

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

Online & 2 Lincoln St.  
Essex Junction, VT 0545  
Thursday, September 5<sup>th</sup> 2024,  
**6:30 PM**

E-mail: [cyuen@essexjunction.org](mailto:cyuen@essexjunction.org)

[www.essexjunction.org](http://www.essexjunction.org)

Phone: 802-878-6944, ext. 1607

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

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 953 1240 7791; Passcode: 040339

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. August 1<sup>st</sup>, 2024
5. **BUSINESS ITEMS**
  - a. Reschedule October 3 Meeting [6:35 PM]
  - b. 2005 Zoning map error\* [6:40 PM]
  - c. H.612 (Act 166) Cannabis regulation implications [6:55 PM]
  - d. Connect the Junction Transit Oriented Development Master Plan update [7:00 PM]
  - e. Land Development Code Amendments\* [7:20 PM]
6. **MEMBERS UPDATES** [8:15 PM]
  - a. Vermont Climate Action Plan Update
7. **STAFF UPDATES** [8:27 PM]
8. **ADJOURN**

\*attachments included in the packet

*Agenda item timestamps are estimates of the starting time of each topic and are subject to change.*

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**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
AUGUST 1, 2024  
DRAFT**

**MEMBERS PRESENT:** Diane Clemens, Chair; Scott McCormick, Vice-Chair; Elena Juodisius; Elijah Massey; Kirstie Paschall

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

**OTHERS PRESENT:** Jeff Arango, David Achee, Phil Bieber, Marcus Certa, Raj Chawla, Laura Corell, Jeffrey Cram, Cora Delucia, Patrick Donahoe, Logan Dye, Hope Freije, Michael Herbert, Joe Leavitt, Sarah Lukins, Katherine Magee, John O'Brien, Jennifer Robbins

**1. CALL TO ORDER**

Ms. Clemens called the meeting to order at 6:30 PM.

**2. AGENDA ADDITIONS/CHANGES**

None.

**3. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

None.

**4. MINUTES**

**a. July 3, 2024**

**MOTION by SCOTT MCCORMICK, seconded by ELIJAH MASSEY, to approve the minutes of July 3, 2024, with corrections. Motion passed 5-0.**

-In Item 6b, the spelling of Mr. Yuen's name was corrected.

**5. BUSINESS ITEMS**

**a. Introductions for new Planning Commission member(s)**

Ms. Paschall introduced herself as the newest Planning Commissioner and said that she is excited to be a member. All the other members introduced themselves to Ms. Paschall.

**b. Global Foundries Energy Storage 45 Days Notice Presentation**

Mr. Herbert, of Lightshift Energy, introduced the firm and gave a project overview. Lightshift Energy intends to be the owner and operator of a battery storage facility at Global Foundries. The energy storage facility will reduce operating costs at Global Foundries, help to support renewable energy and provide local jobs. He presented the site plan and said that it will be accessible via Robinson Parkway. Ms. Corell, also of Lightshift Energy, discussed the permitting process with the state of Vermont. There is no evidence of wetlands, endangered species, and there is no undue burden on the public infrastructure. The full certificate of public good process will begin in the fall, with construction intended to begin in 2025 and full operations in 2026. Mr. Leavitt, also of Lightshift Energy, discussed the technology behind lithium-ion battery safety as well as the emergency response for battery fires. Ms. Juodisius noted that this site is a flood area for a 500-year storm. Mr. Herbert said that the worst-case scenario is that all the equipment would get destroyed and said that there would be no public safety risk.

Answering a question from Mr. Massey, Mr. Hebert said that the end of life for the project would result in it being decommissioned, and the batteries recycled. A decommissioning plan would be required to be submitted to the Vermont Public Utilities Commission as well. Answering a question from Mr. McCormick, Mr. Cramm, of Global Foundries, said that all the energy will be used on-site and said that other businesses signing up to use this same technology would help to reduce the cost for all. In public comment, Mr. Bieber asked about the process of replacement in the case of new battery technology. Mr. Herbert said that the battery lifespan is a minimum of twenty years and they would not be replaced during this time.

### **c. Transit Oriented Development Master Plan Existing Conditions Presentation**

Mr. Arango, of Framework, said that the purpose of this meeting is to share initial observations and site conditions. Essex Junction is one of ten communities in the northwest Vermont to have a grant through the federal funded Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. He reviewed the study area and presented draft goals and strategies. Ms. Freije, also of Framework, discussed the community engagement plan. She displayed the project branding logo, and the project name Connect the Junction. A project website will soon be launched which will allow for direct public input on the planning process. Answering a question from Ms. Clemens, Ms. Freije said that in-person opportunities for engagement will be available as well. Focus groups will be utilized to obtain feedback and the largest event will be a four-day charette. Mr. McCormick said that the City just went through a strategic planning process and found it difficult to get people involved. He encouraged Framework to be more creative and use less digital outreach. He also suggested methods of engaging those who are “non-traditional volunteers.” Ms. Delucia suggested targeted mail outreach.

Mr. Arango discussed related plans and policies that were reviewed when developing this project. Ms. Lukins, of Framework, discussed zoning in the study area and secondary study area, and showed a map of such. The PC suggested some changes to the map. Ms. Lukins said that she has been working with City staff to discover which properties may provide the most opportunities for redevelopable land. Mr. Arango discussed the land value per acre, noting that walkable areas provide more of a return on investment. Ms. Lukins discussed the current Land Development Code (LDC) standards and noted some elements that could limit desired development. Ms. Freije showed streetscapes which can accommodate high vehicle traffic while safely allowing for pedestrian and biking traffic. The Essex routes have the highest number of bike boardings for all of Green Mountain Transit’s routes. Answering a question from Mr. Massey, Mr. Arango said that his team would engage with GMT and are aware of their current financial challenges. Ms. Freije discussed the need for public plaza space for gatherings and said that there is a concentration of community facilities at the Five Corners and that additional transit opportunities may provide for increased opportunity.

Mr. Certa suggested that GMT be fully engaged in this process. Mr. McCormick said that there is a lack of knowledge of the Design Five Corners project and suggested that this project be re-introduced via this initiative. Ms. Clemens suggested that the project focus more on Pearl Street, rather than just the Five Corners area. Mr. Arango said that this is just as much, if not more, of a focus area. Mr. Massey discussed tensions between biking and cars in Essex Junction. Mr. Arango said that the Crescent Connector provides the opportunity to test out some of the ideas in Design Five Corners. Mr. McCormick discussed the lack of bike connectivity between Essex Junction and other communities.

**d. Vermont Climate Action Plan feedback**

Mr. McCormick said that he is on the Rural Resilience subcommittee for the Vermont Climate Action Commission. The Vermont Climate Action Plan needs to be reviewed and updated by 2025. He said that the subcommittee is working towards prioritizing the action plan items and that there will be public outreach in the fall. He encouraged all members to review this document and provide feedback. This plan will be discussed in more detail at the next meeting.

**6. MEMBERS UPDATES**

None.

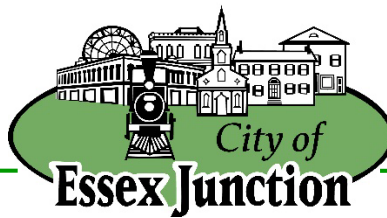
**7. STAFF UPDATES**

Mr. Yuen said the dates for the design charette has been set for October 4-8, and the Community Development Department is working to get the word out to the public. He is exploring the possibility of pedestrianizing a portion of Main Street for one of the days of the charette. He said that he will be at National Night Out next week to promote the project. There is work being done to get the Amtrak station renovation process going and the pocket park is currently being designed.

**8. ADJOURN**

**MOTION by SCOTT MCCORMICK, SECOND by ELIJAH MASSEY, to adjourn the meeting at 9:10 PM. Motion passed 5-0.**

Respectfully submitted,  
Darby Mayville



## MEMORANDUM

**To:** Planning Commission  
**From:** Christopher Yuen, Community Development Director  
**Date:** August 30, 2024  
**Subject:** 2005 Zoning Map Error

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**Issue:** The Community Development Department has discovered an inconsistency with the City's zoning maps stemming from an administrative error in 2005.

### **Discussion:**

#### Background

In 2004, the Village Trustees rezoned a few areas in Essex Junction:

1. From Residential/Office (R-O) to Mixed Commercial Use (MCU) at 47 and 48 Park Street.
2. From Multi-Family 3 (MF3) to Residential-2 (R2) for all the properties along Oak Street.
3. From Residential/Office (R-O) to Residential-2 (R2) on the property at 43 Pearl Street
4. From Multi-Family-1 (MF1) to Multi-Family-2 (MF2) at the Green Meadows and Amber Lantern Apartments off Thasha Lane (later renamed called Autumn Pond)
5. From Multi-Family-1 (MF1) to Multi-Family-2 (MF2) at 61-69 Maple Street, the Mapleton Apartments
6. From Residential/Office (R-O) to Residential-2 (R2) on the east side of Park Street between Silver Bow Terrace and River Street.
7. A zoning change along Pearl Street between 221 Pearl and Susie Wilson Road was considered, but later excluded by the Village Trustees.

The reasoning behind these changes is outlined in Planning Commission documentation preceding the LDC amendment's April 13, 2004 adoption (See attachment 2). Specifically, the Thasha Lane / Autumn Pond area was changed from Multi Family 1 (MF1) to Multi Family 2 (MF2) to allow for additional building height since the MF1 zoning text strictly limits height to 3 stories while MF2 allows for 4 stories if certain conditions are met. The 2004 zoning map adopted by the Trustees reflected these zoning changes (See attachment 1).

#### Origin of the Map Error

In 2005, the Village made the next revision to the LDC, but due to what appears to be a map data version control issue, the map reverted to the previous zoning designations. For example, 47 and 48 Park Street returned to being shown as R-O and Autumn Pond went back to being shown as MF1. The May 24, 2005 Planning Commission's report to the Village Trustees and the associated text amendments do not suggest an intentional reversal of the 2004 rezonings (See attachment 3).

Every subsequent certified copy of the LDC (2007, 2011, 2016, 2022, 2023) has included the same underlying map error from 2005, despite additional incremental changes to the zoning districts during

these years. The same issue had carried over into the comprehensive plan future land-use maps throughout these years.

#### Validity of 2004 Zoning Changes

The error was initially discovered in 2012, when the Village received an inquiry about what zoning district applies at the Thasha Lane / Autumn Pond properties. At the time, the Village Attorney advised that the zoning changes adopted by the trustees in 2004 were still valid as they were properly done. For it to be undone, the specific process required for zoning district changes must be followed. He noted that the failure to reflect the zoning change accurately in later maps and plans did not undo the zoning changes, but that the maps should have been revised to reflect the 2004 changes going forward. However, the necessary map changes were never made.

A review of previous site plan application and zoning files suggests that Village and City Staff has been consistently operating on the assumption that the 2004 changes are valid. For example, both phases of the Autumn Pond housing complex redevelopment (2013 and 2023), were reviewed under the MF2 zoning district requirements.

#### Potential Next Steps

On August 13, 2024, the Community Development Department received another inquiry about zoning at the Autumn Pond property. This prompted a new investigation which once again uncovered the long history of this map error.

Ultimately, the fix will involve the amending the Land Development Code's zoning map, but it may also be necessary to amend the Comprehensive's Future Land Use Map, as that is intended to be the basis of the zoning regulations. I'm investigating whether the full suite of corrections must be done immediately, or whether it makes more sense to integrate the corrections within future Comprehensive Plan and Land Development Code amendment processes.

#### **Cost:**

There are no costs associated with this memo

#### **Recommendation:**

Planning Commission members with relevant historical knowledge should provide any context that may be helpful.

#### **Attachments:**



















Attachment 1 - Zoning maps from 2004 through 2024

Attachment 2- Planning Commission Documentation for 2004 Land Development Code Amendments

Attachment 3- Planning Commission Documentation for 2005 Land Development Code Amendment

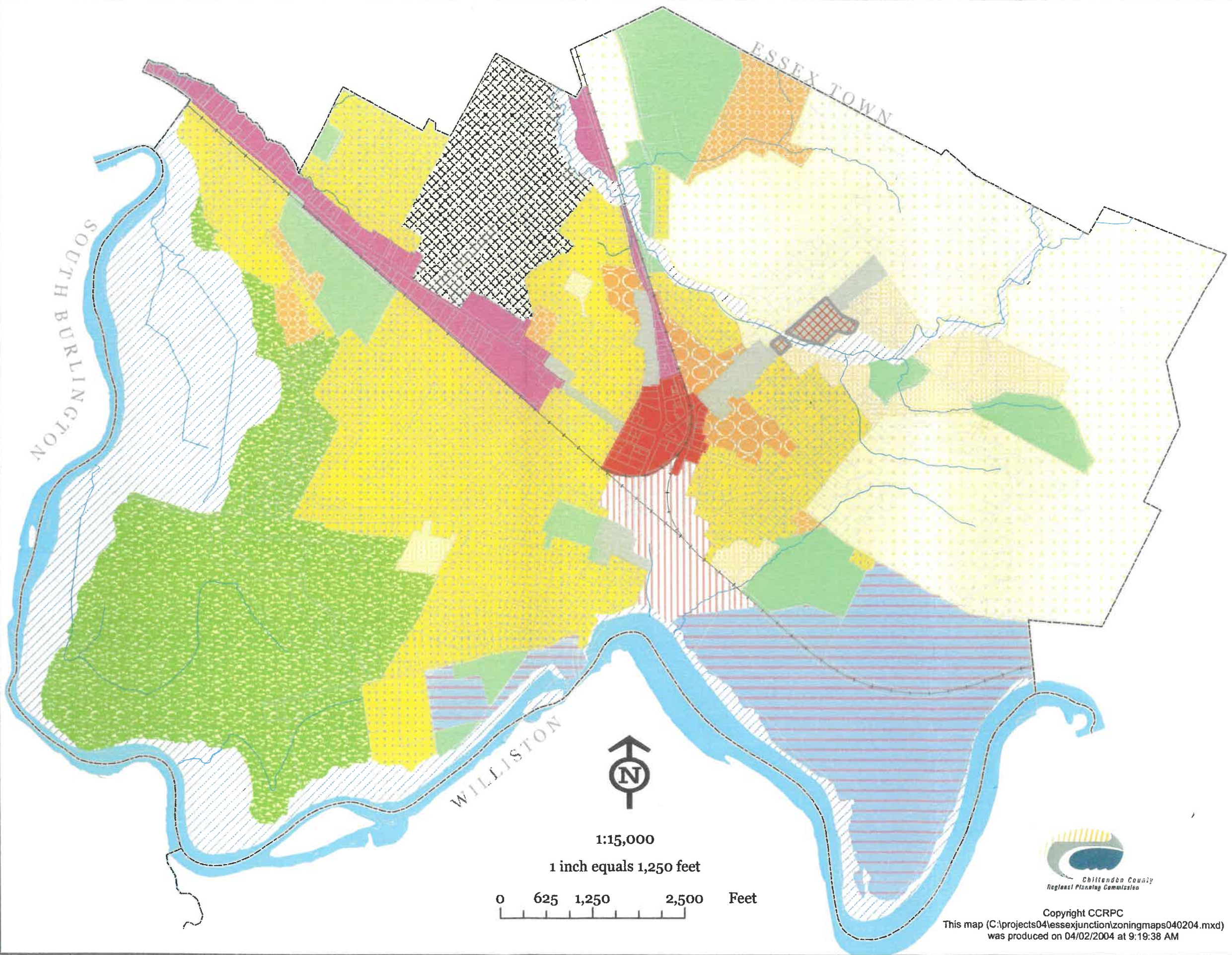
# 2004 Essex Junction Zoning

## Zoning District

-  Residential 1
-  Residential 2
-  Multi-Family Residential 1
-  Multi-Family Residential 2
-  Multi-Family Residential 3
-  Village Center
-  Residential-Office
-  Mixed Commercial Use
-  Heavy Commercial
-  Light Industrial
-  Planned Exposition
-  Planned Agriculture
-  Open Space
-  Flood Plain
-  Professional Office Overlay
-  Village Boundary
-  Railroad
-  2003 Tax Parcel Boundary
-  Stream Centerline
-  Winooski River

Disclaimer:  
The accuracy of information presented is determined by its sources. Errors and Omissions may exist. Map is to be utilized for Planning purposes only.

Sources:  
Zoning districts - developed by CCRPC, 2003 as directed by Village Planning Office.  
Parcels - Essex Town - 2003  
Surface Water - VT Hydrography Dataset - VCGI - 2002



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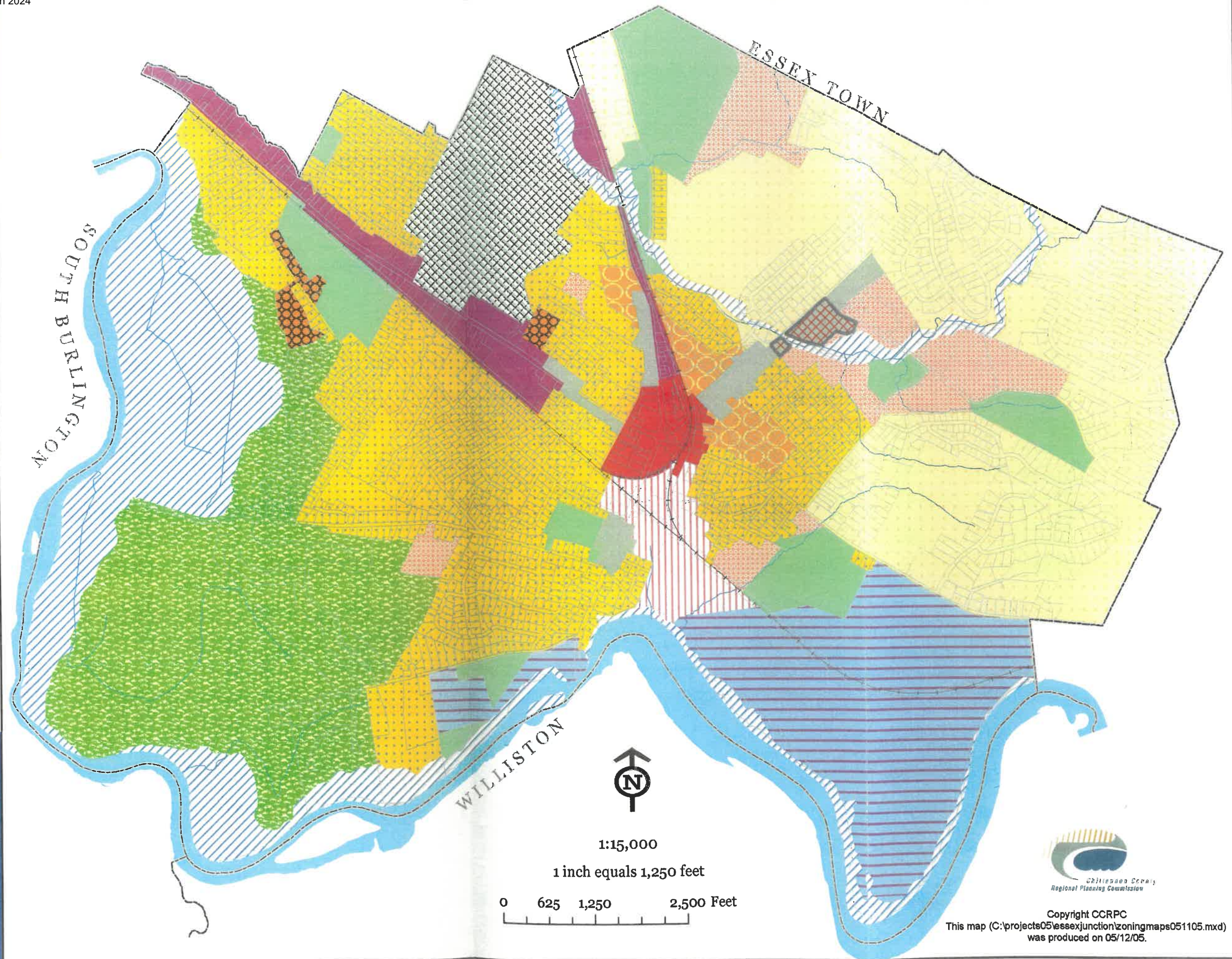
# 2005 Essex Junction Zoning

## Zoning District

-  Residential 1
-  Residential 2
-  Multi-Family Residential 1
-  Multi-Family Residential 2
-  Multi-Family Residential 3
-  Village Center
-  Residential-Office
-  Mixed Commercial Use
-  Heavy Commercial
-  Light Industrial
-  Planned Exposition
-  Planned Agriculture
-  Open Space
-  Flood Plain
-  Professional Office Overlay
-  Village Boundary
-  Railroad
-  2004 Tax Parcel Boundary
-  Stream Centerline
-  Winooski River

Disclaimer:  
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Sources:  
Zoning districts - developed by CCRPC, 2005 as directed by Village Planning Office.  
Parcels - Essex Town - 2004  
Surface Water - VT Hydrography Dataset - VCGI - 2002



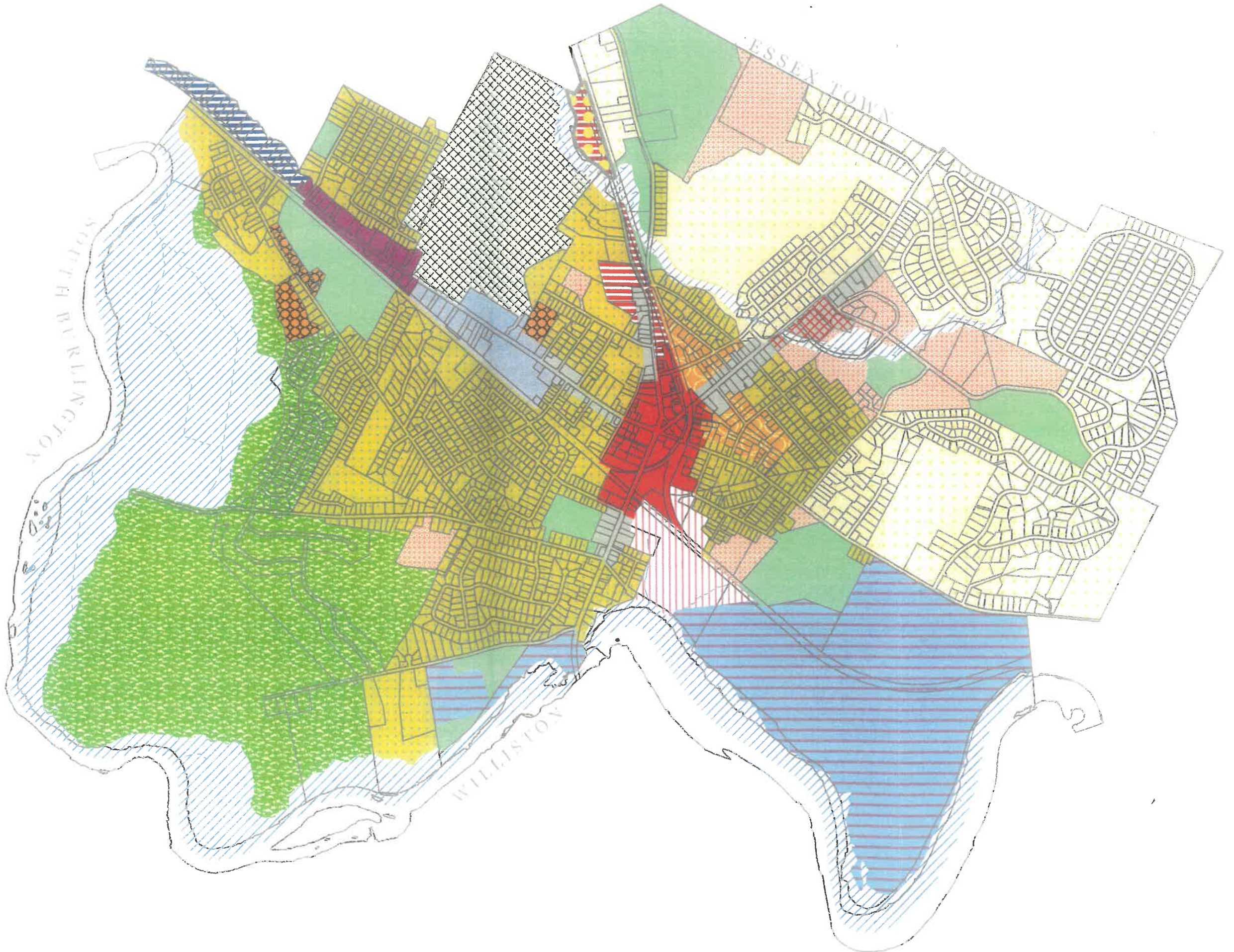
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# 2007 Essex Junction Zoning

## Zoning District

- MULTI-FAMILY/MIXED USE-2
- MULTI-FAMILY/MIXED USE-1
- Transit Oriented Development
- Residential 1
- Residential 2
- Multi-Family Residential 1
- Multi-Family Residential 2
- Multi-Family Residential 3
- Village Center
- Residential-Office
- Mixed Commercial Use
- Highway-Arterial
- Light Industrial
- Planned Exposition
- Planned Agriculture
- Open Space
- Flood Plain
- Professional Office Overlay
- North Lincoln Overlay District
- Village Boundary
- Railroad
- Stream Centerline
- Winooski River
- Parcels



Disclaimer: The accuracy of information presented is determined by its sources. Errors and omissions may exist. Maps to be utilized for Planning purposes only.

Source: Zoning Districts - developed by CE&P, 2004 as directed by Village Planning Office; Parcel, Essex Town, 2004; Surface Water - VI Hydrographic District, USGS, 2002

**1:15,555**

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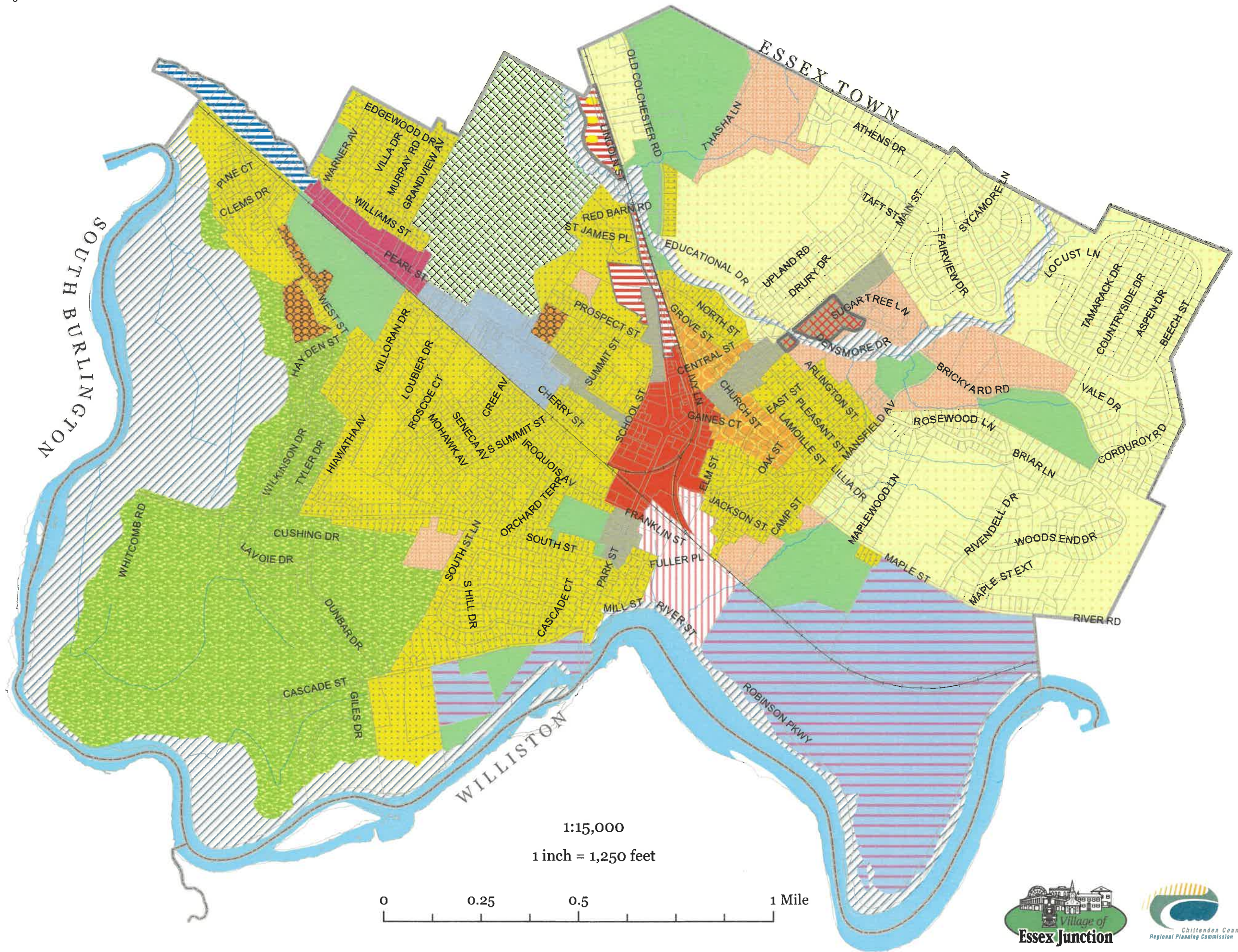
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# 2011 Essex Junction Zoning

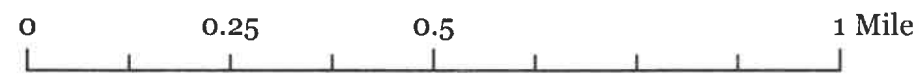
## Zoning District

- Residential 1
- Residential 2
- Multi-Family Residential 1
- Multi-Family Residential 2
- Multi-Family Residential 3
- Multi-Family/Mixed Use 1
- Multi-Family/Mixed Use 2
- Village Center
- Transit Oriented Development
- Residential-Office
- Mixed Commercial Use
- Highway-Arterial
- Light Industrial
- Planned Exposition
- Planned Agriculture
- Open Space
- Flood Plain
- North Lincoln Overlay District
- Professional Office Overlay
- 2010 Tax Parcel Boundary
- Stream Centerline
- Winooski River
- Railroad
- Village Boundary



1:15,000

1 inch = 1,250 feet

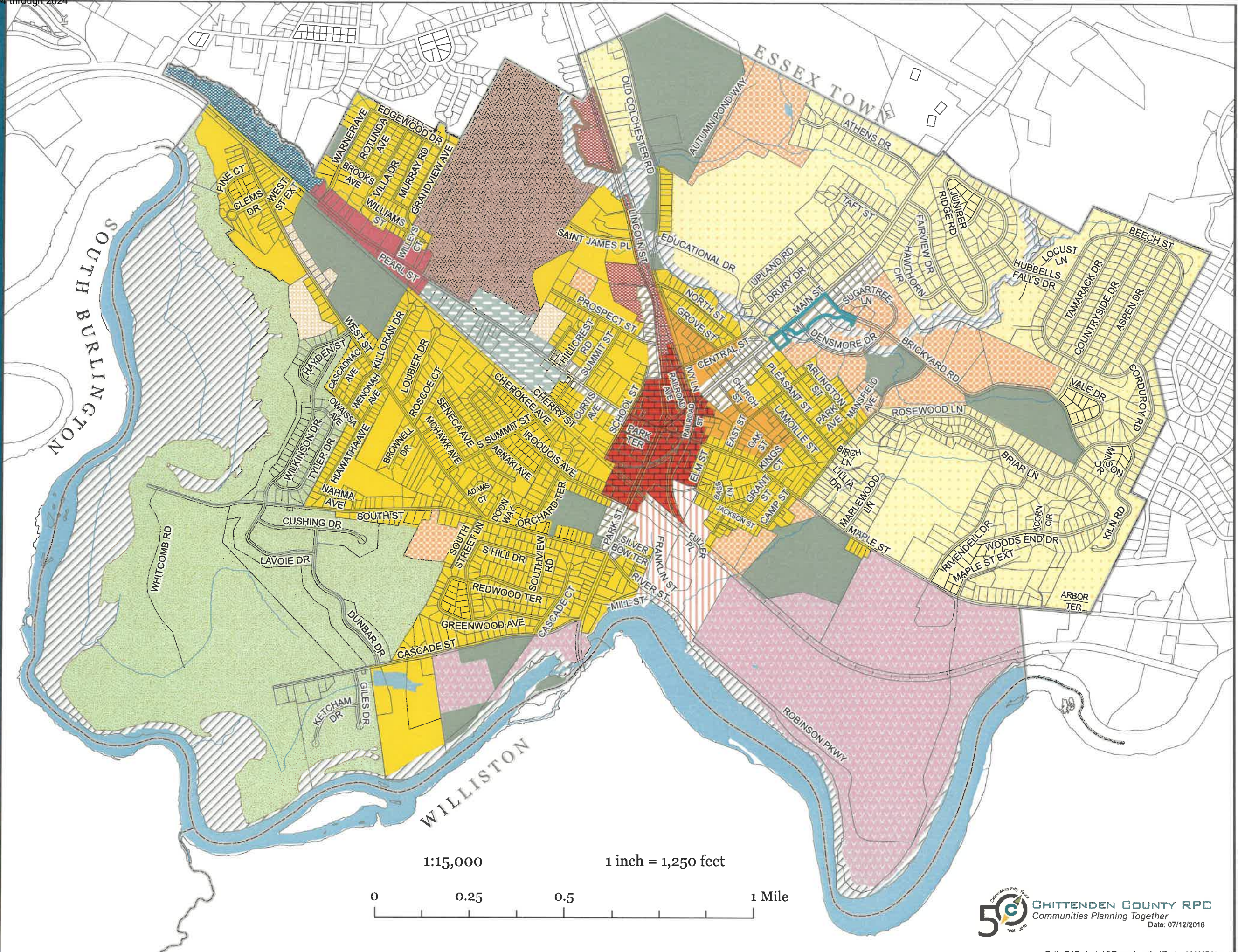


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 Map produced by F. Izangian using ArcGIS 10.  
 All data is in State Plane Coordinate System, NAD83.  
 Sources:  
 Zoning districts - developed by CCRPC, 2003 as directed by Village Planning Office. Updated by CCRPC, 2010.  
 Parcel - Essex Town - 2010  
 Surface Water - VT Hydrography Dataset  
 VTGI - 2008



# Essex Junction Zoning

-  2016 Tax Parcel Boundary
- Zoning District**
-  Residential 1
-  Residential 2
-  Multi-Family Residential 1
-  Multi-Family Residential 2
-  Multi-Family Residential 3
-  Multi-Family/Mixed Use 1
-  Multi-Family/Mixed Use 2
-  Village Center
-  Transit Oriented Development
-  Residential-Office
-  Mixed Commercial Use
-  Highway-Arterial
-  Light Industrial
-  Planned Exposition
-  Planned Agriculture
-  Open Space
-  Floodplain
-  North Lincoln Overlay District
-  Professional Office Overlay
-  Winooski River
-  Stream Centerline
-  Road Centerline
-  Railroad



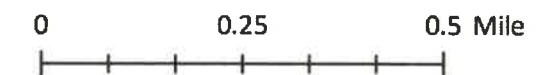
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 Map produced by VT Department of Transportation.  
 All data is in North Plane Coordinate System, NAD83, Zone 18N.  
 Source:  
 Zoning districts developed by CH2M Hill as shown on Village Planning Office records by CH2M, 2004.  
 Parcel - Essex Town - 2004  
 Surface Water - VT Hydrographic Survey, 1970 - 2004

# City of Essex Junction Zoning Legend

- Zoning District**
- Residential 1
  - Residential 2
  - Multi-Family Residential 1
  - Multi-Family Residential 2
  - Multi-Family Residential 3
  - Multi-Family/Mixed Use 1
  - Multi-Family/Mixed Use 2
  - Village Center
  - Transit Oriented Development
  - Residential-Office
  - Mixed Commercial Use
  - Highway-Arterial
  - Light Industrial
  - Planned Exposition
  - Planned Agriculture
  - Open Space
  - Floodplain
  - Design Review & Historic Preservation Overlay
  - North Lincoln Overlay
  - Professional Office Overlay

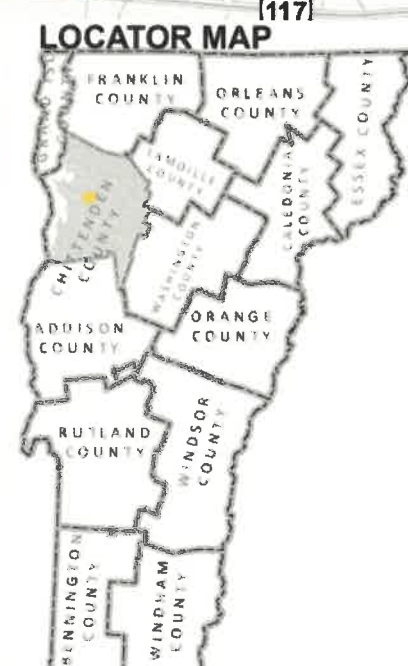
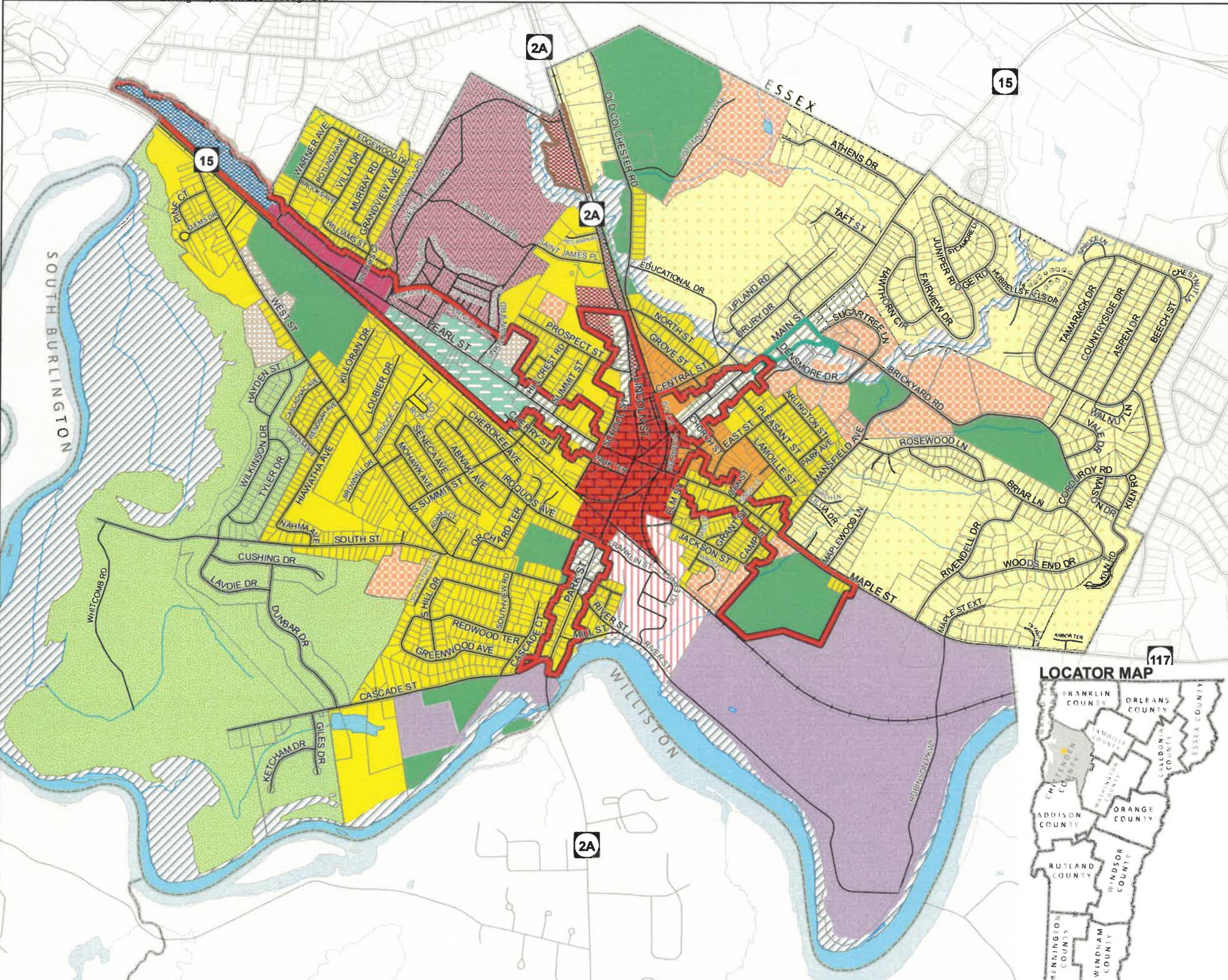


1:15,000



Source:  
 Zoning- CCRPC, updated 2022 with Overlay  
 Parcels - 2021 updated through Vermont Parcel Program; Road  
 Centerline - e911, 1/2019; Railroad - VTrans  
 Map created by P. Brangan using ArcGIS Pro. All data is in State Plane  
 Coordinate System, NAD 1983.

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 Errors and omissions may exist. The Chittenden County Regional  
 Planning Commission is not responsible for these. Questions of on-  
 the-ground location can be resolved by site inspections and/or surveys  
 by registered surveyor. This map is not sufficient for delineation of  
 features on-the-ground. This map identifies the presence of features,  
 and may indicate relationships between features, but is not a  
 replacement for surveyed information or engineering studies.



**Village of Essex Junction  
Summary of Land Development Code Updates  
January 27, 2004**

The following are the proposed changes to the Essex Junction Land Development Code in each chapter. Additions to the code are underlined and deletions are signified with a ~~strike-out~~ through the text.

**Zoning Map Changes**

The following are a list of changes to the zoning map and zoning districts.

1. From **Residential/Office** to **Mixed Commercial** at 47 and 48 Park Street.
2. From **MF-3** to **Residential-2** for all the properties along Oak Street.
3. From **Residential/Office** to **Residential-2** on the property at 43 Pearl Street
4. From **Multi-Family-1** to **Multi-Family-2** at the Green Meadows and Amber Lantern Apartments off Thasha Lane.
5. From **Multi-Family-1** to **Multi-Family-2** at 61-69 Maple Street, the Mapleton Apartments
6. From **Residential/Office** to **Residential-2** on the east side of Park Street between Silver Bow Terrace and River Street.
7. From **Heavy Commercial** to **Multi-Family-2** on Pearl Street from 221 Pearl to Susie Wilson Road.

**Use Chart Changes**

1. Allow Medical/Dental Laboratories as a Conditional Use in the Residential/Office District.

**Land Development Code Changes**

**CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION**

**SECTION 201: DEFINITIONS** (General Definitions, Flood Plain Management Determinations, Sewer Regulation Definitions, Sign Regulations Definitions).

C. **General Definitions**

73. "*Easement*" shall mean a grant by a property owner of one or more of the rights associated with the property for use by the public, a corporation or another person or entity. Easements shall not be subtracted from the total lot area.

160. "*Right-of-way*" means any parcel of land deeded or for which an easement is granted for the current or future construction of a public or private street. A right of way shall be subtracted from the total lot area.

**VILLAGE OF ESSEX JUNCTION**

2 Lincoln Street, Essex Junction, Vermont 05452-3685  
Phone and TDD: (802) 878-6944 FAX: (802) 878-6946  
Home Page: <http://www.essexjunction.org>  
E-mail: [admin@essexjunction.org](mailto:admin@essexjunction.org)

**Staff Memorandum**

To: Planning Commission

From: Jeff Arango, Development Director

Date: December 8, 2003

Re: M-F2 District



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The Planning Commission was interested in pursuing the possibility of changing the zoning at the Green Meadows and Amber Lanterns Apartments from M-F1 to M-F2 with the possibility of slightly lowering the density requirements of the M-F2 District. This proposal was in response to the landowners request for a zoning change to increase the density to allow approximately 15 units per acre.

**Existing M-F2**

The existing density of the MF-2 District is 7,500 square feet for the first dwelling unit plus 1,500 square feet for each additional unit within the same structure. The allowable lot coverage in the M-F2 District is 50 percent and the maximum building height is 3 stories or 35 feet, whichever is less. The MF-2 District contains primarily small lots with existing low density residential development. Therefore, the restrictions on lot coverage and building height as well as parking requirements could limit the number of units that could be built on the small lots. Any significant number of residential units on most of the lots currently zoned M-F2 would require small units and perhaps parking underneath the building or below grade.

**Proposed M-F2 Density**

The commission discussed the possibility of lowering the density in the M-F2 District from 1,500 for each additional unit to 2,500 for each additional unit. Due to the maximum lot coverage of 50 percent and the maximum building height of 3 stories or 35 feet, whichever is less, the reduction in density would have little affect on most lots in the M-F2 District. For example, a comparison of both density requirements at 159 West Street, the largest lot in the M-F2 District along West Street, shows the number of units allowed on the lot would be reduced from about 12 units to 7 units (if all units were in the same structure). However, because of the lot coverage and building height limitations, along with parking requirements, it is very unlikely that 12 units could be built on the lot, unless underground parking was utilized.

An analysis of the 30 unit housing project at 203 Pearl Street under existing and proposed zoning is also warranted. Under the existing heavy commercial zoning district, the project was approved for 30 units with 55.8 percent lot coverage and a building height of

4 stories. Under the newly proposed M-F2 zoning district regulations, with a density of 7,500 square feet for the first unit and 2,500 square feet for each additional unit, the lot could accommodate 18 units, which is still a high density development for Chittenden County. The current allowable lot coverage in the M-F2 District of 50 percent could limit the development potential at 203 Pearl Street and certainly require some of the parking to be underground or on the first level of the principal structure. Under the existing M-F2 density requirements, 203 Pearl Street could accommodate 29 units. However, lot coverage and building height restrictions could make it difficult to accommodate that many units. The units developed at 203 Pearl Street are being developed mostly as one bedroom units and were fairly small in size. Also, it should be noted that the number of units does not take into consideration the size of the units. For example, if a developer wanted three bedroom units rather than one bedroom units, the number of units that would be feasible on that lot would be much less. However, 15 units per acre is considered high density development in Chittenden County and would allow a significant number of small units on a lot.

The Commission may want to consider allowing a waiver from the Planning Commission to increase the lot coverage to 65 percent upon determination that no significant adverse impacts would result. The commission may want to consider this waiver only on major arterial streets. The commission may want to consider a similar provision for building height to allow applicants to build 4 story buildings upon determination that no adverse aesthetic impacts would result.

### **Mapleton Apartments**

The commission was also interested in looking at potential zone changes to the Mapleton Apartments at 61-69 Maple Street to possibly spur redevelopment opportunities. The parcel is currently zoned M-F1 with an allowable density of 7,500 square feet the first unit plus 5,000 square feet for each additional unit. The Mapleton Apartments currently has 22 units and existing zoning would allow approximately 14 units.

If the zoning were changed at the Mapleton Apartments from M-F1 to M-F2 under the newly proposed M-F2 zoning criteria of 7,500 square feet for the first unit and 2,500 for each additional unit, the number of allowable units would increase from approximately 14 to 25 (based on 3 separate structures). However, building height and lot coverage limitations may prevent the possibility of 25 units actually being built. At the very least, the zoning change would allow the redevelopment of the Mapleton Apartments to be considered with the same number of dwelling units as exists today.

### **Recommendations**

Staff recommends the following:

1. The commission lowers the density in the MF-2 District from 1,500 square feet for each additional unit to 2,500 square feet for each additional unit.

2. The commission considers allowing a waiver in the MF-2 District up to 65 percent lot coverage and building heights up to 4 stories. Perhaps allow this only along major arterial streets and in areas where no adverse aesthetic impacts would result (for building height waiver).
3. The commission changes the zoning at the Green Meadows and Amber Lantern Apartments from M-F1 to M-F2.
4. The commission changes the zoning at the Mapleton Apartments from M-F1 to M-F2.





Property Management

November 10, 2003

Village Trustee and Planning Commission  
c/o Mr. Jeff Arango, Development Director  
Village of Essex Junction  
2 Lincoln Street  
Essex Junction, Vermont 05452-3685

RE: Green Meadows Development MFI

Dear Village Trustees and Planning Commission Members:

We recently had an opportunity to meet with the Village Staff's Development Review Committee to discuss our plans to develop the Green Meadows Apartment parcel as condominiums. The proposal that is being developed calls for the removal of the existing apartment units and the replacing of the units with condominiums. We are very appreciative of these discussions. Each staff person presented ideas and concerns that were followed up with suggested or potential solutions. These discussions set a very collaborative tone.

There was one area where we need the assistance of the Village Officials in order to proceed. We had been working under the assumption that the ruling by the Zoning Board of Adjustment in December 2000 was still in effect. The Zoning Board's ruling established a density of over 1,000 units for the Green Meadows property. To our surprise, there was a change to the Zoning Ordinance that has greatly reduced the density of the Green Meadows parcel. The density of the M-F1 zone has been redefined at a reduced level. Obviously, this change in the allowable density is a significant concern since the reduced density makes the project economically unsound.

Village Manager Charles Safford and Development Director Jeff Arango indicated that we could request a revision to the Village Zoning Ordinance to amend the density requirement to allow for a number of units that will give the development the needed economic feasibility. It appears that the best solution is to request the creation of a new M-F4 zone. The new zone should have a density of approximately 16 units per acre. We estimate that the Green Meadows parcel has approximately 24 acres. The proposed density of 16 units per acre would allow about 385 units.

We look forward hearing from you regarding the above request. It is our hope that with the help of all Village Officials, this project can be one that all parties will see an example of village/developer collaborative and thus as a shared success. We would welcome an opportunity to meet with Village Officials to present the current concept plans. We desire to work with all Village Officials to refine the zoning change and the development proposal.

Thank you very much for your consideration of this request.

Sincerely,

Handwritten signature of Jeffrey Rubman in black ink.

Dr. Jeffrey Rubman  
Owner

Handwritten signature of David A. Crawford in black ink.

David A. Crawford  
Project Manager / ABPM General Manager

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May 24, 2005 LDC Amendments



## Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441 (c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and ....include a statement of purpose as required for notice under section §4444 of this title,

**Statement of Purpose:** To clarify the requirements regarding access to subdivisions, standards for dead end streets and the subdivision review requirement for multi-family developments. In addition, an amendment to the permittee requirements for a zoning permit has been modified.

### SECTION 201: DEFINITIONS

182. *"Subdivision"* shall mean any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer for sale, lease or development. Multi-Family developments of 5 or less units shall not be considered a subdivision.

### SECTION 502: APPROVAL PROCEDURES FOR ACTIVITIES REQUIRING REVIEW UNDER CHAPTERS 6 AND 7

#### 502.A:

4. Approval Standards and Issuance of Permit. Staff shall issue a Zoning Permit upon determination that the applicant has obtained any approval required under Section 502.A.1 and has complied with any conditions of the approval(s) granted. Each permit shall indicate the time period within which an appeal may be taken (fifteen days) and the following obligations of the permittee:

- (a) To immediately post the permit on the property in a location visible from the street and to keep it posted until the development is complete.

~~(b) — To notify the Planning Office during normal office hours no less than one (1) day (excluding weekends or holidays) before pouring concrete foundations to arrange for inspection of setbacks prior to pouring.~~

## **Chapter 6: Residential Zoning Districts:**

\*\*The following standard will be added to all residential zoning districts including the R-1, R-2, MF-1, M-F2, MF-3, R/O and PA Districts. The following standard shall also apply to residential structures in the Village Center District.

In all residential districts new principal structures shall have a front yard setback that lies between the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The planning commission may waive this requirement if the following conditions are met:

1. The proposed setback does not negatively impact the character of the neighborhood
2. The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area

Applicants may apply for a variance if they do not meet the criteria above but believe they cannot meet the requirements of this section.

### **SECTION 714: SIGN STANDARDS**

#### **714.K.2:**

2. Externally illuminated signs shall meet the following standards:
  - (a) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (ratio of average to minimum illumination) shall not exceed 2:1.
  - (b) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets or properties.

### **SECTION 905: GENERAL STANDARDS**

#### **F. Lot/Subdivision requirements.**

1. Arrangement. Lot area, width, depth, orientation, and setbacks shall be arranged to minimize impact on adjoining properties and public streets. Double frontage lots shall be avoided whenever possible. Frontage on all corner lots shall be increased by a minimum of fifteen (15) percent.
2. Shape. Side lot lines shall be as close as practical to right angles to street lines or radial to curving street lines. Lots shall be no more than twice as deep as the width of the lot.

3. Access. Each lot shall have direct access to a public street. The Commission may approve a private drive, which serves not more than two (2) lots if both lots have the required 60 feet of frontage on a public street for new subdivisions. A private drive can also serve an existing lot without 60 feet of frontage. Secondary access shall be provided whenever possible. The Commission may require secondary access for any subdivision of ten (10) or more lots or units. The commission may require more than 2 access points into subdivisions over 10 lots or units based on the ability to connect existing or planned streets. The commission may require a right-of-way(s) accommodate future street connections to adjacent properties in any subdivision.

### **SECTION 906: STREETS**

D. Dead-ends. Dead-ends may be allowed only on a temporary basis until the street may be extended to adjacent property. The Commission may require a temporary turn-around on any dead end street. If the dead end extends to more than six hundred (600) feet, from the closest intersection, a temporary turnaround shall be required. Dead end streets shall be limited to 1,000 feet. When a dead-end street is connected the temporary turn-around shall be removed, returned to grass and deeded to the adjacent property owners at the expense of the developer making the connection. Where undeveloped land lies beyond the developed portion of the subdivision, the commission shall require that no development occur at the terminus of the dead end street and the Right-of-Way improvements be extended to the property line.

Waiver. The commission may waive the requirement that a dead end street be temporary if, in the opinion of the planning commission, all of the following standards are met:

1. The street connection is not required to provide adequate emergency access to the proposed development, future development on adjacent parcels or development along the dead-end street.
2. The street connection is not necessary to provide a through connection
3. The street connection is not required to provide a secondary access point to the proposed subdivision, future development on adjacent parcels or for the properties now served by the dead-end street in accordance with 903.F.3
4. The street connection is not required to provide convenient vehicular access to the proposed subdivision or future development on adjacent parcels
5. The street connection is not necessary to accommodate future development on adjacent parcels

(A)and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The municipal plan promotes street connectivity and safe and convenient access to subdivisions as well as proper emergency access. The proposed amendments further these

goals by encouraging multiple access points and interconnected streets while requiring adequate emergency access and a limitation on the length of dead end streets.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

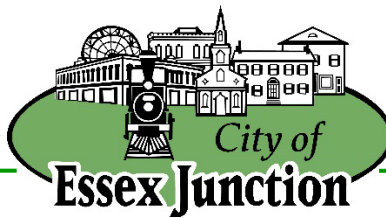
The proposed amendments will have no affect on the land use densities in the municipal plan.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

The proposed amendment will not have any effect on specific proposals for any planned community facilities.

### **Please Note:**

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
  1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
  2. the executive director of the regional planning commission of the area in which the municipality is located;
  3. the department of housing and community affairs within the agency of commerce and community development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.



## MEMORANDUM

**To:** Planning Commission

**From:** Christopher Yuen, Community Development Director

**Meeting Date:** September 5<sup>th</sup>, 2024

**Subject:** Land Development Code (LDC) Amendments – Summary and Additional Changes to Consider

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**Issue:** Draft amendments to the LDC have been updated based on the Planning Commission’s previous feedback. Additional changes should be considered.

### **Discussion:**

Two land-use policy initiatives are currently underway- the Land Development Code amendments that the Planning Commission has been drafting since January 2024, and the larger “Connect the Junction” Transit-Oriented-Development (TOD) Master Plan project. The former consists of important technical fixes, as well as some low-hanging-fruit zoning tweaks while the latter consists of a substantial re-imagining of the built-environment surrounding the City’s main public transit corridors through a robust public engagement process.

To expedite the former project, it is likely best to limit the current round of LDC amendments to technical and minor fixes from larger, while deferring substantial policy questions to the TOD project to take advantage of its larger public engagement process. This memo will discuss the former LDC amendment process.

### Draft Summary of LDC amendments

Separately attached is a draft summary of the amendments to the Land Development proposed so far. The draft zoning text with track-changes has also been provided to the Commission. Note that some of the proposed amendments were drafted prior to the appointment of the two newest Planning Commissioners.

The Commission should review the summary and provide comments, as needed.

### Recent Additions and Outstanding Issues:

#### 1. Stormwater Ordinance

In preparation for the City’s new Stormwater Ordinance, currently being developed by the Water Quality department, stormwater-related definitions in Chapter 2 have been modified. Requirements for sediment and erosion control on construction sites have been clarified and some stormwater management requirements covered by the separate Stormwater Ordinance have been removed from the Land Development Code. These changes can be found in Section 201 and in Section 713.

## 2. Maximum number of Principal Structures per Lot

The PC previously discussed removing limits on the number of principal structures in residential districts such that multiple smaller buildings per lot would be allowed in place of one single larger structure. Height, Setback, and lot coverage limits would still apply. This change would enable more flexibility for site-layout and would open more opportunities for homeowners to add additional units in a separate building, while retaining their existing home. The latest draft has removed the single principal structure requirement.

Given that the intent of this round of LDC amendments is now focused on technical fixes, and “low-hanging fruit” policy adjustments, the PC should consider:

- Would it make more sense to take a more conservative approach of raising the maximum number of principal structures on a lot from one to two, instead of removing the limit altogether? This would likely offer relief for most common situations while still maintaining a policy preference for attached “multi-plexes” over having multiple single-family homes on a lot. However, this would not offer the option of adding multiple “tiny homes” as requested by some residents.
- Should these changes be extended to other zoning districts as well? For example, MF1 currently has a limit of one principal structure unless reviewed as a Planned Development.

## 3. Design standards R1 and R2 Design Standards

Within the R1 and R2 districts, the LDC currently stipulates that:

- Conversion to duplexes triplexes, or fourplexes shall be done within a traditional detached frontage style home.
- Parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is less.

Both of these standards have been found to be unclear. The Planning Commission should consider clarifying these standards. For the latter, the addition of a diagram may be helpful.

## 4. Clarification on setback requirements for corner lots

There is currently some ambiguity in how the LDC applies setback requirements for corner lots. Section 201 includes the following definitions:

- *"Double Frontage Lot"* shall mean a lot with street frontage on two boundaries.
- *"Lot Line, Front"* shall mean a lot line which separates the lot from a public or private street or approved easement.
- *"Lot Line, Side"* shall mean a lot line which separates a lot from adjoining properties.
- *"Lot Line, Rear"* shall mean the lot line intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

It can be inferred from the above that corner lots have two frontages, and therefore, the front setbacks apply to both frontages. The definitions would also suggest that rectangular corner lots have two rear lot lines, which would then mean rear setback requirements would apply on two sides. Given that the rear setback requirement is much larger than the side setback requirement (25' vs 8' respectively), this interpretation would severely limit the buildable area on corner lots.

In practice, the City has been treating one side as the rear and one side as the side, based on a subjective determination of the orientation of the existing building and lot, but that's not necessarily the orientation that maximizes buildable area and is a little arbitrary.

If the purpose of side and rear setbacks is to limit shade and massing impacts on neighboring properties, it may make sense to treat both non-front lot lines on a corner lot as side lot lines, because for the adjacent properties, that boundary is a side lot line. Based on this logic, the following sentence has been added to the introduction of Chapter 6 in the LDC amendment draft:

*“For the purposes of setback requirements, corner lots in all districts are deemed to have two front yards (one on each street), two side yards, and no rear yards.”*

5. Election period signs in Right-of-Way

The current LDC specifically does not allow unaccompanied political signs in the right-of-way. This is more restrictive than the exemption under state statute VSA 10 §494(9) which allows campaign signs to be within state road ROW no more than 2 weeks before an election. Municipalities are allowed to be more restrictive, but such restrictions have to be content neutral.

The proposed LDC amendments meets the content-neutrality requirement by allowing signs with any content during the 2 weeks before an election. The Planning Commission should consider whether this rule should extend to municipal road right-of-way.

6. Review of Dimensional Standards based on “Enabling Better Places: A Zoning Guide for Vermont Neighborhoods”

An extensive review of dimensional requirements was discussed at the June 2024 Planning Commission meeting.

Given that the intent of this round of LDC amendments is now focused on technical fixes, and “low-hanging fruit” policy adjustments, I now recommend that most changes to dimensional standards be considered through the Connect the Junction Transit-Oriented-Development (TOD) Master Plan. Elements that are outside of the consultant’s scope may be separately reviewed in-house after the conclusion of the TOD project.

However, the front setback requirement of several zoning districts has a technical flaw which should be addressed immediately. This is outlined below.

7. Conflict between front setback requirements.

In most zoning districts, the LDC stipulates two setback requirements. For example, the R2 district has a minimum setback of 15 feet, but Section 619.C also states that *“The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district.”*

In zoning districts with large minimum setbacks, such as the MF1 or MF3 districts (30 ft), the minimum setback often exceeds that of the existing historic development pattern. In these cases, the “average setback on two adjacent lots” would conflict with the absolute minimum



setback requirement of 30 feet. An excessive front setback requirement has several negative consequences:

- New buildings would not aesthetically align with the existing neighborhood fabric if many existing buildings are closer to the street than current rules allow.
- The buildable area of a lot is restricted, reducing options for adding “missing-middle” housing.
- It encourages parking to be located in front of the building, which is counter to the LDC’s intent of encouraging parking for multi-plexes to be located at the side or rear of a lot.

	VC	MF1	MF-MU1	TOD	HA	MF2	MCU	MF-MU2	MF3	R-O	R2	R1	PA
<b>Front</b>	0'	30'	20'	0'	20'	15'	20'	20'	30'	20'	15'	20'	30'
<b>Side</b>	0'	10'	10'	0'	10'	10'	10'	10'	10'	10'	8'	8'	10'
<b>Rear</b>	0'	10'	10'	0'	10'	10'	10'	10'	10'	10'	25' (principal) 15' (accessory)	25'	10'

Figure 1: Existing minimum setback requirements in all districts

### Multi-Family 3 (MF3) District

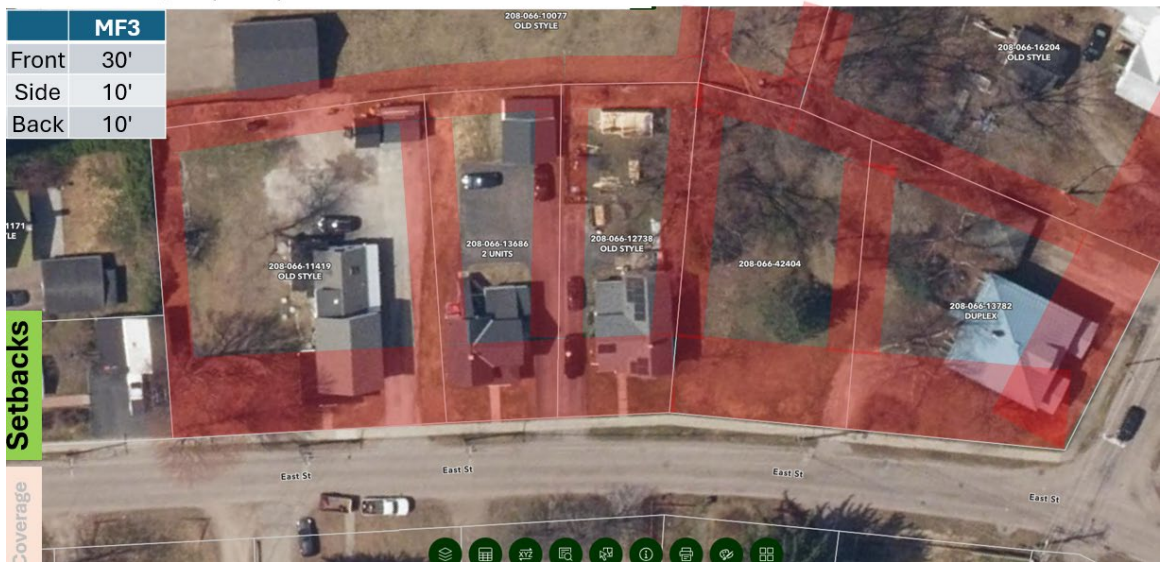


Figure 2: example of an area zoned MF3 where the front setback requirement exceeds the setback of many existing structures. Areas shaded in red are within the current setback requirements.

The Planning Commission should consider clarifying which setback requirement takes precedence when they’re in conflict. The PC should also consider relaxing the minimum front setback requirements of some zones to enable the replication of existing historic, walkable development patterns.

I recommend the following:

- For all districts currently using the “average setback of the principal structures of the two adjacent lots” standard, replace that requirement with a new maximum setback determined by the larger of the *principal structure setbacks on the two adjacent lots*.
- Reduce the minimum front setback requirement in the following zoning districts to 15’

- MF1, MCU, MF3, R-0

This would allow for more predictable development outcomes while offering flexibility for the addition of missing-middle housing.

**Cost:**

There are no costs associated with proposed zoning bylaw 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. Summary of Proposed 2024 LDC Amendments To Date
2. Draft LDC Amendments redline (in .docx document)

## Proposed 2024 Land Development Code Amendments Summary as of September 5, 2024

### Overall purpose of the proposed Land Development Code (LDC) amendments:

1. Replacement and reorganization of sign regulations to be content-neutral, based on 2015 and 2022 supreme court caselaw specifying that local governments may only regulate signage based on content neutral criteria such as size, materials, lighting, moving parts, and portability. The text and formatting of the amended sign regulations have been adapted from the zoning text of a nearby municipality (Burlington VT), with specific regulations adjusted based on local context.
2. Adjustment of density limits in residential and Residential-office districts to meet the requirements of the Vermont HOME Act of 2023 (Act 47) and to help meet statewide housing production goals.
3. Removal of certain stormwater regulations from the LDC which fall within the scope of a future separate City Stormwater Ordinance.
4. Adjustment of language and grammar throughout the document to improve consistency and for demographic and cultural inclusivity.
5. Incorporation of recent State Statute changes
6. Correction of technical inconsistencies and clarification of certain design standards.

### *(A)nd shall include findings regarding how the proposal:*

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The proposed amendments conform with the goals and policies of the City's Comprehensive Plan by enabling increased housing stock as called for in the Comprehensive Plan. incorporating reference to the Five Corners Design Plan and standards to fulfill its purpose. In addition, these amendments are intended to enable increased housing stock throughout the City as called for in the Comprehensive Plan.

2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposed amendments are compatible with the proposed future land uses and densities of the municipal plan. The amendments include allowing for fourplexes as required by state statute in the MF3 zoning district.

3. *Carries out, as applicable, any specific proposals for any planned community facilities."*

The proposed amendments do not carry out any specific proposals for planned community facilities and it would not impact any plans for community facilities.

### *General amendments throughout the LDC include:*

- Zoning district acronyms have been standardized for consistency.
- References to “Use Table”, “Table of Uses” and “Use Chart” have been standardized to “Use Chart”.
- References to “Church” have been changed to “Place of Worship” for more cultural inclusivity.

## Chapter 2: Definitions

*Specific amendments in this chapter include:*

- Removed most sign definitions which were moved to Sign Standards in Section 714. [Section 201.G]
- Clarified the definition of “Temporary Structure” to reflect changes made to temporary use permits in Section 502 [Section 201.C]
- 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. Since the passage of H.687 (Act 181 of 2024), by the State Legislature, 24 V.S.A. § 4412 now prohibits municipalities from prohibiting unrelated occupants from residing in the same dwelling unit. [Section 201.C]
- Definition of “impervious surface” “Illicit connection” and “illicit discharge” have been changed or removed to align with the City’s future new storm water ordinance. [Section 201.C and Section 201.H]

## Chapter 5: Development Review Procedures

*Specific amendments in this chapter include:*

- Limitations on municipal powers to regulate certain uses such as Schools, Hospitals, and Emergency Shelters have been clarified in accordance with 24 V.S.A. § 4413. [Section 502.C]
- Clarified how development applications that do not fall under a defined category in the Use Chart [Section 622] are to be reviewed by staff. [Sections 502.B - 502.D]
- Moved approval procedure for sign permits to Section 714 for clarity. [Section 502.H]

## Chapter 6: Zoning Districts Regulations

*General amendments in this section include:*

- Grammar corrections and minor formatting changes.

*Specific amendments in this chapter include:*

- Corner lots in all districts are deemed to have two front yards (one on each street), two side yards, and no rear yards. (Chapter 6 Introduction)
- The Multi-Family-3 (MF-3) zoning district’s density limits have been raised to 4 units per lot to meet the requirements of the HOME Act (Act 47) of 2023. This was a technical oversight in the 2023 LDC amendments. [Section 603.D]
- Simplified the structure of density limits for the Multi-Family 3 (MF3) and Residential Office (RO) districts by removing incremental lot-size requirements for additional units within the same structure.

- These districts serve as transition zones between the denser, mixed-use districts near the City Center and the smaller-scale residential neighborhood districts. Ever since the 2023 HOME Act- related zoning changes in the R1 and R2 residential districts, to allow up to four (4) total units per lot, the MF3 and RO districts’ density caps have been lower than the R1 and R2 Residential districts.
- There is no planning justification for this unusual density pattern, and thus MF3 and RO districts were adjusted to match surrounding districts’ density limits.
- Reinstated rear setback minimum for Residential Office (RO) district that was removed from the from the LDC in 2011. [Section 609.C]
- Removed limitations on the number of permissible primary structures on lots in the Residential 1 (R1) and Residential 2 (R2) districts to allow for the flexibility for building multiple smaller structures, instead of a single, larger structure. The total size of buildings would still be limited by lot coverage limits. [Sections 618.B and 619.B]
- Added subsection clarifying review process for Uses not Specified in Use Chart outlined in Sections 502.B and 502.C [Section 622.E]
- Added Day Care and Family Care homes and facilities as permitted and conditional uses in the Planned Agriculture (PA) and Highway-Arterial (HA) districts to support existing and future residential development in these districts. [Section 622]

**Commented [CY1]:** Should this be changed to 2 to be conservative against unintended consequences?

#### Chapter 7: General Development Standards

*General amendments in this chapter include:*

- Grammar corrections and minor formatting changes.

*Specific amendments in this chapter include:*

- Changes to allow for year-round operations of food trucks and trailers through consecutive temporary use permit renewals. Restrictions on the use of portable gasoline or diesel electric generators were included [Section 703.J]
- Added language to allow for the use of tandem parking spaces assigned to individual households to allow for more spatially efficient parking lot layouts. [Section 703.K.15]
- Moved regulations regarding holiday lights, and lighting directed at sign surfaces from the Sign Standards Section to the Lighting Section, for clarity and consistency. [Section 704.B and Section 704.E.3]
- Adjusted lighting regulations to allow for the use of string lights on commercial premises during typical business hours. [Section 704.B.10]
- Consolidated regulations on the placement of flagpoles and the display of flags to Section 714 Sign Standards chapter. [Section 706.C.6.d]
- To align with the City’s future new storm water ordinance, a reference to the Town of Essex’s Storm Water Ordinance was removed. Requirements to minimize erosion and control sediment from construction sites have been added [Section 713]
- Section 714’s Sign standards have been fully replaced and reorganized to be content-neutral, based on 2015 and 2022 supreme court caselaw specifying that local governments may only regulate signage based on content neutral criteria such as size, materials, lighting, moving parts, and portability. The text and formatting of the amended sign regulations have been adapted

from the zoning text of a nearby municipality (Burlington VT), with specific regulations adjusted based on local context. [Section 714]

- Added new permit requirements for neon Window Signs. [714.L]
- On large lots where a second freestanding sign is permitted, the allowable size for this second sign has been increased from 20 to 30 sq ft to offer a viable pathway to compliance for businesses that currently rely on the permanent display of temporary signs for visibility. [Section 714.L]
- Wall Signs within 50' of the nearest public road have been increased to be capped at 80 sq ft. This was a compromise to ensure that signs located at auto-oriented commercial developments can be sufficiently viewed from the road while ensuring that future, human-scale redevelopment with shorter setbacks can limit signs to more reasonable sizes. [Section 714.L]
- Added flexibility for the placement of sandwich board -either within 15' of the front door of a business or within 15' from a vehicular or pedestrian entrance to the property on which the business is located. This change is intended to extend the applicability of the regulation to more types of business properties. Sandwich Boards are still required to be removed outside of business hours. [Section 714.L]
- Allowed for the use of Marquee Signs in more zoning districts with the added requirement that Marquee Signs located within the Design Review Overlay District (DRO) go through approval by the Development Review Board [Sections 714.L and 714.M]
- Created a table listing permissible sign types by zoning district [Section 714.M.2]
- Modified the language of Planned Unit Development (PUD) open space requirements to allow for balconies in multi-story, multi-unit buildings in lieu of traditional private yard space. [Section 723]

#### Chapter 8: Nonconformities

*Specific amendments in this chapter include:*

- Removed Sections 804 and 805 on Non-Conforming Signs, now located in Sign Standards.