a) Describes the violation;~~
 - ~~(-)(a) Identifies the specific provision(s) of these regulations being violated;~~
 - ~~(-)(a) States the specific action required to cure the violation;~~
 - ~~(-)(a) States that if the violation is not cured within 7 days, the city may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;~~
 - ~~(-)(a) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and~~
 - ~~(-)(a) States that the notice of violation may be appealed as per Section 4601.~~
- ~~(0)(1) Deliver a copy of a notice of violation to the City Clerk for recording.~~

~~Upon failure of the property owner to cure a violation of these regulations after receipt of a notice of violation, the Administrative Officer may institute appropriate court action on behalf of the city.~~

PART 5. DEFINITIONS

Chapter 500. Interpretation

Section 5001. General

- 5001.A The words used in these regulations have their standard dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations.
- 5001.B The words defined in these regulations have the specific meaning stated unless the context clearly indicates that they have another meaning.
- 5001.C The definitions identified as being from state statute are intended to be consistent with that statute.
- 5001.D These regulations use “shall” to express that something is required. They use “shall not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.
- 5001.E These regulations use “parcel” and “lot” interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed.
- 5001.F These regulations use “site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
- 5001.G These regulations use “landowner,” “applicant,” “subdivider” and “developer” to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.
- 5001.H These regulations use “business” to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise.
- 5001.I These regulations use “home,” “residence” or “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

Chapter 510. Defined Terms

5101.A

- (1) **ABANDON** means to cease from actively using land or any premises for its intended use in accordance with the provisions of Chapter 120.
- (2) **ABANDONED SIGN** (see definition of **SIGN**, **ABANDONED**).
- (3) **ACADEMIC INSTITUTION** means an institution of higher learning that grants undergraduate and/or graduate degrees, or an institution that provides vocational, technical or specialized education that trains students for a particular job or teaches particular skills.
- (4) **ACCESSIBLE** means a site, building, dwelling or other facility that complies with the standards of the Americans with Disabilities Act (ADA) and that can be approached, entered and used by people with physical disabilities or impairments.
- (5) **ACCEPTABLE MANAGEMENT PRACTICES** mean the most recently adopted state laws and regulations governing timber harvesting in Vermont.
- (6) **ACCEPTED AGRICULTURAL PRACTICES** means the most recently adopted state laws and regulations governing farming in Vermont.
- (7) **AFFORDABLE HOUSING** as defined in state law means ownership or rental housing with a total housing cost that does not exceed 30% of the household income of a household earning 80% of the median income in Washington County, and that is subject to covenants or restrictions that shall preserve that affordability for at least 15 years
- (8) **AGRICULTURE** (see definition of **FARMING**).
- (9) **AMPHITHEATER** means a site or open-air structure designed to present performances typically with spectators sitting out on a sloping lawn around a stage. A roofed, but open-walled structure may be built over the stage and seating area.
- (10) **ARTERIAL STREET** means a major, high-capacity street that connects minor, low-capacity residential streets to highways and major destinations. For the purposes of these regulations, all state highways and Class 1 and 2 city streets shall be considered arterial streets.
- (11) **ASSISTED LIVING** means one or more structures intended to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license. Care providers may also live on-site or provide these services from their home.
- (12) **ATTIC** means the space immediately below the roof of a building. For the purposes of determining height, an attic shall be considered a full story if more than 50% of the floor area has a height of 7 feet or more between the top of the joists and the bottom of the rafters.
- (13) **AUTOMOBILE REPAIR AND SERVICE** means a specialized structure or part of a structure with bays intended for automobile repair and service. See Section 3113.

- (14) **AUTOMOBILE SALES OR RENTAL ESTABLISHMENT** means a retail establishment that sells motor vehicles from a showroom and/or an open lot, or that provides tangible goods such as vehicles, equipment or machinery to consumer or business customers in return for periodic rental or lease payments.

5101.B

- (1) **BANK** means the use of a structure or part of a structure for the custody, loan, exchange, issue, managing money, for the extension of credit, or for facilitating the transmission of funds.
- (2) **BAR OR NIGHTCLUB** means an establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may also offer limited food and live entertainment.
- (3) **BASEMENT** means a part of a building that is entirely or partly below ground. For the purposes of determining height, a basement will be considered a full story if its ceiling height shall be at least 7 feet above the average grade along one of the building's walls.
- (4) **BAY** means a principal division of a wall or other portion of a building marked off by vertical or traverse supports.
- (5) **BED AND BREAKFAST** means one or more structures intended to provide short-term accommodations for travelers operated primarily in owner-occupied private homes. May include serving breakfast to guests only. See Section 3110.
- (6) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, allows the bicycles to be locked to the frame with standard user-supplied locks, and is sufficiently separated from vehicular use areas to protect parked bicycles from damage.
- (7) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (8) **BUILDING, ACCESSORY** means a building that is clearly and customarily incidental and subordinate to the principal building on the ~~lot~~parcel.
- (9) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.
- (10) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.
- (11) **BUILDING, PRINCIPAL** means the main or predominate building in which the principal use on the ~~lot~~parcel is located.
- (12) **BUILDING FACADE** means the front of a building or any of its sides facing a street or other public space.
- (13) **BUILDING FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (14) **BUILDING FRONTLINE** means a line extending parallel from the exterior front wall of a building.

- (15) BUILDING PERIMETER means the total length of a building's exterior walls at ground level.
- (16) BUS MAINTENANCE FACILITY means a site or structure intended for the storage, dispatching, maintaining and/repairing buses.
- (17) BUS STOP SHELTER means a roofed structure for people to wait under at a bus stop.

5101.C

- (1) CALIPER means the minimum diameter of a tree measured 4½ feet above the ground.
- (2) CAMPS, CAMPING AND RELATED ESTABLISHMENTS means a site designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicle, or to provide overnight recreation camping or outdoor adventure retreats. These establishments may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. See Section 3108.
- (3) CAMPSITE means a designated area within a campground that is designed to accommodate one camping unit including, but not limited to, a tent, lean-to, camping cabin, recreational vehicle, motor home, travel trailer, or camper.
- (4) CAMPSITE, PRIMITIVE means a designated area for camping that generally is not accessible to motor vehicles and does not provide utilities or facilities such as electricity, water or wastewater connections.
- (5) CARWASH means a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.
- (6) CEMETERY means a site or structure intended to inter or otherwise store the remains of deceased people or animals.
- (7) CENTERLINE RADIUS means the minimum radius of a circle formed by a curve that is tangent to the centerline of the street.
- (8) CHANGE OF (or IN) USE means:
 - (a) An increase in the intensity of an existing use or an increase in intensity beyond a limit established under an existing permit including the addition of a dwelling unit;
 - (b) The expansion of a use into space previously not dedicated to that use;
 - (c) The replacement of an existing or permitted use with a new use; or
 - (d) The addition of a use to a structure or land.
- (9) CHILD DAY CARE HOME, REGISTERED means the accessory use of a dwelling to provide care primarily for infants and preschool-age children, as well as older children when school is not in session. See 3105.E(5).
- (10) CHILD DAY CARE FACILITY, LICENSED means a licensed establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.

- (11) COMMUNICATION ANTENNA means devices used to transmit or receive radio, television or other wireless communications and related structures and equipment, but excludes support structures. See Section 3122.
- (12) COMMUNICATION TOWER means structures used to support communication antennas and related structures and equipment. See Section 3122.
- (13) COMPATIBILITY means the characteristics of proposed land uses or development that allows it to be located near or adjacent to other land uses or development in harmony. Compatibility does not mean “the same as.” It is not about maintaining the existing density on a street or replicating the architectural styles of nearby buildings. Rather, compatibility is about responding to neighborhood patterns so that change can be accommodated while maintaining or enhancing neighborhood character.
- (14) COMPOSTING FACILITY means a facility for composting animal and vegetable wastes.
- (15) COMPUTER DATA CENTER means a structure or part of a structure intended to house computer systems and associated components such as telecommunications and storage systems. It generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices.
- (16) CONGREGATE LIVING means one or more structures intended to provide housing and services to residents such as meals, housekeeping, laundry, transportation, recreation or other convenience services.
- (17) CONTRACTOR’S YARD means an establishment that provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction, building maintenance or property maintenance trades. It may include a shop for maintaining or repairing the contractor’s vehicles, machinery or equipment or the contractor’s business office. A contractor is a person who builds, demolishes or performs additions, alterations, reconstruction, installation and repairs to structures.
- (18) CORNER RADIUS means the minimum radius of the curb or edge of pavement at a street intersection.

5101.D

- (1) DAMAGED STRUCTURE means a structure that has suffered an unintentional partial loss that is feasible to repair.
- (2) DECK means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) DEMOLISH means to intentionally remove all or part of a structure.
- (4) DEMOLITION means the intentional destruction and physical removal of a structure or portion of a structure from a ~~lot~~parcel.
- (5) DEMOLITION BY NEGLECT means a failure to perform the normal repair and maintenance needed to prevent deterioration of a structure that has, or shall if sustained, result in structural damage and render the structure hazardous or unsafe.
- (6) DESTROYED STRUCTURE means a structure that has suffered an unintentional total loss that is not feasible to repair.

- (7) DEVELOPMENT. See definition of LAND DEVELOPMENT.
- (8) DEVELOPMENT ENVELOPE means a specific area of a ~~lot~~parcel, delineated on a recorded subdivision plat, within which land development shall be located and outside of which no land development may be located, unless otherwise provided.
- (9) DRIVE-IN ESTABLISHMENT means a business designed and operated to primarily provide products or service to customers who remain in their motor vehicles, which are located in a designated parking space, and who typically consume the product or service on-site.
- (10) DRIVE-THROUGH FACILITY means a building opening or a mechanical device through which a business provides products or services to customers who remain in their motor vehicles, which are not located in a designated parking space, and who typically do not consume the product or service on-site.
- (11) DRIVEWAY means a vehicular way that provides access from a street to a parking space, loading area, garage or other structure on private property, and that serves not more than 3 ~~lot~~parcels.
- (12) DWELLING OR DWELLING UNIT means a structure or portion of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and that is not less than 250 square feet in area.
- (13) DWELLING, ACCESSORY means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same ~~lot~~parcel (see Section 3104).
- (14) DWELLING, ONE OR TWO UNITS means one or two dwelling units on a parcel each intended for habitation by one household ~~with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.~~
- (15) DWELLING, THREE OR FOUR UNITS means three or four dwelling units on a parcel each intended for habitation by one household ~~with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.~~
- (16) DWELLING, MULTI-~~FAMILY~~UNIT (5+ UNITS) means a parcel containing five or more dwelling units each intended for habitation by one household ~~and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

5101.E

- (1) EXHIBITION, CONVENTION OR CONFERENCE STRUCTURE means a structure or part of a structure that includes large, flat open spaces such as auditoriums, banquet halls, exhibition halls, and meeting rooms typically used to host special events, trade shows, conventions, receptions, and similar activities.

5101.F

- (1) FACADE (see definition of BUILDING FACADE).

- (2) FARM means one or more parcels of land managed as a unit and primarily devoted to farming.
- (3) FARM STAND means a building or structure located on a farm and used for the sale of agricultural products produced primarily on that farm.
- (4) FARM STRUCTURE (as defined in 24 V.S.A. § 4413(d)) means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, storing crops or livestock feed, or carrying out other practices associated with farming in accordance with accepted agricultural practices, but specifically excluding any dwelling for human habitation, and that is used for agricultural production that meets one or more of the following (from the Vermont Agency of Agriculture, Food and Markets Accepted Agricultural Practice Regulations):
 - (a) Is used in connection with the sale of \$1,000 or more of agricultural products in a normal year;
 - (b) Is used in connection with the raising, feeding, and management of at least the following number of adult animals: 4 equines; 5 cattle or American bison; 15 swine; 15 goats; 15 sheep; 15 fallow deer; 15 red deer; 50 turkeys; 50 geese; 100 laying hens; 250 broilers, pheasant, Chukar partridge, or Coturnix quail; 3 camelids; 4 ratites (ostriches, rheas, and emus); 30 rabbits; 100 ducks; or 1,000 pounds of cultured trout;
 - (c) Is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
 - (d) Is on a farm with a business and farm management plan approved by the Secretary of the Vermont Agency of Agriculture, Food and Markets.
- (5) FARMING (as defined in 10 V.S.A. § 6001(22)) means the:
 - (a) Cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
 - (b) Raising, feeding, or management of livestock, poultry, fish, or bees; or the operation of greenhouses;
 - (c) Production of maple syrup;
 - (d) On-site storage, preparation and sale of agricultural products principally produced on the farm;
 - (e) On-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
 - (f) Raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.
- (6) FITNESS, RECREATIONAL SPORTS, GYM OR ATHLETIC FACILITY means an establishment that offers fitness or recreational sports facilities and services such as fitness clubs, gyms and sports courts.
- (7) FLAT ROOF means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (8) FLOOR AREA RATIO means the ratio of gross floor area to the total ~~lot~~parcel area.

- (9) **FOOD SERVICE CONTRACTOR** means an establishment that provides food services to institutional, governmental, commercial or industrial clients. It may be co-located on its client's site or may be based off-site. Includes catering kitchens and commercial kitchens that may be leased to multiple food service providers.
- (10) **FORESTRY** as defined by the Vermont Department of Forests, Parks and Recreation means growing and harvesting trees or timber under proper forest management for purposes other than their fruit.
- (11) **FRANCHISE OR CORPORATE ARCHITECTURE** means a standardized design that is trademarked or identified with a particular chain or corporation and that is replicated in multiple locations with minimal variation.
- (12) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular chain or corporation and that are used in various applications to identify or promote that chain or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (13) **FUELING STATION** means sites and structures that are specialized for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. See Section 3116.
- (14) **FUNERAL HOME OR CREMATION FACILITY** means a structure or part of a structure intended to prepare deceased people or animals for burial or cremation, to cremate the remains of deceased people or animals, and to hold funeral services.

5101.G

- (1) **GAME AND FISHING RETREATS AND RESERVES** means establishments that engage in commercial hunting or trapping, or that operate commercial or recreational game or hunting preserves.
- (2) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (3) **GOLF COURSE** means a site designed for playing golf. These establishments may provide facilities and services such as a clubhouse, restrooms, locker rooms, equipment sales or rental, instruction, food and beverage service, maintenance or storage facilities, and practice or driving ranges.
- (4) **GOVERNMENT FACILITY, OFFICE OR COURTHOUSE** means a structure designed for the assembly of public officials and employees to conduct public discourse and to administer government programs and activities, excludes public safety facility.
- (5) **GREEN STORMWATER INFRASTRUCTURE (GSI)** means a range of soil-water-plant systems and practices that intercept and capture stormwater near the source in order to infiltrate a portion of it into the ground, evaporate a portion of it into the air, and in some cases release a portion of it slowly back into municipal or community stormwater systems (as compared to conventional stormwater systems that are designed to divert water away from a site quickly).
- (6) **GREENHOUSE** means an enclosed structure with or without climate control facilities for growing, displaying and selling plants in a controlled environment.

- (7) **GROSS FLOOR AREA** means the sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic or mezzanine with a floor-to-ceiling height of 7 feet or more.

5101.H

- (1) **HANDICAP OR DISABILITY** (as defined in 9 V.S.A. § 4501) means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (2) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- (3) **HAZARDOUS WASTE** (as defined in 10 V.S.A. § 6602(4)) means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.
- (4) **HISTORIC SITE OR STRUCTURE** (as defined in 10 V.S.A. § 6601(9)) means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Properties, or a site or structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.
- (5) **HOLIDAY LIGHTS** mean outdoor lighting used for temporary decorative purposes to celebrate a specific holiday.
- (6) **HOSPITAL** means an institution used to provide healthcare services to people primarily as inpatients that is operated under a state license.
- (7) **HOTEL OR MOTEL** means one or more structures intended to provide short-term accommodations for travelers. They may also offer food services, recreational services, convention hosting, laundry services, etc. See Section 3112.

- (8) HOUSEHOLD means one or more people living together in a dwelling unit with common use of the living and cooking facilities.

5101.I

- (1) IMPERVIOUS SURFACE means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.
- (2) INDOOR GAMES FACILITY means the use of a structure or site to accommodate a large number of people playing within the facility such as a bowling alley or skating rink, which typically does not provide much seating for spectators.
- (3) INFORMATION SERVICES OR DATA PROCESSING INDUSTRIES means an establishment that provides electronic data processing services or that supply information to the news media including internet access or service providers, and electronic library or archive services.
- (4) INN means one or more structures intended to provide short-term accommodations for travelers operated primarily in private homes. Meals and alcoholic beverages may also be provided as a secondary service to guests and other patrons. See Section 3110.
- (5) INTERESTED PERSON (as defined in 24 V.S.A. § 4465(b)) means:
- (a) The applicant;
 - (b) The City of Montpelier or any adjoining municipality;
 - (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under these regulations is not or will not be in accord with the *Montpelier Master Plan* or these regulations.
 - (d) Any 10 people, who may be any combination of Montpelier voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the *Montpelier Master Plan* or these regulations by a signed petition. The petition will designate one person to serve as the group's representative.
 - (e) Any department and administrative subdivision of the state owning property or any interest in property in Montpelier; or
 - (f) The Vermont Agency of Commerce and Community Development
- (6) IRREGULARLY SHAPED ~~LOT~~PARCEL means either a triangular ~~lot~~parcel with 3 sides or a multi-sided ~~lot~~parcel with more than 4 sides.

5101.J

- (1) JUNK (as defined in 24 V.S.A. § 2241(5)) means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.

- (2) JUNK MOTOR VEHICLE (as defined in 24 V.S.A. § 2241(6)) means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premises utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5101.K

- (1) KENNEL means a site or structure where dogs, cats or other domestic animals are bred, raised and boarded.

5101.L

- (1) LABORATORY OR TECHNICAL FACILITY means the use of a structure or part of a structure: for scientific, medical, pharmaceutical, engineering, electronic or similar technical research, investigation, testing or experimentation; used for the production, recording, broadcast and distribution of radio, television, sound, movie and similar media products and programs; to house computer systems and associated components such as telecommunications and storage systems (it generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices); or to provide electronic data processing services or that supply information to the news media including internet access or service providers, and electronic library or archive services.

- (2) LAND DEVELOPMENT ~~means:~~ See Section 1004

~~(-) The construction, installation, demolition, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;~~

~~(-) Mining, excavating, filling or grading land;~~

~~(-) Any change in, or extension of, the use of land or a structure;~~

~~(-) The removal of natural woody vegetation within riparian buffers;~~

~~(-) The adjustment or relocation of the boundary between two lots; or~~

~~(-) The division of a lot into two or more lots.~~

- ~~(9)~~(3) LIBRARY means a structure or portion of structure containing collections of books, periodicals, films, recorded music or similar media for people to use, borrow or refer to.

~~(10)~~(4) LIGHT FIXTURE, FULLY SHIELDED means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.

~~(11)~~(5) LIGHT FIXTURE, LUMINOUS TUBE means a light fixture created by or containing gas discharge tubes that emit light or glow when electric voltage is applied.

~~(12)~~(6) **LIGHT FIXTURE, PARTIALLY SHIELDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.

~~(13)~~(7) **LOCALLY PRODUCED** means agricultural or silvicultural products that are raised, grown or harvested within Vermont plus 30 miles.

~~(14)~~ **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.

~~(15)~~ **LOT AREA** means the total horizontal area within a lot's property lines, including land over which easements have been granted but excluding any land within a street right-of-way.

~~(16)~~(8) **LOW IMPACT DEVELOPMENT (LID)** means land planning and design approaches that seek to maintain a site's pre-development ecological and hydrological functions by protecting, enhancing, or mimicking natural processes. LID approaches include a range of non-structural practices that guide and minimize the impact of development such as following conservation design principles, minimizing soil disturbance and compaction, preserving natural drainage and water flow patterns, protecting riparian and other sensitive areas, reducing impervious surface area, disconnecting untreated stormwater run-off from waterways and storm drains.

~~(17)~~(9) **LUMBER YARD AND BUILDING MATERIAL SALES** means a retail establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures.

5101.M

- (1) **MAJOR RENOVATION** means extensive alteration work on the exterior shell of the building, and may include additional work on primary structural components, mechanical, electric and plumbing systems, or site work. Typically, the extent and nature of the work is such that the building cannot be used for its intended purpose while the work is in progress.
- (2) **MALLS, SHOPPING CENTERS OR COLLECTIONS OF SHOPS** means a site with one or more structures intended to house a group of retail establishments.
- (3) **MANUFACTURED HOME** (as defined in 10 V.S.A. § 6201(1)) means a structure that is:
 - (a) Built on a permanent chassis;
 - (b) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;
 - (c) Transportable in one or more sections; and
 - (d) Certified as complying with the construction and safety standards established under Title 24 of the U.S. Code by the federal Department of Housing and Urban Development.

- (4) MANUFACTURED HOME PARK (as defined in 10 V.S.A. § 6201(2)) means any parcel or development site that contains or is designed to accommodate more than two manufactured homes. This definition specifically excludes the use of manufactured homes as farm worker housing and the retail sales or storage of manufactured homes.
- (5) MANUFACTURING means creation of goods entirely within an enclosed structure that does rely on special power, water or waste disposal systems for operation (ex. brewery, distillery, ice cream manufacturing, etc.).
- (6) MANUFACTURING, LIGHT means creation of goods entirely within an enclosed structure that does not rely on special power, water or waste disposal systems for operation (ex. bakery or small wood shop). This includes art studios except that painting studios are treated separately.
- (7) MANUFACTURING, HEAVY means large, specialized sites and structures intended for heavy industrial uses such as manufacturing or processing plants that commonly house complex operations and operate continuously.
- (8) MATERIAL CHANGE means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (9) MEDIA BROADCAST FACILITY OR STUDIO means the use of a structure or part of a structure for the production, recording, broadcast and distribution of radio, television, sound, movie and similar media products and programs.
- (10) MEDICAL CLINIC means the use of a structure or part of a structure to provide healthcare services to people primarily as outpatients.
- (11) MINING, EXTRACTING, QUARRYING AND STONE CUTTING means establishments that dredge, quarry, mine, or develop mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. May include on-site processing such as crushing, grinding, washing or screening. See Section 3124.
- (12) MIXED USE means land development that includes more than one principal uses.
- (13) MOTOR VEHICLE means any self-propelled conveyance used to transport people, animals, goods or materials.
- (14) MULTIPLE USE means a building or site developed with more than one principal use.
- (15) MUSEUM, GALLERY OR EXHIBITION HALL OR PAVILION means an institution where objects of historical, scientific, artistic or cultural interest are stored, studied and exhibited.

5101.N

- (1) NATURE OR RECREATIONAL PARK means a site designed to accommodate primarily passive recreation and appreciation of nature with a minimum of improvements or structures.
- (2) NEIGHBORHOOD MARKET means a small retail food store that offers staple and convenience food items, and may include accessory sale of prepared food for on-site consumption or take-out.

- (3) NONCONFORMITY means a structure, use or ~~lot~~parcel that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.
- (4) NORMAL REPAIR AND MAINTENANCE means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and replace worn out components, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5101.O

- (1) OFFICE means an establishment that provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc., or that provides social assistance services directly to individuals other than residential or accommodation services.
- (2) OPEN MARKET OR MARKET SHOP means retail sales conducted primarily from outdoor areas, open air structures and buildings with stalls. Includes farmers' markets and flea markets.
- (3) OTHER COMMUNITY CENTERS mean any structure designed for mass assembly not otherwise defined in this chapter such as community centers, senior centers, reception halls and wedding halls, or an establishment that provides services other than residential or accommodation services to the elderly and disabled such as group support, companionship, day care, homemaker services, etc.
- (4) OTHER SPECIALIZED RESIDENTIAL STRUCTURES mean any structures intended for habitation not otherwise defined in this chapter such as barracks, dormitories, single-room occupancies, homeless shelters, emergency shelters, or other structurally converted buildings. Excludes lodging uses.
- (5) OUTDOOR DISPLAY means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (6) OUTDOOR STORAGE means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5101.P

- (1) PAINTING STUDIO means a use of land or structure for the creation of art through the application of paint, pigments, color or other medium to a solid surface. All other art studios are considered light manufacturing.
- (2) PARCEL means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.
- (3) PARCEL AREA means the total horizontal area within a parcel's property lines, including land over which easements have been granted but excluding any land within a street right-of-way.
- ~~(1) PARCEL. See definition of LOT.~~
- ~~(2)~~(4) PARKING STRUCTURE OR GARAGE means a structure or part of a structure intended to

store passenger vehicles typically in multiple levels traversed via ramps and within or below a building.

~~(3)~~(5) **PARKING, SURFACE** means an outdoor site used to store passenger vehicles or site intended to store passenger vehicles at ground level under a roofed, open-air structure.

~~(4)~~(6) **PAVE** means to cover the ground with asphalt, concrete, ~~stones, gravel, brick, tile, wood, compacted earth or other impervious materials in order to make a firm, level surface or other material of similar character and durability.~~

~~(5)~~(7) **PAVEMENT** means asphalt, concrete, ~~stones, gravel, brick, tile, wood, compacted earth or other impervious material~~ of similar character and durabilitys used to cover the ground in order to make a firm, level surface.

~~(6)~~(8) **PERSONAL OR PROFESSIONAL SERVICES** means an establishment that sells specialized skills or knowledge, performs scientific, technical or professional services, that offers personal services such as laundry, dry cleaning drop-off, hair or nail care, diet centers, spas, tailoring, shoe repair, etc. or that that provides services such as landscaping, pest control, janitorial activities, carpet cleaning, and similar services for buildings and dwellings. Excludes veterinary services.

~~(7)~~(9) **PREVIOUSLY DEVELOPED ~~LOT~~PARCEL** means a ~~lot~~parcel that has been altered by land use, construction or paving that would, if undertaken anew, require a permit under these regulations. Land that has been altered for agriculture, forestry or conservation purposes shall not be considered previously developed. A ~~lot~~parcel for which a permit has been issued, but the land development has not commenced, shall not be considered previously developed.

~~(8)~~(10) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that:

- (a) Is accessible to public view;
- (b) Is intended for the enjoyment of the general public; and
- (c) Does not identify or draw attention to a business, profession or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises.

~~(9)~~(11) **PUBLIC SAFETY FACILITY** means the use of a structure or part of a structure to provide public safety services such as a fire station, ambulance station, police station or emergency operation center.

~~(10)~~(12) **PUBLISHING** means an establishment that issues copies of works such as newspapers, books, periodicals, maps, posters, databases and software in one or more formats including traditional print formats, digital media formats and online formats.

5101.Q

5101.R

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

- (2) RELIGIOUS FACILITY means a structure that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities.
- (3) RESTAURANT means an establishment that prepares meals, snacks and beverages primarily for consumption on the premises.
- (4) RESTAURANT, TAKE-OUT means an establishment that prepares meals, snacks and beverages primarily for consumption off the premises.
- (5) RETAIL SALES AND SERVICE (INDOORS) means a structure or part of a structure intended for the sale of products to consumers, primarily for off-site consumption or use, excluding any use specifically defined this chapter.
- (6) RETAIL SALES AND SERVICE (OUTDOORS) means a site intended for the sale of products to consumers, primarily for off-site consumption or use, where the inventory is primarily stored or displayed outside an enclosed structure, excluding any use specifically defined in this chapter.
- (7) ROAD PASSENGER AND TRANSIT SERVICES means an establishment that provides passenger transportation such as public transit, school bus and taxi services.
- (8) ROOMING AND BOARDING HOUSE means one or more structures intended to provide accommodations operated primarily in private homes that shall typically serve as the boarder's principal residence, that often serves a specific group or membership (ex. fraternity or sorority house, club, worker housing), and that commonly includes meals, housekeeping and laundry services. See Section 3111.
- (9) RURAL ENTERPRISE means a business that supports economically viable farm and forest lands in the city and region by adding value to local farm or forest products. Direct marketing of local farm or forest products, engaging in agritourism or agri-education, or offering goods and services needed for farming or forestry. See Section 3123.

5101.S

- (1) SCHOOL, GRADE means an institution used to educate children from pre-school through grade 12 that is operated under a state license.
- (2) SENIOR HOUSING means one or more structures intended to provide housing for older adults (commonly limited to those age 55 or older, but may also include some younger residents with disabilities), and which may also provide services to residents such as meals, housekeeping, laundry, transportation, recreation, and assistance with daily activities such as dressing, grooming, bathing. At least 80% of the occupied units within a senior housing community or facility shall be occupied by at least one person age 55 or older.
- (3) SEWER RELATED FACILITY means facilities for storing, pumping and treating sewage.
- (4) SHRUB, LARGE means a shrub with a mature or maintained height of at least 6 feet.
- (5) SHRUB, MEDIUM means a shrub with a mature or maintained height of at least 3 and less than 6 feet.
- (6) SHRUB, SMALL means a shrub with a mature or maintained height of less than 3 feet.

- (7) SIGN means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication for commercial purposes intended to attract the attention of the public and visible from public rights-of-way or other properties. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.
- (8) SIGN, ABANDONED means:
- (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;
 - (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
 - (c) A sign that has not been maintained.
- (9) SIGN, ELECTRONIC MESSAGE means a sign whose message may be changed by electronic means.
- (10) SIGN BAND means the flat, horizontal area on a building facade usually located immediately above the storefront and below the second story window sill where signs may be attached.
- (11) SITE PLAN means a map and any supporting graphics or documentation drawn to scale that depicts proposed land development including, but not limited to the location and relationship of the structures, streets, driveways, parking areas, sidewalks, paths, walkways, utilities, open space, landscaping, grading, waterways, outdoor lighting, outdoor use areas, signage and other site or development features.
- (12) SKILLED-NURSING SERVICES means one or more structures intended to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing and convalescent homes.
- (13) SOLAR ENERGY DEVICE means a device that transforms direct solar energy into thermal, chemical or electrical energy including, but not limited to, solar hot water systems and solar photovoltaic systems.
- (14) SPORTS ARENA means a structure or site designed to accommodate a large number of spectators typically watching a sports event although arenas may also host other types of performances or activities.
- (15) STABLE OR EQUINE FACILITY means a site or structure intended to house, train or care for horses. May include horse trot tracks or other training facilities, and veterinary facilities.
- (16) STREET means any vehicular way that serves as the principal means of providing access to abutting property and that is not a driveway.
- (17) STRIP DEVELOPMENT means a linear development pattern along an arterial street or highway that is generally characterized by:
- (a) Broad street frontage;
 - (b) Predominance of single-story buildings;

- (c) Predominance of single-use buildings and properties;
 - (d) Predominance of parking and auto-oriented features visible from the frontage;
 - (e) Limited provision for shared or cross access;
 - (f) Limited provision for access by walking, biking or transit; and
 - (g) Lack of coordination with and connections to surrounding neighborhoods and land uses except by vehicle and by the street.
- (18) STRUCTURAL ALTERATION means a change in the dimension or configuration of a structure's roof, or any exterior walls or other supporting members, including but not limited to, any change in the dimension, location or number of windows or doors.
- (19) STRUCTURE (as defined in as defined in 24 V.S.A. § 4303(27)) means an assembly of materials for occupancy or use.
- (20) STRUCTURE, ACCESSORY means a detached subordinate structure, the use of which is clearly and customarily incidental to that of a principal structure or use.
- (21) STRUCTURE, DAMAGED. See definition of DAMAGED STRUCTURE.
- (22) STRUCTURE, DESTROYED. See definition of DESTROYED STRUCTURE.
- (23) STRUCTURE, PRINCIPAL means the structure on a ~~lot~~parcel from which the principal use is conducted. On a ~~lot~~parcel with a single- or two-~~family~~unit dwelling, the dwelling shall be considered the principal structure.
- (24) SUBDIVISION means any land, vacant or improved, that is divided or proposed to be divided into two or more ~~lot~~parcels, ~~parcels~~, ~~sites~~, ~~units~~, ~~plots~~, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term also includes the development of a parcel of land as a planned unit development.
- (25) SUBSTANTIAL MODIFICATIONS. See definition of MAJOR RENOVATION.
- (26) SUBSTANTIALLY COMPLETE means that construction or development has been completed to a point where a structure or site can be safely used for its intended purpose.
- (27) SUPPORT FUNCTIONS FOR ANIMAL PRODUCTION means establishments that perform support activities related to raising livestock such as breeding services, livestock sales or auctions, and slaughterhouses or slaughtering services.
- (28) SURFACE WATER, MAPPED means a river, stream (whether perennial or intermittent), lake or pond included in the Montpelier Natural Resources Inventory Map.

5101.T

- (1) TANK FARMS mean a site developed with one or more tanks that typically store fuels, oils and similar liquid products. Includes sale and distribution of such products.
- (2) TEMPORARY means a use or structure that shall be occurring or located on a ~~lot~~parcel for a limited and fixed period of time after which there shall be no evidence remaining of the use or structure.
- (3) TEMPORARY HOUSING means emergency shelters or homeless shelters.

- (4) THEATER, MOVIE means the use of a structure or part of a structure to show movies or motion pictures typically designed with a protection screen and fixed seats arranged on a sloping or stepped floor. Also includes cineplexes containing two or more movie theaters.
- (5) THEATER, PERFORMANCE means the use of a structure or part of a structure to house dramatic presentations, stage entertainments, concerts typically designed with a stage and fixed seats arranged on a sloping or stepped floor.
- (6) TRAILER means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (7) TREE, LARGE means a tree with a mature height of at least 50 feet.
- (8) TREE, MEDIUM means a tree with a mature height of at least 30 and less than 50 feet.
- (9) TREE, SMALL means a tree with a mature height of less than 30 feet.
- (10) TRUCK AND FREIGHT TRANSPORTATION SERVICES means an establishment that accommodates or supports over-the-road transportation of cargo using motor vehicles such as trucks and tractor-trailers.

5101.U

- (1) UNDERUTILIZED ~~LOT~~PARCEL means a developed ~~lot~~parcel that could be redeveloped or further developed under the standards of these regulations in a manner that would result in an increase in the number of dwelling units per acre and a higher floor area ratio on the ~~lot~~parcel.
- (2) USE means the purpose or activity that a ~~lot~~parcel or structure (or a portion of a ~~lot~~parcel or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (3) USE, ACCESSORY means a use of a ~~lot~~parcel or structure (or a portion of a ~~lot~~parcel or structure) that is clearly and customarily incidental and subordinate to the principal use.
- (4) USE, PRINCIPAL means the main or predominate use of a ~~lot~~parcel or structure (or a portion of a ~~lot~~parcel or structure).
- (5) UTILITY FACILITY means electric lines and distribution facilities, phone lines, cable lines, gas lines and distribution facilities, water supply lines, steam and air conditioning lines, and sewer and stormwater lines, and also includes substations, pump stations, and other related unmanned systems.

5101.V

- (1) VEHICLE. See definition of MOTOR VEHICLE.
- (2) VERNACULAR ARCHITECTURE means the ordinary residential and agricultural building styles common in 18th and 19th century Vermont, that were designed and constructed by local builders, usually with very simple architectural details and ornamentation, and that evolved over time based on local needs, climate, construction materials, customs and traditions.

- (3) VETERINARY AND ANIMAL SERVICES means establishments with licensed practitioners of veterinary medicine for animals, that provide testing services for licensed veterinary practitioners, that sell pets or pet supplies, and that offer animal services such as grooming or training.
- (4) VISITABLE means a dwelling unit designed to make it easier for people with physical disabilities and impairments to live in and visit. Such units shall have at least one zero-step entrance approached by an accessible route, wide passage doors (at least 32 inches clear space), and a half bath (and preferably a full bath) on the main floor.

5101.W

- (1) WAREHOUSE OR STORAGE means a site, structure or part of a structure intended for storage and distribution uses. Excludes mini-warehouse, large area distribution or transit warehouse and tank farm.
- (2) WAREHOUSE, LARGE AREA DISTRIBUTION OR TRANSIT means one or more large structures used to store, repackage and distribute goods.
- (3) WAREHOUSE, MINI means a site, structure or part of a structure intended to provide individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods (commonly called self-storage facilities). See Section 3118.
- (4) WATER DEPENDENT STRUCTURE OR USE means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.
- (5) WATER SUPPLY RELATED FACILITY means water supply pump stations, dams, water tanks, wells, water treatment and purification facilities and reservoirs.
- (6) WETLAND (as defined in 24 V.S.A. § 4303(32)) means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mudflats, bogs and ponds.
- (7) WETLAND, MAPPED means a wetland included in the Montpelier Natural Resources Inventory Map.
- (8) WHOLESALE TRADE ESTABLISHMENT means an establishment that sells to or arranges the purchase of goods by other businesses, and that normally operates from a warehouse or office and has little to no display of merchandise.

5101.X

5101.Y

- (1) YARD means an at-grade, pervious open space on a developed ~~lot~~parcel that is unoccupied by any structure except for encroachments specifically authorized under these regulations.
- (2) YARD, FRONT means the yard that is located between the street and the nearest line of the principal building on the ~~lot~~parcel and extends across the full width of the ~~lot~~parcel. A corner ~~lot~~parcel shall be considered to have two front yards.

- (3) YARD, REAR means the yard that is located between the rear ~~lot~~parcel line and the nearest line of the principal building on the ~~lot~~parcel and extends across the full width of the ~~lot~~parcel. A corner ~~lot~~parcel shall be considered to have no rear yard.
- (4) YARD, REQUIRED means a yard or portion of a yard that is the depth required by the minimum setback established in the zoning district.
- (5) YARD, SIDE means a yard that is located between the side ~~lot~~parcel line and the nearest line of the principal building on the ~~lot~~parcel and extends between the front and rear yards.

5101.Z

Number	Staff/ Public Comment Received	Staff Recommendation/Comment	Planning Commission Decision
	Part 1		
1	Cleaning up pieces of Chapter 1- Section 1001 should amended to be Authority and Enactment and .A should be changed to "These Unified Development Regulations are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4)." .B should be replaced with "These regulations have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117 hereinafter referred to as "the Act") and the Charter of the City of Montpelier."	Although probably not a big area for appeal I always like to be very specific about our authority (as Vermont is a Dylans rule state). Also the enactment did not reference the charter. This new language helps clean that section up.	PC Agreed. Change 1001.A to be "These Unified Development Regulations are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4)." .B should be replaced with "These regulations have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117 hereinafter referred to as "the Act") and the Charter of the City of Montpelier."
2	1003 another clean up piece. This section always looked odd sitting here. It didn't make sense. It actually included as a reference to the limitations under state law but there are many others. I think a general statement about the regulatory construction under state law with specific citations would be more appropriate.	Recommend changing title to "Construction of regulations"; .A should be changed to read "These regulations are intended to include all required provisions and abide by all limitations established under the Act including: (1) Equal treatment of housing and required provisions for affordable housing under §4412(1) of the Act." I would also add a .B that would read "Other limitations required under state law may be discussed in other places of these regulations where appropriate."	PC agreed. Change title to "Construction of regulations"; .A should be changed to read "These regulations are intended to include all required provisions and abide by all limitations established under the Act including: (1) Equal treatment of housing and required provisions for affordable housing under §4412(1) of the Act." I would also add a .B that would read "Other limitations required under state law may be discussed in other places of these regulations where appropriate."
3	Strike the informations bullet under 1004.	The informational bullet is not an exact reprinting of the definition. This is very poor practice (putting a regulation in two places and then not making them identical). I would prefer to follow best practices which would be - say it once. The definition of development is in the definition section. The other option would be to put the definition in the text here (which I have done in other regulations I have written) and then put "see section 1004" in the definition section.	PC agreed. Strike the informational bullet. Move definition of development here .
4	1004 - definition of development - needs clarification on paving and repaving. Should these require zoning permits (repaving a parking lot? What about paving an unpaved area?)	My opinion is that I would not regulate the paving/repaving of already impervious surfaces. If regulated it should be clearly mentioned here (or definition); if the goal is to have paving exempt then we should make that statement within 1101.A	PC agreed to regulate paving of unpaved surfaces.
5	1101.A add (10) Statutory exemptions: (a) Agriculture and Forestry as described in Section 1102; (b) Utilities, Energy and Telecommunications infrastructure as described in Section 1103.	There was confusion that these exemptions were not actually listed as exemptions with all the others. This appeared to be an easy fix.	PC agreed. Add to 1101.A "(10) Statutory exemptions: (a) Agriculture and Forestry as described in Section 1102; (b) Utilities, Energy and Telecommunications infrastructure as described in Section 1103."
6	1101.B(2) change "any accessory structure..." to "any accessory building..."	We have had people argue that fences are accessory structures with footprints less than 300 square feet and are therefore allowed to be built without permits. Clearly the rule was not intended for those projects because of discussion of roof height so I think changing to "building" will eliminate that path for people to argue.	PC agrees. Change "any accessory structure" to "any accessory building"

7	1203.A Many things wrong with this one. Non-conformities are already defined (differently) in the definitions sections. It does not need to be defined again here. Its also unclear because of how it is worded whether this section applies to non-conformitiesthat are also 1,2, and 3 or if this section applies to nonconformities that are defined as 1,2,and 3. I think things in this section can be arranged better. Finally (3) is not true. Non-conformities are only with regards to the zoning regulations contained here.	Staff recommends using .A to state that "Applicability. Unless more specific rules exist in these bylaws regarding non-conformities, the following will apply to all non-conforming parcels, non-conforming structures and non-conforming uses."	PC agreed. Change 1203.A to state that "Applicability. Unless more specific rules exist in these bylaws regarding non-conformities, the following will apply to all non-conforming parcels, non-conforming structures and non-conforming uses."
8	1203.B should be struck.	The existing language is unclear and it could be used to argue that they have a vested right to stay non-conforming and unchanged in cases where we don't want that to be the case. Or that they can argue that we cannot make them change a non-conformity because they have a right to keep it unchanged. What is being said is true provided a property owner does not do a development that would cause the person to come into compliance. Better to leave it unsaid.	PC agreed. 1203.B should be struck.
9	1203.C I would add the header "Non-conforming parcel"	There will be three items discussed and this is one.	PC agreed. Add a heading to 1203.C of "Non-conforming Parcel"
10	.D, .E, and .F should be combined under a single header "non-conforming structure". Also change .F to read "an applicant may request" (rather than the DRB may approve) and the reference at the end Subsection 1203.D should be 1203.E.	These could be adjusted further to better address non-conformities but this is a good start to cleaning these up.	PC agreed. Combine .D, .E, and .F under a single header of non-conforming structure. Also change to read "an applicant may request" (rather than the DRB may approve) and the reference at the end should be 1203.D and not 1203.E.
11	1203.G should have a header of non-conforming use.	Same as above.	PC agreed. Add a header for "non-conforming use".

12	Part 2		
13	2201.C strike "... by the Design Review Committee, and approval of the design plans by the Development Review Board." and replace with "...under the process established under Section 4301 and the following rules."	The DRB no longer reviews all Design Review applications therefore we need to amend how this is written.	PC agrees. Strike "... by the Design Review Committee, and approval of the design plans by the Development Review Board." and replace with "...under the process established under Section 4301 and the following rules."
14	Figure 2-01 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
15	Figure 2-01- Note 2 Channelized needs to be defined	This also appears in figure 2-02 and 2-03. The previous council was determined to make both sides happy when they wanted to require riparian buffers in the urban area but not require it where the urban area is developed and the stream channelized. In the hearings they pointed out the Jacobs parking lot should require vegetation but the first application under the new rules was the new city parking lot on the north branch and the DRB found it to be channelized. This should be mapped.	It was recommended that staff should develop a map. The map though only had very limited places where the rivers were not channelized already (near the state parking lots between the railroad bridge and Bailey Street. The PC voted instead to recommend striking the channelization provisions altogether and have staff develop a memo regarding the matter.
16	Figure 2-02 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
17	Figure 2-04 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
18	On Figure 2-15 Use table, Add studio to the list under public assembly.	Art studios are not allowed anywhere in the zoning and this has been requested twice. It is tricky so we are doing some homework. Of course no one cares if you are using a studio to paint but what about a kiln for pottery or pneumatic drills and polishing for statues, or welding for sculptures? What about dance? what about a studio for musicians to practice and record? Painting may be ok even in a residential neighborhood but welding and stone carving may only be allowed in industrial areas. We need to work on these to details to make a proposal.	PC agrees. Develop new "painting studio" use otherwise all other art studios will be light manufacturing.
19	On Figure 2-15 separate "one and two dwelling units" and "three and four dwelling units" into individual lines on the table	We have had people argue that it is not a change of use to go from three to four family because they are considered the same on the use table. Its cleaner to fix that up here and in the definition section.	Rather than split the table groupings, the PC suggests making changes in the Land Development definition to make clear the change of use include additions of another unit.
20			
21			
22			

23	Part 3		
24	3001.A and 3002.A change heading from "applicability" to "standards".	These are not applicability statements.	PC agrees. Changing heading from
25	3002.A(3) reword to read "the proposed development will be or was approved as a planned unit development in accordance with the provisions of Chapter 440 or under a previous set of zoning regulations."	Issues were discovered when Murray Hill came in to amend a PUD permit.	PC agrees to reword 3002.A(3) to read "the proposed development will be or was approved as a planned unit development in accordance with the provisions of Chapter 440 or under a previous set of zoning regulations."
26	3002.C(2)(a) removing buildable areas from density calculations has turned into a nightmare for administration. Because we lack a slope map with a table to tell us how much land is in a slope category for the purposes of calculating the number, staff has had to send every subdivision and request to add dwelling units to an engineer for a slope analysis.	Staff recommends expanding some of the areas exempt from this analysis to include some additional higher density areas. Already UC, Riverfront and MUR are exempt. Consider removing Res 1500, res 3000, or others as well.	PC agrees to remove the buildable area requirement from density calculations. Strike all of 3002.C(2) and amend (1) to strike everything before "maximum".
27	Figure 3-03 delete Frontage Buildout	Deleted above.	PC agrees. Delete figure 3-03.
28	Figure 3-07 remove parking areas as accessory structures.	Parking should be regulated uniformly in the parking standards in 3011	PC agrees. Parking areas should be removed from Figure 3-07.
29	3004.A there are many exemptions under chapter 110 and it is unclear which one applies.	Recommend striking everything from "except" to the end. Those exemptions are already "exempt from any regulation" and therefore demolition does not apply.	PC agrees. Strike everything from "except" to the end.
30	3004.D Demolition of Historic structures. A couple issues discovered here. First it is noted that in .D the applicability is for State AND National register while under .D(2) it says State OR National. Additionally, the current practice has not been either of these but rather that it applies only to the contributing structures within the National Register District. So we need to decide which one and write the applicability accordingly.	Based on current practice and the fact that we only have GIS data on the national register district I would limit applicability to that area. Otherwise staff would need a new database showing the location of all historic buildings within an area.	Change made to limit jurisdiction to contributing within National Register District. HPC is drafting a proposal that can incorporate any new changes.
31	3005 riparian areas - NR map need to be fixed in Pleasantview/ Berlin street area to remove a portion of streams from regulation because they are buried. There is a second area on River Street with a short section of buried stream as well.	See maps.	PC agrees to make changes to map but wants rules to address these instances in the future. See #117 as well.
32	3007 Steep slopes has continued to be a problem as we lack a map for administration. Second the prohibition of all development over 30% is unduly burdensome. Fixing a retaining wall is 100% slope. Building a driveway access on a road with driveway ditches impacts 30% slopes and is therefore prohibited.	For starters, change the 30% requirement in Figures 3-08 to require a hearing and 3-09 to require engineering plans. In the least this makes development possible and applicants may build retaining walls or other ways to engineer appropriate solutions. Next, similar to 3002.C above, the PC could consider limiting the number of districts or add in waivers to provide room to make reasonable development proposals.	The PC approved a few changes. First the square footage amounts will be switched between 3-08 and 3-09. In that way engineered plans will be required at the lesser amount and hearings at the higher amounts. Second, the PC approved the staff recommendation to have all development over 30% require a hearing and engineered drawings rather than an outright prohibition in these areas.
33	3008.B is applicability and the first sentence is not applicability at all. It is either purpose (move it up) or some kind of performance standard (and move it down).	Considering the intent of the statement is generally captured in .C(I), I would actually strike the sentence all together.	PC agrees to strike .C(1)
34	inconsistency in how slope is broken down. In 3002 it is "30% or more" and 3008 its "more than 30%"	Doing homework to find out what rules the map followed. It make sense to change the rules to be consistent with the map. Map is greater than or equal to 30%.	PC agrees to make all references to be "greater than or equal to 30%".
35	3010 change title to be "vehicle access and circulation". From .A strike bicycle and pedestrian.	This section was split in 2 with vehicles remaining here and bike and ped moving to site plan section 3202. Those changes should be made.	PC agrees to make title to 3010 be "vehicle access and circulation"

36	3011.C discussion of fraction of parking spaces not discussed. If you need 3.2 spaces, how many are required? Generally the answer is 4 so it should be clear.	Recommend adding a (4) that states that fractional spaces always round up.	PC agrees to add 3011.C(4) stating that fractional spaces will round down.
37	3011.F and .B are conflicting. In .B all non-res and Mixed use SHALL PROVIDE LOADING AREAS while .F says "an applicant for a use that will regulatly receive deliveries shall demonstrate adequate offsite loading.	I prefer the second wording. Under the earlier applciability requirement you would need a loading dock for a real estate office or dentist. Better to require applicants to demonstrate off street loading for projects that will receive regular deliveries.	PC agrees that both .B and .F should read that "an applicant for a use that will regulatly receive deliveries shall demonstrate adequate offsite loading."
38	3011.I(3) regarding erosion and drainage in parking areas the requirement is to meet 3009. This should be deleted as all projects that must meet 3011 are already required to meet 3009. When we write decisions we need to repeat ourselves in two places.	Delete 3011.I(3)	PC agrees to delete 3011.I(3)
39	3012.C(13) prohibits Electroic message signs (except for theaters) and then .G(7) has an entire section on the requirements for electronic signs including what districts they are allowed in.	This is a policy discussion to allow or not allow. I personally dislike electronic message signs and would ban them everywhere in the city but... the PC and Council will need to decide because right now we both prohibit and allow them.	PC agrees to prohibit all electronic signs.
40	3012 Figure 3-16 considering the Dominos sign can now only be replaced with a sign that is 12 sq ft (when previously they could have had 37.5 sq ft.). They constructed a 55 sq ft sign and are willing to go to less than 37.5 but not 12.	Previously staff recommended that the crossroads neighborhood (which that area of the city is in) should have signage based on Eastern Gateway rather than Rierfront District- that way the property would be limited to 32 square feet. Council disagreed and votes to retain keeping it in Riverfront and the 12 foot sign requirement (therefore we will not be getting a new Dominos sign). Staff would like the PC and Council to reconsider decision.	PC disagrees and decides to leave as is and recommend sign ordinance in future to fix problem.
41	3111 regarding room and boarding houses. .A(5) should be changed from "shall not" to "may".	We had an application where an applicant had an existing rooming and boarding that had small kitchens. They thought breakfast kitchens would be nice and what is the harm in the added benefit of a private breakfast kitchen. Staff agrees and feels they should not be required but should not be restricted either.	PC votes to strike .A(5) altogether.
42	Section 3201 a desire to add the information note above 3201 to be included with 3201.	My recommendation would be to change 3201 title to be "applicability and major/minor site plan determination". Next I would move .A to be .B and add a new .A that reads "All development shall meet the requirements of this Chapter except parcels used for a one or two dwelling units."	PC agrees to change 3201 title to be "applicability and major/minor site plan determination". Next I would move .A to be .B and add a new .A that reads "All development shall meet the requirements of this Chapter except parcels used for a one or two dwelling units."
43	3202. Change title to "Bike and Pedestrian Access and Circulation"	Vehicular access and circulation is discussed in 3010	PC agrees to change title to "Bike and Pedestrian Access and Circulation"
44	3202.C Applicant had confusion about this requirement and believe it would be void for vagueness if challenged. What does this requirement mean for a proposal that will add two dwelling units to a duplex? Do units in res 9000 count as supporting alternative transportation simply because they are close to downtown?	I think you should add more detailed requirements to .A and .B if you think they are needed and strike .C.	PC agrees to strike .C

45	3203 Landscaping is the #1 problem with the new regulations. Generally, there are no rules addressing non-conforming or waivers. The rules are extremely strict. For example, a change of use from retail to office requires site plan approval but even though no exterior changes are being proposed. For a property with non-conforming landscaping this could mean tens of thousands of dollars in landscaping are required. This has come up on every single application we have received. Some issues included a property with two ancient trees that are required to have 4 trees - they ask if they should cut down the 2 massive trees to make room for four small trees. The standards are able to be met on rural and suburban lots but not on urban ones. There is no conversion between trees and shrubs so if I need 8 trees and 50 shrubs but have 10 trees and 40 shrubs already, do I need to cut down 2 trees to plant 10 shrubs? Another had an extra acre of vacant land behind the developed portion of the lot and asked if they could plant their trees and shrubs in the back land (which they technically could under these rules).	To decide how to fix amending the rules you first look back at the purpose. Why do we require landscaping and screening at all? .A gives the purpose which is good and helps to decide what we want to see. Considering the emphasis on the "appearance from public vantage points" and "creating shade along sidewalks" one person suggested changing the standard to "building frontage" rather than "building perimeter" and to require the plantings between the building front line and the street. That way the rules are implementing the purpose. That was a good start but still does not address trees to shrubs conversions or the fact that there is a fixed number of trees that need to be planted and therefore smaller trees will be used rather than large ones. Another option could be establishing a minimum amount of planting area per linear frontage. Figure 3-20 establishes those numbers for each plant material size so lets say we use "5 square feet of planting area for every foot of principal building frontage". A recent application with a building with 40 feet of building frontage would have been required to provide 200 square feet. Considering the property had two existing large trees in the front yard, they would have met that requirement (2 times 100 square feet). Had those trees not existed they could have planted 8 medium trees and a few shrubs. Perhaps it works like the shading requirements. Just some ideas to consider.	See new landscaping rules
46	3203.D should be reorganized to read "Plant materials shall meet planting specifications in Figure 3-20 and the following:" The rest should be listed (1), (2), (3), etc. Plus a new number should be added that states "When counting the amount of required plant materials, the same tree or shrub can be counted towards meeting more than requirement (street trees, site landscaping, parking lot landscaping etc.)."	Its difficult to administer and enforce rules when they are written as big sentences. There should be one thought per number. Also it was not clear in other places whether a tree that is near the parking lot counts for both site landscaping and parking lot landscaping or whether the two are separate.	See new landscaping rules
47	3203.D the reference to figure 3-19 should read 3-20	typo	See new landscaping rules
48	3203.E the reference to figure 3-19 should be 3-20	typo	See new landscaping rules
49	3203.F(2) change "if" to "in".	typo	See new landscaping rules
50	3203.F(1) and (8) use two different numbers. Unclear if the requirement is within 5 feet of the ROW and a waiver could allow 6 feet or more from the ROW. The waiver would allow for fixing some non-conforming sites but it isn't a broad waiver to allow other pre-existing issues. Street trees are required in urban center and a waiver avenue exists but that means every urban application would not be administrative any longer and need to go to the DRB to receive a waiver because their property is zero lot line.	Street trees have not been a big issue in the applications reviewed so far but it should be clear that street trees can be double counted with total site landscaping (.G). Also, on (2) if we state that "for non-conforming sites, if a planting area..." and then stated that the requirements of 3203.F do not apply rather than the DRB may waive then it would fix the unnecessary waiver hearing requirement.	See new landscaping rules

51	3203.G is the most challenging. As discussed above, we have options for square feet of planting per building frontage or Square feet of planting per lot frontage as options. I think revising up medium trees to 36 square feet would be appropriate (small trees need 4x4 planting area; medium 6x6 and large 10x10). .G(2) should be replaced with "All required planting shall be placed between the front line of the building and street." A new .G(3) should read "All plantings should be placed in areas meeting the minimum planting area for the plant material."	Again, more ideas for consideration.	See new landscaping rules
52	3203.H there is no distance from parking lot so the question comes up whether a tree 10 feet from the edge of the lot counts towards the parking requirement.	Add a number (6) that read that all trees within 10 feet of the parking area may be counted towards requirements of this Subsection.	See new landscaping rules
53	3203.H also has problems with (3) where figure 3-19 shows parking lot trees around the outside of the lot but (3) says that all trees shall be planted in an island. I don't think this is necessary. (5) is also a problem in that it is unclear how much parking must be behind the building to get the discount. Also the initial discussion is about providing shade but the "parking discount for shading due to screening" doesn't appear to make sense.	I would strike #3 and put a note on (5) that says where greater than 50% of the parking spaces are behind the rear building line..."	See new landscaping rules
54	3203.J No guidance for non-conforming.	With all the changes above we still have not addressed the issue of a change of use (with no changes to the exterior of the building) now requires non-conforming site plans to come into compliance. I see two options here. One is to still require parking but put a \$ limit so parcels with nonconforming landscaping shall be required to spend up to 2% of the total budget cost on landscaping where a site does not currently meet minimum landscaping requirements. Option 2 is write something similar to outdoor lighting (see 3204.D) when changes to outdoor lighting are proposed on a site with nonconforming lighting, all lighting shall be brought into compliance.	See new landscaping rules
55	3204.F for the most part outdoor lighting has worked well. The two minor issues are with (3) and (4). On the uniformity requirement, staff does not have any idea how to administer or enforce. Especially on a big parcel (9 acres) do we really want uniformity? On (4) the requirement is for Energy Star rating. Not one applicant has met that requirement. In two cases lighting was selected working with Efficiency Vermont and they could not find certification by energy star.	Strike (3) because we don't think it is useful and we have no way to administer it. Change (4) to "shall be LED lamps or Energy Star certified."	PC agrees to change (4) to "shall be LED lamps or Energy Star certified".
56	3204.F(11) and Figure 3-21. There is a question about lighting and when they need to be turned off. The table doesn't make a lot of sense. So Class one lighting (which includes baseball fields) can have their lights on all the time but low level residential lighting more than 50 feet from a building must be turned off including lighted walkways to the street. It doesn't make much sense.	I'm not sure a fixed time makes sense. I would strike the first sentence and reference to it from Figure 3-21 and just say that the DRB may limit when outdoor lighting may be used as deemed necessary to achieve the purposes..."	PC agrees to strike first sentence and the "lighting" column on Figure 3-21 and to amend the second sentence to read the "the DRB may limit when outdoor lighting may be used as deemed necessary to achieve ..."

57	Figure 3-22 appear to be mixed up or its not clear. So if you are commercial and only have partially shielded lighting then you can have 5000 lumens. If you have a mixture of fully and partly shielded then you get 50,000 lumens. So a developer just needs to add one fully shielded light to allow 10 times the lumens. Doesn't make much sense. Another possibility is that the second row is a subset of the first row. So you can have a total of 50,000 lumens but only 5,000 of that can be partially shielded. Its not what it says but that may be what was meant.	Considering the partially cutoff is such a small percentage of the total maybe it would be clearer to simply change the top line to be Fully cut off fixtures and the second line to be partially cutoff fixtures. Someone could theoretically get 55,000 per acre by doing 50k of full and 5k of partial but it would be clear. Otherwise some rewording to clarify that the top is "total of all light fixtures" and the bottom is "Where allowed, the limit on the amount of partially shielded lighting (which is included in the total lighting fixtures above)".	PC agrees to make the top line of each section read "Maximum of all fully shielded light fixtures" and second line to read "Maximum of partially shielded light fixtures"
58	3205.D outdoor storage shall be "fences and screened" . Perhaps should be fenced OR screened.	Change "and" to "or"	PC agrees to change "and" to "or" on section 3205.D
59	3304.B any discussion of the use is missing. (1) is architecture and (2) is landscaping and lot coverage but there is no addressing the character of the neighborhood based on the use. The presence of one conditional use does not necessarily mean another will be allowed. The presence of one store may not change the character of the neighborhood but two or three or four will.	Recommend adding a (3) that says "conditional uses shall not have a negative impact upon the character of the neighborhood. The existence of one conditional use in a neighborhood will not necessarily be interpreted as justification for a similar conditional use to be located there."	PC agrees to add a (3) that says "conditional uses shall not have a negative impact upon the character of the neighborhood. The existence of one conditional use in a neighborhood will not necessarily be interpreted as justification for a similar conditional use to be located there."
60	3402.B recommednation to add Res 24,000 to the list of allowed districts	Agreed. I believe this was an oversight.	PC agrees. Add Res 24,000 to 3402.B
61	3404.B recommednation to allow New Neighborhoods in Western gateway, eastern gateway, and residential 24,000	I think allowing this is more districts would be positive.	PC agrees to approve the addition of western gateway and res 24,000 to New Neighborhood PUDs (3404.B). Eastern Gateway was not added.
62	3407 add a general PUD section without any density bonuses	This idea has been mentioned especially for owners of sites with challenging conditions. I think it would be a good idea. If someone cannot cluster because they cannot meet one of the other PUDs then you may end up with worse development. If it is desired I can make a separate set of provisions for consideration.	No new PUD changes at this time.
63	3502(6) strike because solid waste is not a community facility or utility. It also is not regulated in the condition use section so it doesn't make sense to regulate here.		PC agrees. Strike 3502.A(6)
64	3505.B(7) strike as this one does not make sense. This can happen for many reasons.		PC agrees. Strike 3505.B(7)
65	3506.C(3) change to read that applicant "shall demonstrate ability to comply with the state's wastewater..."		PC agrees to change 3506.C(3) to read that "applicant shall demonstrate ability to comply with state wastewater..."
66	3506.G and 3506.H these are duplicative. In any project, including subdivisions, the applciant needs to meet the general standards of chapter 300. So requiring this here again means including it twice in the reports and decisions. It should be struck.		PC agrees. Strike 3506.G and 3506.H
67	3508.A Strike "remiaining provisions" and replace with "solar orientaion provisions"	needed for clarity	PC agrees. Strike "remaining provisions" and replace with "solar orientation provisions"
68	3510.A (2) and (3) these appear here but should also appear in 3505.B so new lots created also do not create a non-conformity.		PC agrees. The requirements in 3510.A(2) and (3) should also appear in section 3505.B
69			
70			
71			

72	Part 4		
73	4205.C move to .D and add a new .C which reads "Where the Adminisitrative Office amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit."	We had this question come up in a recent amendment.	PC agrees. In section 4205, move .C to .D and add a new .C which reads "Where the Adminisitrative Office amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit."
74			
75			
76			
77			
78			
79			
80			
81			

82	Part 5		
83	We will need a definition for painting studio if that change is made in Part 2.		PC agrees. Definition of painting studio added.
84	Add definition of change of use	Needed for earlier discussion of fixing the figure 2-15 change of use issue. A definition of change of use to unclude changes of the number of dwelling untis would clarify.	Change of use was already added to definitions. Change added to clarify addition of dwelling units.
85	Search replace "lot" for "parcel" and add definition of parcel	I use a more complete definition of parcel that addresses issues such as whether a road subdivides a parcel and what is proof that a parcel exists.	PC agrees. Change lot to parcel. Add a definition of parcel.
86	change definition of subdivision.	The current definition of subdivision includes boundary line adjustments which means BLAs have a full process and not a shortened review process.	change definition of subdivision so that it does not include BLAs
87	If definition of land development is moved up front then perhaps subdivision and parcel should be as well. Should be reviewed to determine if it would make the applicability clearer or not.		PC agrees to move definition of land development, subdivision and parcel to the front of the bylaws.
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			
101			
102			
103			
104			
105			
106			
107			

108	Late additions		
109	For section 3002.C (4)(b) we need to clarify if a two unit building can be subdivided as if it is a single family. So we know the rule allows a single family house is res 3 to be a duplex even if it has a only 3,500 sq ft. If the duplex is on a lot that is 7,000 square feet can the lot be subdivided to be 3,500 sq ft.? Also in 3002.C(4)(b) the word "convert" is perhaps the root cause of problems.	Proposed changed could be "Any conforming lot served by water and sewer, and meeting all other applicable provisions required for two dwelling units, may either contain a single unit or two units, irrespective of the district density."	PC agrees that 3002.C should clearly allow duplex subdivisions as described as well as the proposed changed to allow direct construction of duplexes on a vacant conforming lot.
110	Because we do not regulate "families" it has been suggested that we do a search & replace to switch to "unit" or "dwelling unit" instead.		PC agrees. Replace "family units" with "dwelling units"
111	Some conflict exists between 3505 (Lot arrangement) and 3009 (stormwater). The former requires positive drainage away from buildings and not to concentrate drainage onto adjacent lots while the latter says stormdrainage shall not negatively affect adjacent properties.	My thought is that the former can be struck. The actual subdivision of land does not change drainage patterns. When new lots are developed they will need to meet the latter rules. A subdivision could be designed to provide a common land location for concentrated drainage, treatment and infiltration. I would rather we leave the requirements with some amount of performance standard to be met.	PC agrees to delete 3505.A(7)
112	Per changes to state law in 2018... 3107.A strike "...and that will not be located closer than 1,000 feet to another existing or permitted group home..."	Act 130	PC agrees. In section 3107.A strike "...and that will not be located closer than 1,000 feet to another existing or permitted group home..."
113	Figure 3-16 typo. Ground Mounted sign area in Urban center. The height requirement says 8 square feet instead of 8 feet.	typo	PC agrees. Change height to 8 feet in figure 3-16
114	Figure 3-14 should include all the land use categories on the 3-13 table. Currently some are not and we received an application to have shared parking with public assembly use.	agreed. Specific data will be provided for consideration by staff for PC.	PC agrees. Staff will develop land use categories for figure 3-14
115	3002.G measuring setbacks does not mention that it is measured on the level. This should be clarified either in a figure or in text.	I think most people know this and is "customary" but a member of the public may try to make an argument that its something else.	PC agrees. 3002.G should reference that setbacks are measure on a level line.
116	1101.A should have a (10) that references 3012.D exempt signs. These signs are exempt from needing a zoning permit but it is imbedded in the middle of the zoning. A consideration should also be given as to whether these should be exempt in all or only "outside of Design Review (move to .B)	I would put in .A. it is a straight forward reference.	PC agrees. Add a 1101.A (10) that refers to the exempt signage of 3012.D
117	3005(?) water setbacks still apply to buried streams but not the required buffer!! Clarify in rules. Possible we use different setback (10')? Suggestion was made by DPW that we use 10 feet from centerline of culvert or the buffer requirement -whichever is greater. The state wants to reopen as many of these buried streams as possible so if we at least require the buffer distance (generally 50% of the water setback) then we can restore the buffer in the future if we do. Optionally we could enforce the full setback but there are many encroachments and we would need to have some waiver rules to allow continued reasonable use of properties that have buried streams on them.	We have an application to build on a parcel that has a buried stream. We talked above about exempting the required buffer but we can't exempt everything because people could then build over the stream.	PC agrees that buried streams should have a 10 foot required setback from the center of the culvert but no required buffer.

118	Figure 2-10 Res 6000 dimensional standards - its noted that the setback is now 15 feet where it use to be 10 feet under the old zoning.	This will make a difference for some projects but I typically found that there neighborhoods were at 15 feet (and an exemption already exists for matching abutting properties). I would leave it as is.	PC agrees to leave as is.
119	Figure 2-11 Res 9000 dimensional standards - its been noted that the front setback changed from 10 to 20 feet and the side went from 10 to 15 feet.	The side setback looks like it could be moved to 10 feet but there are waiver provisions. Most of the Res 9000 areas met the 20 foot front setback but I could see 15 feet as thereis no waiver for front setbacks (or we could allow such waivers).	PC agrees to leave as is.
120	Fix zoning map on North street due to BLA	A boundary line adjustment on north street (on the edge of two zoning districts) has made the zoning lines not match property lines and we want to fix that.	PC agrees. Adjust zoning map on North Street due to BLA.
121	3011.J on nonconforming parking - near the end of the first sentence it reads "...or a substantial change to the site layout, access and circulation." That should be "access OR circulation".	typo	PC agrees. 3011.J should read "access OR circulation."
122	3204.D discusses previously developed which requires all lights to be brought to code.	We had application for a large project that had funding to upgrade all the parking lot lighting but not the other lights attached to the building and pathway lighting. We thought it would make sense to require all similar lighting to be upgraded but not necessarily all lighting. Requiring them to upgrade all lighting would mean they would not upgrade any lights so we felt a requirement to upgrade all similar lighting (if you upgrade some parking lot lights you must do all parking lot lights).	PC agrees. 3204.D should be amended to require that all similar lighting be upgraded when non-conforming lighting is adjusted.
123	Move 3203.I(7)(a) and (b) to 3101	3207 discusses fence and wall standards within the screening requirements which would more appropriately be placed in the discussion of fences and walls (3101).	PC agrees. Move 3203.I(7)(a) and (b) to 3101
124	Strike 3002.D(2)(a) if #26 (removing buildable area from density) is removed.	Required fix if #26 is made.	PC agrees. Strike 3002.D(2)(a)
125	Suggestion to add 3 and 4 unit residential to the site plan exemption (see #42)	The idea of exempting smaller residential projects from site plan makes sense to me but it is a policy decision. The board should review the site plan criteria to see if any we would want to make sure are reviewed. If not, they should be exempt.	No change.
126	Suggestion to adjust definition of sign 5101.S(7) to refer only to commercial sign.	Idea is to add the words "for commercial purposes" after the words visual communications.	Add the words "for commercial purposes" to the definition of signs (5101.S(7))
127	3406.M(1) Campus PUD and permits. Recommend striking the last sentence of (1).	The last sentence of (1) is confusing (does it apply to the "shall occur in 5 years" or to the "or it will expire"). We could not figure out which one made more sence and ultimately felt that it was clearer to simply strike the sentence.	PC agrees. Strike last sentence of 3406.M(1)
128	4205.A change "and" to "or" in first sentence.	The AO may amend a permit prior to completion OR occupancy otherwise the applicant can start using the space and still make changes. The idea is that the permit is open (and can be amended) until it is EITHER completed OR occupied. Afterwards they need to get a new permit.	PC agrees. Change "and" to "or" in first sentence of 4205.A
129	3005.D(1)- the second sentence should be amended to read that "the applicant shall demonstrate that the proposal meets the requirements in Subsection 3005.G prior to the DRB granting such waiver."	As written, it doesn't make much sense.	PC agrees. In 3005.D(1)- the second sentence should be amended to read that "the applicant shall demonstrate that the proposal meets the requirements in Subsection 3005.G prior to the DRB granting such waiver."

130	3005.F(5) comment made that this is overly permissive in its wording. Perhaps adding the words "...all other requirements of these regulations are met and an..." after "provided" would clarify that the non-conforming language here can be rebuilt but if it is also non-conforming to other standards (lot coverage or building footprint) then it may need to look to those other sections for guidance on those non-conformities.		PC agrees. Section 3005.F(5) should add "...all other requirements of these regulations are met and an..." after "provided"
131	Chapter 470 (enforcement) should be revised to be organized more like Chapter 400 of the River Hazard Area Regulations.	The AO found the enforcement rules too restrictive and not organized well. She reviewed RHA provisions (which follow the same state statutes) and found them to be much clearer. It would require a larger strikeout copy because of the number of changes that would be required.	PC agrees to changes.
132	3007.H(2) states that development cannot create slopes greater than 30% but we now have relaxed the rules. Would recommend adding to the end of that statement "... without an engineered plan."	I think its straight forward.	PC agrees to add "without and engineered plan" to 3007.H(2)
133			
134			
135			
136			
137			
138			
139			
140			
141			

Montpelier, Vermont Natural Resources Inventory Map

Final 1/03/18



Legend

Montpelier Parcels 2014

Resources

Functioning M1 & M2 Natural Communities *

Vernal Pools

Vernal Pools: 500ft Buffer

Wetland

Wetland: 50ft Buffer

Rivers, Lakes, and Ponds

Montpelier Streams

Surface Water Buffer (Based on Zoning Districts)



Sources:

Natural Communities: Montpelier Conservation Commission June 2008
Vernal Pools: Montpelier Conservation Commission June 2016
Wetlands: VTANR 2010/ Montpelier Conservation Commission 2008
N:\Towns\Montpelier\Montpelier GIS\Montpelier Natural Resources Inventory Map.mxd

* A Non-Functioning Mesic Red Oak- Northern Hardwood Forest
in the Cliffside Neighborhood has been
Removed (Not Shown on Map)

BLA ON
NORTH ST.
NEEDS ZONING DISTRICT
FIX.

Residential 9000

414

500

431 431

409 409

391 391

380 377

353 353

355 355

Municipal

325 325

323 323

319 317

Mixed Use Residential

316

313 313

311 311

307 0

300

300

ELM ST

Residential 3000

49

34

34

44 44

2

2

2

4 4

6 6

N. HENKINS ST

7 7 0

MEMORANDUM

To: Mayor Watson and City Council

From: Planning Commission

Mike Miller, Director of Planning & Community Development

Re: Removal of riparian requirement in UC-1, UC-2, and UC-3 Districts

Date: April 8, 2019

This memo will explain to the City Council the reasoning behind one of the changes contained within the Zoning fixes proposal. The Planning Commission proposes to remove the buffer requirement in the Urban Center districts and have a 10 foot setback from top of bank in the Urban Center 1 (UC-1), a 20 foot setback from UC-2 (lower Barre Street), and no setback for UC-3 (Main Street from School to Spring). This one fix has been singled out because it involves an item of discussion during the Council's adoption hearings in 2017.

Prior to the 2018 zoning revisions the City had no requirements that new development be setback a distance from streams and rivers or that any vegetation along streams be maintained to protect water quality. The Planning Commission recommended changes to require both of these provisions and applied them in all districts outside of the Urban Center. The downtown districts had been excluded because of the degree of development in these areas and because most of these areas had already been channelized. Many buildings were built right up to the river's edge especially along the North Branch.

During the Council hearing process some citizens had commented that there continued to be value in requiring riparian buffers even through the downtown. Staff argued that this would be problematic from an administration standpoint as that would make most properties non-conforming so the Council voted to add a riparian set back that would be 20 feet from top of bank and that a 15 foot riparian buffer would apply but only to "unchannelized" portions of the UC-1, UC-2, UC-3 and riverfront districts. The channelized portions would continue to be exempt.

After the adoption of the regulations in January 2018 the Zoning Administrator and

Development Review Board started to administer and enforce these rules. The Board had a few projects where they had to determine if a stream was channelized or unchannelized. The property at 12 Main Street (the location of the old M & M Beverage and Vermont Association for the Blind buildings) was one such site and the 100 State Street (parking garage project) was another. In both cases the DRB, after testimony from engineers familiar with Vermont Army Corp rules on channelization of streams, determined that these portions of the North Branch were channelized and therefore the setbacks and buffers were not required.

In light of that finding, staff reviewed the rest of the UC-1, UC-2 and UC-3 shoreline and found that only the state land along the Winooski (downstream of the railroad bridge) was even potentially subject to these rules. As such, staff recommended that the Planning Commission revisit this rule and to return to the original planning commission proposal that riparian buffers not be required in the downtown districts. Having rules that force applications to the DRB for a determination on channelization (even when the outcome is obvious) appears counterproductive at best and could prohibit good projects from happening at worst.

One example of a project that could be denied if DRB determined channelization is Confluence Park. That park along the banks of the Winooski and North Branch requires water access, which would likely be approved as a waiver but all land within the 20 feet of the top of bank could not have structures and a "naturally vegetated buffer" would need to cover the first 15 feet of that. Much of the proposed greenspace and hardscapes would need to be moved or removed to meet these requirements.

While the Planning Commission fully supports the goals of water quality, the Urban Center has been and will continue to be a challenging area. Trying to return a portion of the downtown to a natural buffer though runs counter to many of our great projects we are making today. The Planning Commission therefore proposes to remove the buffer requirement in this area and have a 10 foot setback from top of bank in the Urban Center 1 district, a 20 foot setback from UC-2 (lower Barre Street), and no setback for UC-3 (Main Street from School to Spring).

Planning Commission members and staff are available to answer questions.

MM

TO: Montpelier City Council
FROM: Kirby Keeton and Barbara Conrey, Montpelier Planning Commission
DATE: April 8, 2019
RE: Suggested Changes to Zoning; Steep Slopes

This memo explains the Montpelier Planning Commission's suggested amendment to the zoning regulations regarding the exclusion of steep slopes in buildable site area calculations. This proposed change could simplify administration and perhaps effectuate better policy. The sections below describe the suggested changes, some background, a list of impacts discussed by the Commission, and the Commission's vote regarding the suggestion.

Issue: Modifying the currently adopted zoning regulation that does not count slopes of 30% or greater when calculating allowable density on a parcel
(Section 3002.C(2) Residential Density & D(2)a. Calculating Density)

Suggested Change: Eliminate the following sections:

Section 3002C(2): In all other districts, maximum residential density shall be based on a lot's buildable rather than total acreage or square footage, which does not include:

- (a) Any land with a slope of 30% or more as mapped based on the attached slope map or on a professionally prepared topographic survey submitted by the applicant and measured in accordance with Section 3007; and
- (b) Wetlands and their required buffers as identified on the Montpelier Natural Resources Inventory Map or delineated in a professionally prepared natural resource assessment submitted by the applicant.

Section 3002.D(2) Calculating Density.

- (a) Maximum residential density may be limited by the amount of buildable land on the parcel (see Section 3007 for additional details and for districts in which those requirements may apply).

Background: Mike Miller, Planning Director, requested reconsideration of these sections. The slope maps are difficult for non-professionals to read and calculating a "buildable area" based on them was time-consuming and challenging for his staff.

Upon review of the issue, the Commission reconsidered the concept of basing density requirements on "buildable area" rather than the actual acreage of the parcel, and proposed elimination of the sections above.

Impacts:

- Eliminates lengthy administrative work by the Planning Office.
- Easier for applicants to understand.
- The neighborhood density limits established by the zoning regulations were based on the current, actual density of each neighborhood, without consideration of slope. "Buildable area" was not factored into setting those limits in the first place.
- Reduces emphasis on slopes to indirectly control density limits.

- Better acknowledges that slopes are open space that contribute to the character and attractiveness of our neighborhoods.
- Moving away from “buildable area” is a substantial policy change.
- This change could allow for increased residential units on steep sites and/or development on steep slopes (with an engineered plan and DRB approval).
- During public comment on the zoning, some residents disapproved of the neighborhood density limits as proposed. They were told publicly that the ‘slopes exclusion’ would help to limit inappropriate development.
- The change could allow a project of which neighbors disapprove.
- It may be possible to address the administrative issue without making a policy change.

Planning Commission Vote: The Commission approved this suggestion 4-1 on September 10, 2018 and again on December 10, 2018 with 3 new commissioners seated. The second vote was held after additional time to research and discuss the consequences of this change, because only three current Commissioners were part of the original discussion of this topic and establishment of the policy.

Further Thoughts:

‘Density Bonuses’ are allowed under Planned Unit Developments. The Commission discussed the elimination of density bonuses in lieu of controlling density with the slopes exclusion. No action was taken.



CITY COUNCIL Agenda Item #19-168

Date: May 22, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments, Chapter 2, 2nd public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 2nd Public Reading of the proposed amendments to Chapter 2 of the Code of Ordinances. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: A complete review of the City's Code of Ordinances was noted as a priority initiative of the City Council at their last Strategic Planning retreat. The purpose of this review is to amend or repeal outdated ordinances and those with lack of resources to enforce; add gender inclusive language (staff researched and reached out to Outright Vermont for assistance); where possible, add restorative processes option in the event of violation; undergo a legal review; and a general clean-up.

SUPPORTING DOCUMENTS: Chapter 2 of the Code of Ordinances with proposed amendments

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

CHAPTER 2
ADMINISTRATION
ARTICLE I. COMMITTEES OF THE CITY COUNCIL

Sec. 2-1. APPOINTMENT OF COMMITTEES.

Annually, the Mayor shall appoint from the members of the Council such committees as may be necessary for the proper conduct of business of the Council. ~~He shall designate the chairman of each committee. Such appointments and the designation of chairman shall be subject to confirmation by the City Council.~~

Sec. 2-2. DUTIES AND REPORTS.

Committees shall ~~promptly investigate and~~ periodically report to the Council at a mutually agreed upon City Council meeting on such matters as may be assigned to them. ~~All reports shall be in writing and signed by a majority of the committee subscribing thereto.~~

~~Secs. 2-3 to 2-199. Reserved.~~

~~CHARTER REFERENCE: City Manager Appointments, T. 15, Sec. 14, 1955 Charter.~~

~~Enacted July 22, 1970.~~

CHAPTER 2
ADMINISTRATION
ARTICLE II. OFFICIAL BONDS.

Sec. 2-200. OFFICERS TO BE BONDED.

~~In addition to the city officers thereunto required by the Charter, the water commissioner, and the treasurer of the board of school commissioners~~ As required by the Charter or the general law, City officers shall give bonds to the City for the faithful discharge of their respective duties or the City Manager may contract for one blanket bond to cover all City officials and employees required to furnish bonds.

~~CHARTER REFERENCE: Bonds for certain officials, T. 4, Sec. 31; Manager to give bond, T. 15, Sec. 8; required by City Manager, T. 15, Sec. 22 and Sec. 23. 1955 Charter.~~

Sec. 2-201. AMOUNT OF BONDS.

The bonds required by the charter and by the preceding section shall be in the penal sums of no less than the following, to wit, or in a blanket amount as determined by the City Manager:

- City Clerk, in the sum of two thousand dollars;
- City Treasurer, in the sum of twenty thousand dollars;
- ~~• City Sheriff, in the sum of one thousand dollars;~~
- ~~• Constables, each in the sum of one thousand dollars;~~
- Chief of Police, in the sum of one thousand dollars

;

~~Street Commissioner, in the sum of one thousand dollars;~~

~~Water Commissioner, in the sum of one thousand dollars;~~

~~Treasurer of the Board of School Commissioners, in the sum of ten thousand dollars.~~

Sec. 2-202. INSOLVENCY OF SURETY.

In case of the death, insolvency, or dissolution of any surety on the bond of any ~~city~~ City officer, or the non-renewal or cancellation of such bond, such officer shall forthwith give a new bond, with sureties satisfactory to the City Council.

Sec. 2-203. DEPOSIT OF OFFICIAL BONDS.

The bonds of all city officers shall, when approved by the City Council, be deposited with and safely kept by the City Clerk.

~~CHARTER REFERENCE: T. 4, Sec. 31. 1955 Charter.~~

~~STATE LAW REFERENCE: Generally to municipal and county government, V.S.A. Title 24.~~

CHAPTER 2
ADMINISTRATION
ARTICLE III. PURCHASING

Sec. 2-300. PURCHASING AGENT.

~~The City Council shall appoint and remove at pleasure a purchasing agent, who shall hold office until his successor is appointed, and fix his compensation. The City Manager, ex officio, shall be the purchasing agent of the City.~~

Sec. 2-301. AUTHORITY TO CONTRACT.

No person, whether an officer or employee of the ~~city~~ City or otherwise, whether acting or pretending to act for the City, in any capacity whatever, shall make any contract binding the City for the payment of any sum of money or create any debt or monetary obligation against the City, unless ~~he~~ they have been previously lawfully authorized thereunto by the City Council.

Sec. 2-302. TYPES OF AUTHORITY TO CONTRACT.

Authorization to contract for the ~~city~~ City for the payment of any sum of money may be special or general; provided, however, that special authority must be by vote of the City Council; and provided, further, that general authority may not be given to, or exercised by, any person or persons except the ~~purchasing agent~~ City Manager whose exercise of authority shall in all cases be subject to the approval of the City Council, or a ~~city~~ City officer or employee in the regular and lawful use of a requisition, as hereinafter provided.

Sec. 2-303. PURCHASE OF GOODS.

All goods or materials for use in the administration of any Department of the City ~~except such as may be contracted for or purchased directly by the City Council or by an officer in charge of a department under the provisions of Section 2-305 hereof,~~ shall be contracted for ~~and or~~ and purchased by or through the ~~purchasing agent~~ City Manager and performed in accordance with the purchasing policy adopted by City Council.

~~Sec. 2-304. REQUISITION ORDER AND PROCEDURES.~~

~~Any officer or employee of the city, requiring in the proper performance of his duties or work the purchase of goods or materials for use therein, may apply to the purchasing agent for an order for such goods or materials. On a suitable blank provided therefor, such applicant shall describe the goods or materials required, the price thereof, and shall certify under his hand that the same are necessary for use in his department and are to be used solely for city business, specifying the department for which such requisition is made; whereupon the purchasing agent, in his discretion, shall execute and deliver to the applicant his written order, directed to the seller of such goods or materials, requesting such seller to deliver the same to the applicant for the use of such department and to send the bill for the same, accompanied by said order, to the officer in charge of the department. Such certificates and~~

~~orders shall be executed in triplicate, one copy thereof to be retained by the purchasing agent and one copy thereof to be delivered by him to the officer in charge of said department~~Sec. 2-305. NO REQUISITION NEEDED.

~~—The provisions of this Article shall not relate to any debt or monetary obligation, not exceeding the sum of fifty dollars, created, subject to the approval of the city council, by an officer in charge of a department in the ordinary administration thereof, and within the appropriation previously made to the use of such department by the City Council.~~

Sec. 2-~~306~~304. UNAUTHORIZED OBLIGATIONS.

Any contract made, or debt or monetary obligation created, except as provided in this Article, shall be wholly without force or effect as against the ~~city~~City.

Sec. 2-~~307~~305. PRESENTATION OF CLAIMS.

All persons having accounts or claims against the City shall present the same to the ~~officer in charge of the department in which they arose~~City Manager. When approved by ~~such officer~~the City Manager, and accompanied by a requisition order if for goods or materials sold thereunder, they shall be delivered forthwith to the ~~city~~City treasurer-Clerk and ~~by him presented for presentation~~ to the ~~city~~City Council.

Sec. 2-~~308~~306. WARRANTS, APPROVAL OF WARRANTS.

The ~~city~~City Council-Council may approve a warrant for the payment of any account or claim against the ~~city~~City; but upon the request of any member of the City Council, such account or claim shall be referred to an appropriate committee, or to a special committee, who shall report thereon as soon as practicable.

Sec. 2-~~309~~307. PAYMENTS OF BILLS.

The City Manager, or ~~his~~their designee, may authorize the City Treasurer and Finance Director to make payments for expenses related to contracts, claims and any other expenses provided that such expenses shall be limited by the amount of funds available within the duly approved annual City Budget ~~in accordance with Sec. 2-307 and Sec. 2-308.~~, except as provided otherwise by law.

Sec. 2-~~310~~308. PURCHASING POLICY.

The City Council shall develop and maintain a Purchasing Policy which includes the competitive bid process.

~~CHARTER REFERENCE:—All contracts shall be authorized, T. 3, Sec. 15, 1955 Charter.~~

~~Sec's. 2-311 to 2-399. Reserved.~~

~~Enacted July 22, 1970.~~

~~Amendment enacted December 16, 1992 [Sec's. 2-310 and 2-311 added]. Date of Publication: 1/14/93.~~

~~Effective Date: 1/20/93.~~

~~Amendment enacted July 24, 2002 [Sec. 2-309, new section added]. Date of Publication: 8/8/02.~~

~~Effective~~

~~_____ Date: 8/14/02.~~

~~Amendment enacted October 13, 2005 [Sec. 2-310, COMPETITIVE SEALED BIDS, deleted; Sec. 2-311~~

~~_____ renumbered and renamed Sec. 2-310, PURCHASING POLICY, and rewritten]. Date of~~

~~Publication:~~

~~_____ 10/24/05. Effective Date: 10/30/05.~~

CHAPTER 2
ADMINISTRATION
ARTICLE IV. CITY CLERK

Sec. 2-400. OFFICE HOURS.

The office of the City Clerk shall be open daily, except Saturdays, Sundays and legal holidays.

Sec. 2-401. CUSTODY OF RECORDS.

The records and papers kept or deposited in the City Clerk's Office shall be under the exclusive charge and custody of the City Clerk, and ~~hethey~~ shall be responsible for the safekeeping thereof.

Sec. 2-402. RELEASE OF RECORDS TO CITY OFFICIALS.

Upon giving the City Clerk a receipt therefor, the Mayor, a member of the ~~Board of Aldermen~~ City Council, or the head of any department may temporarily take from the City Clerk's Office such papers or documents as relate to ~~his~~their Department and are necessary for the transaction of ~~city~~City business, except papers or documents required by general law to be kept by the City Clerk.

Sec. 2-403. ACCESS TO VAULT.

No person other than the City Clerk or ~~his~~their assistants shall enter the vault where public records and documents are kept, without the permission of the City Clerk.

Sec. 2-404. EXAMINATION OF RECORDS.

It shall be the duty of the City Clerk to furnish for examination upon all proper occasions, such public records or papers as may be called for to the person who shall apply therefor, and to place such records or papers in a convenient place in ~~his~~their office for examination.

All public records and papers in the charge and custody of the City Clerk shall, if ~~hethey~~ so requires, be consulted and examined in the presence of the City Clerk or one of ~~his~~their assistants.

Sec. 2-405. EXAMINATION OF RECORDS FEE.

The fee for assistance provided individuals searching for records shall be determined from time to time by ~~per the general law resolution of the City Council and shall at no time exceed the amount permitted in Title 32, V.S.A. Section 1671(3).~~ Such fee shall ~~only~~ be ~~payable in cash or check~~paid prior to leaving the office of the City Clerk and will be charged in one-half hour increments.

~~Sec's. 2-406 to 2-499. Reserved.~~

~~Enacted July 22, 1970.~~

~~Amendment enacted November 9, 1988 [Sec. 4-205 added]. Date of Publication: November 21, 1988.~~

~~Effective Date: January 1, 1989.~~

CHAPTER 2
ADMINISTRATION
ARTICLE V. CITY SEAL

Sec. 2-500. DESCRIPTION.

The Seal of the City of Montpelier, Vermont, shall be circular in shape with a rope border, and having in the margin in capital letters and figures the words:

CITY OF MONTPELIER, VT. ORGANIZED MARCH 5, 1895,

and bearing inside the border a representation of the State Capitol. The whole to be arranged substantially according to the representation of the seal set out following this section.



Sec. 2-501. CITY CLERK AS CUSTODIAN.

The City Clerk shall be ex-officio keeper of the city seal, and ~~he is~~they are empowered to affix the same to such papers and instruments as by law are required to bear the seal of the City.

CHAPTER 2
ADMINISTRATION
ARTICLE VI. CITY MANAGER'S DUTIES

~~_____ Sec. 2-600. The duties and authority of the City Manager shall be those set forward in the City Charter and in the general laws of the state.~~~~FUNCTION.~~

~~_____ Manages the effective execution of city policies and legislative enactments; directs and coordinates municipal services and business affairs of the city; and advises and assists the City Council.~~

~~_____ Sec. 2-601. RESPONSIBILITIES.~~

~~_____ The following responsibilities are subject to the provisions of the City Charter, City Ordinances, and other applicable laws. He may delegate to members of his organization appropriate portions of his responsibilities together with commensurate authority for their accomplishment, but he may not delegate or relinquish his overall responsibility and accountability for results.~~

~~_____ Municipal Activities:~~

~~_____ Plans, directs, coordinates, and reviews the services rendered by the various departments under his jurisdiction, and manages, controls, and maintains all city buildings and property.~~

~~_____ Directs control of the public utilities and services provided by private corporation or individuals.~~

~~_____ Develops and recommends a long-range plan of civic development and improvement; reviews and revises this plan as circumstances dictate.~~

~~_____ Develops the annual public works program of the city within the approved long-range plan for approval by the Council; prepares and submits quarterly comparisons of planning and accomplishment.~~

~~_____ Ensures that all ordinances of the city and laws of the state are faithfully enforced.~~

~~_____ Attends meetings of the Council, and meetings of its committees as required.~~

~~_____ Recommends to the Council such measures or action as he deems necessary or desirable, keeping the Council advised of the City's needs.~~

~~_____ Investigate all complaints lodged with or referred to him concerning the administration of the city government and its services, taking appropriate action or recommending action beyond his authority to the Council.~~

~~_____ Sec. 2-601. RESPONSIBILITIES (continued):~~

~~Controls investigative staff activities through the use of documents stating the objective, plan, schedule, and man-days required for the study.~~

~~Secures the services of specialized consultants as needed to determine the proper solution for problems.~~

~~Organization.~~

~~Develops and establishes a plan of organization designed to ensure that each component of the city government within his jurisdiction is a logical, separable, integral part of the whole, having commensurate responsibility, authority, and accountability for results within clearly defined limits; reviews and alters this plan as desirable.~~

~~Adds, alters, or eliminates positions within the organization plan as appropriate, maintaining manpower consistent with needs.~~

~~Prepares or arranges for preparation of organization charts and administrative codes defining the function, responsibilities, authority and relationships of city officials within his jurisdiction, to ensure understanding of such positions and to facilitate effective administration.~~

~~Personnel.~~

~~Appoints and removes city officials and employees within his jurisdiction, except that such responsibility and authority may be delegated to heads of departments and other subordinates.~~

~~Develops and administers equitable schedules for the remuneration of city employees, reviewing and modifying such a schedules as circumstances require.~~

~~Finances.~~

~~Develops and recommends a long-range financial plan for the city, including a forecast of requirements and revenue.~~

~~Prepares and submits an annual budget showing current financial status; anticipated revenue; and estimated operating and capital expenditures, conforming to the approved annual public works program; reviews quarterly and revises as necessary.~~

~~Develops proposals regarding methods for financing city development and improvements.~~

~~Sec. 2-601. RESPONSIBILITIES (continued):~~

~~Directs the City's purchasing activities, establishing and administering appropriate procedures, and ensuring that proper standards of quality and performance are maintained, and shall be purchasing agent or appoint someone in his stead.~~

~~Establishes and administers effective internal controls to safeguard assets against loss through dishonesty or negligence, and no payment of city funds shall be made without his~~

approval.

~~Sec. 2-602. LIMITS OF AUTHORITY.~~

~~Operating and Maintenance Expenditures: Authorizes operating and maintenance expenditures approved in the budget.~~

~~Execution of Contracts: Executes contracts on behalf of the city for the purchase of materials, equipment, and real estate, or for services to be rendered to the city for all items within its authority. Refers contracts beyond his authority to the Council.~~

~~Sale of Real Estate: Recommends the sale of city-owned real estate to the Council.~~

~~Sale of Surplus Materials and Equipment: Authorizes the sale of materials and equipment which he determines to be surplus to the needs of the city where a single item or lot does not exceed \$1,000 in book value. Recommends sale or other disposition of items beyond his authority to the Council.~~

~~Expense Reports: Approves expense reports of all city officials and employees, except his own, which will be approved by the Council.~~

~~Bank Accounts: Authorizes opening and closing of bank accounts and transfers of city funds between accounts as necessary for the conduct of city business. Authorizes signatures on checks on city accounts and any necessary changes.~~

~~Public Relations and Advertising: Authorizes expenditures approved in the budget.~~

~~Memberships in Outside Organizations: Authorizes payment of dues and initiation fees as approved in the budget.~~

~~Outside Consultants: Authorizes payment for consulting services approved in the budget.~~

~~CHARTER REFERENCE: City Manager has some of the Chief Executive duties of Mayor, T. 3,~~

~~Sec. 3 of 1955 Charter.~~

~~Sec. 2-603. RELATIONSHIP TO CITY COUNCIL.~~

~~Reports and is accountable to the City Council. Advises, consults with, and informs the City Council on policy matters affecting the city, making regular or special reports to the Council as required, or as he deems necessary.~~

~~Sec. 2-604. RELATIONSHIP TO OTHER GOVERNMENTAL AGENCIES.~~

~~Maintains liaison with other city officials, and with other municipal, county, state, and federal government agencies to ensure proper coordination of activities.~~

~~Sec. 2-605. RELATIONSHIP TO GENERAL PUBLIC.~~

~~Meets with private citizens and business, civic, charitable, fraternal, and labor organizations seeking information or making suggestions or complaints; investigates and disposes of such matters to the best advantage of all parties concerned. Meets with representatives of the press and radio; prepares news releases and other informative materials for publication.~~

~~Sec. 2-606. RELATIONSHIP TO OTHER ORGANIZATIONS.~~

~~Maintains membership in, or appropriate relationships with, professional, civic, and governmental associations and organizations.~~

~~CHARTER REFERENCE: City Manager, T. 15, Sec. 1 et seq.; Head of Administrative Branch, T. 15, Sec. 12; 1955 Charter.~~

~~STATE LAW REFERENCE: City Managers, V.S.A., T. 24, Sec. 1231 et seq.~~

~~Sec's. 2-607 to 2-699. Reserved~~

~~Enacted July 22, 1970.~~

~~Amendment enacted February 10, 1971 (Sec. 2-602.)~~

~~Amendment enacted February 25, 1987 [Sec. 2-602, (a) and (i) rewritten]. Date of Publication: 3/5/87. Effective Date: 3/11/87.~~

~~Amendment enacted October 12, 1994 [Sec. 2-602, (a), amount increased]. Date of Publication: 2/04/95. Effective Date: 2/10/95.~~

~~Amendment enacted October 13, 2005 [Sec. 2-602, (a) deleted; remainder of section re-lettered]. Date of Publication: 10/24/05. Effective Date: 10/30/05.~~

CHAPTER 2
ADMINISTRATION
ARTICLE VIII. USE OF CITY HALL

Sec. 2-800. PURPOSE.

To establish administrative procedures to regulate the use of City Hall by the public and to require a permit for such use.

Sec. 2-801. ADMINISTRATION.

(a) The City Council, directly or through a delegated person, or their Agent shall administer the provisions of this ordinance that pertain to the use of the City Hall Auditorium Arts Center. All other provisions of this ordinance shall be administered by the City Manager.

(b) ~~The Agent may receive a~~ percentage of the rental fees and/or use of space and/or other consideration approved by the City Council may be paid to a person in exchange for administering and overseeing usage of the City Hall Auditorium Arts Center. The City Hall Auditorium Improvement Fund shall receive the remainder.

Sec. 2-802. PERMITTED USES.

The City Hall, or any part thereof, including the land owned by the City and contiguous to the land which the building occupies, may be utilized for any lawful use that will not be injurious to the property or individuals. The determination of lawful use shall be made by the City Manager. The possession, sale or consumption of alcoholic beverages upon or within any part of City Hall may be permitted only under specific City Council approval, and subject to such conditions and restrictions as the City Council may impose.

Sec. 2-803. RENTAL.

The City Council shall adopt, by resolution, a policy and procedure for rental of the City Hall Arts Center including security deposit, liability, insurance and terms and conditions of use. This resolution may be amended periodically as needed. Such resolution, policy and procedure shall be implemented and applied in a non-preferential and non-discriminatory matter.

Sec. 2-804. RENTAL FEES.

The City Council, by resolution or policy, may adopt fees for the use of the City Hall Arts Center. Fees may be assessed for uses including, but ~~not~~ be limited to, rehearsal, workshops/classes, performances and meetings. Fees may include use of technical equipment or personnel. The Council may waive or reduce fees at its discretion subject to any criteria for such waiver or reduction as may be included in the fee resolution.

Sec. 2-805. RENTAL FEES (MEMORIAL ROOM).

(a) The rental fee for the use of the City Hall Memorial Room shall be established by City Council resolution or policy, and must be paid in advance to the City Clerk.

(b) All rental fees imposed under this section shall be payable in advance. At the discretion of the City Manager, fees and charges imposed under Sec. 2-806 may be secured by deposit or bond.

(c) The City Manager or their designee is granted the right to waive any rental fee for Montpelier resident-initiated community events ~~community uses which are not directly or indirectly marketing~~ and community uses which provide a direct public benefit to Montpelier residents. Organizations which can only demonstrate indirect benefits by regional or statewide activities may be granted a waiver by the City Council at the Council's discretion.

Sec. 2-806. MAINTENANCE, POLICE AND FIRE SERVICES.

The fees for police and fire services shall be at the rates established by the City of Montpelier Personnel Plan and Union Contracts. The Agent shall advise the applicant or ~~his/her~~their Agent to make arrangements with the Building Inspector and Chief of Police (or designee) for these services. The maintenance fee shall be established by City Council resolution or policy.

Sec. 2-807. LIABILITY.

Permits shall be subject to the conditions that the permittee shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless and name the City as an additional insured in all things relating to the exercise of such permit; and such conditions shall be obligatory upon permittees without other notice than that to be implied from this section. This section can be appealed as detailed in Section 2-808.

Sec. 2-808. APPEALS.

Applicants shall have the right to appeal the decision of ~~the Agent~~a person delegated under Sec. 2-801 or the City Manager to the City Council. This appeal should be in writing and addressed to the City Manager for inclusion on the agenda for a regularly scheduled meeting. It should be presented to the City Manager's Office at least seven (7) days prior to the meeting during which it will be discussed.

Sec. 2-80~~90~~. ELECTIONS, OFFICIAL MUNICIPAL MEETINGS.

Nothing contained in this ordinance shall preclude the right of the City Council, City Clerk or City Manager from continuing to schedule elections, municipal meetings or other official City business, free of charge, and in lieu of other previously approved events, if emergency circumstances dictate. It is the responsibility of the City to schedule such events as far into the future as possible and to notify the Agent as quickly as possible if emergency circumstances dictate such a change in the schedule.

~~Enacted April 8, 1970.~~

~~Amendment enacted August 23, 1972 [Sec's. 2-805 and 2-806; and as Article VIII].~~

~~Amendment enacted January 23, 1980 [Sec. 2-806 rewritten]. Date of Publication: 1/30/80. Effective Date: 2/05/80.~~

~~Amendment enacted February 25, 1981 [Sec's. 2-805 and 2-808 rewritten]. Date of Publication: 3/04/81.~~

~~Effective Date: 3/11/81.~~

~~Amendment enacted August 11, 1982 [Sec's. 2-803 and 2-805 rewritten]. Date of Publication: 8/18/82.~~

~~Effective Date: 8/25/82.~~

~~Amendment enacted March 14, 1984 [Sec. 2-805(a) and (b) rescinded; new (a) and (b) substituted.~~

~~Date of Publication: 9/16/85. Effective Date: 9/23/85.~~

~~Amendment enacted June 8, 1988 [Sec. 2-805 rewritten]. Date of Publication: 6/20/88. Effective~~

~~Date: 9/19/88.~~

~~Amendment enacted March 28, 1990 [Sec. 2-805A inserted]. Date of Publication: 4/09/90. Effective~~

~~Date: 7/01/90.~~

~~Amendment enacted September 26, 1990 [Sec. 2-801 rewritten; Sec. 2-803 (a), (b) and (c) rewritten;~~

~~Section 2-804 (a) and (c) rewritten; Sec. 2-805 (a), (b), (c), (d), and (e) rewritten and new~~

~~Subsections (f), (g) and (h) added; Sec's. 2-806 and 2-808 rewritten; and a new Sec. 2-809 added].~~

~~Date of Publication: 10/04/90. Effective Date: 10/10/90.~~

~~Amendment enacted 3/13/91 [Sec's. 2-805(c) and (g), 2-806 and 2-807 rewritten]. Date of Publication:~~

~~3/25/91. Effective Date: 4/01/91.~~

~~Amendment enacted May 12, 2010 [Entire ARTICLE VIII. rewritten]. Date of Publication: 5/20/10.~~

~~Effective Date: 5/26/10.~~

CHAPTER 2
ADMINISTRATION
ARTICLE IX. STANDARDS OF CONDUCT

Sec. 2-900. PURPOSE.

To establish standards of conduct relative to the expenditure of federal grant funds and contracts relative thereto.

Sec. 2-901. PROSCRIBED CONDUCT.

No officer, employee or agent of the City shall solicit or accept any gratuity, favor or thing of monetary value from any actual or potential contractor, vendor, provider or supplier in connection with the procurement or expenditure of federal grant funds by the City or any agency thereof. No actual or potential contractor, vendor, provider, or supplier, nor any officer, employee or agent thereof, shall offer or give any gratuity, favor or thing of monetary value to any officer, employee or agent of the City in exchange for preferential treatment regarding the expenditure of federal grant funds. The prohibition contained herein shall be in addition to the practices proscribed by Sec. 2-709 of this Code, and not in limitation thereof.

Sec. 2-902. CONTRACT PROCUREMENT.

All procurement transactions involving the expenditure of federal grant funds by the City or any agency thereof, regardless of whether the same are negotiated or advertised, and without regard to monetary value thereof, shall be conducted in such a manner so as to provide open and free competition. No officer, employee or agent of the City or any agency thereof shall participate with any actual or potential contractor, vendor, provider or supplier of goods or services under any project or program funded in whole or in part by federal grant funds in any noncompetitive practice which may restrict or eliminate competition or otherwise restrain trade.

Sec. 2-903. PENALTIES.

Any person who shall violate this Article shall be punished as provided in Sec. 1-9 of this Code. In addition, any employee of the City who shall violate this Article shall be subject to demotion, suspension or dismissal as provided in Sec. 2-719 of this Code. ~~Sec's. 2-904 to 2-999. Reserved.~~

Sec. 2-904. CITY COUNCIL.

The City Council shall establish rules and policies relating to the appointment of City officers, employees, and residents as City representatives to public and private organizations.

~~Enacted July 12, 1978.~~

~~Effective six days after publication. Date of Publication: 7/19/78. Effective Date: July 26, 1978.~~

CHAPTER 2
ADMINISTRATION
ARTICLE I. COMMITTEES OF THE CITY COUNCIL

Sec. 2-1. APPOINTMENT OF COMMITTEES.

Annually, the Mayor shall appoint from the members of the Council such committees as may be necessary for the proper conduct of business of the Council.

Sec. 2-2. DUTIES AND REPORTS.

Committees shall periodically report to the Council at a mutually agreed upon City Council meeting on such matters as may be assigned to them.

CHAPTER 2
ADMINISTRATION
ARTICLE II. OFFICIAL BONDS.

Sec. 2-200. OFFICERS TO BE BONDED.

As required by the Charter or the general law, City officers shall give bonds to the City for the faithful discharge of their respective duties or the City Manager may contract for one blanket bond to cover all City officials and employees required to furnish bonds.

Sec. 2-201. AMOUNT OF BONDS.

The bonds required by the charter and by the preceding section shall be in the penal sums of no less than the following, to wit, or in a blanket amount as determined by the City Manager:

- City Clerk, in the sum of two thousand dollars;
- City Treasurer, in the sum of twenty thousand dollars;
- Chief of Police, in the sum of one thousand dollars

Sec. 2-202. INSOLVENCY OF SURETY.

In case of the death, insolvency, or dissolution of any surety on the bond of any City officer, or the non-renewal or cancellation of such bond, such officer shall forthwith give a new bond, with sureties satisfactory to the City Council.

Sec. 2-203. DEPOSIT OF OFFICIAL BONDS.

The bonds of all city officers shall, when approved by the City Council, be deposited with and safely kept by the City Clerk.

CHAPTER 2
ADMINISTRATION
ARTICLE III. PURCHASING

Sec. 2-300. PURCHASING AGENT.

The City Manager, ex officio, shall be the purchasing agent of the City.

Sec. 2-301. AUTHORITY TO CONTRACT.

No person, whether an officer or employee of the City or otherwise, whether acting or pretending to act for the City, in any capacity whatever, shall make any contract binding the City for the payment of any sum of money or create any debt or monetary obligation against the City, unless they have been previously lawfully authorized thereunto by the City Council.

Sec. 2-302. TYPES OF AUTHORITY TO CONTRACT.

Authorization to contract for the City for the payment of any sum of money may be special or general; provided, however, that special authority must be by vote of the City Council; and provided, further, that general authority may not be given to, or exercised by, any person or persons except the City Manager whose exercise of authority shall in all cases be subject to the approval of the City Council, or a City officer or employee in the regular and lawful use of a requisition, as hereinafter provided.

Sec. 2-303. PURCHASE OF GOODS.

All goods or materials for use in the administration of any Department of the City shall be contracted for or purchased by or through the City Manager.

Sec. 2-304. UNAUTHORIZED OBLIGATIONS.

Any contract made, or debt or monetary obligation created, except as provided in this Article, shall be wholly without force or effect as against the City.

Sec. 2-305. PRESENTATION OF CLAIMS.

All persons having accounts or claims against the City shall present the same to the City Manager. When approved by the City Manager, and accompanied by a requisition order if for goods or materials sold thereunder, they shall be delivered forthwith to the City Clerk for presentation to the City Council.

Sec. 2-306. WARRANTS, APPROVAL OF WARRANTS.

The City Council may approve a warrant for the payment of any account or claim against the City; but upon the request of any member of the City Council, such account or claim shall be referred to

an appropriate committee, or to a special committee, who shall report thereon as soon as practicable.

Sec. 2-307. PAYMENTS OF BILLS.

The City Manager, or their designee, may authorize the City Treasurer and Finance Director to make payments for expenses related to contracts, claims and any other expenses provided that such expenses shall be limited by the amount of funds available within the duly approved annual City Budget, except as provided otherwise by law.

Sec. 2-308. PURCHASING POLICY.

The City Council shall develop and maintain a Purchasing Policy which includes the competitive bid process.

CHAPTER 2
ADMINISTRATION
ARTICLE IV. CITY CLERK

Sec. 2-400. OFFICE HOURS.

The office of the City Clerk shall be open daily, except Saturdays, Sundays and legal holidays.

Sec. 2-401. CUSTODY OF RECORDS.

The records and papers kept or deposited in the City Clerk's Office shall be under the exclusive charge and custody of the City Clerk, and they shall be responsible for the safekeeping thereof.

Sec. 2-402. RELEASE OF RECORDS TO CITY OFFICIALS.

Upon giving the City Clerk a receipt therefor, the Mayor, a member of the City Council, or the head of any department may temporarily take from the City Clerk's Office such papers or documents as relate to their Department and are necessary for the transaction of City business, except papers or documents required by general law to be kept by the City Clerk.

Sec. 2-403. ACCESS TO VAULT.

No person other than the City Clerk or their assistants shall enter the vault where public records and documents are kept, without the permission of the City Clerk.

Sec. 2-404. EXAMINATION OF RECORDS.

It shall be the duty of the City Clerk to furnish for examination upon all proper occasions, such public records or papers as may be called for to the person who shall apply therefor, and to place such records or papers in a convenient place in their office for examination.

All public records and papers in the charge and custody of the City Clerk shall, if they so require, be consulted and examined in the presence of the City Clerk or one of their assistants.

Sec. 2-405. EXAMINATION OF RECORDS FEE.

The fee for assistance provided individuals searching for records shall be determined from time to time by per the general law. Such fee shall only be payable in cash or check prior to leaving the office of the City Clerk and will be charged in one-half hour increments.

CHAPTER 2
ADMINISTRATION
ARTICLE V. CITY SEAL

Sec. 2-500. DESCRIPTION.

The Seal of the City of Montpelier, Vermont, shall be circular in shape with a rope border, and having in the margin in capital letters and figures the words:

CITY OF MONTPELIER, VT. ORGANIZED MARCH 5, 1895,

and bearing inside the border a representation of the State Capitol. The whole to be arranged substantially according to the representation of the seal set out following this section.



Sec. 2-501. CITY CLERK AS CUSTODIAN.

The City Clerk shall be ex-officio keeper of the city seal, and they are empowered to affix the same to such papers and instruments as by law are required to bear the seal of the City.

CHAPTER 2
ADMINISTRATION
ARTICLE VI. CITY MANAGER'S DUTIES

Sec. 2-600. The duties and authority of the City Manager shall be those set forward in the City Charter and in the general laws of the state.

CHAPTER 2
ADMINISTRATION
ARTICLE VIII. USE OF CITY HALL

Sec. 2-800. PURPOSE.

To establish administrative procedures to regulate the use of City Hall by the public and to require a permit for such use.

Sec. 2-801. ADMINISTRATION.

(a) The City Council, directly or through a delegated person, shall administer the provisions of this ordinance that pertain to the use of the City Hall Auditorium Arts Center. All other provisions of this ordinance shall be administered by the City Manager.

(b) A percentage of the rental fees and/or use of space and/or other consideration approved by the City Council may be paid to a person in exchange for administering and overseeing usage of the City Hall Auditorium Arts Center. The City Hall Auditorium Improvement Fund shall receive the remainder.

Sec. 2-802. PERMITTED USES.

The City Hall, or any part thereof, including the land owned by the City and contiguous to the land which the building occupies, may be utilized for any lawful use that will not be injurious to the property or individuals. The determination of lawful use shall be made by the City Manager. The possession, sale or consumption of alcoholic beverages upon or within any part of City Hall may be permitted only under specific City Council approval, and subject to such conditions and restrictions as the City Council may impose.

Sec. 2-803. RENTAL.

The City Council shall adopt, by resolution, a policy and procedure for rental of the City Hall Arts Center including security deposit, liability, insurance and terms and conditions of use. This resolution may be amended periodically as needed. Such resolution, policy and procedure shall be implemented and applied in a non-preferential and non-discriminatory matter.

Sec. 2-804. RENTAL FEES.

The City Council, by resolution or policy, may adopt fees for the use of the City Hall Arts Center. Fees may be assessed for uses including, but not be limited to, rehearsal, workshops/classes, performances and meetings. Fees may include use of technical equipment or personnel. The Council may waive or reduce fees at its discretion subject to any criteria for such waiver or reduction as may be included in the fee resolution.

Sec. 2-805. RENTAL FEES (MEMORIAL ROOM).

(a) The rental fee for the use of the City Hall Memorial Room shall be established by City Council resolution or policy, and must be paid in advance to the City Clerk.

(b) All rental fees imposed under this section shall be payable in advance. At the discretion of the City Manager, fees and charges imposed under Sec. 2-806 may be secured by deposit or bond.

(c) The City Manager or their designee is granted the right to waive any rental fee for Montpelier resident-initiated community events and community uses which provide a direct public benefit to Montpelier residents. Organizations which can only demonstrate indirect benefits by regional or statewide activities may be granted a waiver by the City Council at the Council's discretion.

Sec. 2-806. MAINTENANCE, POLICE AND FIRE SERVICES.

The fees for police and fire services shall be at the rates established by the City of Montpelier Personnel Plan and Union Contracts. The Agent shall advise the applicant or their Agent to make arrangements with the Building Inspector and Chief of Police (or designee) for these services. The maintenance fee shall be established by City Council resolution or policy.

Sec. 2-807. LIABILITY.

Permits shall be subject to the conditions that the permittee shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless and name the City as an additional insured in all things relating to the exercise of such permit; and such conditions shall be obligatory upon permittees without other notice than that to be implied from this section. This section can be appealed as detailed in Section 2-808.

Sec. 2-808. APPEALS.

Applicants shall have the right to appeal the decision of a person delegated under Sec. 2-801 or the City Manager to the City Council. This appeal should be in writing and addressed to the City Manager for inclusion on the agenda for a regularly scheduled meeting. It should be presented to the City Manager's Office at least seven (7) days prior to the meeting during which it will be discussed.

Sec. 2-809. ELECTIONS, OFFICIAL MUNICIPAL MEETINGS.

Nothing contained in this ordinance shall preclude the right of the City Council, City Clerk or City Manager from continuing to schedule elections, municipal meetings or other official City business, free of charge, and in lieu of other previously approved events, if emergency circumstances dictate. It is the responsibility of the City to schedule such events as far into the future as possible and to notify the Agent as quickly as possible if emergency circumstances dictate such a change in the schedule.

CHAPTER 2
ADMINISTRATION
ARTICLE IX. STANDARDS OF CONDUCT

Sec. 2-900. PURPOSE.

To establish standards of conduct relative to the expenditure of federal grant funds and contracts relative thereto.

Sec. 2-901. PROSCRIBED CONDUCT.

No officer, employee or agent of the City shall solicit or accept any gratuity, favor or thing of monetary value from any actual or potential contractor, vendor, provider or supplier in connection with the procurement or expenditure of federal grant funds by the City or any agency thereof. No actual or potential contractor, vendor, provider, or supplier, nor any officer, employee or agent thereof, shall offer or give any gratuity, favor or thing of monetary value to any officer, employee or agent of the City in exchange for preferential treatment regarding the expenditure of federal grant funds. The prohibition contained herein shall be in addition to the practices proscribed by Sec. 2-709 of this Code, and not in limitation thereof.

Sec. 2-902. CONTRACT PROCUREMENT.

All procurement transactions involving the expenditure of federal grant funds by the City or any agency thereof, regardless of whether the same are negotiated or advertised, and without regard to monetary value thereof, shall be conducted in such a manner so as to provide open and free competition. No officer, employee or agent of the City or any agency thereof shall participate with any actual or potential contractor, vendor, provider or supplier of goods or services under any project or program funded in whole or in part by federal grant funds in any noncompetitive practice which may restrict or eliminate competition or otherwise restrain trade.

Sec. 2-903. PENALTIES.

Any person who shall violate this Article shall be punished as provided in Sec. 1-9 of this Code. In addition, any employee of the City who shall violate this Article shall be subject to demotion, suspension or dismissal as provided in Sec. 2-719 of this Code.

Sec. 2-904. CITY COUNCIL.

The City Council shall establish rules and policies relating to the appointment of City officers, employees, and residents as City representatives to public and private organizations.

CHAPTER 2
ADMINISTRATION
ARTICLE I. COMMITTEES OF THE CITY COUNCIL

Sec. 2-1. APPOINTMENT OF COMMITTEES.

Annually, the Mayor shall appoint from the members of the Council such committees as may be necessary for the proper conduct of business of the Council.

Sec. 2-2. DUTIES AND REPORTS.

Committees shall periodically report to the Council at a mutually agreed upon City Council meeting on such matters as may be assigned to them.

CHAPTER 2
ADMINISTRATION
ARTICLE II. OFFICIAL BONDS.

Sec. 2-200. OFFICERS TO BE BONDED.

As required by the Charter or the general law, City officers shall give bonds to the City for the faithful discharge of their respective duties or the City Manager may contract for one blanket bond to cover all City officials and employees required to furnish bonds.

Sec. 2-201. AMOUNT OF BONDS.

The bonds required by the charter and by the preceding section shall be in the penal sums of no less than the following, to wit, or in a blanket amount as determined by the City Manager:

- City Clerk, in the sum of two thousand dollars;
- City Treasurer, in the sum of twenty thousand dollars;
- Chief of Police, in the sum of one thousand dollars

Sec. 2-202. INSOLVENCY OF SURETY.

In case of the death, insolvency, or dissolution of any surety on the bond of any City officer, or the non-renewal or cancellation of such bond, such officer shall forthwith give a new bond, with sureties satisfactory to the City Council.

Sec. 2-203. DEPOSIT OF OFFICIAL BONDS.

The bonds of all city officers shall, when approved by the City Council, be deposited with and safely kept by the City Clerk.

CHAPTER 2
ADMINISTRATION
ARTICLE III. PURCHASING

Sec. 2-300. PURCHASING AGENT.

The City Manager, ex officio, shall be the purchasing agent of the City.

Sec. 2-301. AUTHORITY TO CONTRACT.

No person, whether an officer or employee of the City or otherwise, whether acting or pretending to act for the City, in any capacity whatever, shall make any contract binding the City for the payment of any sum of money or create any debt or monetary obligation against the City, unless they have been previously lawfully authorized thereunto by the City Council.

Sec. 2-302. TYPES OF AUTHORITY TO CONTRACT.

Authorization to contract for the City for the payment of any sum of money may be special or general; provided, however, that special authority must be by vote of the City Council; and provided, further, that general authority may not be given to, or exercised by, any person or persons except the City Manager whose exercise of authority shall in all cases be subject to the approval of the City Council, or a City officer or employee in the regular and lawful use of a requisition, as hereinafter provided.

Sec. 2-303. PURCHASE OF GOODS.

All goods or materials for use in the administration of any Department of the City shall be contracted for or purchased by or through the City Manager and performed in accordance with the purchasing policy adopted by City Council.

Sec. 2-304. UNAUTHORIZED OBLIGATIONS.

Any contract made, or debt or monetary obligation created, except as provided in this Article, shall be wholly without force or effect as against the City.

Sec. 2-305. PRESENTATION OF CLAIMS.

All persons having accounts or claims against the City shall present the same to the City Manager. When approved by the City Manager, and accompanied by a requisition order if for goods or materials sold thereunder, they shall be delivered forthwith to the City Clerk for presentation to the City Council.

Sec. 2-306. WARRANTS, APPROVAL OF WARRANTS.

The City Council may approve a warrant for the payment of any account or claim against the

City; but upon the request of any member of the City Council, such account or claim shall be referred to an appropriate committee, or to a special committee, who shall report thereon as soon as practicable.

Sec. 2-307. PAYMENTS OF BILLS.

The City Manager, or their designee, may authorize the City Treasurer and Finance Director to make payments for expenses related to contracts, claims and any other expenses provided that such expenses shall be limited by the amount of funds available within the duly approved annual City Budget, except as provided otherwise by law.

Sec. 2-308. PURCHASING POLICY.

The City Council shall develop and maintain a Purchasing Policy which includes the competitive bid process.

CHAPTER 2
ADMINISTRATION
ARTICLE IV. CITY CLERK

Sec. 2-400. OFFICE HOURS.

The office of the City Clerk shall be open daily, except Saturdays, Sundays and legal holidays.

Sec. 2-401. CUSTODY OF RECORDS.

The records and papers kept or deposited in the City Clerk's Office shall be under the exclusive charge and custody of the City Clerk, and they shall be responsible for the safekeeping thereof.

Sec. 2-402. RELEASE OF RECORDS TO CITY OFFICIALS.

Upon giving the City Clerk a receipt therefor, the Mayor, a member of the City Council, or the head of any department may temporarily take from the City Clerk's Office such papers or documents as relate to their Department and are necessary for the transaction of City business, except papers or documents required by general law to be kept by the City Clerk.

Sec. 2-403. ACCESS TO VAULT.

No person other than the City Clerk or their assistants shall enter the vault where public records and documents are kept, without the permission of the City Clerk.

Sec. 2-404. EXAMINATION OF RECORDS.

It shall be the duty of the City Clerk to furnish for examination upon all proper occasions, such public records or papers as may be called for to the person who shall apply therefor, and to place such records or papers in a convenient place in their office for examination.

All public records and papers in the charge and custody of the City Clerk shall, if they so require, be consulted and examined in the presence of the City Clerk or one of their assistants.

Sec. 2-405. EXAMINATION OF RECORDS FEE.

The fee for assistance provided individuals searching for records shall be determined from time to time by per the general law. Such fee shall be paid prior to leaving the office of the City Clerk and will be charged in one-half hour increments.

CHAPTER 2
ADMINISTRATION
ARTICLE V. CITY SEAL

Sec. 2-500. DESCRIPTION.

The Seal of the City of Montpelier, Vermont, shall be circular in shape with a rope border, and having in the margin in capital letters and figures the words:

CITY OF MONTPELIER, VT. ORGANIZED MARCH 5, 1895,

and bearing inside the border a representation of the State Capitol. The whole to be arranged substantially according to the representation of the seal set out following this section.



Sec. 2-501. CITY CLERK AS CUSTODIAN.

The City Clerk shall be ex-officio keeper of the city seal, and they are empowered to affix the same to such papers and instruments as by law are required to bear the seal of the City.

CHAPTER 2
ADMINISTRATION
ARTICLE VI. CITY MANAGER'S DUTIES

Sec. 2-600. The duties and authority of the City Manager shall be those set forward in the City Charter and in the general laws of the state.

CHAPTER 2
ADMINISTRATION
ARTICLE VIII. USE OF CITY HALL

Sec. 2-800. PURPOSE.

To establish administrative procedures to regulate the use of City Hall by the public and to require a permit for such use.

Sec. 2-801. ADMINISTRATION.

(a) The City Council, directly or through a delegated person, shall administer the provisions of this ordinance that pertain to the use of the City Hall Auditorium Arts Center. All other provisions of this ordinance shall be administered by the City Manager.

(b) A percentage of the rental fees and/or use of space and/or other consideration approved by the City Council may be paid to a person in exchange for administering and overseeing usage of the City Hall Auditorium Arts Center. The City Hall Auditorium Improvement Fund shall receive the remainder.

Sec. 2-802. PERMITTED USES.

The City Hall, or any part thereof, including the land owned by the City and contiguous to the land which the building occupies, may be utilized for any lawful use that will not be injurious to the property or individuals. The determination of lawful use shall be made by the City Manager. The possession, sale or consumption of alcoholic beverages upon or within any part of City Hall may be permitted only under specific City Council approval, and subject to such conditions and restrictions as the City Council may impose.

Sec. 2-803. RENTAL.

The City Council shall adopt, by resolution, a policy and procedure for rental of the City Hall Arts Center including security deposit, liability, insurance and terms and conditions of use. This resolution may be amended periodically as needed. Such resolution, policy and procedure shall be implemented and applied in a non-preferential and non-discriminatory matter.

Sec. 2-804. RENTAL FEES.

The City Council, by resolution or policy, may adopt fees for the use of the City Hall Arts Center. Fees may be assessed for uses including, but not be limited to, rehearsal, workshops/classes, performances and meetings. Fees may include use of technical equipment or personnel. The Council may waive or reduce fees at its discretion subject to any criteria for such waiver or reduction as may be included in the fee resolution.

Sec. 2-805. RENTAL FEES (MEMORIAL ROOM).

(a) The rental fee for the use of the City Hall Memorial Room shall be established by City Council resolution or policy, and must be paid in advance to the City Clerk.

(b) All rental fees imposed under this section shall be payable in advance. At the discretion of the City Manager, fees and charges imposed under Sec. 2-806 may be secured by deposit or bond.

(c) The City Manager or their designee is granted the right to waive any rental fee for Montpelier resident-initiated community events and community uses which provide a direct public benefit to Montpelier residents. Organizations which can only demonstrate indirect benefits by regional or statewide activities may be granted a waiver by the City Council at the Council's discretion.

Sec. 2-806. MAINTENANCE, POLICE AND FIRE SERVICES.

The fees for police and fire services shall be at the rates established by the City of Montpelier Personnel Plan and Union Contracts. The Agent shall advise the applicant or their Agent to make arrangements with the Building Inspector and Chief of Police (or designee) for these services. The maintenance fee shall be established by City Council resolution or policy.

Sec. 2-807. LIABILITY.

Permits shall be subject to the conditions that the permittee shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless and name the City as an additional insured in all things relating to the exercise of such permit; and such conditions shall be obligatory upon permittees without other notice than that to be implied from this section. This section can be appealed as detailed in Section 2-808.

Sec. 2-808. APPEALS.

Applicants shall have the right to appeal the decision of a person delegated under Sec. 2-801 or the City Manager to the City Council. This appeal should be in writing and addressed to the City Manager for inclusion on the agenda for a regularly scheduled meeting. It should be presented to the City Manager's Office at least seven (7) days prior to the meeting during which it will be discussed.

Sec. 2-809. ELECTIONS, OFFICIAL MUNICIPAL MEETINGS.

Nothing contained in this ordinance shall preclude the right of the City Council, City Clerk or City Manager from continuing to schedule elections, municipal meetings or other official City business, free of charge, and in lieu of other previously approved events, if emergency circumstances dictate. It is the responsibility of the City to schedule such events as far into the future as possible and to notify the Agent as quickly as possible if emergency circumstances dictate such a change in the schedule.

CHAPTER 2
ADMINISTRATION
ARTICLE IX. STANDARDS OF CONDUCT

Sec. 2-900. PURPOSE.

To establish standards of conduct relative to the expenditure of federal grant funds and contracts relative thereto.

Sec. 2-901. PROSCRIBED CONDUCT.

No officer, employee or agent of the City shall solicit or accept any gratuity, favor or thing of monetary value from any actual or potential contractor, vendor, provider or supplier in connection with the procurement or expenditure of federal grant funds by the City or any agency thereof. No actual or potential contractor, vendor, provider, or supplier, nor any officer, employee or agent thereof, shall offer or give any gratuity, favor or thing of monetary value to any officer, employee or agent of the City in exchange for preferential treatment regarding the expenditure of federal grant funds. The prohibition contained herein shall be in addition to the practices proscribed by Sec. 2-709 of this Code, and not in limitation thereof.

Sec. 2-902. CONTRACT PROCUREMENT.

All procurement transactions involving the expenditure of federal grant funds by the City or any agency thereof, regardless of whether the same are negotiated or advertised, and without regard to monetary value thereof, shall be conducted in such a manner so as to provide open and free competition. No officer, employee or agent of the City or any agency thereof shall participate with any actual or potential contractor, vendor, provider or supplier of goods or services under any project or program funded in whole or in part by federal grant funds in any noncompetitive practice which may restrict or eliminate competition or otherwise restrain trade.

Sec. 2-903. PENALTIES.

Any person who shall violate this Article shall be punished as provided in Sec. 1-9 of this Code. In addition, any employee of the City who shall violate this Article shall be subject to demotion, suspension or dismissal as provided in Sec. 2-719 of this Code.

Sec. 2-904. CITY COUNCIL.

The City Council shall establish rules and policies relating to the appointment of City officers, employees, and residents as City representatives to public and private organizations.



CITY COUNCIL Agenda Item #19-169

Date: May 22, 2019

Consent__ **Discussion** **X**

SUBJECT: Ordinance Amendments, Chapter 3, 1st public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 1st Public Reading of the proposed amendments to Chapter 3 of the Code of Ordinances. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: A complete review of the City's Code of Ordinances was noted as a priority initiative of the City Council at their last Strategic Planning retreat. The purpose of this review is to amend or repeal outdated ordinances and those with lack of resources to enforce; add gender inclusive language (staff researched and reached out to Outright Vermont for assistance); where possible, add restorative processes option in the event of violation; undergo a legal review; and a general clean-up.

SUPPORTING DOCUMENTS: Chapter 3 of the Code of Ordinances with proposed amendments

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

CHAPTER 3
PUBLIC WORKS
ARTICLE I. DIRECTOR OF PUBLIC WORKS

Sec. 3-1. GENERAL DUTIES.

~~The duties and authority of the Director of Public Works shall be those set forward in the City Charter. The director of public works shall be the head of the department of public works and shall also be the commissioner of streets, water and sewers. He shall provide for the surveys of public streets, water works, sewers, and grounds of the city, and the plans and specifications for the construction, improvement, and repair thereof, and shall keep proper records of all surveys, plans, and specifications. In addition, it shall be the duty of the director to perform such other duties as may be required by the city manager, and to act as a consultant to the City Council and all other boards, committees, commissions, and offices created by authority of the City Charter for which he shall receive no additional compensation.~~

~~Sec. 3-2. ACCOUNT OF EXPENDITURES.~~

~~————The director of public works shall keep detailed accounts of the expenditures of the public works department, which shall show at all times the amount expended under each appropriation for the department of public works.~~

~~Sec. 3-3. MONTHLY WORK REPORTS.~~

~~————The director of public works shall prepare and submit a monthly report to the city manager of all expenditures and work done by each division of the public works department.~~

~~Sec. 3-4. ADVICE TO CITY MANAGER.~~

~~————It shall be the duty of the director of public works to advise the city manager on matters and questions relating to all public works improvements.~~

~~Sec. 3-5. PRESERVATION OF RECORDS.~~

~~————The director of public works shall preserve in the public works office, or in the office of the city clerk, all books, plats, plans, surveys, specifications, notes, memoranda, estimates, and other papers and files required for the use or work of his department, and the same shall be the property of the city.~~

~~Sec. 3-6. BRIDGE INSPECTION.~~

~~————The director of public works shall provide for continuing inspection of all bridges and culverts in the city to insure their repair and adequacy to carry and bear legal load limits and shall prepare once each year and file a written bridge inspection report on each structure with the city manager who shall report the findings to the City Council.~~

~~Sec. 3-7. PLOTS AND RECORDS ALL UNDERGROUND CONSTRUCTION.~~

~~————The director of public works shall establish the proper location for the installation of water or~~

sewer pipes in any street or public place, and shall have the location of said pipes plotted on a map to be kept in the public works office. The subsequent installation of said pipe, or other construction shall be constructed in accordance with the plotted map and as directed by the director of public works. The director of public works shall insure that adequate and accurate plans of underground installations of private utilities are recorded in the records of the city.

~~Sec. 3-8. STREET SURVEY BEFORE PAVING.~~

~~——— Before paving any street or public way, or part thereof, the director of public works shall have an accurate survey made of said street or public way, or part thereof, if such is not already a matter of record, showing the location of all water pipes, gas pipes, sewer pipes, conduits, culverts, or other sub-surface construction, public or private, and shall have the same plotted on a map to be kept in the public works office.~~

~~Sec. 3-9. STREET AND SEWER GRADES.~~

~~——— The director of public works, under the direction of the city manager, shall have established and put on record the grades of all streets, public ways and sewers hereafter laid out, accepted or constructed by the city, before the same are worked or opened for public use; and no pavement shall be placed in any street or public way which has heretofore been accepted or laid out, or part thereof, until the grade thereof has first been so established and put on record by the director.~~

~~Sec. 3-10. SURVEY MONUMENTS.~~

~~——— No stone, post or other monument, set by order of the director of public works to mark the location of any street line or grade, or other survey, shall be moved or disturbed except by or under the direction of the director.~~

~~Sec. 3-11. CITY FURNISHES NECESSARY EQUIPMENT.~~

~~——— The city shall furnish to the director of public works all necessary instruments, materials and labor for performing the work of his department.~~

~~Sec's. 3-12 to 3-199. Reserved.~~

~~Enacted December 13, 1972. (Article I, Director of Public Works, and Article II, City Engineer, rewritten into Article I, Director of Public Works.)~~

CHAPTER 3
PUBLIC WORKS

ARTICLE III. WATER ~~DEPARTMENT~~DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS

Sec. 3-300. CONSENT TO RULES.

This chapter and any rules and regulations of the Water ~~Department~~Division shall be considered as stating the conditions upon which City water will be furnished, and every person using City water shall be considered, by so doing, to express ~~his~~their consent to conform to the requirements of this chapter and any rules and regulations of the ~~department~~Division.

Sec. 3-301. COMPLIANCE WITH RULES.

Only in compliance with the provisions and requirements of this chapter and the rules and regulations of the Water ~~Department~~Division can a person become, or having already become, can a person continue to be, a user of City water and enjoy or possess the privileges and advantages afforded by the City water system; and during the refusal or failure of any person to comply with such provisions, requirements, rules or regulations, all rights of such person to use City water shall wholly cease.

Sec. 3-302. COMMISSIONER OF WATER ~~DEPARTMENT~~DIVISION.

The Director of the Department of Public Works shall be the ~~C~~ommissioner of the Water ~~Department~~Division who shall have the responsibility for the operation, control, maintenance, improvement and repair of the City water works, its appurtenances and all City property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-303. ~~WATER COMMISSIONER~~WATER COMMISSIONER'S PLANS AND RECORDS.

The ~~commissioner~~Commissioner of the Water ~~Department~~Division shall prepare and keep on file in ~~his~~their office, subject at all times to the inspection of any member of the City Council, such maps, plans and records as may be necessary to fully and properly show the location of all reservoirs, mains, service pipes, valves, cocks and other fixtures in use by the Water ~~Department~~Division, and shall turn them over to ~~his~~their successor in office.

Sec. 3-304. APPLICATION FOR NEW WATER SERVICE.

The applicant shall state fully and truly all the purposes for which the water may be required, and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the City water supply for purposes other than those stated in such application. New service connections will not be made between November 15 and April 15 of each year ~~to be effective December 15, 1979~~. Exemptions may be granted by the Board of Water and Sewer Commissioners. The installation, use and maintenance of all water system connections shall at all times conform to standards promulgated by the Vermont Department of Environmental Conservation.

Sec. 3-305. NEW WATER SERVICE CHARGES AND REQUIREMENTS TO METER.

- (a) A new service connection shall not be attached to a water main except on written application, signed by the owner of the premises to be supplied, or ~~his~~their duly

authorized agent. The main shall be tapped and lateral pipe to the property line, and a water shut-off installed, which portion shall become the property of the City upon inspection by the ~~water~~ Water department ~~Division~~. A new water service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. However, any modification to, or alteration of, any existing service connection will be done as outlined in Section 3-305(f). All work shall be performed by the applicant at ~~his~~ their cost and inspected by the City prior to connection. An estimated cost for inspection shall be provided by the City and paid by the applicant, as outlined in Section (f). The applicant shall also be responsible for obtaining all construction and access permits as necessary for working in the public right of way.

- (b) All water consumption shall be provided through a meter with shut-off valves on either side of the meter to allow for meter replacement and repair. Each separate use shall be individually metered.
 - (1) Conversion from flat rate to meter rate will only be allowed if each separate use can be individually metered, unless the conversion is from a combined fixture/flat rate to a metered rate.
 - (2) Any building ~~whose ownership is condominiumized under condominium ownership~~ shall have separate meters for each unit. Separate shut-off valves will be provided for each unit for either the entire water service or individual water heaters, either in the public right-of-way or in the building, if provision is made in a condominium declaration allowing access for the City to enter upon the premises for the purpose of shutting off some or all of the water supply. Individual exemptions to this provision may be granted by the City Council.

(c) The Commissioner of the Water ~~Department~~ Division shall establish the design and specifications on all meters, each of which shall have a remote reading feature. The Water ~~Department~~ Division shall provide and install all meters.

(d) Reserved.

(e) All water usage shall be metered.

(f) For every new, direct connection, the property owner shall deposit sufficient funds with the City to cover the cost of labor and materials plus twenty percent (20%) overhead for making the connection to the water main. ~~After making the appropriate connection, the unused balance, less twenty percent (20%) overhead will be refunded to the property owner.~~

(g) The following water service charges shall be paid by the property owner for each direct or indirect new connection requested:

Single Family	\$ 900.00 per dwelling unit
(Two Bedroom or More)	
Multi-Family/Condominium	600.00 per dwelling unit

One Bedroom Multi-Family/Condominium	400.00	per dwelling unit
Non-residential	.33	per square foot
Tax Exempt	1.00	per square foot

(h) A new connection charge shall not be charged to a property owner abutting an existing water main, if that property owner has previously requested and been denied the right to connect by the City because an adequate supply of water was not available at the time of the initial request.

(i) The City Council may reduce or waive, at its discretion, the connection charge for non-residential connections, if such action would serve as an incentive for new development or expansion of existing commercial and/or industrial property.

Sec. 3-306. USE OF WATER AFTER SHUT-OFF FOR CAUSE.

No person upon any premises where a domestic service rate is established, or who shall take water by commercial or meter service rates, after the water shall have been shut off for cause, as is provided in this chapter, shall let on the water, or let the water run from the pipes on such premises, or authorize, cause or permit the water to be let on.

Sec. 3-307. USERS' DUTY TO MAINTAIN FIXTURES.

All persons taking water must keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and must prevent all unnecessary waste of water. The City shall not be liable for leakage of pipes or fixtures upon the premises of the taker, nor for any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

Sec. 3-308. DISCONTINUANCE OF WATER SERVICE.

When it is desired to discontinue the use of water, notice must be given at the office of the ~~department~~Division, as bills will be made and service rates collected until the water is shut off at the City stop-cock.

Sec. 3-309. RATE REDUCTION FOR DISUSE OR VACANCY.

No abatement of the water rate will be considered by reason of disuse or diminished use, or vacancy of premises, unless notice thereof be given at the office of the ~~department~~Division. The minimum charge, as established by the City Council, shall be paid annually, regardless of use, so long as the service pipe is connected to the main.

Sec. 3-310. USE OF WATER FOR UNAUTHORIZED PURPOSE.

No person shall give away or use any water from the City water works on any premises, for any other purpose than that for which payment has been made; nor allow the water to be wasted from fixtures out of repair or otherwise. The ~~water commissioner~~Water Commissioner, or ~~his~~their authorized agent, may cut off the water from the premises of any person who shall violate any of the provisions of this section, and such offender shall be deprived of the use of the water until ~~he~~they shall have made all necessary repairs and paid all outstanding charges owed the City.

Sec. 3-311. CHARGE FOR UNAUTHORIZED USE.

When a person has used City water without a permit from the Water ~~Department~~Division, a charge shall be made against the premises located within or without the City for the time the water has been so used, or for the quantity estimated by the ~~water commissioner~~Water Commissioner or shown by meter measurement to have been used; and said charge increased fifty percent (50%) shall be collected as provided in Section 3-325 of this Chapter.

Sec. 3-312. USE OF HYDRANTS.

Hydrants, fire plugs and pipes rated as used for fire purposes shall be used for no other purpose except with the permission of the Water ~~Department~~Division in flushing sewers and cleaning streets and mains.

Sec. 313. OBSTRUCTING CITY WATER SYSTEM APPURTENANCES.

No person shall by any means obstruct access to any stop-cock, hydrant, fire plug or other appurtenance of the ~~City~~City water system.

Sec. 314. INJURY OR DAMAGE TO CITY WATER SYSTEM APPURTENANCES.

No person shall remove, carry off, or in any way injure, interfere or meddle with any hydrant, fire plug, stand-pipe, valve, valve-box, valve-cover, pipe, tool, apparatus, fixture, building, machinery, or fence, belonging to the City water system.

Sec. 3-315. WATER TURN-ON TO METER.

The water shall not be turned on for use by meter rates until a suitable place has been prepared for a meter to be set as determined by the ~~water commissioner~~Water Commissioner or ~~his~~their authorized agent.

Sec. 3-316. CONTROL AND ACCESS TO METER.

The Water ~~Department~~Division shall not furnish water through any meter which it does not either own or over which it does not have exclusive control and to which it does not have full access for meter reading, testing, maintenance and replacement.

Sec. 3-317. ONE METER PER PREMISES.

Premises of different persons shall not be supplied through one meter, except as otherwise provided herein.

Sec. 3-318. MULTIPLE METERS.

Water used through two or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply, shall be rated as passing through one meter; if used for separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the prevailing established minimum meter rate.*

~~* See current minimum meter rates for water on file in the City Clerk's Office.~~

Sec. 3-319. METER FAILURE.

If from any cause a meter or its remote reader fails to register the amount of water passing through it, the consumer will be charged at the average daily rate, as shown by the meter during its use when in order. The consumer will be notified, in writing, that the Water ~~Department~~Division will repair or replace the meter.

Sec. 3-320. PLACEMENT OF METER.

(a) Meters must be connected with all fixtures supplied with water on the premises in such a manner that all water used will be measured. All meters shall be set under the direction of the ~~Water Commissioner~~Water Commissioner and shall not be moved or disturbed without ~~his~~their permission. In case of the use of water through a meter in such manner that the meter does not, in the opinion of the ~~Water Commissioner~~Water Commissioner, accurately measure the water actually passing through it, the Water ~~Department~~Division shall place such meter on such service as will, in the Commissioner's opinion, correctly register the amount of water used.

(b) All water meters must be equipped with a remote reader of a type specified by the ~~commissioner~~Commissioner of the Water ~~Department~~Division which shall be situated on an easily accessible exterior wall of the structure as determined by the ~~water commissioner~~Water Commissioner.

Sec. 3-321. ~~WATER COMMISSIONER~~WATER COMMISSIONER MAY ORDER INSPECTION.

The ~~water commissioner~~Water Commissioner shall cause the premises of persons using City water to be inspected whenever in ~~his~~their judgment such inspection is necessary, and the meters, pipes, and other fixtures and appliances connected with the service to be examined.

Sec. 3-322. INSPECTION OF PLUMBING FIXTURES, ETC.; DUTY OF CONSUMER.

Any duly authorized officer or agent of the Water ~~Department~~Division may enter at all reasonable times the premises of any person supplied with water to inspect the pipes, fixtures, etc., which are used in connection with the water supplied, and it shall be the duty of the person supplied to answer at all reasonable times all proper inquiries made by the ~~department~~Division or their agents in regard to the quantity, purposes and manner in which the water is used on the premises.

Sec. 3-323. NOTICE OF WATER WASTAGE.

The owner of premises using City water, ~~or his duly authorized agent,~~ upon notice from the ~~water commissioner~~Water Commissioner that any faucet, closet, hose connection or other fixture on said premises is leaky, or otherwise out of repair so as to waste the water, shall within five days cause the same to be made tight and put in proper condition for the conservation of the water.

~~CROSS REFERENCE: Notice of intent to terminate service, Sec. 3-327.~~

Sec. 3-324. POWER TO REFUSE WATER SERVICE.

The ~~water commissioner~~Water Commissioner shall have power to withhold the water supply from any person failing or refusing to comply with any of the provisions of this Article III, orders,

requirements, or rules and regulations of the Water ~~Department~~Division. Any failure, neglect, or delay on the part of the ~~water commissioner~~Water Commissioner to withhold water under the ~~powers given him by this section~~authority granted herein shall not constitute or be construed as a waiver of ~~his~~their right to do so, and ~~he~~they may at any time, after finding that a user of City water is violating any provision or requirement of this ~~chapter~~Article or any rule or regulation of the ~~department~~Division, cause the water to be shut off, and to remain off, from the premises of such user, until such user of the City water shall have fully complied with such ~~provisions~~Article, orders, requirements, and rules and regulations.

Sec. 3-325. WATER RATES.

(a) Water Commissioner~~Water Commissioner~~ Proposes Adjustment in Rates. The ~~water commissioner~~Water Commissioner shall, ~~from time to time as he may see fit~~, submit to the City Council such proposals of amendment to the rates of the Water ~~Department~~Division as ~~he~~they may deem for the best interest of the City. Such rates shall include a standby or capacity charge for fire protection for buildings that are located within the City water supply service area but are not connected to such water supply, or are connected to a private water supply in addition to the City water supply.

(b) Establishment of Water Rates. The City Council shall establish all water rates and when payment of these rates will become due and payable.

(c) Collected by the City Treasurer. All water rates shall be payable to and collected by the City Treasurer at ~~his~~their office.

(d) Notice and Bill: Late Penalty and Interest. Notice and bill for water rates shall be made by mailing the same to the owner or duly authorized agent in charge of the premises where used.

(1) Such notice and bill shall state the dates of coverage of the bill, and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.

(2) If said bill is not paid on or before the passage of sixty (60) days from the billing date, the Water ~~Department~~Division may, without further notice, at the discretion of the ~~water commissioner~~Water Commissioner with consultation from the City Health Officer, cause the water to said premises to be ~~reduced to a trickle and remain so until the delinquent bill plus accrued penalties and the fee for turning on and shutting off the water service are paid to the Treasurer.~~disconnected in accordance with procedures established in general law.

(3) An interest charge for late payment of water charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which eight percent (8%) is required to be added to all unpaid bills.

(f) Water Rates as Taxes and Tax Liens. Water rates shall be a tax and a lien on the real estate supplied with the water, and may be collected in the same manner as other taxes of the City, and the

owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

~~CROSS REFERENCE: Tax liens on real property, force and effect, see 32 V.S.A., Sec. 5061.~~

Sec. 3-326. PROPER SHUT-OFF VALVE REQUIRED.

If, having shut off the water from any service for repairs or other cause, it is found that on said service there is no cut-off back of all fixtures, the water shall not be again turned on to such service until a suitable cut-off is properly placed therein.

Sec. 3-327. NOTICE OF INTENT TO TERMINATE SERVICE.

Whenever it becomes the duty of the ~~water commissioner~~Water Commissioner, under the provisions of this Article, to shut off water, ~~they~~he shall, unless herein otherwise specified, give the user of water on the premises affected ~~and the occupants thereof~~ not less than twenty-four (24) hours notice of the time when, unless the provisions of this chapter and the rules and regulations of the water ~~department~~Division are complied with, the water will be shut off.

Sec. 3-328. NOTICE TO FIRE ~~DEPARTMENT~~DIVISION OF SHUT-OFFS.

The ~~commissioner~~Commissioner, whenever ~~he~~they shall cut off the supply of water from any of the hydrants in any part of the City for repairs or other causes, shall immediately give notice thereof to the chief engineer of the Fire Department. ~~He~~They shall state in the notice particularly to what extent the hydrants are so rendered unavailable for fire service; and shall also notify the chief engineer when the said hydrants are again in working order.

Sec. 3-329. PERMISSION TO DRAW WATER FROM HYDRANTS.

No person shall open any hydrant or draw water therefrom, except under the direction of the ~~water commissioner~~Water Commissioner, ~~or~~ the City ~~chief~~ Engineer ~~of or~~ the Fire Department, ~~or the Commissioner of Public Works.~~

Sec. 3-330. TEMPORARY SHUT-OFF: NOTICE.

Whenever the ~~water commissioner~~Water Commissioner shall have cause to shut off the supply of water on any line of pipe for repairs, ~~he~~they shall immediately notify the water takers on such line of pipe, stating as nearly as possible the length of time such supply will be shut off; provided, however, that in case of sudden burst or other emergency, the water may be shut off without notice, in which case notice as aforesaid shall be given the water takers on the line of pipe so affected as soon as possible after shutting off the water.

Sec. 3-331. TAMPERING, ETC., WITH EQUIPMENT BELONGING TO THE WATER ~~DEPARTMENT~~DIVISION.

No person shall meddle with, disturb, remove, carry off, or in any way injure any hydrant, valve, valve box or cover, meter, stop-cock, stop-box or cover, pipe, tool, apparatus, fixture, building, machinery to fence belonging to the City water works, nor place anything in such manner as to obstruct or hinder free access to any hydrant or meter.

~~CROSS REFERENCE: Tampering with water mains, hydrants, etc., see 13 V.S.A., Sec. 37~~**Sec. 3-332. POLLUTION OF THE WATER SUPPLY.**

~~—No person shall throw, put or place, or cause to be thrown, put or placed, in any public reservoir, or stream connected therewith, or waters in the City, any stone, dirt, ashes, shavings, stocks, garbage, rubbish or filth of any kind, nor shall wade or bathe or fish in, or cause or permit a dog or animal to go into or swim in the water, nor skate on the ice of a public reservoir.~~

Sec. 3-~~333~~332. REGULATION OF WATER CONSUMPTION.

(a) Upon a finding by the City Council, the Board of Health or the Vermont Department of Health that there exists an actual, potential or anticipated threat to the potability, sufficiency, quality, quantity or integrity of any public water supply, including its tributaries and sources, the City Council may direct one or more of the following water conservation measures for all consumers on the water supply, including the extra-territorial water consumers:

(1) A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to, motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.

(2) A prohibition against watering yards and vegetation, washing motor vehicles and mobile equipment, cleaning outdoor surfaces and buildings, operating ornamental fountains and water-consuming displays and the filling or topping off of swimming pools. This prohibition shall not apply to commercial enterprises or watering of food crops or trees.

(3) An emergency water conservation notice prohibiting the use of water for any activity specified under subdivision (1) hereof, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the City's water system.

(4) A mandatory water conservation order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.

(b) Notice of any water conservation measure adopted under Subsection (a) shall be disseminated immediately through the local media, and shall be posted conspicuously in all areas served by the City's public water supply system. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the City's water supply system.

(c) Any person who shall violate any water conservation measure adopted under Subsection (a) and promulgated under Subsection (b) shall be deemed to have committed a civil offense, and shall be subject to the penalties established in Section 1-9(d).

(d) The provisions of Section 3-407 shall apply to the implementation of any water conservation measure adopted under this Section.

~~CROSS REFERENCE: Water Pollution, see 18 V.S.A., Sec. 1201 et seq.~~

~~Sec's. 3-334 to 3-399 reserved.~~

~~CHARTER REFERENCE: Water Rates, T.5, Sec's. 9 and 10; Water Commissioner T.4., Sec. 26; To~~

Protect Water System and Supply, T.3, Sec. 17 (XXXIII), (XXXIX); To Take Land, T.3, Sec. 17 (XLI).
1955 Charter.

STATE LAW REFERENCES: ~~Water Works, V.S.A., T.24, Sec. 3301 et seq; Water Mains, V.S.A., T.24,
Sec. 3401 et seq.~~

~~Enacted November 25, 1970.~~

~~Amendment enacted March 22, 1972. [Sec. 3-325 (d), (1) and (2)].~~

~~Amendment enacted October 24, 1979 [Sec. 3-304]. Date of Publication: 10/31/79. Effective Date:
12/15/79.~~

~~Amendment enacted March 11, 1987 [Sec. 3-305 rewritten]. Date of Publication: 3/17/87. Effective
Date: 3/23/87.~~

~~Amendment enacted April 13, 1988 [Sec. 3-305 rewritten]. Date of Publication: 4/25/88. Effective
Date: 5/02/88.~~

~~Amendment enacted May 24, 1989 [Sec. 3-333 added]. Date of Publication: 6/08/89. Effective Date:
6/14/89.~~

~~Amendment enacted January 24, 1990 [Sec's. 3-305 (a) and 3-305 (b) rewritten, Sec's. 3-305 (b) (1) and 3-
305 (b) (2) added, Sec. 3-305 (c) rewritten, Sec's. 3-305 (d) and 3-305 (e) added, Sec. 3-305 (f) rewritten;
Sec. 3-317 rewritten; Sec. 3-319 rewritten; Sec. 3-320 (a) rewritten, Sec. 3-320 (b) added; Sec's. 3-325 (d),
3-325 (d) (1) and 3-325 (d) (2) rewritten, Sec. 3-325 (d) (3) added]. Date of Publication: 2/01/90.
Effective Date: 2/14/90.~~

~~Amendment enacted February 14, 1990 [Sec. 3-305 (g) added; former subsections (g) and (h) retitled (h)
and (i), respectively]. Date of Publication: 2/22/90. Effective Date: 2/28/90.~~

~~Amendment enacted August 28, 1991 [Sec. 3-325 (a) rewritten]. Date of Publication: 9/09/91. Effective
Date 9/16/91.~~

~~Amendment enacted May 13, 1998 [Sec. 3-305, (g) and (i) rewritten]. Date of Publication: 5/21/98.
Effective Date: 5/27/98.~~

~~Amendment enacted April 26, 2000 [Sec. 3-305, (b) and (e) rewritten]. Date of Publication: 5/04/00.
Effective Date: 5/10/00.~~

~~Amendment enacted October 10, 2001 [Sec. 3-333, (a) ... a new (2) inserted and the remaining
subsections renumbered (3) through (5); and (c) rewritten]. Date of Publication: 10/15/01. Effective
Date: 10/21/01.~~

~~Amendment enacted September 18, 2002 [Sec. 3-305 (c), (d) and (e); Sec. 3-316; Sec. 3-319; and
Sec. 3-320 (a) rewritten]. Date of Publication: 9/26/02. Effective Date: 10/02/02.~~

~~Amendment enacted October 27, 2010 [Sec. 3-305(a) rewritten]. Date of Publication: 11/11/10.
Effective Date: 11/17/10.~~

CHAPTER 3
PUBLIC WORKS

ARTICLE IV. SEWER ~~DEPARTMENT~~DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS

Sec. 3-400. COMMISSIONER OF SEWER DEPARTMENT

(a) The Director of the Department of Public Works shall be the Commissioner of the Sewer Division ~~The commissioner of the sewer department who~~ shall have the responsibility ~~for of~~ the operation, control, maintenance, improvement and repair of the City sewer system and its appurtenances and all City property pertaining thereto, ~~pertaining to the orders and ordinances of the City Council, and as defined in 24 V.S.A., Sec. 3501(6) and 3601.~~ The ~~Wastewater Treatment Plant (PLANT)~~Water Resource Recovery Facility (WRRF), formerly Wastewater Treatment Plant, is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 47, which discharge permit establishes the ~~PLANT WRRF~~ treatment capacity. The City is obligated by law to comply with conditions of that permit, and to operate and manage the ~~PLANT WRRF~~ and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

(b) The capacity of the ~~PLANT WRRF~~ and SEWERS to adequately collect, treat and discharge sewerage is the property of the City, and shall be allocated by the Board of Sewer Commissioners in the manner prescribed below. This ordinance is adopted pursuant to the provisions of 10 V.S.A., Sec. 1263 (g) (1), in the manner provided in 24 V.S.A. Sections 1972-1973, and shall not be construed as an abandonment or relinquishment of the responsibility of the City to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the City, nor shall it be construed to impair or inhibit the ability of the City to contract with persons for the collection, transmission and treatment of sewerage.

Sec. 3-401. DEFINITIONS

(a) "Board of Sewer Commissioners" shall mean the City Council of the City of Montpelier, convened as a board of sewage disposal commissioners under 24 V.S.A., Sec. 3614.

(b) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

(c) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the building wall.

(d) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(e) "Capital Connection Charge" shall mean an allocation fee, hereby imposed, for each direct and indirect connection or attachment to SEWERS or ~~PLANT WRRF~~, which fee approximately equals the pro rata costs previously incurred or expected to be incurred by the City for ~~PLANT WRRF~~ and SEWER capital investment. This charge is set annually by resolution of the Board of Sewer Commissioners.

(f) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

(g) "Discharge Permit" shall mean a permit issued pursuant to authority granted in 10 V.S.A., Chapter 57.

(h) "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(i) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

(j) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(k) "Operating Connection Charge" shall mean an operating fee, hereby imposed, for each direct and indirect connection or attachment to SEWER or ~~PLANTWRRF~~, which fee approximately equals the costs incurred by the City in administering and inspecting such connections. This charge is set annually by resolution of the Board of Sewer Commissioners.

(l) "Person" shall mean any individual, firm, company, association, society, corporation, or group, or as prescribed in 1 V.S.A., Section 126.

(m) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(n) "Property Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(o) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the public authority.

(p) "Private Sewer" shall mean a sewage disposal system, other than a public or community system, which receives other than human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil-absorption systems, and other such types as may be prescribed in regulations by the City ~~Health Officer~~Health Officer.

(q) "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.

(r) "Secretary" shall mean the Secretary of the Agency of ~~Environmental Conservation~~Natural Resources, State of Vermont, or ~~his~~their representatives.

(s) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(t) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(u) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(v) "Sewer" shall mean a pipe or conduit for carrying sewage.

(w) "Shall" is mandatory; "May" is permissive.

(x) "Sludge" shall mean the solid or semi-solid waste product of the sewage treatment process which is not discharged together with PLANTWRRF effluent, but is instead disposed of in another manner.

(y) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity or flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(z) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(aa) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(bb) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 3-402. USE OF PUBLIC SEWER REQUIRED

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Montpelier, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Montpelier, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and Laws of the State of Vermont.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all new houses, buildings or properties used for human occupancy and containing toilet or waste facilities situated within the City and abutting any street, alley or right-of-way in which there is a public sanitary or combined sewer, is hereby required to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance.

(e) Person wishing to use uncommitted capacity of the PLANTWRRF and SEWERS, including

substantial change in volume or character of pollutants that are being discharged, shall apply to the Board of Sewer Commissioners on a form prescribed by the Board. Such application shall be accompanied by a certification of a licensed or registered engineer attesting to the maximum wastewater flow to be generated by the project or development identified in Section (f)(3) which will be introduced into the PLANTWRRF and SEWERS.

(f) The Board of Sewer Commissioners shall approve the request for use of uncommitted capacity upon making affirmative findings that:

(1) The proposed wastewater is of domestic sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection.

(2) The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANTWRRF and SEWERS, and that the proposed wastewater will not, alone or in combination with other wastes, cause a violation of the discharge permit, pass through the PLANTWRRF without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANTWRRF sludge, or be injurious in any other manner to the PLANTWRRF and SEWERS.

(3) All applicable state, federal and municipal licenses, approvals and permits have been, or will be, secured by the applicant for the project or development to which connection is to be made.

(g) The Board of Sewer Commissioners, on making affirmative findings above, shall issue an interim connection approval, which approval shall:

(1) Specify the volume, flow rate, strength and any other characteristics determined appropriate by the Board of Sewer Commissioners.

(2) Prohibit the sale or other transfer of the interim connection approval by the applicant to any other person without written approval of the Board of Sewer Commissioners, except as an appurtenance and an integral part of the project or development approved in accordance with Section (f)(3) above.

(3) Specify the period of time during which the interim connection approval shall remain valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions shall, as a minimum, include:

(a) payment of one-half (1/2) of the capital connection charges upon the granting of interim connection approval, and payment of the balance of said charges upon the application of a building permit for the project or development identified in Section (f)(3).

(b) complete payment of all sewage charges, connection charges, impact fees and benefit assessments not later than ninety (90) days from the due date; and

(c) completion of any project construction associated with the proposed project, which period shall be set by the Board of Sewer Commissioners and generally be of no more than two years duration.

(4) Be revocable by action of the Board of Sewer Commissioners on failure of the applicant to fulfill requirements of the interim connection approval.

(5) Become final and irrevocable upon meeting all the conditions specified in Section (g)(3) above, except that the Board of Sewer Commissioners may issue lawful orders for disconnection from the ~~PLANTWRRF~~ and SEWERS upon their determination that such connection:

- (a) is causing a violation of the City's discharge permit; or
- (b) is causing a nuisance or health hazard; or
- (c) is causing damage to the ~~PLANTWRRF~~ and SEWERS; or
- (d) is in violation of any other ordinance, bylaw or enactment of the City relating to the ownership;
- (e) is the subject of delinquent sewage charges, connection charges, impact fees or benefit assessments;
- (f) is not in compliance with the application regarding volume and character of wastewater flow; or
- (g) is otherwise in violation of this ordinance.

~~(6)~~ ~~PLANTWRRF~~ flows and capacity shall be determined in the following manner:

(1) Wastewater Flow – The discharged liquid wastes from a property, such as a building or parking lot, to a combined or sanitary sewer; such flow to be calculated as the average gallons per day on a year basis (365 days). Flow capacity shall be determined by reference to Table 7-A, Flow Quantities, adopted by the Vermont Agency of Natural Resources, Department of Environmental Conservation, as promulgated at the time a connection permit application is made.

(2) Reserve Capacity – That amount of daily flow capacity (gallons per day) calculated as follows: Daily plant flow limit minus the most recent twelve (12) months actual average daily flow of all projects approved by the Vermont Agency of Natural Resources and City not yet connected to SEWERS and ~~PLANTWRRF~~.

(3) Committed Reserve Capacity – That amount of total average daily flow (gallons per day) from all projects/buildings approved by the City and the Agency of Natural Resources for connection to ~~PLANTWRRF~~, but not yet connected at the time of the calculation.

Sec. 3-403. PRIVATE SEWER FACILITIES.

(a) Where a public sanitary or combined sewer is not available under the provisions of Sec. 3-402(d), the building sewer shall be connected to a private sewer system complying with the provisions of this Article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the ~~commissioner~~ Commissioner. The application for such

permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the ~~commissioner~~Commissioner.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the ~~commissioner~~Commissioner. ~~He~~The Commissioner shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the ~~commissioner~~Commissioner when the work is ready for final inspection, and before any underground portions are covered.

(d) The type, capacities, location, ~~and layout,~~ operation and maintenance of a private sewage disposal system shall comply at least with the ~~minimum recommendations of the Department of Public Health and the Water Resources Board of the State of Vermont~~standards promulgated by the Vermont Department of Environmental Conservation. No permit shall be issued for any private sewage disposal system employing subsurface solid absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Sec. 3-403(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

(f) The owner shall operate and maintain the private sewer facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the ~~health officer~~Health Officer.

(h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt.

Sec. 3-404. BUILDING SEWER FACILITIES.

(a) No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the ~~commissioner~~Commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the ~~Commissioner~~Commissioner at least forty-five (45) days prior to the proposed change or connection.

(b) An operating connection charge, determined by the Board of Sewer Commissioners, shall be paid by the person requesting a sewer connection, which charge shall provide for inspection of the building sewer from the connection with the public sewer to the building by the sewer department. All applicable construction and access permits shall be obtained prior to excavation in the public right of way.

(c) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the

building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Public Works Specifications, Building, and Plumbing Codes of the City of Montpelier.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer.

(f) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(g) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation, Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the ~~commissioner~~Commissioner before installation.

(h) The applicant for the building sewer permit shall notify the ~~commissioner~~Commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~commissioner~~Commissioner or ~~his~~their representative.

(i) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(j) New sewer connections will not be made between November 15 and April 15 of each year; ~~to be effective December 15, 1979~~. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-405. USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the ~~C~~Commissioner. Industrial cooling water or unpolluted process waters may be discharged, on approval of the ~~commissioner~~Commissioner, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) milligrams per liter (mg/l) as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to—ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, wastes of the stone industry, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the ~~commissioner~~ Commissioner that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming ~~his~~ their opinion as to the acceptability of these wastes, the Commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or between zero (0) and sixty-five (65) degrees Celsius.

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Commissioner.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the

limits established by the Commissioner for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Commissioner as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable state or federal regulations.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(b) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

_____ (e) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated in Subsection (d) of this section, and which in the judgment of the Commissioner may have a deleterious effect upon the sewage works, process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commissioner may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- (3) Require control over the quantities and rates of discharge.

If the Commissioner permits the pretreatment and equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioner, and subject to the requirements of all applicable codes, ordinances and laws, and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry. (Adequate pretreatment will be provided for prior to entering interceptor sewer.)

_____ (f) Grease, oil and sand interceptors shall be provided when, in the opinion of the

Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.

(1) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(2) Where installed, all grease, oil, hair and sand interceptors shall be maintained by the owner at ~~his~~their expense in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at ~~his~~their expense.

(h) When required by the Commissioner, the owner of the property serviced by the building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at ~~his~~their expense, and shall be maintained by ~~him~~them so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commissioner may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commissioner. Such records shall be made available, upon request, by the Commissioner to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Commissioner to the Secretary on request.

(i) All measurements, tests and analyses or the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas ~~pH~~spHs are determined from periodic grab samples.)

(j) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal and State laws and are compatible with any user charge and industrial cost recovery system in effect.

(k) Any industry held in violation of the provisions of this Ordinance may have its disposal authorization terminated.

Sec. 3-406. PROTECTION DAMAGE, VIOLATIONS AND PENALTIES.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest without warrant and shall be subject to the penalties provided in Section 1-8 of this Code.

Sec. 3-407. POWERS AND AUTHORITY OF INSPECTORS.

(a) The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Commissioner or ~~his-their~~ representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 3-408. PENALTIES.

a) An annual charge shall be determined by the Board of Sewer Commissioners and is hereby imposed upon every person whose premises have a building or structure thereon and are served by the SEWERS and PLANTWRRF, and from which, directly or indirectly, sewage is being collected from the use of the premises for the payment of the costs of operating, maintaining and repairing said SEWER and PLANTWRRF. The Board of Sewer Commissioners may establish annual charges separately for debt repayments, fixed operating and maintenance costs (not dependent upon actual use), and variable operations and maintenance costs dependent on actual use and the funding of reserves. Annual charges determined thereunder shall be effective on and after the date of adoption thereof by resolution of the Board of Sewer Commissioners.

a)b) In addition, the City Council may establish, impose and collect a sewer benefit assessment upon all property within the City, irrespective of its connection to the City sewer systems,

such benefit assessment to be based on the appraised value of such property.

b)c) The sewer charges established in Section (a) and (b) shall be imposed and collected whether or not the property connected to the SEWER and the PLANTWRRF is occupied. All sewer rates shall be payable to and collected by the City Treasurer at City Hall.

e)d) The design, construction and development costs of all public sewerage system expansions and extensions which have been approved by the Board of Sewer Commissioners and approved by the City shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extension and/or expansions, unless the voters of the City shall vote at a duly warned annual or special City Meeting to assume all or a portion of the costs involved. When the voters of the City vote to assume all or a portion of the costs, such costs will be paid in the manner provided by law.

e) Notice and bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

1. Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.
2. An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

d)f) A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest are required to be added to all unpaid bills.

e)g) Sewer rates shall be a tax and a lien on the real estate supplied with the sewer, and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

f)h) A separate capital reserve fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the SEWERS and PLANTWRRF. Any capital reserve fund policy shall contain the following: Major maintenance/replacement identification; estimated expenditures; estimated year of expenditure; payment amount; type of account to be used to accumulate capital reserve fund assets; and source of funding.

g)i) The Board of Sewer Commissioners reserves the right to increase or decrease regular deposits to a capital reserve fund not exceeding fifteen percent (15%) of the normal total budgeted expenses for SEWERS and PLANTWRRF debt service, maintenance and replacement, or five percent (5%) total budget for PLANTWRRF expansion in any year. The Board of Sewer Commissioners holding office have the authority to withdraw capital reserve fund amounts only for the purpose of paying for major expenditures/plant expansion for which the fund was established, or for the purchase of private sewer systems.

h)j) When capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and PLANTWRRF expansion, excess assets shall be re-

deposited into the capital reserve fund for future related expenditures similar in nature. Capital reserve funds established for ~~PLANTWRRF~~ expansion may be generated from general sewer benefit assessments and/or from connection/impact fees paid by prospective users to defray ~~PLANTWRRF~~ expansion costs, which fund shall not exceed the estimated future expansion for the ~~PLANTWRRF~~. Impact fees assessed and collected by the City for SEWERS and ~~PLANTWRRF~~ expansion shall be deemed appropriated, encumbered and expended as of the date of receipt. Funds created under this Section shall be maintained in segregated accounts and may be expended, together with accrued interest, only for the purpose for which each fund was established.

Sec. 3-409. SEWER RATES.

(a) Sewer Commissioner Proposes Adjustment in Rates. The Sewer Commissioner shall, from time to time as ~~he-they~~ may see fit, submit to the City Council such proposals of amendment to the rates of the Sewer Department as ~~he-they~~ may deem for the best interest of the ~~city~~City.

(b) Establishment of Sewer Rates. The City Council shall establish all sewer rates and when payment of these rates will become due and payable.

(c) Collected by City Treasurer. All sewer rates shall be payable to, and collected by, the City Treasurer at City Hall.

(d) Notice and Bill: Late Payment Penalty and Interest. Notice of bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

(1) Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five days from the billing date, a penalty of eight percent will be added to the rate charge and in addition, the bill will show the exact due date.

(2) An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest is required to be added to all unpaid bills.

(f) Sewer ~~Rats as Taxes and Tax~~Rate Liens. Sewer rates shall be ~~a tax and~~ a lien on the real estate supplied with the sewer and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

Sec. 3-410. ALLOCATION OF UNCOMMITTED RESERVE ~~PLANTWRRF~~ CAPACITY.

(a) Allocation of uncommitted reserve plant capacity shall be made in accordance with the following priorities:

(1) There is reserved for the benefit of all Montpelier property within the ~~PLANTWRRF~~'s original design ~~service~~ area within Montpelier's City limits ten percent (10%) of ~~PLANTWRRF~~ reserve capacity, it being found and determined that substantially all residential, commercial and industrial property within the original Montpelier design services area within the City limits has been connected

to and is served by PLANTWRRF and SEWERS.

(2) The capacity reserved under Section (a)(1) is deemed to be a committed reserve for actual or potential connections to PLANTWRRF and SEWERS by property within the original ~~Montpelier design~~ Montpelier design service area within the City limits. All private sewer lines, mains and systems within the original Montpelier design service area within the City limits shall be connected to PLANTWRRF and SEWERS.

(3) The Board of Sewer Commissioners is authorized, but not required, to grant connections to PLANTWRRF or SEWERS to or for the benefit of property outside of the Montpelier City limits. Applications shall be considered by the Board of Sewer Commissioners in the order in which applications for connection permits are made; provided, however, that the grant of any such connection permit shall comply with all then existing agreements with other municipalities and shall be subject to all of the following conditions:

(a) All such connection permits shall be granted only to municipalities, upon application from the municipality, which shall include a description satisfactory to the City of the properties and uses to be served by the connection applied for.

~~———— (b) — All such property outside of the city limits to be served by the connection shall be located within a “growth area”, as referred to in 24 V.S.A., Sec. 4302, so designated in the duly adopted plan of the municipality applying for the connection.~~

~~(eb)~~ All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant’s payment to the City prior to connection of all costs of improvements, replacements, or enlargements of this PLANTWRRF or SEWERS found by the City to be necessary to effect such connection.

~~(ec)~~ All such connection permits shall provide for, and their exercise shall be conditioned upon, the receipt by the City from the applicant municipality, in the event that property within the City limits is at any time assessed for current or future improvements, replacements or enlargements of the PLANTWRRF or SEWERS, of such amounts as would have been assessed on those properties located outside the City limits which are or will be served by the connection, as if said properties were located within the City limits.

~~(ed)~~ All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant’s payment to the City pursuant to a formula contained in the permit of all costs and impacts to the City, as a whole, resulting directly or indirectly from the development of the properties or expansion of the users to be served by the connection applied for.

~~(e) Requests for an allocation of uncommitted capacity shall be assessed a gallonage allocation fee established by the City Council coincident with the setting of sewer rates annually.~~

Sec. 3-411. WATER AND SEWER BENEFIT CHARGE.

(a) The City Council determines that the water treatment and sewage disposal systems are of general benefit to the municipality and will utilize the assessed value of property, as determined by the City Assessor on April 1 of the billing year, to pay for capital improvements and/or expansion of the system.

(b) The owner of any tenement, house, building or lot shall be liable for the Water and Sewage Benefit charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The Treasurer of the City of Montpelier shall bill each property owner on or before July 15 of each year for the Water and Sewer Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

~~Sec. 3-412. EFFECTIVE DATE.~~

~~———This ordinance shall become effective at midnight, July 1, 1990. To the extent that any provision herein shall be inconsistent with or contrary to any provisions of Chapter 3, Article IV of the Ordinances of the City of Montpelier, adopted November 25, 1970, and amended through February 7, 1990, then the provisions of this ordinance shall prevail.~~

Sec. 3-~~413~~412. SEWER SEPARATION BENEFIT CHARGE.

(a) The City Council may determines that the separation of storm drainage from sanitary sewer lines is both beneficial to the sewage disposal system of the City and is of general benefit to the ~~municipality~~City. The City Council may further determines that the assessed value of property, as determined by the City Assessor on April 1 of the billing year, will be utilized to pay for the necessary capital improvements to effect such a separation.

(b) ~~The~~Upon the imposition of a sewer separation benefit charge, the owner of any tenement, house, building or lot shall be liable for the ~~Sewer Separation Benefit~~payment of such charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The City shall bill each property owner on or before July 15 of each year for the Sewer Separation Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Delinquent Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

~~Sec's. 3-414 to 3-499. Reserved.~~

~~Enacted November 25, 1970.~~

~~Amendment enacted August 23, 1972 [Sec. 3-408(b)].~~

~~Amendment enacted October 24, 1979 [Sec. 3-404(j) added]. Date of Publication: 10/31/79. Effective Date: 12/15/79.~~

~~Amendment enacted February 25, 1981 [Sec. 3-401 addition to definitions; Sec. 3-402 (b); Sec. 3-404(a); Sec. 3-404(f); Sec. 3-404(g); Sec. 3-405(e), delete (e)(1) and addition to end of Section; Sec. 3-405(f), addition of (f)(1) and (f)(2); Sec. 3-405(h); Sec. 3-405(j); and Sec. 3-405, addition of (k)]. Date of Publication: 3/04/81.~~

~~Effective Date: 3/11/81.~~

~~Amendment enacted January 24, 1990 [Sec. 3-409 added]. Date of Publication: 2/01/90. Effective Date: 2/07/90.~~

~~Amendment enacted June 14, 1995 [Sec. 3-413, Sewer Separation Benefit Charge, added]. Date of Publication: 6/26/95. Effective Date: 7/20/95.~~

~~Amendment enacted October 27, 2010 [Sec. 3-404(b) and (d) rewritten]. Date of Publication: 11/11/10. Effective~~

~~Date: 11/17/10.~~

~~Amendment enacted June 26, 2013 [Sec. 3-411(a), (b) and (c), Water and Sewer Benefit Charge added]. Date of Publication: 7/11/13. Effective Date: 7/17/13.~~

CHAPTER 3
PUBLIC WORKS

ARTICLE V. STREET DEPARTMENT, STREETS, SIDEWALKS AND PUBLIC PLACES

Sec. 3-500. STREET COMMISSIONER.

The ~~Director of the Department of Public Works shall be the street~~Street commissioner
Commissioner who shall have the responsibility for the maintenance, repair and improvement of the City streets, sidewalks and public places, and all other City property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-501. BOUNDS OF PUBLIC PROPERTY GIVEN BEFORE CONSTRUCTION.

No person shall erect any fence, building or other permanent structure, or set in the ground any post, stone, marker, shrub, tree or other thing indicating possession or ownership under claim of right, nor excavate, fill or in any way alter the surface of land immediately adjoining any street or municipal land, without first having ascertained the bounds and grade of the same by application to the Director of the Department of Public Works, and conformable to such bounds and grade.

Sec. 3-502. PERMIT TO DIG OR OBSTRUCT PUBLIC WAY.

No person shall break or dig up the ground or pavement in a street or public place or erect thereon, or in dangerous or inconvenient proximity thereto, a staging or other device for building, or place or deposit thereon stone, earth, sand, brick, lumber or other materials, without first obtaining a written permit from the ~~commissioner of public works~~Director of the Department of Public Works and complying in all respects with the conditions of such permit. Upon the expiration of such permit, the person so permitted shall, within a reasonable time, restore and repair such street or public place to the satisfaction and acceptance of the ~~street~~Street commissionerCommissioner.

Sec. 3-502.1. EXCAVATIONS.

Resurfacing (bituminous concrete, portland cement concrete): Defects and Fee

(a) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the permittee(s) including all necessary placement of temporary pavement. If performed by the City, such work will be done at permittee(s)'s expense and paid in advance based on estimated costs.

(b) The permittee(s) shall remedy any defects due to faulty materials or work~~manship~~ and pay for any damage(s) resulting therefrom which shall appear within a period of one year from the date of completion as indicated on the Access Permit and subsection (c), and in accordance with the terms of the permit.

(c) For the purposes of this section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the Director of the Department of Public Works,

whether such resurfacing is undertaken by the Street Department or by the permittee(s) pursuant to stipulations in the permit.

(d) For excavations which involve bituminous concrete pavement and take place within the traveled portion of a roadway including the parking lane and sidewalk, the permittee(s) shall pay to the City a fee as established by resolution of the city-City Council. Payment of said fee shall be based upon a measurement by the Director of the Department of Public Works of the actual limits of the excavated area. The permittee shall pay to the City a fee based upon an estimated square yardage upon receipt of the permit and said fee shall be adjusted when the measurement as defined above is conducted.

(e) Fees collected by the City as defined in subsection (d) shall be used by the City to supplement City funds and expended for the resurfacing of streets in accordance with the Municipal Capital Improvement Program. Excavation Permit fees may be held by the City for an indefinite period of time or until such time as they may be needed for resurfacing projects.

Sec. 3-502.2. OBSTRUCTIONS.

The permit fee for the obstruction of a public street, road, place or way including sidewalks for construction or renovation related purposes as described in Sec. 3-502 shall be the amount established by resolution of the City Council for each day that the obstruction exists. The City Council, by resolution or ordinance, shall regulate the temporary use and occupancy of City sidewalks for all other non-construction related purposes.

Sec. 3-503. TYPE OF BARRIER AND LIGHTS.

Whenever a street or public place shall, under a permit granted as provided in the preceding section, be broken, dug up, obstructed, encumbered or otherwise thereby rendered unsafe or inconvenient for travel, the person so permitted shall put and at all times maintain a suitable railing, fence, or other sufficient guard or barrier around such section of the street or public place, so long as the same shall be unsafe or inconvenient as aforesaid; and shall also, throughout every night from one hour after sunset to one hour before sunrise, cause such railing, fence or other guard or barrier to be sufficiently illuminated so as to give warning of the presence thereof.

Sec. 3-504. DRAIN SPOUT OR PIPE OUTLET ONTO PUBLIC WAY.

No person shall place, construct, maintain or use any eaves-trough, spout, pipe, channel or conductor of water upon any building or upon any parcel of land in such manner that water flowing therefrom may flow or come or form ice on a street or public place.

Sec. 3-505. ICE OR SNOW FALLING ONTO PUBLIC WAY.

A person owning or having charge of a building or other structure from which snow, ice, or water falls, or is likely to fall, upon a street or public place, shall put and maintain thereon such guards or devices as will prevent snow, ice, or water from so falling therefrom impede or prevent public

passage upon a City sidewalk.-

Sec. 3-506. PLACING ICE OR SNOW ONTO PUBLIC WAY.

No person, partnership or corporation shall throw, shovel, propel, deposit or cause to be thrown, shoveled, propelled or deposited, snow or ice from private property into the streets or public sidewalks.

Sec. 3-507. REMOVAL OF ICE AND SNOW ON PUBLIC WAY PLACED THERE FROM PRIVATE PROPERTY.

If snow or ice is thrown, shoveled, propelled or deposited on the street or public sidewalk from private property, the ~~street~~Street commissioner~~Commissioner~~ shall remove such snow and ice at the expense and charge of the abutting property owner or tenant, which expense and charge may be recovered with full costs, in an action of contract in the name and on behalf of the City, and the person, partnership, or corporation causing such snow or ice to be thrown, shoveled, propelled or deposited from private property onto the street or public sidewalk shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 3-508. STREET COMMISSIONER NOTIFIED.

The Chief of Police shall promptly notify the ~~street~~Street commissioner~~Commissioner~~ of any violation of the provisions of this ordinance.

Sec. 3-509. WETTING STREET.

No person shall wet down a street or public place, or use water in such a way that it shall come thereon, at any time when water is likely to freeze.

Sec. 3-510. DRAINAGE.

No person shall excavate, fill, divert, pipe, channel, or in any manner change, or obstruct existing drainage or any natural water course on public lands or private property without first obtaining permission from the public works director.

Sec. 3-511. METAL TIRES AND TRACKS.

No person shall operate any motorized vehicle or equipment upon a paved street, having metal wheels, cleats, or tracks; with the exception of municipal employees in the performance of official duties.

Sec. 3-512. VIOLATION

Any person violating Sec. 3-504, 3-505, 3-506, 3-508, 3-509, 3-510 or 3-511 shall be subject to the general penalty established in this Code of Ordinances.

~~Sec's. 3-512 to 3-599. Reserved.~~

~~CHARTER REFERENCE:—Power to take land for highways, T.3, Sec. 17 (XLI); Power to regulate use of streets by utilities, T.3, Sec. 17 (XLII); Power to regulate digging, etc., in public way, T.3, Sec. 16; Power to compel removal of ice, snow, dirt and garbage from sidewalks and gutters, T.3, Sec. 17 (XXIII), 1955 Charter.~~

~~Enacted November 25, 1970.~~

~~Amendment enacted December 13, 1972 [“city engineer” changed to “public works director” in Sections 3-501 and 3-510].~~

~~Amendment enacted May 26, 1982 [Sec. 3-502 rewritten]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted April 9, 1985 [Sec. 3-502, rates increased]. Date of Publication: 4/15/85. Effective Date: 4/22/85.~~

~~Amendment enacted June 13, 1990 [Sec. 3-502, rate increased]. Date of Publication: 6/21/90. Effective Date: 6/27/90.~~

~~Amendment enacted May 13, 1992 [Sec. 3-502 rewritten; Sec. 3-502.1 added]. Date of Publication: 5/26/92. Effective Date: 6/01/92.~~

~~Amendment enacted July 26, 2017 [Sec. 3-502.1(d) rewritten; Sec. 3-502.2 rewritten]. Date of Publication: July 29, 2017 Effective Date:~~

~~August 11, 2017~~

CHAPTER 3
PUBLIC WORKS
ARTICLE VI. NUMBERING OF BUILDINGS

Sec. 3-600. NUMBERS AFFIXED TO DWELLINGS.

The ~~public works director~~Director of the Department of Planning, under the directions of the City Council, shall, from time to time as the public convenience may require, cause numbers to be affixed to ~~our~~ inscribed on all dwelling-houses and other buildings or parts of buildings on a street and vacant land. ~~He~~The Director of the Department of Planning shall, subject to the approval of the City Council, determine the form, size and material of such numbers, and the mode, place, succession and order of affixing or inscribing them as aforesaid.

Sec. 3-601. NUMBER SCHEME.

The numbering ~~shall begin with number "1" on the right hand and number "2" on the left hand, and shall proceed continuously, using whole numbers only, from the place of beginning with the odd numbers and even numbers on opposite sides. Each number shall be as nearly opposite its immediate alternate as may be. All streets shall be numbered from the terminus thereof nearest, by street travel, to the post office of buildings and open land shall conform to promulgated E-911 standards.~~

~~Sec. 3-602. PENALTY FOR FAILURE TO DISPLAY NUMBER.~~

~~—An owner or occupant or person in charge of a building or part of a building, who shall neglect or refuse for thirty days to affix or inscribe on the same the number designated, of the form, size and material, and in the mode and place directed, by the public works director, or who shall affix, inscribe or retain thereon a number contrary to such designation or direction, shall be fined not more than five dollars (\$5.00).~~

~~Sec's. 3-603 to 3-699. Reserved.~~

~~Enacted November 25, 1970~~

~~Amendment enacted December 13, 1972 — ("city engineer" changed to "public works director" in Sections 3-600 and 3-602).~~

CHAPTER 3
PUBLIC WORKS
ARTICLE I. DIRECTOR OF PUBLIC WORKS

Sec. 3-1. GENERAL DUTIES.

The duties and authority of the Director of Public Works shall be those set forward in the City Charter.

CHAPTER 3
PUBLIC WORKS
ARTICLE III. WATER DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS

Sec. 3-300. CONSENT TO RULES.

This chapter and any rules and regulations of the Water Division shall be considered as stating the conditions upon which City water will be furnished, and every person using City water shall be considered, by so doing, to express their consent to conform to the requirements of this chapter and any rules and regulations of the Division.

Sec. 3-301. COMPLIANCE WITH RULES.

Only in compliance with the provisions and requirements of this chapter and the rules and regulations of the Water Division can a person become, or having already become, can a person continue to be, a user of City water and enjoy or possess the privileges and advantages afforded by the City water system; and during the refusal or failure of any person to comply with such provisions, requirements, rules or regulations, all rights of such person to use City water shall wholly cease.

Sec. 3-302. COMMISSIONER OF WATER DIVISION.

The Director of the Department of Public Works shall be the Commissioner of the Water Division who shall have the responsibility for the operation, control, maintenance, improvement and repair of the City water works, its appurtenances and all City property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-303. WATER COMMISSIONER'S PLANS AND RECORDS.

The Commissioner of the Water Division shall prepare and keep on file in their office, subject at all times to the inspection of any member of the City Council, such maps, plans and records as may be necessary to fully and properly show the location of all reservoirs, mains, service pipes, valves, cocks and other fixtures in use by the Water Division, and shall turn them over to their successor in office.

Sec. 3-304. APPLICATION FOR NEW WATER SERVICE.

The applicant shall state fully and truly all the purposes for which the water may be required, and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the City water supply for purposes other than those stated in such application. New service connections will not be made between November 15 and April 15 of each year. Exemptions may be granted by the Board of Water and Sewer Commissioners. The installation, use and maintenance of all water system connections shall at all times conform to standards promulgated by the Vermont Department of Environmental Conservation.

Sec. 3-305. NEW WATER SERVICE CHARGES AND REQUIREMENTS TO METER.

- (a) A new service connection shall not be attached to a water main except on written application, signed by the owner of the premises to be supplied, or their duly authorized agent. The main shall be tapped and lateral pipe to the property line, and a water shut-off installed, which portion shall become the property of the City upon inspection by the Water

Division. A new water service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. However, any modification to, or alteration of, any existing service connection will be done as outlined in Section 3-305(f). All work shall be performed by the applicant at their cost and inspected by the City prior to connection. An estimated cost for inspection shall be provided by the City and paid by the applicant, as outlined in Section (f). The applicant shall also be responsible for obtaining all construction and access permits as necessary for working in the public right of way.

- (b) All water consumption shall be provided through a meter with shut-off valves on either side of the meter to allow for meter replacement and repair. Each separate use shall be individually metered.
 - (1) Conversion from flat rate to meter rate will only be allowed if each separate use can be individually metered, unless the conversion is from a combined fixture/flat rate to a metered rate.
 - (2) Any building under condominium ownership shall have separate meters for each unit. Separate shut-off valves will be provided for each unit for either the entire water service or individual water heaters, either in the public right-of-way or in the building, if provision is made in a condominium declaration allowing access for the City to enter upon the premises for the purpose of shutting off some or all of the water supply. Individual exemptions to this provision may be granted by the City Council.
- (c) The Commissioner of the Water Division shall establish the design and specifications on all meters, each of which shall have a remote reading feature. The Water Division shall provide and install all meters.
- (d) Reserved.
- (e) All water usage shall be metered.
- (f) For every new, direct connection, the property owner shall deposit sufficient funds with the City to cover the cost of labor and materials plus twenty percent (20%) overhead for making the connection to the water main.
- (g) The following water service charges shall be paid by the property owner for each direct or indirect new connection requested:

Single Family (Two Bedroom or More)	\$ 900.00 per dwelling unit
Multi-Family/Condominium	600.00 per dwelling unit
One Bedroom Multi-Family/Condominium	400.00 per dwelling unit
Non-residential	.33 per square foot
Tax Exempt	1.00 per square foot

(h) A new connection charge shall not be charged to a property owner abutting an existing water main, if that property owner has previously requested and been denied the right to connect by the City because an adequate supply of water was not available at the time of the initial request.

(i) The City Council may reduce or waive, at its discretion, the connection charge for non-residential connections, if such action would serve as an incentive for new development or expansion of existing commercial and/or industrial property.

Sec. 3-306. USE OF WATER AFTER SHUT-OFF FOR CAUSE.

No person upon any premises where a domestic service rate is established, or who shall take water by commercial or meter service rates, after the water shall have been shut off for cause, as is provided in this chapter, shall let on the water, or let the water run from the pipes on such premises, or authorize, cause or permit the water to be let on.

Sec. 3-307. USERS' DUTY TO MAINTAIN FIXTURES.

All persons taking water must keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and must prevent all unnecessary waste of water. The City shall not be liable for leakage of pipes or fixtures upon the premises of the taker, nor for any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

Sec. 3-308. DISCONTINUANCE OF WATER SERVICE.

When it is desired to discontinue the use of water, notice must be given at the office of the Division, as bills will be made and service rates collected until the water is shut off at the City stop-cock.

Sec. 3-309. RATE REDUCTION FOR DISUSE OR VACANCY.

No abatement of the water rate will be considered by reason of disuse or diminished use, or vacancy of premises, unless notice thereof be given at the office of the Division. The minimum charge, as established by the City Council, shall be paid annually, regardless of use, so long as the service pipe is connected to the main.

Sec. 3-310. USE OF WATER FOR UNAUTHORIZED PURPOSE.

No person shall give away or use any water from the City water works on any premises, for any other purpose than that for which payment has been made; nor allow the water to be wasted from fixtures out of repair or otherwise. The Water Commissioner, or their authorized agent, may cut off the water from the premises of any person who shall violate any of the provisions of this section, and such offender shall be deprived of the use of the water until they shall have made all necessary repairs and paid all outstanding charges owed the City.

Sec. 3-311. CHARGE FOR UNAUTHORIZED USE.

When a person has used City water without a permit from the Water Division, a charge shall be

made against the premises located within or without the City for the time the water has been so used, or for the quantity estimated by the Water Commissioner or shown by meter measurement to have been used; and said charge increased fifty percent (50%) shall be collected as provided in Section 3-325 of this Chapter.

Sec. 3-312. USE OF HYDRANTS.

Hydrants, fire plugs and pipes rated as used for fire purposes shall be used for no other purpose except with the permission of the Water Division in flushing sewers and cleaning streets and mains.

Sec. 313. OBSTRUCTING CITY WATER SYSTEM APPURTENANCES.

No person shall by any means obstruct access to any stop-cock, hydrant, fire plug or other appurtenance of the City water system.

Sec. 314. INJURY OR DAMAGE TO CITY WATER SYSTEM APPURTENANCES.

No person shall remove, carry off, or in any way injure, interfere or meddle with any hydrant, fire plug, stand-pipe, valve, valve-box, valve-cover, pipe, tool, apparatus, fixture, building, machinery, or fence, belonging to the City water system.

Sec. 3-315. WATER TURN-ON TO METER.

The water shall not be turned on for use by meter rates until a suitable place has been prepared for a meter to be set as determined by the Water Commissioner or their authorized agent.

Sec. 3-316. CONTROL AND ACCESS TO METER.

The Water Division shall not furnish water through any meter which it does not either own or over which it does not have exclusive control and to which it does not have full access for meter reading, testing, maintenance and replacement.

Sec. 3-317. ONE METER PER PREMISES.

Premises of different persons shall not be supplied through one meter, except as otherwise provided herein.

Sec. 3-318. MULTIPLE METERS.

Water used through two or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply, shall be rated as passing through one meter; if used for separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the prevailing established minimum meter rate.

Sec. 3-319. METER FAILURE.

If from any cause a meter or its remote reader fails to register the amount of water passing

through it, the consumer will be charged at the average daily rate, as shown by the meter during its use when in order. The consumer will be notified, in writing, that the Water Division will repair or replace the meter.

Sec. 3-320. PLACEMENT OF METER.

(a) Meters must be connected with all fixtures supplied with water on the premises in such a manner that all water used will be measured. All meters shall be set under the direction of the Water Commissioner and shall not be moved or disturbed without their permission. In case of the use of water through a meter in such manner that the meter does not, in the opinion of the Water Commissioner, accurately measure the water actually passing through it, the Water Division shall place such meter on such service as will, in the Commissioner's opinion, correctly register the amount of water used.

(b) All water meters must be equipped with a remote reader of a type specified by the Commissioner of the Water Division which shall be situated on an easily accessible exterior wall of the structure as determined by the Water Commissioner.

Sec. 3-321. WATER COMMISSIONER MAY ORDER INSPECTION.

The Water Commissioner shall cause the premises of persons using City water to be inspected whenever in their judgment such inspection is necessary, and the meters, pipes, and other fixtures and appliances connected with the service to be examined.

Sec. 3-322. INSPECTION OF PLUMBING FIXTURES, ETC.; DUTY OF CONSUMER.

Any duly authorized officer or agent of the Water Division may enter at all reasonable times the premises of any person supplied with water to inspect the pipes, fixtures, etc., which are used in connection with the water supplied, and it shall be the duty of the person supplied to answer at all reasonable times all proper inquiries made by the Division or their agents in regard to the quantity, purposes and manner in which the water is used on the premises.

Sec. 3-323. NOTICE OF WATER WASTAGE.

The owner of premises using City water upon notice from the Water Commissioner that any faucet, closet, hose connection or other fixture on said premises is leaky, or otherwise out of repair so as to waste the water, shall within five days cause the same to be made tight and put in proper condition for the conservation of the water.

Sec. 3-324. POWER TO REFUSE WATER SERVICE.

The Water Commissioner shall have power to withhold the water supply from any person failing or refusing to comply with any of the provisions of this Article III, orders, requirements, or rules and regulations of the Water Division. Any failure, neglect, or delay on the part of the Water Commissioner to withhold water under the authority granted herein shall not constitute or be construed as a waiver of their right to do so, and they may at any time, after finding that a user of City water is violating any provision or requirement of this Article or any rule or regulation of the Division, cause the water to be shut off, and to remain off, from the premises of such user, until such user of the City water shall have fully complied with such Article, orders, requirements, and rules and regulations.

Sec. 3-325. WATER RATES.

(a) Water Commissioner Proposes Adjustment in Rates. The Water Commissioner shall submit to the City Council such proposals of amendment to the rates of the Water Division as they may deem for the best interest of the City. Such rates shall include a standby or capacity charge for fire protection for buildings that are located within the City water supply service area but are not connected to such water supply, or are connected to a private water supply in addition to the City water supply.

(b) Establishment of Water Rates. The City Council shall establish all water rates and when payment of these rates will become due and payable.

(c) Collected by the City Treasurer. All water rates shall be payable to and collected by the City Treasurer at their office.

(d) Notice and Bill: Late Penalty and Interest. Notice and bill for water rates shall be made by mailing the same to the owner or duly authorized agent in charge of the premises where used.

(1) Such notice and bill shall state the dates of coverage of the bill, and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.

(2) If said bill is not paid on or before the passage of sixty (60) days from the billing date, the Water Division may, without further notice, at the discretion of the Water Commissioner with consultation from the City Health Officer, cause the water to said premises to be disconnected in accordance with procedures established in general law.

(3) An interest charge for late payment of water charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which eight percent (8%) is required to be added to all unpaid bills.

(f) Water Rates as Taxes and Tax Liens. Water rates shall be a tax and a lien on the real estate supplied with the water, and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

Sec. 3-326. PROPER SHUT-OFF VALVE REQUIRED.

If, having shut off the water from any service for repairs or other cause, it is found that on said service there is no cut-off back of all fixtures, the water shall not be again turned on to such service until a suitable cut-off is properly placed therein.

Sec. 3-327. NOTICE OF INTENT TO TERMINATE SERVICE.

Whenever it becomes the duty of the Water Commissioner, under the provisions of this Article, to shut off water, they shall, unless herein otherwise specified, give the user of water on the premises

affected and the occupants thereof not less than twenty-four (24) hours notice of the time when, unless the provisions of this chapter and the rules and regulations of the water Division are complied with, the water will be shut off.

Sec. 3-328. NOTICE TO FIRE DIVISION OF SHUT-OFFS.

The Commissioner, whenever they shall cut off the supply of water from any of the hydrants in any part of the City for repairs or other causes, shall immediately give notice thereof to the chief engineer of the Fire Department. They shall state in the notice particularly to what extent the hydrants are so rendered unavailable for fire service; and shall also notify the chief engineer when the said hydrants are again in working order.

Sec. 3-329. PERMISSION TO DRAW WATER FROM HYDRANTS.

No person shall open any hydrant or draw water therefrom, except under the direction of the Water Commissioner, the City Engineer or the Fire Department.

Sec. 3-330. TEMPORARY SHUT-OFF: NOTICE.

Whenever the Water Commissioner shall have cause to shut off the supply of water on any line of pipe for repairs, they shall immediately notify the water takers on such line of pipe, stating as nearly as possible the length of time such supply will be shut off; provided, however, that in case of sudden burst or other emergency, the water may be shut off without notice, in which case notice as aforesaid shall be given the water takers on the line of pipe so affected as soon as possible after shutting off the water.

Sec. 3-331. TAMPERING, ETC., WITH EQUIPMENT BELONGING TO THE WATER DIVISION.

No person shall meddle with, disturb, remove, carry off, or in any way injure any hydrant, valve, valve box or cover, meter, stop-cock, stop-box or cover, pipe, tool, apparatus, fixture, building, machinery to fence belonging to the City water works, nor place anything in such manner as to obstruct or hinder free access to any hydrant or meter.

Sec. 3-332. REGULATION OF WATER CONSUMPTION.

(a) Upon a finding by the City Council, the Board of Health or the Vermont Department of Health that there exists an actual, potential or anticipated threat to the potability, sufficiency, quality, quantity or integrity of any public water supply, including its tributaries and sources, the City Council may direct one or more of the following water conservation measures for all consumers on the water supply, including the extra-territorial water consumers:

(1) A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to, motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.

(2) A prohibition against watering yards and vegetation, washing motor vehicles and mobile equipment, cleaning outdoor surfaces and buildings, operating ornamental fountains and

water-consuming displays and the filling or topping off of swimming pools. This prohibition shall not apply to commercial enterprises or watering of food crops or trees.

(3) An emergency water conservation notice prohibiting the use of water for any activity specified under subdivision (1) hereof, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the City's water system.

(4) A mandatory water conservation order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.

(b) Notice of any water conservation measure adopted under Subsection (a) shall be disseminated immediately through the local media, and shall be posted conspicuously in all areas served by the City's public water supply system. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the City's water supply system.

(c) Any person who shall violate any water conservation measure adopted under Subsection (a) and promulgated under Subsection (b) shall be deemed to have committed a civil offense, and shall be subject to the penalties established in Section 1-9(d).

(d) The provisions of Section 3-407 shall apply to the implementation of any water conservation measure adopted under this Section.

CHAPTER 3
PUBLIC WORKS
ARTICLE IV. SEWER DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS

Sec. 3-400. COMMISSIONER OF SEWER DEPARTMENT

(a) The Director of the Department of Public Works shall be the Commissioner of the Sewer Division who shall have the responsibility of the operation, control, maintenance, improvement and repair of the City sewer system and its appurtenances and all City property pertaining thereto. The Water Resource Recovery Facility (WRRF), formerly Wastewater Treatment Plant, is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 47, which discharge permit establishes the WRRF treatment capacity. The City is obligated by law to comply with conditions of that permit, and to operate and manage the WRRF and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

(b) The capacity of the WRRF and SEWERS to adequately collect, treat and discharge sewerage is the property of the City, and shall be allocated by the Board of Sewer Commissioners in the manner prescribed below. This ordinance is adopted pursuant to the provisions of 10 V.S.A., Sec. 1263 (g) (1), in the manner provided in 24 V.S.A. Sections 1972-1973, and shall not be construed as an abandonment or relinquishment of the responsibility of the City to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the City, nor shall it be construed to impair or inhibit the ability of the City to contract with persons for the collection, transmission and treatment of sewerage.

Sec. 3-401. DEFINITIONS

(a) "Board of Sewer Commissioners" shall mean the City Council of the City of Montpelier, convened as a board of sewage disposal commissioners under 24 V.S.A., Sec. 3614.

(b) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

(c) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the building wall.

(d) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(e) "Capital Connection Charge" shall mean an allocation fee, hereby imposed, for each direct and indirect connection or attachment to SEWERS or WRRF, which fee approximately equals the pro rata costs previously incurred or expected to be incurred by the City for WRRF and SEWER capital investment. This charge is set annually by resolution of the Board of Sewer Commissioners.

(f) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

(g) "Discharge Permit" shall mean a permit issued pursuant to authority granted in 10 V.S.A., Chapter 57.

(h) "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(i) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

(j) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(k) "Operating Connection Charge" shall mean an operating fee, hereby imposed, for each direct and indirect connection or attachment to SEWER or WRRF, which fee approximately equals the costs incurred by the City in administering and inspecting such connections. This charge is set annually by resolution of the Board of Sewer Commissioners.

(l) "Person" shall mean any individual, firm, company, association, society, corporation, or group, or as prescribed in 1 V.S.A., Section 126.

(m) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(n) "Property Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(o) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the public authority.

(p) "Private Sewer" shall mean a sewage disposal system, other than a public or community system, which receives other than human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil-absorption systems, and other such types as may be prescribed in regulations by the City Health Officer.

(q) "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.

(r) "Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont, or their representatives.

(s) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(t) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(u) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(v) "Sewer" shall mean a pipe or conduit for carrying sewage.

(w) "Shall" is mandatory; "May" is permissive.

(x) "Sludge" shall mean the solid or semi-solid waste product of the sewage treatment process which is not discharged together with WRRF effluent, but is instead disposed of in another manner.

(y) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity or flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(z) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(aa) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(bb) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 3-402. USE OF PUBLIC SEWER REQUIRED

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Montpelier, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Montpelier, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and Laws of the State of Vermont.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all new houses, buildings or properties used for human occupancy and containing toilet or waste facilities situated within the City and abutting any street, alley or right-of-way in which there is a public sanitary or combined sewer, is hereby required to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance.

(e) Person wishing to use uncommitted capacity of the WRRF and SEWERS, including substantial change in volume or character of pollutants that are being discharged, shall apply to the Board of Sewer Commissioners on a form prescribed by the Board. Such application shall be accompanied by a certification of a licensed or registered engineer attesting to the maximum wastewater flow to be generated by the project or development identified in Section (f)(3) which will be

introduced into the WRRF and SEWERS.

(f) The Board of Sewer Commissioners shall approve the request for use of uncommitted capacity upon making affirmative findings that:

(1) The proposed wastewater is of domestic sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection.

(2) The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the WRRF and SEWERS, and that the proposed wastewater will not, alone or in combination with other wastes, cause a violation of the discharge permit, pass through the WRRF without treatment, interfere or otherwise disrupt the proper quality and disposal of WRRF sludge, or be injurious in any other manner to the WRRF and SEWERS.

(3) All applicable state, federal and municipal licenses, approvals and permits have been, or will be, secured by the applicant for the project or development to which connection is to be made.

(g) The Board of Sewer Commissioners, on making affirmative findings above, shall issue an interim connection approval, which approval shall:

(1) Specify the volume, flow rate, strength and any other characteristics determined appropriate by the Board of Sewer Commissioners.

(2) Prohibit the sale or other transfer of the interim connection approval by the applicant to any other person without written approval of the Board of Sewer Commissioners, except as an appurtenance and an integral part of the project or development approved in accordance with Section (f)(3) above.

(3) Specify the period of time during which the interim connection approval shall remain valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions shall, as a minimum, include:

(a) payment of one-half (1/2) of the capital connection charges upon the granting of interim connection approval, and payment of the balance of said charges upon the application of a building permit for the project or development identified in Section (f)(3).

(b) complete payment of all sewage charges, connection charges, impact fees and benefit assessments not later than ninety (90) days from the due date; and

(c) completion of any project construction associated with the proposed project, which period shall be set by the Board of Sewer Commissioners and generally be of no more than two years duration.

(4) Be revocable by action of the Board of Sewer Commissioners on failure of the applicant to fulfill requirements of the interim connection approval.

(5) Become final and irrevocable upon meeting all the conditions specified in Section (g)(3) above, except that the Board of Sewer Commissioners may issue lawful orders for disconnection

from the WRRF and SEWERS upon their determination that such connection:

- (a) is causing a violation of the City's discharge permit; or
- (b) is causing a nuisance or health hazard; or
- (c) is causing damage to the WRRF and SEWERS; or
- (d) is in violation of any other ordinance, bylaw or enactment of the City relating to the ownership;
- (e) is the subject of delinquent sewage charges, connection charges, impact fees or benefit assessments;
- (f) is not in compliance with the application regarding volume and character of wastewater flow; or
- (g) is otherwise in violation of this ordinance.

(6)WRRF flows and capacity shall be determined in the following manner:

(1) Wastewater Flow – The discharged liquid wastes from a property, such as a building or parking lot, to a combined or sanitary sewer; such flow to be calculated as the average gallons per day on a year basis (365 days). Flow capacity shall be determined by reference to Table 7-A, Flow Quantities, adopted by the Vermont Agency of Natural Resources, Department of Environmental Conservation, as promulgated at the time a connection permit application is made.

(2) Reserve Capacity – That amount of daily flow capacity (gallons per day) calculated as follows: Daily plant flow limit minus the most recent twelve (12) months actual average daily flow of all projects approved by the Vermont Agency of Natural Resources and City not yet connected to SEWERS and WRRF.

(3) Committed Reserve Capacity – That amount of total average daily flow (gallons per day) from all projects/buildings approved by the City and the Agency of Natural Resources for connection to WRRF, but not yet connected at the time of the calculation.

Sec. 3-403. PRIVATE SEWER FACILITIES.

(a) Where a public sanitary or combined sewer is not available under the provisions of Sec. 3-402(d), the building sewer shall be connected to a private sewer system complying with the provisions of this Article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Commissioner. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Commissioner.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Commissioner. The Commissioner shall be allowed

to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Commissioner when the work is ready for final inspection, and before any underground portions are covered.

(d) The type, capacities, location, layout, operation and maintenance of a private sewage disposal system shall comply at least with the standards promulgated by the Vermont Department of Environmental Conservation. No permit shall be issued for any private sewage disposal system employing subsurface solid absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Sec. 3-403(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

(f) The owner shall operate and maintain the private sewer facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt.

Sec. 3-404. BUILDING SEWER FACILITIES.

(a) No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commissioner at least forty-five (45) days prior to the proposed change or connection.

(b) An operating connection charge, determined by the Board of Sewer Commissioners, shall be paid by the person requesting a sewer connection, which charge shall provide for inspection of the building sewer from the connection with the public sewer to the building by the sewer department. All applicable construction and access permits shall be obtained prior to excavation in the public right of way.

(c) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Public Works Specifications, Building, and Plumbing Codes of the City of Montpelier.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer.

(f) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(g) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation, Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation.

(h) The applicant for the building sewer permit shall notify the Commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commissioner or their representative.

(i) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(j) New sewer connections will not be made between November 15 and April 15 of each year. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-405. USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Commissioner. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commissioner, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide

in excess of two (2) milligrams per liter (mg/l) as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, wastes of the stone industry, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Commissioner that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or between zero (0) and sixty-five (65) degrees Celsius.

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Commissioner.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Commissioner for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Commissioner as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed

limits established by the Commissioner in compliance with applicable state or federal regulations.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(b) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated in Subsection (d) of this section, and which in the judgment of the Commissioner may have a deleterious effect upon the sewage works, process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commissioner may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- (3) Require control over the quantities and rates of discharge.

If the Commissioner permits the pretreatment and equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioner, and subject to the requirements of all applicable codes, ordinances and laws, and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry. (Adequate pretreatment will be provided for prior to entering interceptor sewer.)

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.

(1) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction,

watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(2) Where installed, all grease, oil, hair and sand interceptors shall be maintained by the owner at their expense in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

(h) When required by the Commissioner, the owner of the property serviced by the building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at their expense, and shall be maintained by them so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commissioner may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commissioner. Such records shall be made available, upon request, by the Commissioner to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Commissioner to the Secretary on request.

(i) All measurements, tests and analyses or the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

(j) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal and State laws and are compatible with any user charge and industrial cost recovery system in effect.

(k) Any industry held in violation of the provisions of this Ordinance may have its disposal

authorization terminated.

Sec. 3-406. PROTECTION DAMAGE, VIOLATIONS AND PENALTIES.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest without warrant and shall be subject to the penalties provided in Section 1-8 of this Code.

Sec. 3-407. POWERS AND AUTHORITY OF INSPECTORS.

(a) The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Commissioner or their representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 3-408. PENALTIES.

a) An annual charge shall be determined by the Board of Sewer Commissioners and is hereby imposed upon every person whose premises have a building or structure thereon and are served by the SEWERS and WRRF, and from which, directly or indirectly, sewage is being collected from the use of the premises for the payment of the costs of operating, maintaining and repairing said SEWER and WRRF. The Board of Sewer Commissioners may establish annual charges separately for debt repayments, fixed operating and maintenance costs (not dependent upon actual use), and variable operations and maintenance costs dependent on actual use and the funding of reserves. Annual charges determined thereunder shall be effective on and after the date of adoption thereof by resolution of the Board of Sewer Commissioners.

b) In addition, the City Council may establish, impose and collect a sewer benefit assessment upon all property within the City, irrespective of its connection to the City sewer systems, such benefit assessment to be based on the appraised value of such property.

c) The sewer charges established in Section (a) and (b) shall be imposed and collected whether or not the property connected to the SEWER and the WRRF is occupied. All sewer rates shall be payable to and collected by the City Treasurer at City Hall.

d) The design, construction and development costs of all public sewerage system expansions and extensions which have been approved by the Board of Sewer Commissioners and approved by the City shall be borne by the developers and property owners requiring, requesting or directly benefiting

from such extension and/or expansions, unless the voters of the City shall vote at a duly warned annual or special City Meeting to assume all or a portion of the costs involved. When the voters of the City vote to assume all or a portion of the costs, such costs will be paid in the manner provided by law.

e) Notice and bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

1. Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.

2. An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

f) A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest are required to be added to all unpaid bills.

g) Sewer rates shall be a tax and a lien on the real estate supplied with the sewer, and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

h) A separate capital reserve fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the SEWERS and WRRF. Any capital reserve fund policy shall contain the following: Major maintenance/replacement identification; estimated expenditures; estimated year of expenditure; payment amount; type of account to be used to accumulate capital reserve fund assets; and source of funding.

i) The Board of Sewer Commissioners reserves the right to increase or decrease regular deposits to a capital reserve fund not exceeding fifteen percent (15%) of the normal total budgeted expenses for SEWERS and WRRF debt service, maintenance and replacement, or five percent (5%) total budget for WRRF expansion in any year. The Board of Sewer Commissioners holding office have the authority to withdraw capital reserve fund amounts only for the purpose of paying for major expenditures/plant expansion for which the fund was established, or for the purchase of private sewer systems.

j) When capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and WRRF expansion, excess assets shall be re-deposited into the capital reserve fund for future related expenditures similar in nature. Capital reserve funds established for WRRF expansion may be generated from general sewer benefit assessments and/or from connection/impact fees paid by prospective users to defray WRRF expansion costs, which fund shall not exceed the estimated future expansion for the WRRF. Impact fees assessed and collected by the City for SEWERS and WRRF expansion shall be deemed appropriated, encumbered and expended as of the date of receipt. Funds created under this Section shall be maintained in segregated accounts and may be expended, together with accrued interest, only for the purpose for which each fund was established.

Sec. 3-409. SEWER RATES.

(a) Sewer Commissioner Proposes Adjustment in Rates. The Sewer Commissioner shall, from time to time as they may see fit, submit to the City Council such proposals of amendment to the rates of the Sewer Department as they may deem for the best interest of the City.

(b) Establishment of Sewer Rates. The City Council shall establish all sewer rates and when payment of these rates will become due and payable.

(c) Collected by City Treasurer. All sewer rates shall be payable to, and collected by, the City Treasurer at City Hall.

(d) Notice and Bill: Late Payment Penalty and Interest. Notice of bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

(1) Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five days from the billing date, a penalty of eight percent will be added to the rate charge and in addition, the bill will show the exact due date.

(2) An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest is required to be added to all unpaid bills.

(f) Sewer RRate Liens. Sewer rates shall be a lien on the real estate supplied with the sewer and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

Sec. 3-410. ALLOCATION OF UNCOMMITTED RESERVE WRRF CAPACITY.

(a) Allocation of uncommitted reserve plant capacity shall be made in accordance with the following priorities:

(1) There is reserved for the benefit of all Montpelier property within the WRRF's original design service area within Montpelier's City limits ten percent (10%) of WRRF reserve capacity, it being found and determined that substantially all residential, commercial and industrial property within the original Montpelier design services area within the City limits has been connected to and is served by WRRF and SEWERS.

(2) The capacity reserved under Section (a)(1) is deemed to be a committed reserve for actual or potential connections to WRRF and SEWERS by property within the original Montpelier design service area within the City limits. All private sewer lines, mains and systems within the original Montpelier design service area within the City limits shall be connected to WRRF and SEWERS.

(3) The Board of Sewer Commissioners is authorized, but not required, to grant

connections to WRRF or SEWERS to or for the benefit of property outside of the Montpelier City limits. Applications shall be considered by the Board of Sewer Commissioners in the order in which applications for connection permits are made; provided, however, that the grant of any such connection permit shall comply with all then existing agreements with other municipalities and shall be subject to all of the following conditions:

(a) All such connection permits shall be granted only to municipalities, upon application from the municipality, which shall include a description satisfactory to the City of the properties and uses to be served by the connection applied for.

(b) All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant's payment to the City prior to connection of all costs of improvements, replacements, or enlargements of this WRRF or SEWERS found by the City to be necessary to effect such connection.

(c) All such connection permits shall provide for, and their exercise shall be conditioned upon, the receipt by the City from the applicant municipality, in the event that property within the City limits is at any time assessed for current or future improvements, replacements or enlargements of the WRRF or SEWERS, of such amounts as would have been assessed on those properties located outside the City limits which are or will be served by the connection, as if said properties were located within the City limits.

(d) All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant's payment to the City pursuant to a formula contained in the permit of all costs and impacts to the City, as a whole, resulting directly or indirectly from the development of the properties or expansion of the users to be served by the connection applied for.

(e) Requests for an allocation of uncommitted capacity shall be assessed a gallonage allocation fee established by the City Council coincident with the setting of sewer rates annually.

Sec. 3-411. WATER AND SEWER BENEFIT CHARGE.

(a) The City Council determines that the water treatment and sewage disposal systems are of general benefit to the municipality and will utilize the assessed value of property, as determined by the City Assessor on April 1 of the billing year, to pay for capital improvements and/or expansion of the system.

(b) The owner of any tenement, house, building or lot shall be liable for the Water and Sewage Benefit charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The Treasurer of the City of Montpelier shall bill each property owner on or before July 15 of each year for the Water and Sewer Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

Sec. 3-412. SEWER SEPARATION BENEFIT CHARGE.

(a) The City Council may determine that the separation of storm drainage from sanitary sewer lines is both beneficial to the sewage disposal system of the City and is of general benefit to the City. The City Council may further determine that the assessed value of property, as determined by the City Assessor on April 1 of the billing year, will be utilized to pay for the necessary capital improvements to effect such a separation.

(b) Upon the imposition of a sewer separation benefit charge, the owner of any tenement, house, building or lot shall be liable for the payment of such charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The City shall bill each property owner on or before July 15 of each year for the Sewer Separation Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Delinquent Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

CHAPTER 3
PUBLIC WORKS

ARTICLE V. STREET DEPARTMENT, STREETS, SIDEWALKS AND PUBLIC PLACES

Sec. 3-500. STREET COMMISSIONER.

The Director of the Department of Public Works shall be the Street Commissioner who shall have the responsibility for the maintenance, repair and improvement of the City streets, sidewalks and public places, and all other City property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-501. BOUNDS OF PUBLIC PROPERTY GIVEN BEFORE CONSTRUCTION.

No person shall erect any fence, building or other permanent structure, or set in the ground any post, stone, marker, shrub, tree or other thing indicating possession or ownership under claim of right, nor excavate, fill or in any way alter the surface of land immediately adjoining any street or municipal land, without first having ascertained the bounds and grade of the same by application to the Director of the Department of Public Works, and conformable to such bounds and grade.

Sec. 3-502. PERMIT TO DIG OR OBSTRUCT PUBLIC WAY.

No person shall break or dig up the ground or pavement in a street or public place or erect thereon, or in dangerous or inconvenient proximity thereto, a staging or other device for building, or place or deposit thereon stone, earth, sand, brick, lumber or other materials, without first obtaining a written permit from the Director of the Department of Public Works and complying in all respects with the conditions of such permit. Upon the expiration of such permit, the person so permitted shall, within a reasonable time, restore and repair such street or public place to the satisfaction and acceptance of the Street Commissioner.

Sec. 3-502.1. EXCAVATIONS.

Resurfacing (bituminous concrete, portland cement concrete): Defects and Fee

(a) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the permittee(s) including all necessary placement of temporary pavement. If performed by the City, such work will be done at permittee(s)'s expense and paid in advance based on estimated costs.

(b) The permittee(s) shall remedy any defects due to faulty materials or work and pay for any damage(s) resulting therefrom which shall appear within a period of one year from the date of completion as indicated on the Access Permit and subsection (c), and in accordance with the terms of the permit.

(c) For the purposes of this section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the Director of the Department of Public Works,

whether such resurfacing is undertaken by the Street Department or by the permittee(s) pursuant to stipulations in the permit.

(d) For excavations which involve bituminous concrete pavement and take place within the traveled portion of a roadway including the parking lane and sidewalk, the permittee(s) shall pay to the City a fee as established by resolution of the City Council. Payment of said fee shall be based upon a measurement by the Director of the Department of Public Works of the actual limits of the excavated area. The permittee shall pay to the City a fee based upon an estimated square yardage upon receipt of the permit and said fee shall be adjusted when the measurement as defined above is conducted.

(e) Fees collected by the City as defined in subsection (d) shall be used by the City to supplement City funds and expended for the resurfacing of streets in accordance with the Municipal Capital Improvement Program. Excavation Permit fees may be held by the City for an indefinite period of time or until such time as they may be needed for resurfacing projects.

Sec. 3-502.2. OBSTRUCTIONS.

The permit fee for the obstruction of a public street, road, place or way including sidewalks for construction or renovation related purposes as described in Sec. 3-502 shall be the amount established by resolution of the City Council for each day that the obstruction exists. The City Council, by resolution or ordinance, shall regulate the temporary use and occupancy of City sidewalks for all other non-construction related purposes.

Sec. 3-503. TYPE OF BARRIER AND LIGHTS.

Whenever a street or public place shall, under a permit granted as provided in the preceding section, be broken, dug up, obstructed, encumbered or otherwise thereby rendered unsafe or inconvenient for travel, the person so permitted shall put and at all times maintain a suitable railing, fence, or other sufficient guard or barrier around such section of the street or public place, so long as the same shall be unsafe or inconvenient as aforesaid; and shall also, throughout every night from one hour after sunset to one hour before sunrise, cause such railing, fence or other guard or barrier to be sufficiently illuminated so as to give warning of the presence thereof.

Sec. 3-504. DRAIN SPOUT OR PIPE OUTLET ONTO PUBLIC WAY.

No person shall place, construct, maintain or use any eaves-trough, spout, pipe, channel or conductor of water upon any building or upon any parcel of land in such manner that water flowing therefrom may flow or come or form ice on a street or public place.

Sec. 3-505. ICE OR SNOW FALLING ONTO PUBLIC WAY.

A person owning or having charge of a building or other structure from which snow, ice, or water falls, or is likely to fall, upon a street or public place, shall put and maintain thereon such guards or devices as will prevent snow, ice, or water from so falling therefrom impede or prevent public passage upon a City sidewalk.

Sec. 3-506. PLACING ICE OR SNOW ONTO PUBLIC WAY.

No person, partnership or corporation shall throw, shovel, propel, deposit or cause to be thrown, shoveled, propelled or deposited, snow or ice from private property into the streets or public sidewalks.

Sec. 3-507. REMOVAL OF ICE AND SNOW ON PUBLIC WAY PLACED THERE FROM PRIVATE PROPERTY.

If snow or ice is thrown, shoveled, propelled or deposited on the street or public sidewalk from private property, the Street Commissioner shall remove such snow and ice at the expense and charge of the abutting property owner or tenant, which expense and charge may be recovered with full costs, in an action of contract in the name and on behalf of the City, and the person, partnership, or corporation causing such snow or ice to be thrown, shoveled, propelled or deposited from private property onto the street or public sidewalk shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 3-508. STREET COMMISSIONER NOTIFIED.

The Chief of Police shall promptly notify the Street Commissioner of any violation of the provisions of this ordinance.

Sec. 3-509. WETTING STREET.

No person shall wet down a street or public place, or use water in such a way that it shall come thereon, at any time when water is likely to freeze.

Sec. 3-510. DRAINAGE.

No person shall excavate, fill, divert, pipe, channel, or in any manner change, or obstruct existing drainage or any natural water course on public lands or private property without first obtaining permission from the public works director.

Sec. 3-511. METAL TIRES AND TRACKS.

No person shall operate any motorized vehicle or equipment upon a paved street, having metal wheels, cleats, or tracks; with the exception of municipal employees in the performance of official duties.

Sec. 3-512. VIOLATION

Any person violating Sec. 3-504, 3-505, 3-506, 3-508, 3-509, 3-510 or 3-511 shall be subject to the general penalty established in this Code of Ordinances.

CHAPTER 3
PUBLIC WORKS
ARTICLE VI. NUMBERING OF BUILDINGS

Sec. 3-600. NUMBERS AFFIXED TO DWELLINGS.

The Director of the Department of Planning, under the directions of the City Council, shall, from time to time as the public convenience may require, cause numbers to be affixed to or inscribed on all dwelling-houses and other buildings or parts of buildings on a street and vacant land. The Director of the Department of Planning shall, subject to the approval of the City Council, determine the form, size and material of such numbers, and the mode, place, succession and order of affixing or inscribing them as aforesaid.

Sec. 3-601. NUMBER SCHEME.

The numbering of buildings and open land shall conform to promulgated E-911 standards.