

Community Facilities

Section 1108. Community Facilities

1108.A Landowners must obtain a zoning permit, and site plan approval if applicable, for land development associated with a community facility, unless otherwise exempted under these regulations.

1108.B Land development associated with a community facility shall be reviewed with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening and compliance with the flood hazard regulations of Section 2201 if applicable, unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the community facility.

1108.C Community facilities include:

- (1) Institutions or facilities owned by the town or state.
- (2) Public and private schools or other educational institutions certified by the state.
- (3) Places of worship or religious institutions.
- (4) Public and private hospitals certified by the state.
- (5) Waste management facilities certified by the state.

1108.D Community facilities do not include public utility power generating plants or transmission lines, which are exempt from regulation pursuant to 24 V.S.A. § 4413(b).

1108.E The Town of Milton strongly discourages community facilities on sites that are not zoned for the proposed use. However, the town will accept an application that proposes a community facility in any zoning district. The burden of demonstrating that a condition imposed on a community facility interferes with the intended functional use rests with the applicant. **[The Town of Milton strongly encourages that the community facility serve the public good and be accessible by and for the use of the broader public where appropriate.]**

1111.A In accordance with 24 V.S.A. 4412(5), a resident must obtain a zoning permit to operate a family childcare home in **[their]** dwelling that conforms to the standards of this section and complies with all applicable state requirements. **[A family childcare home may provide care for children in accordance with the following]:**

- (1) The operator may provide care to up to 6 children on a full-time basis and 4 children on a part-time basis at any one time during the school year, not including any children who live in the residence.
- (2) Care of a school-age child for not more than 4 hours a day will be considered a part-time basis except that those part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days that occur during the school year.
- (3) During the school summer vacation, the family child care home may provide care to up to 12 children, not including any children age 7 or older who live in the residence, provided:
 - (a) That at least 6 of these children are of school age; and
 - (b) A second staff person is present and on duty when the number of children in attendance exceeds 6.
- (4) A childcare **[operation]** that does not conform to the standards of this section will be considered either a **[home childcare facility, if up to 12 full-time children are served on a regular basis, or a daycare, if not located in a dwelling and/or over 12 full-time children are served,]** and may be allowed in specified districts in accordance with all applicable provisions of these regulations.

2005.D Multiple and Mixed Uses. If a lot is located in one of the districts listed below, a property owner may use that lot for any combination of uses allowed in that zoning district, except that a lot containing a non-conforming use may not add an additional principal use. In all other districts, the Town of Milton only allows one principal use on a lot unless approved as part of a planned unit development in accordance with the provisions of Chapter 350 and Chapter 440.

- (1) Downtown Business (DB1) District*
- (2) Checkerberry Neighborhood Center (NC1) District*
- (3) Historic Neighborhood Center (NC2) District*
- (4) Milton Crossroads Marketplace West (M2) District*
- (5) Checkerberry Commercial (M4-C) District*
- (6) **Old Towne Residential/Commercial (M5) District***
- (7) General Industrial (I2) District*
- (8) Industrial Conservation (I3) District*

Irregularly-Shaped Lots and Road Frontage

2006.E Road Frontage. All lots must front on a public or private road as specified in each zoning district and in accordance with the following:

- (1) Pre-Existing Lots. An existing lot without the minimum required frontage on a maintained public or private road must have access to such a road over an easement or right-of-way not less than 40 feet wide for single- and two-family residential lots and 60 feet wide for all other lots.*
- (2) Corner Lots. Lots that front on more than one road will only be required to meet minimum frontage requirements on the road(s) from which the lot is accessed.*
- (3) New Lots. All new lots created under these regulations must have the minimum frontage on a maintained public or private road unless the Development Review Board:
 - (a) Determines that, in accordance with Section 3002, the lot is accessed by a driveway that will serve no more than a total of 3 lots, 3 principal buildings on a lot, or up to 50 dwelling units on one lot (subject to the maximum density requirements in the zoning district), whichever is the most restrictive;*
 - (b) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of Chapter 350 and Chapter 440;*
 - (c) Approves a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots (only one such waiver may be granted within any 10 year period for a lot subdivided from a parent parcel). **[Prior to granting a request for a frontage waiver, the DRB must determine that the irregular lot dimensions are the reason for, or directly relate to, the request for the frontage waiver. The waiver criteria detailed in Figure 4-01 shall also apply to any frontage waiver request];** or*
 - (d) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry or open spaces uses through legally enforceable and permanent means such as a conservation easement. Prior to granting such waiver, any such lots must have permanent access to a public or private road over an easement or right-of-way not less than 20 feet wide.**

Public Art on Utility Boxes

*2102.D(2)(g), 2103.D(2)(g), 2107.D(2)(g): Locate new mechanical equipment, electrical meter and service components, satellite dishes, heating and cooling units, ventilation equipment and similar utility devices so that they will be screened from view at the front property line to the maximum extent feasible. **If adequate screening is not possible, applicants must either use materials and colors that will camouflage the device so it has no undue adverse aesthetic impact or decorate the equipment so as to constitute public art.***

Updated M5 District Goals

Section 2109. Old Towne Residential/Commercial (M5) District

2109.A **Purpose.** The purpose of the Old Towne Residential/Commercial District is to foster the development of compact residential neighborhoods that offer a diversity of housing and high quality of life in the town core **[and support greater investment in the adjacent state-designated Village Center District]** by:

- (1) Accommodating limited and small-scale, **[creative economy]** businesses that will provide basic goods and services that residents in nearby neighborhoods can access by walking or biking.
- (2) Accommodating **[higher density]** residential infill in areas that are served by public infrastructure and transit, and that is close to schools, shopping, services and public recreation facilities.
- (3) Avoiding and mitigating potential conflicts between land uses so that the off-site impacts of nearby commercial uses do not adversely affect residents' quality of life.
- (4) Stabilizing existing residential neighborhoods, creating additional and retaining existing owner-occupied housing, and **[creating more housing opportunities through ADUs and upper floor residential]**.
- (5) Encouraging quality and efficient construction with durable, low-maintenance materials and distinctive designs **[that are compatible with the historic character of the district and the adjoining Main Street corridor]**.

Family Childcare Homes and Facilities

Add Home Childcare Facilities to the use table and allow to be permitted in districts where day cares are permitted. Conditional use in residential areas where they are not: R1-R7.

Accessory Home Business in M4-C (Section 2123, p. 2-43, row 9)

Change from prohibited to permitted.

Pet Grooming in NC2 (Section 2123, p. 2-45, row 41) (Pet and Animal Service)

Veterinary service is a similar use/definition and is a permitted use. Change from conditional use to permitted use.

Expand Commercial Uses in M5 District (2123, pp. 2-43—2-45):

Uses to Allow: Retail Sales (P), Food or beverage stores (P), restaurant (P), tavern (C), mobile food service (C), pet and animal service (C), veterinary clinic (C), handcrafted or artisanal manufacturing (C), media studio (P), movie theater (C), office/professional service (P), personal/business service (P), indoor recreation (P), child day care (P), medical clinic (P), upper floor residential (P) (must also modify 2005.D *Multiple and Mixed Uses* to allow mixed use to accommodate upper floor residential.)

Figure 3-01 Minimum Parking Ratios – Notes: Coffee Shop Characterization

High turnover uses are characterized primarily by drop-in customers or visitors staying for a short period of time (ex. convenience store, fast-food restaurant, ~~coffee shop~~, or businesses with drive-throughs).

Uses with regular traffic are characterized by primarily scheduled customers or visitors staying for moderate period of time (ex. sit-down restaurant, **[coffee shop]**, theater, hair salon, or medical office).

Garage/Driveway Parking

3003.A The applicant must design, construct and maintain off-street parking and loading areas as follows:

(1) Pavement. Off-street parking and loading areas must provide a firm, level surface appropriate for the anticipated level of use in all seasons.

(2) **[Driveway] Spaces Blocking Garages. [A driveway parking space that is proposed to satisfy these regulations' parking and loading requirements and that blocks a garage parking space that is also proposed to satisfy these regulations' parking and loading requirements must be for the exclusive use of the dwelling unit that the garage parking space serves]. Any parking spaces within a garage that is blocked by another space in the driveway will not qualify as a required parking space.**

(3) Minimum Parking Ratios. See Figure 3-01.

Fire Department Review (new section)

Section 3016. Fire Protection

3016.A Purpose: The purpose of this section is to ensure that adequate fire protection is provided.

3016.B Applicability: All proposed development requiring Development Review Board approval shall be subject to review by the Fire Department. The Zoning Administrator may also request that minor site plan and zoning permit applications be reviewed by the Fire Department.

3016.C Fire Department Review: Applications, including plans, shall be reviewed by the Fire Chief or their designee to ensure that sufficient provision is made for fire protection considering standards including, but not limited to, minimum distance between structures, street width, building height, fire lanes, placement and location of windows, doors and emergency egress, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants.

Infrastructure for Single/Two-Family

3201.A Applicants must obtain site plan approval in accordance with Section 4302 before the Zoning Administrator may issue a zoning permit for any land development other than one- or two-family dwellings, accessory uses or structures to one- or two-family dwellings **[and the infrastructure required to serve one- or two-family dwellings and accessory uses or structures to one or two-family dwellings]**.

ADA Parking (new section)

3202.I Accessible Parking. Applicants must include parking spaces designed to accommodate disabled persons. The size, number, and locations of accessible parking spaces shall comply with the Americans with Disabilities Act accessibility guidelines.

(1) *Minimum Number of Accessible Spaces: The required number of accessible parking spaces is shown the table 3-1 below. Additionally, at least one, and one out of every six accessible parking spaces thereafter, must be van-accessible.*

Table 3-1: Minimum Number of Accessible Spaces

Total Parking Spaces in Lot	Number of Accessible Spaces in Lot
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1000	2% of total parking provided in each lot or structure
1001 and over	20 plus 1 for each 100 over 1000

(2) *Design: Accessible parking spaces shall be designed in accordance with the following:*

(a) *Accessible parking spaces shall be 8 feet wide by 18 feet deep and include an adjacent access aisle that is 5 feet wide.*

(b) *Van-accessible parking spaces shall be 11 feet wide by 18 feet deep, include an adjacent access aisle this is 5 feet wide, and must have a vertical clearance of at least 98 inches.*

(c) *Aisles: Access aisles shall be marked (ex. with painted diagonal lines) to discourage parking within them.*

(d) *Signs: Accessible parking spaces must be identified by signs that include the International Symbol of Accessibility. Signs at van-accessible spaces must include the additional phrase “van-accessible.”*

(3) *Siting: Accessible parking spaces shall be located at the shortest possible accessible route to the accessible building entrance and facility they serve. An accessible route must always be provided from accessible parking spaces to the accessible entrance.*

(4) *Maintenance: Accessible parking spaces, aisles, and routes must be maintained in good repair and kept clear of snow, ice, debris or fallen leaf build-up.*

Landscape and Lighting Plans

3204.B *Landscape Plans. Applications for major site plan review must include a landscape plan prepared by a licensed landscape architect, certified horticulturalist, certified arborist, **[master gardener, or professional landscape designer]**.*

3205.C *Lighting Plan. Applicants for major site plan approval must submit a lighting plan prepared by a professional lighting engineer, designer, **[or other qualified lighting professional]** if outdoor lighting will be altered or installed.*

3204.H Screening. The site plan must include landscaped buffers, berms, fences, walls, screens, camouflage or similar mechanisms to minimize the visual impacts of proposed development on adjacent properties and public views in accordance with the following:

(4) Utilities. All utility boxes, pump stations, substations, and similar aboveground utilities must be screened from view from the road, sidewalk and surrounding residences.

If adequate screening is not possible, applicants must either use materials and colors that will camouflage the device so it has no undue adverse aesthetic impact or decorate the equipment so as to constitute public art.

Conditional Use

3304.A Character of the area is the established sum of the elements and qualities that distinguish one area of town from another[, **as informed by the zoning district's purpose and the planning area's objectives detailed in the comprehensive plan**]. The applicant must demonstrate that the proposed development will be compatible with the character of the area in accordance with the standards below:

Section 3503. General Residential Planned Unit Development (new section)

3503.A Purpose. The purpose of this section is to address the need for more housing options, to support density in the town core, and to cluster housing. The intent is to encourage development of clustered single-family and duplex homes around common open space that is pedestrian-oriented and aesthetically distinctive.

3503.B Applicability. General residential planned unit developments are permitted in the Milton Crossroads Marketplace West (M2).

3503.C Dimensional Standards. The following will apply within a general residential development:

(1) The dimensional standards for lots, setbacks, yards and structures in the base zoning district will not apply within a general residential planned unit development. The development must meet all applicable dimensional standards around its perimeter.

(2) The lot coverage for the development as a whole must not exceed the maximum lot coverage in the base zoning district.

(3) Development within the general residential planned unit development must conform to the buffer standards in Section 3011.

3503.D Density. General residential planned unit developments are not eligible for bonus density detailed in Section 2007, Density Standards.

3502.E Use. Nonresidential principal uses are prohibited within a general residential planned unit development. Single- and two-family detached (duplex) dwellings are allowed within a general residential planned unit development; no other residential buildings will be permitted.

3502.F Design. Residential development allowed under this section must be single- or two-family detached (duplex) dwellings. The following will apply within a general residential development:

(1) Setbacks. Single- or two-family dwellings must not have a setback more than 30 feet.

(2) *Front Facade.* Applicants must design the ground floor front facade so that windows, porches, balconies, and entryways comprise at least 30% of the length of front elevation. The front wall of an attached garage is not included in this calculation.

(3) *Garages.* The building frontline of a garage must be recessed from the building frontline of its associated the single- or two-family dwelling at least 2 feet if the garage is not located directly underneath a portion of the single- or two-family dwelling. The building front line of garages located underneath a portion of the single- or two-family dwelling must extend beyond (in front of) the building frontline of the single- or two-family dwelling by 2 feet.

(4) *Roofs.* Roofs must be pitched with a minimum slope of 1:2. Secondary roofs (porches, sheds, dormers, garages, etc.) may have a lower slope.

3502.G Common Open Space. The development must include one or more common open spaces in accordance with the following:

(1) A minimum of 400 square feet of common open space per dwelling unit. The Development Review Board may waive or modify the amount of common open space required by up to 50% in area for dwelling units located within ½ mile of a public recreation area, provided that the residents will be able to access the area via sidewalks and/or multi-use paths.

(2) Except as necessary to comply with Section 3503.C(1), above, common open space(s) must be located so they are the development's central organizing feature(s) to the maximum extent feasible. Common open space(s) must be sited in a location within the interior, not along the perimeter, of general residential planned unit development so they become an amenity serving the residential units and are integrated across the entirety of the residential areas of the general residential planned unit development.

(3) At least 40% of the lots or dwelling units must abut the common open space.

(4) The common open space must be landscaped with trees, shrubs, and groundcover and must not be used for parking, utility, trash collection or other service functions. Green stormwater and renewable energy infrastructure may be located within common open space provided that such functions do not unreasonably interfere with recreational use and aesthetic enjoyment of the common open space.

3502.H Community Buildings. A general residential planned unit development may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, restrooms, guest quarters or storage. The general residential planned unit development's residents must commonly own any community building through a homeowners' association or similar entity.

Section 4604. Waivers

4604.A In accordance with 24 V.S.A. §4414(8), and to further the purposes of these regulations in accordance with Section 1003, the Development Review Board:

(1) May approve waivers that authorize an adjustment of up to 10% to a dimensional standard of these regulations.

(2) May approve waivers that reduce front, side or rear setbacks by not more than 50% and to not less than 10 feet.

(3) May approve waivers that allow expansion of the footprint of pre-existing structures up to 25% from the footprint that existed on September 18, 2017 (including structures that have or would have a nonconforming footprint if expanded).

(4) Must not approve waivers to reduce any riparian or wetland setback or buffer required under these regulations.

(5) Must not approve waivers for land development within the Flood Hazard Overlay District.

(6) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a nonconforming lot.

[(7) May approve a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots (only one such waiver may be granted within any 10 year period for a lot subdivided from a parent parcel). Prior to granting a request for a frontage waiver, the Development Review Board must determine that there are irregular lot dimensions are the reason for, or directly relate to, the request for the frontage waiver. The waiver criteria detailed in Figure 4-01 shall also apply to any frontage waiver request; or

(8) May approve a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry or open spaces uses through legally enforceable and permanent means such as a conservation easement. Prior to granting such waiver, any such lots must have permanent access to a public or private road over an easement or right-of way not less than 20 feet wide.]