Essex Junction Planning Commission Reporting Form

for Land Development Code Amendments

The following report was approved by the Planning Commission on October 10, 2024.

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 §4444 of this title,

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. Adjustment of site layout and dimensional standards to allow and encourage the replication of historic development patterns for duplexes, triplexes, and four-plexes.
4. Removal of certain stormwater regulations from the LDC which fall within the scope of a future City Stormwater Ordinance.
5. Addition of standards for the year-round operation of food carts in areas where similar uses are currently permitted.
6. Adjustment of language and grammar throughout the document to improve consistency and for demographic and cultural inclusivity.
7. Incorporation of recent State Statute changes.
8. Correction of technical inconsistencies, clarification and adjustment of certain design standards and review procedures.

(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, encouraging economic development, and reducing

environmental impact as called for in the Comprehensive Plan. This is achieved through various technical requirements and procedural adjustments in the zoning bylaw.

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, except where superseded by new requirements of state statute.

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 integrated within Sign Standards in Section 714. [Section 201.G]
- Clarified the definition of "Temporary Structure" [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 storm water ordinance. [Section 201.C and Section 201.H]
- Definition of "lot coverage" has been clarified to include swimming pools and decks, while excluding stormwater permeable driveways (Section 201.C)

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. [Sections 502.B - 502.D]

- Extended the option for administrative review of single-family dwellings and duplexes to developments with up to four housing units within one lot to reduce barriers for small-scale development. (Section 502.F)
- Added a requirement for the submission of floor plans for the developments except for applications only involving a single-family dwelling. (Sections 502.A and 502.F)
- 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. (Section 600.C)
- Increased the number of permissible principal buildings on each lot in the MF1, MF2, R-O, R1, R2 districts from 1 to 2, to allow for the flexibility for building multiple smaller structures, instead of a single, larger structure. Building size and placement would continue to be regulated by lot coverage limits, height limits, and minimum setback requirements. [Sections 601.B, 602.B, 618.B and 619.B]
- Clarified minimum and maximum front yard setback requirements in the MF1, MF2, MF3, VC, R-O, PA, R1, and R2 Districts. [Sections 601.C.1, 602.C.1, 603.C.1, 604.C, 609.C.1, 613.C.1, 618.C.1, and 619.C.A]
- Reduced minimum front yard setback requirements to 15 feet in the MF1, MF3, R-0, and MCU districts. This is intended to more closely matches historic development patterns and would allow for more predictable development outcomes while encouraging duplexes, triplexes, and fourplexes to place parking at the side or rear the house. [Sections 601, 603, 603.C.1, 609.C.1, and 615.C.1]
- 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. [Sections 603.B and 609.B]
    - 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 allowing 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 erroneously removed from the from the LDC in 2011. [Section 609.C]

- Added Parking spaces as a use subject to the 15-foot minimum rear setback requirement in the R1 District instead of the 25-foot general rear setback requirement. This is to match the 15-foot minimum rear setback requirement currently in effect for accessory structures, including detached garages. [Section 619.C3]
- For the R1 and R2 Districts, clarified design standard by replacing the requirement for "traditional detached frontage style home" with a requirement that at least one dwelling unit must have a primary pedestrian entrance facing the street. [Sections 618.H.1 and 619.H.1]
- For residential lots with up to four dwelling units, clarified design standard by adjusting regulations on maximum curb cut, driveway, and parking widths. This change is intended to better accommodate small-scale development while maintaining a pedestrian-friendly environment and minimizing visual impact. [Sections 618.H.2, 619.H.2 and 705.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]
- Added "Aerodrome" as a prohibited use in all zoning districts. Aerodrome includes airstrips and aircraft landing pads (Section 622)

Chapter 7: General Development Standards

General amendments in this chapter include:

- Grammar corrections and minor formatting changes.

Specific amendments in this chapter include:

- Added standards for the review and approval of the year-round siting of food trucks on private properties in zoning districts where "eating and drinking establishment" is a permitted use [Sections 201.C; 502.F; and 727)
- Added language to allow for 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 use of string lights within certain hours. [Section 704.B.10]
- Adjusted lighting regulations to extend the exemption for the requirement for a zoning permit prior to the installation and replacement of lighting fixtures on single family homes and duplexes, to cover housing developments with five or fewer housing units. [Section 704.C]
- Adjusted technical specifications for lighting on residential and commercial properties. (Sections 704.B, and 704.F)
- Added parking within two feet of the side property line as a set-back exception, as long as they are screened from view from the adjacent property with a fence or hedges. [Section 706.C.1]
- Consolidated regulations on the placement of flagpoles and the display of flags to Section 714 Sign Standards chapter. [Section 706.C.6.d]

- Added a 50-foot minimum setback requirement for outdoor cannabis cultivations, as enabled by Act 166 of 2024 (H.612), starting on January 1, 2025. [Section 726]
- To align with the City's future 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 would still be 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]
- Added Electric Supply Equipment to the list of structures exempt from setback requirements [Section 706.C.9]

<u>Chapter 8: Nonconformities</u>

Specific amendments in this chapter include:

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

<u>Zoning Map</u>

A correction to the zoning map has been made to restore zoning changes made in 2004, which were

removed from subsequent versions of the zoning map from 2005 onwards due to an administrative error. The following zoning changes from 2004 have been restored:

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.

Appendix A: Public Works Details

Public Works Details have been amended.