

**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
REGULAR MEETING AGENDA**

Online & 2 Lincoln St.  
Essex Junction, VT 0545  
Thursday, June 6<sup>th</sup> 2024,  
6:30 PM

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This meeting will be held in-person at 2 Lincoln Street and available remotely. Options to join the meeting remotely:

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1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **PUBLIC TO BE HEARD**
  - a. Comments from Public on Items Not on Agenda
4. **MINUTES**
  - a. April 4<sup>th</sup>, 2024
5. **BUSINESS ITEMS**
  - a. Welcome for new City Planner Michael Giguere
  - b. Land Development Code amendments, including discussion on following topics\*:
    - Changes previously discussed in April
    - Approval of Temporary Uses – Food Trucks and Trailers
    - Tandem Parking Spaces
    - Miscellaneous technical changes for technical consistency and cultural inclusivity
    - Day Care / Family Care Facilities in residential and mixed-use districts
    - Uses not specified in the use-table
    - Other changes for consistency with State Statute
    - Multiple Residential Buildings per Lot
    - Consistency of Density Limits between R1, R2, MF3 and R-O Districts
  - b. Chittenden County Regional Planning Commission board member position
  - c. Reschedule July and October meetings
6. **MEMBERS UPDATES**
  - a. Vision & Strategic Planning
7. **STAFF UPDATES**
8. **ADJOURN**

\*attachments included in the packet

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**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
PUBLIC HEARING  
MINUTES OF MEETING  
April 4, 2024  
DRAFT**

**MEMBERS PRESENT:** Phil Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens, Scott McCormick, Elijah Massey.

**ADMINISTRATION:** Chris Yuen, Community Development Director.

**OTHERS PRESENT:** None.

**1. CALL TO ORDER**

Phil Batalion called the meeting to order at 6:35 PM.

**2. AGENDA ADDITIONS/CHANGES**

Director Yuen requested the addition of sub-item #5(a)(vii) to discuss accessory apartment amendments in the Land Development Code.

**3. PUBLIC TO BE HEARD**

a. Comments from Public on Items Not on Agenda  
None.

**4. MINUTES**

a. March 7, 2024

**MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to approve the minutes of March 7, 2024 as presented. VOTING: unanimous (5-0); motion carries.**

**5. BUSINESS ITEMS**

a. Land Development Code amendments, including discussion on the following topics:  
i. Sign Regulations

Director Yuen said that the approach for amendments related to sign regulations was to use Burlington's existing regulations but tailor them to Essex Junction. He said that this draft version of the amendments is also based on discussion held at the March 7, 2024 Planning Commission meeting. He spoke briefly about several noteworthy changes. These included a revised set of definitions, where definitions were removed from them body of the text to avoid duplication and conflict. Commissioner Batalion pointed out an inconsistency with the allowed dimensions of directional signs, and Director Yuen flagged this for further revision and set the limit at 4 feet. Other changes include referencing the approval procedure for activities requiring review in Section 714 rather than spelling out the procedure in Section 502.H, to avoid duplication, technical fixes to Section 714, adding a content-neutral allowance for flags on flagpoles on residential and commercial properties, adding a permit requirement for neon window signs, adding back in the existing allowance for an additional freestanding sign on large lots and increasing the allowable size for the second sign to 30 feet from 20 feet, adding back in an existing allowance for a menu sign at drive-thru facilities, adding a requirement that marquee signs in the Design Review Overlay District be reviewed by the Development Review Board, adding a requirement that sandwich

boards be allowed within 15 feet of the front door of a business or within 15 feet of a vehicular or pedestrian entrance to the property on which the business is located (and continue to require the boards to be removed outside of business hours), modifying the wall sign size limit to 80 square feet for signs within 50 linear feet of the nearest public road, and adding in sign type example photographs (this has not yet been done but will be prior to the final review of the amendments). Director Yuen also spoke about a specific sign example related to the VFW, which has an un-permitted changeable message sign placed on the neighboring Northfield Savings Bank property. He noted that it is unclear whether the VFW has permission from the bank property to have the sign there, and that the additional sign wouldn't be permissible under either the existing LDC or under these draft amendments. Commissioner Batalion asked whether having a sandwich board there would be permissible instead, and Director Yuen replied that it would. Commissioner Scheld asked whether they could approach the owner of the strip mall and ask them to include the VFW sign on a second freestanding sign, and Director Yuen said that this is a viable solution as well.

ii. Electric Vehicle (EV) Charging Requirements

Director Yuen provided an update on EV charging requirements, saying that he does not think it would be a good idea to try and implement municipal regulations at this time. He suggested waiting until after South Burlington implements its regulations and seeing how they fare. Commissioner Clemens said that they can continue to remind developers and applicants to follow State Statute, which now requires developments to be built to have EV charging capabilities.

iii. Approval of Temporary Uses – Food Trucks and Trailers

Director Yuen said that in the past, food trucks and trailers on private commercial property have been issued temporary use zoning permits for a period of up to six months in a one-year period. He said that the previous administration was not strict in enforcing this, especially during Covid. He asked whether it makes sense to allow food trucks and trailers to operate year-round, noting that the City's Technical Review Committee recommended that if the Planning Commission wants to make year-round food trucks permissible, a viable approach would be to continue to treat these establishments as temporary uses but allow them to apply for a consecutive new permit every six months. Planning Commissioners agreed with this approach.

iv. Tandem Parking Spaces

Director Yuen said that tandem parking would allow for compact and creative site plan layouts for multi-family housing developments, and suggested that the Planning Commission consider explicitly allowing it. He provided draft language taken from Williston's Form Based Code. Planning Commissioners were not opposed to allowing tandem parking, and Director Yuen said he would get more details about the dimensions within the draft language from Williston.

v. Planned Unit Development (PUD) Open Spaces

Director Yuen noted that one requirement of PUDs (to provide private outdoor open space) makes it impossible to apply towards multi-story residential buildings. He outlined draft language that would grant more flexibility for multi-story residential buildings, by requiring no less than 750 square feet of private outdoor space per unit if every residential unit is on the ground floor, but also adding a requirement for PUDs with residential units on the ground floor and upper stories, where ground floor residential units have a private outdoor space of no less than 100 square feet, and upper stories have a private outdoor space (balcony, deck, etc) of no less than 40 square feet. Commissioner Batalion

expressed support for increasing flexibility for multi-story developments, but said that PUDs are meant to encourage creativity, and this language would require each unit to have a balcony or deck. He suggested allowing additional flexibility on the part of the developer to be creative in how it meets open space requirements for public and private open spaces. Commissioner McCormick expressed concern about balcony or deck requirements increasing the cost of developments. Commissioner Scheld expressed support for the proposed language as written. Other Commissioners concurred.

vi. Other changes for consistency with State Statute

Director Yuen noted several amendments that were necessary for ensuring consistency with State Statute. He said that the Multi-Family-3 (MF-3) zone's density limits need to be increased to 4 to meet requirements of the Home Act (Act 47) of 2023. He also said that certain uses, such as hospitals and emergency shelters, are required by statute to be permitted uses in all districts. He said that these changes will be included in the next version of the draft amendments for the Planning Commission's consideration.

vii. Accessory Apartments \*new sub-item\*

Director Yuen began by noting that accessible apartments are intended to increase density in areas where the vast majority of housing is single-family. He noted that based on the common definition of accessory dwelling units, they don't need to be accessible to just single-family homes, but that the Essex Junction LDC limits accessory dwelling units to single-family homes. He outlined an example where someone is seeking to build an accessory dwelling unit on the same property as a duplex, which isn't permissible under current LDC regulations. He said that they could allow accessory apartments for buildings other than single-family, or they could allow multiple buildings per lot. The Planning Commission discussed this, and said that allowing multiple buildings per lot is a big change. Director Yuen agreed, but said that they could approach it similarly to Burlington in its Neighborhood Code ordinance, which allows multiple buildings per lot with up to four units in each. Commissioner Batalion said that if they decide to pursue allowing multiple buildings per lot, they should involve the City Council in this discussion. Other Commissioners agreed. Director Yuen said that he would put together a draft amendment to allow multiple buildings per lot, for the Planning Commission and City Council's consideration.

## **6. COMMISSIONER UPDATES**

a. Mural Grant

Commissioner Scheld said that the mural grant isn't moving forward, unfortunately, but that he met with the homeowner, who was very enthusiastic about some kind of public art being placed on the concrete wall in question. He said that he will continue to explore other avenues for funding.

b. Vision & Strategic Planning

Commissioner McCormick said that the online survey is live and open for the next several weeks. He said that results will be presented to the City Council later this month. Director Yuen noted that staff and the Council will also work to prioritize the work that comes out of the vision and strategic planning process itself.

Commissioner McCormick also added that he was appointed to the Vermont Climate Council's Subcommittee on Rural Resilience and Adaptation, saying that he will keep the Planning Commission apprised of any developments that come out of that subcommittee.

**7. STAFF UPDATES**

a. Staffing changes

Director Yuen noted that the City Planner position is now vacant and the City is currently accepting applications to fill the position.

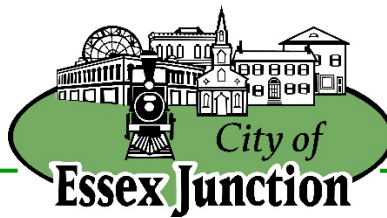
**8. ADJOURNMENT**

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to adjourn the meeting.**

**VOTING: unanimous (5-0); motion carries.**

The meeting was adjourned at 8:33 P.M.

*RScty: AACoonradt*



## MEMORANDUM

**To:** Planning Commission  
**From:** Christopher Yuen, Community Development Director  
**Meeting Date:** June 6, 2024  
**Subject:** 2024 Land Development Code (LDC) Amendments Continued

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### **Issue:**

Draft amendments to the LDC updated based on the Planning Commission's feedback during previous meetings. Additional changes to the Land Development Code related to housing density, and state statute changes, should be considered.

### **Discussion:**

#### Sign Regulations

No additional changes have been added since previous discussions.

#### Approval of Temporary Uses – Food Trucks and Trailers

Changes to allow for year-round operations of food trucks and trailers through consecutive temporary use permit renewals has been added, as discussed in April. The wording has been slightly adjusted to state clarify that the permits would only be eligible for renewal if there are no outstanding zoning violations on record.

One recent complaint warrants Planning Commission discussion- should there be limitations on the use of diesel generators by food trucks?

#### Tandem Parking Spaces

Standards for tandem parking spaces for residential properties have been added, as discussed in April. The Planning Commission asked whether the length of 34' is necessary, given that some cars are shorter. A review of the zoning bylaw of Chittenden county municipalities suggests that no other municipalities require less than 34' in length for tandem parking spaces. Given that current-model pickup trucks can now be as long as 20', and that even a typical crossover vehicle is now 15' in length, the current proposal is likely reasonable.

Based on the City of Burlington's regulations, a provision to allow the use of Tandem parking for dedicated employee-only parking has been added as well.

#### Planned Unit Development (PUD) Open Spaces

As discussed in April, the PUD open space requirement has been modified to allow for the use of balconies in multi-story, multi-unit buildings in lieu of traditional private yard space.

#### Miscellaneous Changes

- Zoning district acronyms have been standardized for consistency.

- References to “Use Table”, “Table of Uses” and “Use Chart” has been standardized to “Use Chart”
- “Church” has been changed to “Place of Worship” for more cultural inclusivity
- Definition of “Family” has been modified to remove limits on unrelated persons living together. This change is intended to enable a diverse spectrum of living arrangements outside of the traditional nuclear family. This change may be required by H.687, the 2024 land-use and housing bill which has been passed by the House and the Senate, and is currently awaiting action by the Governor.

#### Day Care / Family Care

“Day Care Home” , “Day Care Facility”, and “Family Care Home”, have been added as a permitted use in the Planned Agriculture (PA) zoning district given the existing residential development in the district. “Family Care Facility” has been added as a Conditional Use in the PA district, to be consistent with R1 and R2.

“Day Care Facility” has been added to the HA district given the mixed-use and residential development there. Given that the HA district now allows a wide range of uses, and includes multi-family residential uses already, there does not appear to be any planning rationale to prevent day care facilities from operating here to serve the densifying residential uses.

#### Uses not specified in the use-table.

Currently, Section 1701.F of the LDC states that applicants may ask City Staff for an Administrative Determination *“that a particular use, which does not fall under a definition of one of the uses specified in the Use Chart in Section 622 of this Code, is clearly not allowed within the District or is substantially similar to one of the permitted or conditional uses within the District.”*

However, there is no explicit instruction on what to do if a use IS “substantially similar” to a permitted use.

Sections 502 C and 502 D of the draft LDC amendments codifies the current practice, that a use substantially similar to a permitted use should be treated as a permitted use. Furthermore, it adds that uses not specified in the Use Chart, which aren’t substantially similar to a permitted use, should be reviewed as “conditional uses”.

#### Other changes for consistency with State Statute

Several LDC amendments for consistency with State Statute have been added:

- The Multi-Family-3 (MF-3) zoning district’s density limits have been raised to 4 units per lot to allow for duplexes, as required by the HOME Act (Act 47) of 2023. This was a technical oversight in the 2023 LDC amendments.
- Limitations on municipal powers to regulate certain uses such as Schools and Emergency Shelters, have been clarified, in accordance with 24 V.S.A. § 4413, have been clarified, in Section 502.C

#### Multiple Buildings per Lot

The HOME Act (Act 47 of 2023) required that municipalities allow four-plexes on all lots where a single-family home is allowed. This requirement was incorporated into Essex Junction’s June 2023 LDC

amendments. However, a requirement that there be only one principle building per lot remained, creating a logically strange situation where within dimensional and lot-coverage limitations, a homeowner is allowed to build additional units on their property, but only if it is attached their existing house. As the zoning text is currently written, a single larger building is approvable, but two smaller buildings is not.

As discussed in April, the Community Development informed the owner of an existing duplex in the R2 district that their plan to add a residential unit by converting the second story storage space above their existing detached garage into a housing unit for their family member to live in, was not approvable because of the “one-principle building” rule. The unit was also not approvable as an Accessory Apartment because it is not appurtenant to a “single-family” home. However, under the existing rules, if they demolished both buildings, and built one single larger building, they would be allowed to have four residential units in total.

To address this logical inconsistency, and as discussed in the April Planning Commission meeting, the draft amendments now caps the total number of units per lot in the R1 and R2 district, instead of the total number of buildings. Given that setback requirements, height, lot coverage limits, and parking requirements remain unchanged, this is likely to only have practical application for larger lots within the R1 and R2 districts. Nearby municipalities that currently allow for more than one building per lot include the Town of Essex, and the City of Burlington.

#### Density Limits in the MF3 and R-O Districts

The official plan appears to intend for the MF3 and R-O districts near the City Center, to accommodate higher densities, than the R1 and R2 districts. Both districts serve as a transition zone between the denser mixed-use districts near the City Center, and the surrounding smaller-scale residential neighborhoods. Since the zoning changes related to the HOME Act, the density limits in the MF-3 and R-O district now lag behind the R1 and R2 districts. There is no Planning justification for this unusual density pattern.

The MF3 and R-O districts are both within the geographic scope of the ongoing Transit-Oriented-Development Planning Study, which may recommend changes to the dimensional standards and use restrictions in these zones. In the meantime, the “residential units per square-foot” density limits have been removed and replaced with a limit of four residential units per lot, to match the surrounding R1 and R2 districts within the Draft LDC Amendments.

#### **Cost:**

There is no direct cost associated with these amendments.

#### **Recommendation:**

The Planning Commission should review the LDC amendments included in the latest draft and provide comments as necessary. The Planning commission should also provide feedback on items discussed in this memorandum.

#### **Attachments:**

1. Draft LDC Amendments, as of May 31, 2024 (emailed as a word document to the PC)