



CITY OF

Essex
Junction

DRAFT

Land Development Code

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SUMMARY 1

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CHAPTER 1: PURPOSE, APPLICATION AND SEVERABILITY**SECTION 101: TITLE**

This Ordinance shall be entitled and may be referred to as the Land Development Code.

SECTION 102: PURPOSE

The purpose of this Land Development Code is to implement the Comprehensive Plan of the City of Essex Junction by establishing regulations, procedures and standards for review and approval of all development and use of land in Essex Junction. This Code is adopted to preserve public health, safety, comfort and general welfare, and to aid in the harmonious, orderly and progressive development of the City. This Code represents the minimum required standards for development and land use in Essex Junction. It is the intent of the City to meet or exceed these standards.

SECTION 103: AUTHORITY

The City is granted authority by the Vermont General Assembly to regulate activities and impacts associated with the development and use of land in the City. The Chapters contained in this Land Development Code are enacted pursuant to the statutory provisions set forth below:

- A. Chapter 2: Definitions - As applicable below
- B. Chapter 5: Development Review Procedures (Submission of Applications) - As applicable below
- C. Chapter 6: Zoning District Regulations - 24 V.S.A., Chapter 117
- D. Chapter 7: General Development Standards - 24 V.S.A., Chapter 117
- E. Chapter 9: Subdivisions - 24 V.S.A., Chapter 117
- F. Chapter 11: Sewer Regulations - 24 V.S.A., Chapter 101.
- G. Chapter 14: Water System Management - 24 V.S.A., Chapter 89.
- H. Appendix A: Public Works Specifications - City Charter, Section 203.

SECTION 104: SEVERABILITY

If any part or provision of this Code or application thereof to any person or circumstances is invalidated by a Court of competent jurisdiction, such judgment shall be limited to the part, provision or application being adjudicated. Said judgment shall not limit, affect or impair the validity of the remainder of this Code or the application thereof to any other persons or circumstances.

SECTION 105: ABROGATION

The provisions of this code shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this code imposes a greater restriction the provisions here shall take precedence.

CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION**SECTION 201: DEFINITIONS**

(General Definitions, Flood Plain Management Determinations, Sewer Regulation Definitions, Sign Regulations Definitions). Words as defined herein shall be used to interpret provisions of this Code. Interpretation of any words not herein defined shall be made in accordance with the standards specified below.

A. Interpretation:

1. All interpretations of words not herein defined shall be reviewed in the context of the purpose or intent Sections of this Code and the Official Plan as adopted.
2. Words shall be interpreted through consultation with standard planning textbooks. Words with a unique planning definition shall be interpreted to include that definition.
3. Words which have a unique definition in state or federal law shall be deemed to include that meaning.
4. Words without a unique planning definition shall be deemed to be common usage as defined in standard dictionaries.

B. Official Plan

The Essex Junction Comprehensive Plan as adopted by the Village Trustees (prior to July 1, 2022) or by the City Council (after July 1, 2022) and filed with the City Clerk is the Official Plan of the City of Essex Junction. It is the clear intent of this Code to implement the provisions of the Comprehensive Plan and the Comprehensive Plan shall be consulted to determine the intent of any provisions of this Code. Ordinances, bylaws, or regulations enacted which are in clear conflict with the Comprehensive Plan shall not be adopted until and unless the Comprehensive Plan is amended.

C. General Definitions:

1. *"802 Homes Catalogue"* means the catalog of pre-approved residential building designs published by the Vermont Agency of Commerce and Community Development (ACCD) under the Homes for All initiative, as may be amended from time to time, each design of which has been reviewed for compliance with Vermont state building codes and standards. A building is considered to be selected from the 802 Homes Catalogue only if its exterior design, massing, materials, and architectural features conform to the applicable catalogue plan set without material deviation, as determined by the Administrative Officer.
2. *"Abandonment"* shall mean to cease or discontinue a use or activity for a period of twelve (12) months, but excluding temporary or short-term interruption to use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during normal periods of vacation or seasonal closure.
3. *"Accessible Parking"* shall mean parking space designed to comply with standards of the Americans with Disabilities Act.

4. "Accessory Apartment" shall mean a small apartment created within an existing single family dwelling unit, as defined by state statute.
5. "Accessory Structure" shall mean a structure, the use of which is incidental and subordinate in size (50% or less) to the principal structures located on the same lot.
6. "Accessory Use" shall mean any use or structure which clearly meets the following conditions:
 - (a) It is clearly incidental and customarily found in association with the principal use; and
 - (b) It is subordinate in area, purpose and extent to the primary structure and use of the lot; and
 - (c) It is not identified in the zoning district as a permitted or conditional principal use.
7. "Aerodrome" shall mean a location from which aircraft flight operations take place.
8. "Additions" shall mean any development activity which increases floor area or height of a building or structure.
9. "Administrative Determination" shall mean a written statement by Staff which approves or disapproves any request as provided herein or interprets a provision of this Code.
10. "Adult Day Care Facility" shall mean a facility which includes programs, services, and facilities designed to assist physically or mentally impaired adults to remain in their communities. These are persons who might otherwise require institutional or long-term care and rehabilitation.
11. "Adverse Impact" shall mean any addition or effect of a proposed use, site modification, or structure which may be harmful or injurious to public health, safety or other property; any addition or use which does not meet specific review criteria as established herein; or any proposed uses or structures which cumulatively may be harmful or injurious to public health, safety, or property.
12. "Agent" shall mean any individual, group, or corporation specifically authorized in writing to act on behalf of any party to a proceeding covered by this Code.
13. "Agriculture" or "Agriculture Sales-Related Activity" shall mean the use of property or structures for common farming-related activities necessary for crop and animal production. A plant or tree nursery shall be deemed an agricultural related activity. The sale of agricultural products or byproducts on agricultural property is deemed an "agriculture sales-related activity". Notwithstanding this definition, farming and farm structures are exempt from regulation under this Code to the extent provided in 24 V.S.A. § 4413(d) and Section 724.
14. "Agriculture PUD" shall mean a Planned Unit Development (PUD) located in the Planned Agriculture District.
15. "Alteration" shall mean any change or modification to a structure.
16. "Animal Boarding Facility" or "Kennel" shall mean any land, structure, or facility designed and used for the temporary storage or housing of five (5) or more domesticated animals at any time; the housing, storage or raising of any animals as part of an active farm is not deemed to be an animal boarding facility.

17. *"Animal Exhibits"* shall mean any structure or property where animals are kept in captivity for public display with or without charge.

18. *"Animal Shelter"* shall mean any accessory structure or property which is used for housing or sheltering four (4) or fewer common household pets over three (3) months of age, outside of the principal permitted structure.

19. *"Antenna, Tower," or "Satellite Dish"* shall mean any device erected and designed to transmit or accept any type of radio, television, telephone or other electronic signals.

20. *"Application"* shall mean a written request for approval of a proposed use, building or activity as regulated herein.

~~20-21.~~ *"Articulation"* shall mean the visible variation or subdivision of a building's façade used to reduce its perceived scale and visual monotony without altering the building's overall massing. Articulation may include changes in materials, fenestration patterns, roofline expression, and/or use of recesses or projections

~~21-22.~~ *"Average Grade Building Height Allowance"* shall mean the building height shall be no higher than that permitted in the district above preconstruction grade unless approved by the Planning Commission.

~~22-23.~~ *"Bank"* shall mean any financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically.

~~23-24.~~ *"Bed and Breakfast"* shall mean any building, or portion thereof, of residential character which contains no more than four (4) sleeping rooms for rent for transient occupancy not exceeding (2) weeks, and where food is served family style.

~~24-25.~~ *"Berm"* shall mean a mound of soil used for screening or landscaping which includes trees, shrubs or ground cover.

~~25-26.~~ *"Bike Path"* shall mean any sidewalk, lane, or path designated and clearly marked by the City for use by bicycles. Nothing shall prevent a bike path from being utilized by pedestrians or other non-motorized conveyances.

~~26-27.~~ *"Boarding House"* shall mean any establishment or charitable organization which provides meals and beds for pay for four (4) or more individuals for thirty (30) or more days in a residential dwelling.

~~27-28.~~ *"Boundary Line Adjustment"* shall mean adjusting the line between two adjacent lots when the adjustment does not change the nature of any previous subdivision, does not create any new lots, and does not make any existing lot non-conforming.

~~28-29.~~ *"Buffer"* shall mean an area required to separate low intensity land uses from more intensive land uses, or a mandated setback from a wetland, stream, river or utility.

~~29-30.~~ *"Building"* shall mean any structure that encloses a space for sheltering any occupancy or use including the above ground placement of any type of fuel or oil tank; any structure, vehicle or preassembled building which is permanently attached to the ground or is located on the property for thirty (30) or more days shall be deemed a building. Recreational vehicles as defined herein shall not be deemed a building.

~~30-31.~~ *"Building Height"* shall mean the vertical distance from the average finished grade elevation to the highest point of a parapet surrounding a flat roof, the mean height between eave and the highest ridge line of a pitched roof or the highest point of

a roof of any other shape (Mansard, Gambrel, Etc), excluding chimneys and decorative cupolas, provided that they do not extend more than five feet above the highest point of the rest of the structure.

~~31-32.~~ *"Building Line"* shall mean a line defining the nearest points to adjacent streets or property lines to which a building may be constructed or placed.

~~32-33.~~ *"Building Materials Establishment"* shall mean any facility whose principal business is the sale of products to be used off site for construction and installation purposes.

~~33-34.~~ *"Building, Principal"* shall mean a building in which the main or primary use of the lot is conducted.

~~34-35.~~ *"Business Service"* shall mean a business which offers services to other businesses or individuals, including but not limited to, photocopying, blueprinting, insurance sales, financial management, computer and data processing, security services, interior cleaning and similar uses whose principal business is not the sale of goods or materials.

~~35-36.~~ *"Caliper"* shall mean the measurement of the diameter of a tree measured as follows:

(a) A tree less than four (4) inches in diameter shall be measured six (6) inches above grade.

(b) A tree four (4) or more inches in diameter shall be measured twelve (12) inches above grade.

~~36-37.~~ *"Cannabis Retail Establishment"* shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to sell cannabis and cannabis products to adults 21 years of age and older for off-site consumption in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application].

~~37-38.~~ *"Cannabis Wholesale Establishment"* shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to purchase, process, transport, and sell cannabis products in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application].

~~38-39.~~ *"Cannabis Medical Dispensary"* shall mean a business organization licensed under 18 V.S.A chapter 86, 7 V.S.A chapter 37 to dispense cannabis products for medical purposes [or current state definition at time of application].

~~39-40.~~ *"Cannabis Cultivator Establishment"* shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to engage in the cultivation of cannabis in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application].

~~40-41.~~ *"Cannabis Manufacturing Establishment, Tier 1"* shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to manufacture cannabis products in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application]. A tier 1 manufacturer may purchase, process, manufacture, transfer, and sell Cannabis as well as finished and in-process Cannabis Products to other Licensees but not directly to consumers. A tier 1 manufacturer may produce Cannabis Products using the same methods as a tier 2 manufacturer, but not a tier 3 manufacturer. A tier 1 manufacturer must be a home occupancy business with no

more than one employee, and under \$10,000 in gross revenue each year.

41-42. "*Cannabis Manufacturing Establishment, Tier 2*" shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to manufacture cannabis products in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application]. A tier 2 manufacturer may purchase, process, manufacture, transfer, and sell Cannabis as well as finished and in-process Cannabis Products to other Licensees but not directly to consumers. A tier 2 manufacturer may produce Cannabis Products using the following methods but may not utilize unapproved flammable solvent chemical extraction or flammable solvent chemical synthesis:

(a) Water-Based Extraction: extraction using only water, ice, or other freezing substrate or process as approved by the Board.

(b) Food-Based Extraction: extraction using propylene glycol, glycerin, butter, coconut or olive oil, other typical cooking fats, or alcohol as approved by the Board.

(3) Heat/Pressure-Based Extraction: extraction using heat and/or pressure as approved by the Board.

42-43. "*Cannabis Manufacturing Establishment, Tier 3*" shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to manufacture cannabis products in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application]. A tier 3 manufacturer may purchase, process, manufacture, transfer, and sell Cannabis as well as finished and in-process Cannabis Products to other Licensees but not directly to consumers. A tier 3 manufacturer may produce Cannabis Products using all lawful methods of extraction.

43-44. "*Cannabis Testing Laboratory Establishment*" shall mean an establishment licensed by the Vermont Cannabis Control Board and the Local Control Commission to test cannabis and cannabis products in accordance with 7 V.S.A Chapter 33 [or current state definition at time of application].

44-45. "*Capital Improvement*" shall mean any public facility or infrastructure including, but not limited to, streets, sewers, water mains, lights, traffic control devices, public buildings and other public facilities.

45-46. "*Capital Improvement, Off-site*" shall mean the construction or placement of public infrastructure including, but not limited to, streets, sewers, water mains, lights, traffic control devices and other public facilities which is determined necessary upon review of a development proposal.

46-47. "*Car wash, Incidental*" shall mean any facility whose principal business is the provision of other automobile services but provides one bay for the washing of vehicles, clearly incidental to the other automobile services provided.

47-48. "*Car wash,*" shall mean any facility whose principal business is the cleaning and washing of vehicles of any type, or a facility which provides two (2) or more bays for the washing of vehicles by the customer or for hire by the business.

48-49. "*Catering Services*" shall mean any facility which prepares food for delivery and consumption off the premises.

49-50. "*Cemetery*" shall mean a parcel of land used for the burial of the dead (for cemetery purposes), including columbaria, crematories, mausoleums, and mortuaries.

50-51. "*Change in Intensity of Use*" shall mean any change in the use of a structure or

land that results in an increase or decrease in any standard established in Chapters 6 or 7 of this Code as applied to the subject use.

~~51-52.~~ *"Church,"* or *"Place of Worship"* shall mean any premises used and operated as a non-profit operation principally as a place of worship and religious education.

~~52-53.~~ *"Circus,"* or *"Carnival"* shall mean any temporary entertainment facility open to the general public with or without a fee which provides rides, shows, food booths, animal entertainment or other shows.

~~53-54.~~ *"Clinic, Medical"* shall mean any facility which provides medical services by licensed professionals to individuals on an out-patient basis and which does not provide facilities for the care of patients on an overnight basis.

~~54-55.~~ *"Clinic, Veterinary"* shall mean any facility which provides medical care to animals which may include facilities for keeping animals overnight as part of veterinary care. Facilities which provide for the overnight boarding or caring of animals which are not part of veterinary care are deemed to be animal boarding facilities.

~~55-56.~~ *"Commercial PUD"* shall mean a Planned Unit Development (PUD) located in the Center, Highway Arterial, or Transit Oriented Development Districts.

~~56-57.~~ *"Commercial Vehicle"* shall mean any vehicle designed (or modified) for business purposes for an individual or business; any vehicle which is used primarily to transport tools of a trade or supplies; any vehicle which has attached advertising materials.

~~57-58.~~ *"Common Household Pet"* shall mean any domesticated animal commonly associated with and cared for in individual homes. Wild animals, livestock or other domesticated farm animals are not common household pets.

~~58-59.~~ *"Common Improvements"* shall mean all streets, driveways, parking bays, or other vehicle use areas, and all uses, facilities, structures, buildings and other improvements or portions thereof, which are designed and provided for the common use, benefits and enjoyment of all residents or occupants of a development or portion thereof.

~~59-60.~~ *"Common Ownership"* shall mean ownership of common open space or common improvements which grants at least some undivided and common rights in such lands or improvements to the residents or occupants of a development or a neighborhood, either directly or indirectly, through shares or other interests in the property.

~~60-61.~~ *"Common Open Space"* shall mean all open space, or portions thereof, including landscaping, screening, and buffering, which is designated and provided for the common use, benefit and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or which is required as a buffer to protect adjacent property.

~~61-62.~~ *"Comprehensive Plan", "Village Plan", "City Plan" or "Plan"* shall mean the Essex Junction Comprehensive Plan for the City of Essex Junction as adopted pursuant to Title 24, Chapter 119, Section 4385 of Vermont Statutes and filed with the Town/City Clerk.

~~62-63.~~ *"Conditional Use"* shall mean a use, as designated on the Use Chart, which may be appropriate at a particular location following specific standards of review and approval as specified in this Code.

~~63-64.~~ *"Congregate Housing"* shall mean a facility containing two or more dwelling units for long term residence exclusively by persons 55 years or older, and their spouses, and

which shall include, without limitation, common dining and social recreation features, special safety and convenience features designed for the needs of the elderly. Social services for the residents must include at least two of following: meal services, transportation, housekeeping, linen, and organized social activities.

~~64-65.~~ *"Construction"* shall mean any earthmoving activity or grading activity; the erection, placement or assembly of any building or structure or additions thereto on any lot or parcel; the moving and placement of any building, structure or materials onto any lot or parcel.

~~65-66.~~ *"Construction Service Establishment"* shall mean any facility which provides off-site services for the construction or building of any development and which stores construction materials or equipment used by business on the property.

~~66-67.~~ *"Contiguous"* shall mean adjoining or separated by no more than a street, railroad, property line, brook, stream, easement or other feature.

~~67-68.~~ *"Cul-de-sac"* shall mean a dead-end street designed to provide a vehicular turn-around at the end of the street.

~~68-69.~~ *"Cultural Facility"* shall mean the use of land, buildings, or structures to provide educational and informational services to the general public, which shall include, but not be limited to, children's museums, schools, art galleries, libraries, or similar facilities.

~~69-70.~~ *"Dark Sky Compliant"* shall mean hooded or shielded outdoor lighting fixtures that allows no light emission above a horizontal plane.

~~70-71.~~ *"Day Care Facility"* shall mean a facility in which care is provided on a regular basis for nine (9) or more children under twelve (12) years of age, at one time. Such facilities include those commonly known as "day care center", "day nurseries", "play groups", and "preschool".

~~71-72.~~ *"Day Care Home"* shall mean a home which provides care on a regular basis for eight (8) or fewer children at any time, excluding children of the owner.

~~72-73.~~ *"Dead-end Street"* shall mean a street open at one end only without provision for a turnaround and which may be extended into adjoining property.

~~73-74.~~ *"Density Bonus"* shall mean an increase in the number of residential units, lot size or the size of a non-residential structure specifically granted to a single development.

~~74-75.~~ *"Design Storm"* shall mean the maximum storm expected to occur once during the interval specified in this Code.

~~75-76.~~ *"Development"* shall mean the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, a change in the intensity or use of land, or the filling of land or the dividing of land into two or more parcels.

~~76-77.~~ *"Development Standards"* shall mean the engineering, construction, and design standards, procedures and practices necessary for approval and review of development proposals.

~~77-78.~~ *"Discharge, Storm Water"* shall mean any stormwater which leaves a site, enters another site and subsequently enters any artificial or natural drainage system or drainage way.

~~78-79.~~ *"Domestic Vehicle"* shall mean an automobile or non-commercial vehicle

designed and used for personal purposes.

~~79-80.~~ *"Dormitory"* shall mean a building that is owned and/or operated by an educational institution whose primary purpose is to provide living accommodations for individuals associated with the institution.

~~80-81.~~ *"Double Frontage Lot"* shall mean a lot with street frontage on two boundaries.

~~81-82.~~ *"Drainage Facilities"* shall mean any drainage way or facility designed and constructed to control the surface flow of water and may include surface and sub-surface components.

~~82-83.~~ *"Driveway"* shall mean the portion of a lot and right of way used for vehicular access between an abutting street and a vehicular parking area. A driveway serving multiple units on one lot shall not be considered a private drive or private street.

~~83-84.~~ *"Dry Cleaner"* shall mean an establishment which provides laundry, dyeing or dry cleaning services to individual customers. Drop-off facilities for cleaning off-the-premises shall be deemed "personal service establishments".

~~84-85.~~ *"Dumpster"* shall mean an enclosed container or a container with a lid used to temporarily store waste. A container below 130 gallons in capacity shall not be deemed a dumpster.

~~85-86.~~ *"Dwelling, Mobile Home or Manufactured Home"* shall mean a dwelling unit constructed off site on a chassis or frame and moved or placed on a lot and connected to utilities.

~~86-87.~~ *"Dwelling, Multi-Family"* shall mean a building or structure designed to contain five (5) or more dwelling units.

~~87-88.~~ *"Dwelling, Single-Family"* shall mean a building or structure designed to contain no more than one dwelling unit.

~~88-89.~~ *"Dwelling, Two-Family or Duplex"* shall mean a building or structure designed to contain no more than two dwelling units.

~~89-90.~~ *"Dwelling, Three-Family or Triplex"* shall mean a building or structure designed to contain no more than three dwelling units.

~~90-91.~~ *"Dwelling, Four-Family or Fourplex"* shall mean a building or structure designed to contain no more than four dwelling units.

~~91-92.~~ *"Dwelling Unit"* shall mean a dwelling structure, or portion thereof, designed, constructed or used as living quarters for one family, and which includes facilities for food preparation, sleeping and sanitation.

~~92-93.~~ *"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.

~~93-94.~~ *"Eating and Drinking Establishment"* shall mean any establishment which provides, for compensation, food or drinks primarily for consumption on the premises. This term does not include establishments which provide drive-through facilities or whose primary business is the preparation of food to be consumed off the premises.

~~94-95.~~ *"Eating Establishment, Drive-Through"* shall mean any facility which provides one or more windows which allow patrons to buy and pick up food from their vehicle for consumption off premises.

~~95-96.~~ *"Emergency Shelter"* shall mean any building, structure, residence or place for

the temporary housing or care of individuals or families (including limited counseling) for a period not to exceed thirty (30) days. This term shall not be deemed to include day care facilities, day care homes, family care homes, family care facilities, nursing, rest or convalescent homes, halfway houses or similar facilities.

~~96-97.~~ *"Existing"* shall mean in existence on or before the effective date of this Code.

~~97-98.~~ *"Family"* shall mean one or more persons occupying a dwelling and living as a single housekeeping unit, whereby the persons living in the same dwelling share responsibilities for maintaining a joint living arrangement. This is distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel where persons living in the same dwelling share no joint household responsibilities. For the purposes of this Code, "Family" may include a group of unrelated persons living as a single housekeeping unit or foster children living with one or more unrelated persons.

~~98-99.~~ *"Family Care Facility"* shall mean a facility in which care is provided on a regular basis for nine (9) or more adults, including limited counseling and medical care, and commonly known as group care facilities, hospices, half-way houses, and similar facilities.

~~100.~~ *"Family Care Home"* shall mean a home which provides for care on a regular basis, for eight (8) or fewer adults at any time, excluding residents of the dwelling.

~~99-101.~~ *"Farming"* shall have the same meaning as in 10 V.S.A. § 6001(22) or the Required Agricultural Practices Rule.

~~100-102.~~ *"Fence"* shall mean a freestanding structure of metal, masonry, stone, wood or any combination, which is attached to the ground and used for confinement, screening, or partitioning purposes.

~~101-103.~~ *"Fill"* or *"Filling"* shall mean the placement of material or soil on any property in any manner which increases or alters the flow of stormwater on any adjacent lot. Soil preparation for gardening purposes shall not be deemed "fill".

~~102-104.~~ *"Flea Market"* shall mean any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, handicrafts, and small appliances or equipment in small quantities on a temporary or limited basis. Spaces or booths may be rented or leased to individuals for the sale of products.

~~103-105.~~ *"Floor Area"* shall mean the square footage of the horizontal floor area within any building or structure measured from the interior walls.

~~104-106.~~ *"Food truck"* shall mean a licensed, motorized vehicle or mobile food unit, including a trailer or converted recreational vehicle, equipped to refrigerate and/or cook food where, on a temporary basis, such food items are sold to the general public or to individuals attending a special event.

~~107.~~ *"Footprint Lot"* shall mean a lot created through the permit process that is generally designed to be contemporaneous with the footprint of a building or a portion of a building. Notwithstanding Section 201.C, a footprint lot is a form of ownership and conveyance but shall not be recognized for the purposes of zoning such as but not limited to lot coverage maximums, setbacks, and frontage and shall not be reviewed pursuant to the subdivision regulations.

~~105-108.~~ *"Form-Based Standards"* shall mean regulations that prioritize the physical form and spatial relationships of buildings, rights-of-way, and open spaces, with

[the intent of shaping a cohesive, high-quality public realm](#)

~~106-109.~~ *"Formula-Based Restaurant"* shall mean a restaurant that is required by contractual or other arrangement to offer any of the following: standardized menu, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or food presentation format that causes it to be substantially identical to another restaurant regardless of ownership or location.

~~107-110.~~ *"Formula-Based Retail"* shall mean a retail use that is required by contractual or other arrangement to offer any of the following: standardized inventory, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or product presentation format that causes it to be substantially identical to another store regardless of ownership or location.

~~108-111.~~ *"Freight Rail Distribution Center"* shall mean a facility or a group of facilities that perform consolidation, warehousing, packaging, decomposition and other functions linked with handling freight. Their main purpose is to provide value-added services to freight. They can also perform light manufacturing activities such as assembly and labeling. They can accommodate warehouses designed to store goods for longer periods of time.

~~112.~~ *"Frontage"* shall mean the length of the front lot line for a single parcel of land which runs contiguous to and parallel with public right-of-way or private street or easement which it borders.

~~109-113.~~ *"Frontage Type"* shall mean a category that establishes standards for how a building façade engages with the adjacent right-of-way, with the intent to shape a continuous, active, and pedestrian-oriented public realm.

~~110-114.~~ *"Funeral Home"* shall mean any building or structure, or part thereof used for human funeral services which may include a chapel or facility to be used for funeral services. A funeral home and funeral home services shall not include cremation services.

~~111-115.~~ *"Gas Pump"* shall mean any device used for the sale of fuel where no service or repair activity is provided. The sale of fuel may be secondary or incidental to the sale of other goods or products.

~~112-116.~~ *"Group Housing"* shall mean any premises where the principal use is the housing of two or more individuals not living as a single housekeeping unit and which does not have individual cooking and eating facilities or separate apartments. This term shall be deemed to specifically include sororities, fraternities, retreat houses, camps, convents or similar uses but does not include hotels, family care facilities, family care homes or boarding houses.

~~113-117.~~ *"Ghost Kitchen"* shall mean a food service business that serves customers exclusively by delivery and pick-up based on phone and online ordering.

~~114-118.~~ *"Hard Surfaced"* shall mean surfaced with asphalt, concrete, paving stones or similar material.

~~115-119.~~ *"Historic Property," or "Historic Resource"* shall mean any building, structure, site, or district that is listed on, or eligible for listing on, the State Register of

~~Historic Places or the National Register of Historic Places, or that is identified on Map 2 (Historic Sites) of the Comprehensive Plan shall mean any property, building, structure, or place identified as having local, state or national historic significance.~~

~~116-120.~~ 116-120. *"Home Occupation"* shall mean any activity undertaken or intended for financial gain by the occupants of any dwelling unit.

~~117-121.~~ 117-121. *"Home Owners Association"* shall mean a formally constituted nonprofit association or corporation made up of the property owners and/or residents of fixed place and responsible for the costs and upkeep of common facilities.

~~118-122.~~ 118-122. *"Hotel, Motel"* shall mean a facility designed and constructed to provide sleeping facilities for travelers for a fee and for limited periods of time. Common terms include inn, motor inn, motor lodge, tourist cabin, and tourist court. A hotel may have limited cooking facilities in individual rooms provided, however, no more than fifteen (15) percent of all the units may provide cooking facilities.

~~119-123.~~ 119-123. *"Hotel, Motel – Extended Stay"* shall mean a facility that contains six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens. Guests primarily stay for periods of one week or more. Extended stay hotels/motels shall not be occupied by children in the local school system. Extended stay hotels/motels shall not be used as permanent residences.

~~120-124.~~ 120-124. *"Impervious area, surface, or cover"* shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surfaces include, but are not limited to roofs, sidewalks, walkways, private driveways, parking lots, access extensions, alleys, and other paved, engineered, compacted, or gravel surfaces.

~~121-125.~~ 121-125. *"Incinerator"* shall mean any facility designed to be used for the disposal by combustion of products or materials.

~~122-126.~~ 122-126. *"Infrastructure"* shall mean road, water, sewer, storm water, streetlights, drainage systems or similar facilities.

~~123-127.~~ 123-127. *"Junk Vehicle"* shall mean any vehicle, trailer, semi-trailer or other motorized conveyance which, for a period exceeding thirty (30) days is inoperable or in a condition that would not be allowed to operate upon public roads in its present condition under the law of the State of Vermont. Vehicles which are used for salvage or parts are specifically deemed to be junk vehicles. Vehicles that are being repaired or restored shall be excluded if the owner demonstrates that efforts to bring the vehicle to an operable condition have been made and will be completed within thirty (30) days. The restoration or repair of one antique vehicle, owned by the resident, and repaired or restored within an enclosed structure, shall not be deemed a junk vehicle.

~~124-128.~~ 124-128. *"Junk Yard"* shall mean any place which is maintained, operated or used in connection with a business for storing, keeping or processing, buying or selling junk for processing or use on or off the premises. Also included is any facility designed or used for the storage or sale of unlicensed vehicles or parts from vehicles. This does not include a garage or service station where wrecked or damaged vehicles are stored for less than thirty (30) days, or a recycling or waste collection center approved under

provisions of this Code, or new or used car sales establishments where vehicles for sale are unlicensed.

~~125-129.~~ *"Landfill Collection Site"* shall mean any premises, facility, structure, or building designed and utilized for the temporary storage or sorting of materials for later removal to a landfill or recycling center.

~~126-130.~~ *"Landscape Service"* shall mean any establishment which provides maintenance, planting, sodding, seeding, trimming or other care to any plant off-premises. The production and storage of plant materials on the premises for pick-up and delivery is also deemed a landscape service.

~~127-131.~~ *"Livestock or Other Domesticated Farm Animals"* shall mean animals typically associated with farm or agricultural practices. Livestock or domesticated animals shall include but not limited to the following: bison, chickens, cows, ducks, geese, goats, horses, ostrich, llamas, sheep, swine, etc.

~~128-132.~~ *"Lot"* shall mean a definable parcel of land occupied or capable of being occupied by one or more structures or uses as regulated and approved by this Code.

~~129-133.~~ *"Lot Area"* shall mean the area within the property lines of a lot, calculated from dimensions of the boundary lines of the lot, exclusive of any portion of the lot that is within a public or private street.

~~130-134.~~ *"Lot Consolidation"* shall mean a procedure used to combine two or more lots into a single lot.

~~131-135.~~ *"Lot, Corner"* shall mean a lot abutting two (2) or more intersecting public or private streets.

~~132-136.~~ *"Lot Coverage"* shall mean that portion of the area (square footage) which is covered by buildings, structures, decks, swimming pools, all parking areas, impervious sidewalks, impervious driveways and other impervious surfaces. Pervious driveways designed and maintained to infiltrate the 1-year/24-hour storm event on site shall not be considered as lot coverage.

~~133-137.~~ *"Lot Depth"* shall mean the distance between the front and rear lot lines.

~~134-138.~~ *"Lot Line"* shall mean the boundary which separates the lot from adjoining lots or streets.

~~135-139.~~ *"Lot Line, Front"* shall mean a lot line which separates the lot from a public or private street or approved easement.

~~136-140.~~ *"Lot Line, Side"* shall mean a lot line which separates a lot from adjoining properties.

~~137-141.~~ *"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.

~~138-142.~~ *"Lot, Reverse Frontage"* shall mean any lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major street and which provides no access to the major street.

~~139-143.~~ *"Lot Width"* shall mean the horizontal distance between the side lot lines of a lot measured along a straight line, parallel to the front line at the minimum required building setback line.

~~140-144.~~ *"Mail Services"* shall mean any establishment which engages in the

distribution of mail or parcels.

~~141-145.~~ *"Manufacturing, Heavy"* shall mean any land use where a principal activity is the assembly or creation of products from raw materials. Specifically included are asphalt batch plants, commercial incinerators (not accessory to a permitted use), oil, gas or coal fired facilities used to process raw products, and other similar uses which potentially generate water or air-borne pollutants.

~~142-146.~~ *"Manufacturing, Light"* shall mean any business where the principal use is the assembly of materials or parts to be used in the manufacture or assembly of consumer products including small appliances, electronics, computers, and other products. Research and development of new products, or improvements to existing products is permitted.

~~143-147.~~ *"Massage Therapy"* shall mean the scientific manipulation of the soft tissues of the body for the purpose of normalizing those tissues and consists of manual techniques that include applying fixed or moveable pressure, holding, and/or causing movement of, or to, the body to enhance health and healing when undertaken by a Massage Therapist that is certified or registered through the National Certification Board for Therapeutic Massage and Bodywork's certification program, or an approved alternative certification body, for example AMA-VT.

~~144-148.~~ *"Material Change in Use"* shall mean a change from:

- (a) One type of use identified in the Use Chart set forth in Section 622 to another type of use set forth in such table or a use not set forth in such table; or
- (b) A type of use not set forth in the Use Chart at Section 622 to a type of use set forth in such table; or
- (c) A type of use not set forth in the Use Chart at Section 622 to another type of use not set forth in such table.

~~145-149.~~ *"Medical and Dental Lab"* shall mean any establishment whose principal business is the processing, testing, or analysis of materials for medical purposes and which provides limited direct client service. Clients or patients shall not be examined or treated on the premises.

~~146-150.~~ *"Mini Warehouse"* shall mean a storage facility designed and constructed for rent of individual storage spaces to customers where each rented or leased space has an individual door or gate. The storage or lease of spaces for commercial storage shall be deemed a warehouse.

~~147-151.~~ *"Motor Vehicle Maintenance Service"* shall mean a facility which provides vehicle maintenance, including oil changes and lubrication, tire sales and replacement, and minimal work while the customer is on the premises. Sale of gasoline, oil, tires or parts for use off premises is not permitted.

~~148-152.~~ *"Motor Vehicle Repair Services"* or *"Service Station"* shall mean any facility which provides repair service to individual vehicles including the installation of new or used parts. Repair and installation includes engine repair, transmission repair, body repair, and the installation or replacement of any mechanical parts. Car washing, maintenance services, tire installation and sale of parts may be an incidental or accessory use. The sale of gasoline may be permitted

~~149-153.~~ *"New Unit"* shall mean a dwelling unit approved and constructed pursuant to the Land Development Code without credit or consideration for whether it replaces any pre-existing dwelling unit. With respect to any section of this Code, there shall be no credit or reduction of any kind for an existing dwelling unit that is replaced by a new unit.

~~150-154.~~ *"Nursing, Rest, or Convalescent Home"* shall mean an institution other than a hospital for the care of children, the aged, the infirm, or those suffering long-term bodily ailments and whose residents require on-going professional care and assistance.

~~151-155.~~ *"Occupancy"* shall mean the use of any structure, premises, or portion thereof which is leased, rented, or owned, for any conditional, permitted, or non-conforming use.

~~152-156.~~ *"Office"* shall mean any building, structure, room, suite or portion thereof where the occupant transacts business or carries on a stated occupation. An office shall not include the manufacture, assembly, cleaning, testing, processing, or repair of any product.

~~153-157.~~ *"Office, Home"* shall mean any business use of a room, or portion thereof, within a dwelling, which meets the home occupation standards.

~~154-158.~~ *"Office, Incidental"* shall mean any suite, room or occupancy within a building used for the purposes of meeting customers or processing paperwork for the permitted business.

~~155-159.~~ *"Office, Professional"* shall mean any building or structure where the principal use is the conduct of business by professionals such as engineers, architects, planners, land surveyors, artists, attorneys, accountants, insurance agents, real estate brokers, and limited dental and medical services. Facilities which provide overnight care to any customer shall not be deemed a professional office.

~~156-160.~~ *"Off-Site Improvements"* shall mean improvements to public infrastructure required as a condition of approval of a development which created the need for the improvements.

~~157-161.~~ *"Open Space"* shall mean that area within the boundaries of any lot or development that is intended to provide light and air and upon which no improvement which creates impervious surfaces may be installed, erected, or constructed. Open space shall in general be available for entry and use by the occupants of the lot. Ordinarily, open space shall be maintained with vegetative cover.

~~158-162.~~ *"Ownership"* or *"Owner of Record"* shall mean the individual, group, or corporation with legal title to the land or with a contract to obtain legal title, or an individual, group, or corporation given specific ownership rights by a lease.

~~159-163.~~ *"Parcel"* shall mean a lot or tract of land.

~~160-164.~~ *"Parking Area"* shall mean any area outside of any street right-of-way or easement specifically allocated and designed to accommodate the parking or storage of domestic vehicles.

~~161-165.~~ *"Parking, Commercial"* shall mean the use of land or structures as a principal use for the parking of vehicles for a fee.

~~166.~~ *"Parking Space"* shall mean a striped or signed space designed to accommodate

one vehicle. Spaces may be marked for handicapped vehicles, small cars, recreational vehicles, or other type of motorized vehicle.

167. "Parking Structure" shall mean a building containing two or more stories of parking.

162-168. "Personal Service Establishment" shall mean a facility which provides care to a person or a person's apparel, barber shops, beauty shops, seamstress shops, shoe repair shops, coin-operated laundries, optician shops, diet centers, health clubs, spas, pet grooming shops and similar uses. Sales of products must be clearly incidental to the services provided.

163-169. "Planned Unit Development" or "PUD" shall mean one or more parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses in non-residential Districts. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to the area, density or dimensional requirements or allowable number of structures and uses per lot as established in any one or more districts created under the provisions of these regulations. The specific requirements of a PUD and the area, density and dimensional provisions that may be modified are further defined in each district in which PUDs are allowed.

164-170. "Planning Commission" or "Commission" shall mean the Planning Commission created under provisions of Title 24, Chapter 117 of Vermont Statutes appointed by the City Council with the responsibilities as specified by Vermont Statutes, the Village-City Charter and the provisions of this Code. As of July 1, 2022 the Planning Commission no longer has a development review function in Essex Junction.

171. "Pollution" shall mean the presence in the air, water, or soils of any substance, contaminants or noise which may be harmful or hazardous to human health or welfare or animal and plant life or property as defined by Federal and State law.

165-172. "Poultry" shall have the same meaning as in 6 V.S.A. § 1459(4).

166-173. "Principal Building" shall mean a building or structure in which is conducted the main or principal use of the lot or parcel upon which said building is located.

167-174. "Principal Use" shall mean the main use which is conducted on a lot or parcel or within a building or structure located on the lot or parcel.

175. "Private Community Use" shall mean any structure used, owned or operated by a profit or non-profit organization for the sole benefit of its membership. Food and beverages may be provided on the premises if the facility is so designed and constructed. Membership may be recreational or social.

176. "Private Sewage Disposal System" shall mean a system for the collection, treatment, and disposal of wastewater from one or more buildings or structures that is not connected to, or part of, a public sewer system. The system may be located on the property served or on another property where legally authorized

168-177. "Private sewer system" shall mean a privately owned sewer collection system, sewer main, force main, pump station, or related appurtenance that is not

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owned or maintained by the City and that conveys wastewater to the public sewer system. A private sewer system is one in which all abutting property owners possess equal rights through an association of owners.

~~169-178.~~ 170-179. "Private Street" shall mean any street which has not been accepted as a public street.

~~170-179.~~ 171-180. "Private Yard" (condo, townhouse, etc.) shall mean any yard fenced, screened or walled to provide private space on the lot for the owners or occupants of a dwelling of any type.

~~171-180.~~ 172-181. "Public" shall mean any use, land, structure, building, infrastructure, or facility used by any state or local governmental entity for use or owned by the general public.

~~172-181.~~ 173-182. "Public Hearing" shall mean any duly noticed hearing on an application or use as specified by this Code.

~~173-182.~~ 174-183. "Public Meeting" shall mean any duly noticed meeting at which a quorum (a majority) is present to conduct business.

~~174-183.~~ 175-184. "Public Street" shall mean a street owned by the municipality.

~~175-184.~~ 176-185. "Public Works Standards" shall mean the construction and installation standards adopted herein for infrastructure or connection to or use of existing public infrastructure.

~~176-185.~~ 177-186. "Recreation Use, High Intensity" shall mean any public, quasi-public or private property where the principal use is a zoo, aquarium, amusement park, stadium, drive-in facility, golf course, exposition center, or similar use or activity.

~~177-186.~~ 178-187. "Recreation Use, Low Intensity" shall mean any public, quasi-public or private facility where the principal use is for active or passive recreation in a park, playground, athletic field, tennis court, bike path, or similar facility for indoor and outdoor activities. Indoor recreation structures may have accessory uses or structures such as snack bars, locker rooms, and pro shops that are designed and intended for use by the patrons of the primary use. A private club house restricted to use by development residents may be a low intensity recreation use.

~~178-187.~~ 179-188. "Recreation Use, Medium Intensity" shall mean any recreation facility or use such as billiards, bowling, miniature golf course, in-door shooting range, arcade, pool halls, theaters and similar facilities.

~~179-188.~~ 180-189. "Recreation Use, Temporary" shall mean any recreation use which is established on a temporary basis including circuses, carnivals, booths, festivals, and similar uses.

~~180-189.~~ 181-190. "Recreational Vehicle" shall mean any vehicle built and used primarily for recreation purposes (including boats) and designed to be pulled behind another vehicle or any motorized vehicle which accommodates sleeping and/or eating. Common terms include camper, topper, trailer, motor home, and RV.

~~181-190.~~ 182-191. "Recreational Vehicle Site" shall mean any parcel or portion thereof designed and constructed to accommodate the parking of one or more recreational vehicles for a fee.

~~182-191.~~ 183-192. "Recycling Center" shall mean a facility designated for the delivery and pick-up of recyclable materials.

~~183-192.~~ *"Redevelopment"* shall mean the alteration, conversion, reconstruction, structural alteration or enlargement of any site or structure or the change in any use.

~~184-193.~~ *"Repair Service Establishment"* shall mean a business in an enclosed structure whose principal use is the repair and replacement of common household items such as appliances, watches, musical instruments, computers, bicycles, radios, televisions, refrigerators, air conditioners and similar uses. Product sales shall be incidental to the repair business.

~~185-194.~~ *"Residential Development"* shall mean any subdivision, apartment, cluster home, carriage home, condominium, or townhouse designed and constructed for residential occupancy.

~~186-195.~~ *"Re-Subdivision"* shall mean the creation of a new subdivision whose boundaries or lot lines have changed from a previously approved subdivision and excluding "lot division", "lot consolidation" or "boundary adjustment".

~~187-196.~~ *"Retail, Convenience"* shall mean an establishment whose principal use is the sale of products in small quantities for the daily use of customers including but not limited to bakeries, food stores, newsstands, tobacco shops, card shops, liquor stores, delicatessens, musical supply stores, pet stores, jewelry stores, camera and photography supplies, ice cream parlors, meat and seafood shops, and florist shops.

~~188-197.~~ *"Retail, Sales,"* shall mean an establishment whose principal use is the sale of products for consumption or use by the customer off the premises. This shall include but not be limited to hardware, department, paint, office equipment, sporting goods, trading stamp and redemption outlets, television (including satellite dishes), automotive supply and major household appliance stores (including refrigerators, stoves, ovens, air conditioners, furnaces).

~~189-198.~~ *"Right-of-way"* shall mean any parcel of land deeded or for which an easement is granted for the current or future construction of a public or private street or infrastructure. A right of way shall be subtracted from the total lot area.

~~190-199.~~ *"Roadside Sale of Agricultural Products"* shall mean the use of any lot or portion thereof for the display or sale of locally grown or produced agricultural products on a temporary or seasonal basis.

~~191-200.~~ *"Sales, Outdoor"* shall mean the use of any lot or parcel or portion thereof for the sale and storage of any product or the exchange or swapping of any product among customers.

~~192-201.~~ *"Sales, Temporary"* shall mean the use of any structure, lot or parcel for limited sales events which are conducted on private or public property for brief periods of time.

~~193-202.~~ *"Salvage"* shall mean the recovery of any product from the waste stream with intent to recycle or sell for any purpose.

~~194-203.~~ *"School"* shall mean any establishment certified by the Vermont Department of Education, including parochial, private, public and nursery schools, colleges, universities and accessory uses, but specifically excluding commercially operated schools of beauty, culture, business, dancing, driving, music and other similar establishments.

~~195-204.~~ *"Service Bay"* shall mean a space designed and constructed for the

placement of any motor vehicle for repair, servicing, or washing. Service bays may be located outside of structures.

~~196-205.~~ *"Service Station"* See *"Motor Vehicle Repair Services"*.

~~197-206.~~ *"Setback"* shall mean the required minimum horizontal distance from the property line to the nearest point of a structure.

~~198-207.~~ *"Sewer Allocation"* shall mean the granting of specific rights to discharge sewage into a sewer for treatment at the City's Waste Water Treatment Plant.

~~199-208.~~ *"Shopping Center"* shall mean a structure or series of structures which contain a variety of commercial outlets for purchasing goods and services.

~~200-209.~~ *"Site Plan"* shall mean a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

~~201-210.~~ *"Small Scale Facility"* shall mean any Wireless Telecommunication Facility that is installed on the ground and does not exceed 20 feet in elevation and/ or that is installed on an existing building or structure and does not extend more than 20 feet from the building or structure.

~~202-211.~~ *"Solar Collector"* *"Solar Receptor"* shall mean a device designed and used for collecting solar energy and converting it to heat or electrical energy.

~~203-212.~~ *"Solid Waste Collection Point"* shall mean an area or facility designated for the temporary collection and transfer of waste to an approved landfill.

~~213.~~ *"Stable, Public"* shall mean any boarding and grooming facility for horses or other livestock with stalls for rent to the general public. A stable may include riding facilities and trails.

~~214.~~ *"Stepback"* shall mean a horizontal recession of a building façade above a specified height or floor, intended to reduce perceived building bulk and improve light and air access at street level.

~~215.~~ *"Street Room"* shall mean the spatial enclosure formed by building facades on opposite sides of a street and the space between them, including the road, sidewalks, streetscape elements, and setbacks, which are intended to collectively function as a continuous public space supporting pedestrian comfort, safety, and visual coherence.

~~204-216.~~ *"Staff"* shall mean any City employee or other personnel retained on a contractual basis to whom is delegated the authority to take specific actions as provided herein.

~~205-217.~~ *"Storage, Outdoor"* shall mean any facility whose principal use is the storage of products, equipment, recreation vehicles or supplies and which does not include storage of vehicles for sale to the general public.

~~206-218.~~ *"Stormwater Retention Facility"* shall mean any facility designed and constructed to hold and/or treat stormwater runoff.

~~207-219.~~ *"Stormwater Runoff"* shall mean water from precipitation and materials dissolved or suspended in it which is not absorbed into the soil, does not evaporate and which runs across the land during periods of precipitation.

~~208-220.~~ *"Story"* shall mean a portion of a building between an upper surface of a

floor and the upper surface of the floor above, or if there is no floor above it, the space between such floor and ceiling above it. A basement shall be considered as a story when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than 50 percent of the perimeter or more than twelve (12) feet at any point.

~~209-221.~~ *"Street"* shall mean any public or private way designed for use by motorized and non-motorized vehicles and pedestrians; and providing access to adjoining lots.

~~210-222.~~ *"Structure"* shall mean the assembly or placement of any materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard, sign, wall, steps, or fence (except a wall or fence on an operating farm and fences less than six (6) feet in height) and tanks for storage of gas and/or oil consistent with Section 4303 of Title 24, Chapter 117 of Vermont Statutes Annotated.

~~211-223.~~ *"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.

~~212-224.~~ *"Substantial Improvement"* shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started (b) if the structure has been damaged and is being restored, the value of the structure before the damage occurred. The term does not, however, include (1) any improvement to comply with existing State or local health, safety or sanitary code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places

~~213-225.~~ *"Taxi-cab and Limousine Service"* shall mean a parcel, building or space designated for use by any company providing transportation for a fee. Incidental office space, structures designed for the storage of vehicles and the outdoor storage of vehicles not currently in service may be included.

~~214-226.~~ *"Temporary Permit, Champlain Valley Exposition"* shall mean any permit authorized herein and issued for specific events at the Champlain Valley Exposition Fairgrounds.

~~215-227.~~ *"Temporary Structure"*: any structure in place fewer than six months in any 12 month period shall be considered a temporary structure.

~~216-228.~~ *"Temporary Use"* shall mean an identified use permitted on an occasional basis for a specific length of time.

~~217-229.~~ *"Temporary Use Permit"* shall mean a permit authorizing the establishment of a specific temporary use.

~~218-230.~~ *"Traffic Impact Study"* shall mean a study, which analyzes the traffic generated by a specific development proposal and describes the impact of the traffic generated on adjacent streets, intersections and driveways. A traffic impact study may also include a study of impact on streets or intersections not immediately adjacent to the proposed development.

~~219-231.~~ *"Transfer of Development Rights"* shall mean a process by which the right

to develop one portion of a parcel of land (sending area) is transferred to another portion of the same parcel (receiving area). The right to develop the sending area of land is eliminated.

~~220-232.~~ *"Trustees" or "Board of Trustees"* shall mean the legislative body of the Village of Essex Junction elected pursuant to the provisions of the Village Charter. As of July 1, 2022, the Board of Trustees no longer exists in Essex Junction. Where these terms still exist in the Land Development Code, it shall mean the City Council.

~~221-233.~~ *"Utility Uses, Utilities"* shall mean any public regulated company or governmental entity which provides specific public services including electricity, natural gas, telephone, cable television, water, sewer, storm sewer and similar facilities.

~~222-234.~~ *"Variance"* shall mean a procedure by which a waiver of Code requirements may be obtained from the Development Review Board when the strict application of the Code to a specific parcel will cause undue hardship.

~~223-235.~~ *"Vehicle Sales"* shall mean the sale of cars, sport utility vehicles and light trucks.

~~224-236.~~ *"Visibility Triangle"* shall mean a designated area located adjacent to the intersection of two or more streets or driveways which shall be kept free from visual obstruction.

~~225-237.~~ *"Warehouse"* shall mean a facility where the principal use is the storage of merchandise, products, or materials for a fee or for distribution or sale to other businesses. Storage of materials incidental to a permitted use is not a warehouse.

~~226-238.~~ *"Wild Animals"* shall mean any non domesticated animals.

~~227-239.~~ *"Wireless Telecommunication Facility"* shall mean any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

~~228-240.~~ *"Wireless Telecommunication Service"* shall mean any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

~~229-241.~~ *"Wireless Telecommunication Service Provider"* shall mean any person or entity providing Wireless Telecommunication Services.

~~230-242.~~ *"Yard"* shall mean the required open space area located on the same lot with a building or structure, unoccupied and unobstructed from the ground up. The minimum depth or width of a yard shall be the horizontal distance between the lot line and the nearest point of the structure.

~~231-243.~~ *"Yard, Special"* shall mean the required front, side or rear lot area normally required for setbacks which, due to unusual lot configurations, cannot meet the standard side, front, or rear yard definitions.

~~232-244.~~ *"Zero Lot Line"* shall mean a piece of real estate in which the structure comes up to, or very near to the edge of the property line.

~~233-245.~~ *"Zoning Board of Adjustment," "Zoning Board," "Board of Adjustment," or "Board"* shall mean the Board as appointed by the City Council which has the specific

authority to act on variances, conditional uses, and Code interpretations as specifically delegated by this Code and provisions of the State of Vermont Statutes. As of July 1, 2022, the Zoning Board of Adjustment no longer exists in Essex Junction. Where these terms still exist in the Land Development Code, it shall mean Development Review Board or Zoning Administrator as applicable.

D. Transit Oriented Development.

For the purposes of Section 608 of this Code, the following definitions shall apply:

1. "Affordable Housing" shall mean housing, either rental or for sale, that is affordable to households earning eighty (80) percent of the median income for the Burlington Metropolitan Statistical Area (MSA) as established by the US Census Bureau and for which they pay no more than thirty (30) percent of their gross income for housing, which includes utilities for rental properties.
2. "Alley" shall mean a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.
3. "Block" shall mean an aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.
4. "Façade" shall mean the exterior wall of a building that is set along a frontage line.
5. "Frontage Line" shall mean lot lines that coincide with a public frontage. Facades along frontage lines define the public realm and are therefore more regulated than the elevations that coincide with other lot lines.
6. "Liner Building" shall mean a building specifically designed to mask a parking lot or a parking garage from a frontage.
- ~~7. "Parking Structure" shall mean a building containing two or more stories of parking. Parking structures shall have liner buildings for the full height of the parking structure, except where an approved Parking Frontage is expressly permitted by this Code.~~
- ~~8-7.~~ "Pedestrian Oriented Design" shall mean the design of community neighborhoods, streetscapes, sites, and buildings that emphasizes pedestrian access, comfort, and visual interest. Transit-Oriented Design that includes design and intensity of land use to support transit in addition to pedestrians.
- ~~9-8.~~ "Plaza" shall mean a public open space at ground level wholly or partly enclosed by a building or buildings. It is continuously accessible to the public and has openings to the sky.
- ~~10-9.~~ "Rowhouse" shall mean a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line.
- ~~11-10.~~ "Square" shall mean an open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1 acre and the maximum shall be 5 acres.

~~12.11.~~ *"Streetscape"* shall mean the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.) and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

~~13.12.~~ *"Transit Oriented Development"* shall mean a development pattern characterized by a mix of uses surrounding a transit platform where streets have a high level of connectivity, blocks are small, and streetscape, buildings, and uses cater to the pedestrian.

~~14.13.~~ *"Transit Park and Ride"* shall mean a facility designed for the temporary parking of automobiles, the occupants of which transfer to public transit or other automobiles to continue their trips.

E. Flood Plain Management Definitions.

For the purposes of Section 614 of this Code, the following definitions shall apply:

1. *"Base Flood"* shall mean the flood having a one percent chance of being equaled or exceeded in any given year.
2. *"Base Flood Elevation (BFE)"* shall mean the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.
3. *"Basement"* shall mean any area of the building having its floor elevation subgrade (below ground level) on all sides.
4. *"Existing Manufactured Home Park or Subdivision"* shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
5. *"Expansion to an Existing Manufactured Home Park or Subdivision"* shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
6. *"FEMA"* shall mean Federal Emergency Management Agency.
7. *"Flood"* shall mean either:
 - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or

- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
8. *"Flood Insurance Rate Map (FIRM)"* shall mean an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
9. *"Flood Insurance Study"* shall mean an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.
10. *"Floodplain or Flood-Prone Area"* shall mean any land area susceptible to being inundated by water from any source (see definition of "flood").
11. *"Flood Proofing"* shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
12. *"Floodway"* shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
13. *"Historic Structure"* shall mean any structure that is:
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior; or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.
14. *"Legislative Body"* shall mean the selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

15. *"Lowest Floor"* shall mean the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

16. *"Manufactured Home"* shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

17. *"Manufactured Home Park or Subdivision"* shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

18. *"New Construction"* shall mean, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

19. *"New Manufactured Home Park or Subdivision"* shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

20. *"Recreational Vehicle"* shall mean a vehicle which is:

- (a) Built on a single chassis; or
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection; or
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; or
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

21. *"Special Flood Hazard Area"* shall mean the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

22. *"Start of Construction"* includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within

180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

23. *"Structure"* shall mean, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means:

- (a) A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
- (b) A manufactured home; or
- (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

24. *"Substantial Damage"* shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

25. *"Substantial Improvement"* shall mean any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any 5 year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the state or local code enforcement official and which are the minimum necessary to ensure safe conditions, or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

26. *"Violation"* shall mean the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

F. Sewer Regulation Definitions.

For the purpose of Chapter 11 of the Code, the following special definitions shall apply:

1. *"Biochemical Oxygen Demand (BOD)"* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) Celsius, expressed in milligrams per liter.
2. *"Building Drain"* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. *"Building Sewer"* shall mean the extension from the building drain to the public sewer or private sewer or other place of disposal. Each building sewer is a private line and must be maintained by the property owner.
4. *"Combined Sewer"* shall mean a sewer receiving both surface runoff and sewage.
5. *"Garbage"* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
6. *"High Strength Waste"* shall mean wastewater that exceeds an average concentration of 300 mg/L BOD, 330 mg/L TSS, fat, oil, grease or other waste exceeding that normally expected from domestic sewage.
7. *"Industrial Wastes"* shall mean liquid or gaseous wastes from industrial manufacturing processes, trade, or businesses as distinct from sanitary sewage.
8. *"Natural Outlet"* shall mean an outlet into a water-course, pond, ditch, lake, or other body of surface or ground water.
9. *"Person"* shall mean any individual, firm, company, association, society, corporation, or group.
10. *"pH"* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
11. *"Properly Shredded Garbage"* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
12. *"Public Sewer"* shall mean a sewer in which all owners have equal rights which is controlled by public authority.
13. *"Sanitary Sewer"* shall mean a sewer which carries sewage not including storm, surface, and ground waters.
14. *"Sewage"* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such ground, surface, and storm waters as may be present.
15. *"Sewage Treatment Plant"* shall mean any arrangement of devices and structures used for treating sewage.
16. *"Sewage Works"* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

17. "Sewer" shall mean a pipe or conduit for carrying sewage.
18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
19. "Storm Drain or Storm Sewer" shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. "Superintendent" shall mean the manager of the Sewage Department or his authorized deputy, agent or representative.
21. "Suspended Solids" shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. "Water-Course" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
23. "Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont, or their designee.

G. Sign Regulation Definitions.

For the purposes of Section 714 of this Code, the following special definitions shall apply:

1. "Billboard" shall mean an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
2. "Electronic Message Board" shall mean a sign with a message copy or other display that is produced and periodically changed electronically or electrically that is attached to another sign, or to the support structure. The message copy or display shall be limited to public service announcements, time and temperature, and goods or services available on the premises, and shall consist of words, letters, numbers and punctuation only. Illumination shall be of a constant intensity, and shall not blink, flash or give the appearance of movement.
3. "Facade" shall mean the principal face of a building, usually facing the street and/or containing a public entrance.
4. "Replacement Cost" shall mean the estimated total cost of replacement, at fair market rates, with the same or similar materials, by a professional contractor.
5. "Sign" shall mean any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, images, trade names, and trade marks by which anything is made known, that are used to identify, advertise, or attract attention to an individual, firm, association, corporation, profession, business, place, event, commodity, or product which are visible from a public thoroughfare or right-of-way.

H. Stormwater Regulation Definitions.

For the purposes of Section 713 of the Code, the following special definitions shall apply:

1. "Alter" shall mean any site activity that measurably changes the ability of the ground surface area to absorb water or will change existing surface drainage patterns.

Alter may also be represented as the alteration of drainage characteristics or conducting any activity that disturbs the land.

2. *"Best Management Practices" (BMP)* shall mean any structural or non-structural site improvements that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point and non-point source pollution and promote stormwater quality improvement with protection to the environment. *"Structural"* BMPs are devices engineered and constructed to provide treatment and temporary storage of stormwater runoff. *"Non-Structural"* BMPs use natural measures involving site characteristics to reduce the volume of stormwater or eliminating the source of the pollutant. Non-structural BMPs do not require extensive construction effort in order to promote pollutant reduction. A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution, including, but not limited to, the stormwater treatment practices (STPs) set forth in the Vermont Stormwater Management Manual.

3. *"Erosion and Sediment Control Plan"* shall mean a plan that indicates the specific measures and their sequencing for use to control sediment and erosion on a development site during and after construction.

4. *"Existing Development"* shall mean a development that was built prior to the effective date of the adoption of this Code.

5. *"Green Stormwater Infrastructure (GSI)"*: shall mean a suite of systems and practices that restore and maintain natural hydrologic processes in order to reduce the volume and water quality impacts of stormwater runoff. GSI is a structural approach to stormwater management that focuses on managing stormwater impacts using natural processes such as infiltration, evapotranspiration, and storage and reuse. In contrast to gray stormwater infrastructure, GSI is used in a decentralized fashion to treat stormwater as close to the source as possible.

6. *"Impervious area, surface, or cover"* shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surfaces include, but are not limited to roofs, sidewalks, walkways, private driveways, parking lots, access extensions, alleys, and other paved, engineered, compacted, or gravel surfaces.

7. *"Infiltration"* shall mean the process through which stormwater runoff penetrates into soil from the ground surface.

8. *"Low Impact Development (LID)"*: shall mean an innovative land planning and design approach which seeks to maintain a site's pre-development ecological and hydrological function through the protection, enhancement, or mimicry of natural processes. LID is primarily a nonstructural approach to stormwater management that focuses on avoiding and minimizing stormwater impacts through better site design.

9. *"Maintenance Agreement"* shall mean a legally recorded document that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices.

10. *"MS4"* shall mean the Municipal Separate Storm Sewer System.

11. *"New Development"* shall mean the construction of new impervious surfaces on

a tract or tracts of land occurring after the effective date of this Code.

12. "*Non-Stormwater Discharge*" shall mean any discharge to the storm drain system that is not composed entirely of storm water.

13. "*Pollutant*" shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, or other wastes containing fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

14. "*Redevelopment*" shall mean in the context of stormwater, any construction, alteration, or improvement exceeding ten thousand (10,000) square feet impervious surface on previously developed land.

15. "*Riparian Buffer*" shall mean the width of land adjacent to lakes or streams between the top of the bank or top of slope for streams and the edge of allowed project activity. Riparian buffer zones are typically undisturbed areas consisting of trees, shrubs, groundcover plants, duff layer, and naturally vegetated uneven ground surfaces, that protect the water body, the shoreline and the adjacent riparian corridor ecosystem from the impact of land development. See Section 516 of this Code.

16. "*Runoff*" shall mean drainage or flood discharge that leaves an area as surface flow or as pipeline flow that has reached a channel or pipeline by either surface or sub-surface routes.

17. "*Sediment*" shall mean soil, sand, and minerals washed from land into water, usually after rain. Sediment can destroy fish nesting areas, clog animal habitats, and cloud water so that sunlight does not reach aquatic plants.

18. "*Stormwater*" shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

19. "*Stormwater Management*" shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

20. "*Stormwater System*" shall mean storm sewers; outfall sewers; surface drains; natural and manmade wetlands; channels; ditches; wet and dry bottom basins; rain gardens; and other control equipment necessary and appurtenant to the collection, transportation, conveyance, pumping, treatment, disposal, and discharge of regulated stormwater runoff.

21. "*Stormwater Treatment Practice Calculator (STP)*" shall mean a tool developed by the Vermont Department of Environmental Conservation to estimate total phosphorus load reduction achieved by STPs

22. "*TMDL*" shall mean Total Maximum Daily Load as established by the State of Vermont Water Quality Division for management and restoration of impaired waterways. TMDLs are contained within applicable impaired watersheds that have been

determined to not meet water quality criteria under Section 303d of the Clean Water Act.

23. *Vermont Department of Environmental Conservation Best Management Practice (BMP) Tracking Table (as amended)*-shall mean a workbook designed to track stormwater practices that are owned or controlled by a municipality.

24. *"Vermont Stormwater Management Manual Rule and Design Guidance – (as amended)"* shall mean the guidance manual referenced in this Code that includes regulatory requirements for the management of stormwater and technical guidance to assist in the design of stormwater treatment systems issued by the State of Vermont

I. Riparian Buffer District Definitions.

For the purposes of Section 516 of the Code, the following special definitions shall apply:

1. *"Riparian Buffer"* shall mean a vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream or wetland. Alteration of this natural area is strictly limited. The buffer setback is defined as the horizontal distance from a stream bank or channel, shoreline or wetland area, to the nearest part of a building, structure or impervious surface on the property.

2. *"Non-Point Source Pollution"* shall mean pollution which is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or ground water seepage rather than direct discharge. This may include surface run off from individual sites or properties.

3. *"Stream"* shall mean the full length and width, including the bed and banks, of any moving watercourse including creeks, brooks, rivers, branches, and kills. A stream has a channel, whether natural or artificial, that periodically or continuously contains moving water, has a defined bed, and has banks that serve to confine water at low to moderate flows. Streams include intermittent streams that have a defined channel and evidence of sediment transport, even if such streams do not have surface water flow throughout the year and/or throughout the channel.

4. *"Stream Banks"* shall mean the physiographic features that normally contain streams within a channel. The bank is distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic organisms.

5. *"Top of Bank"* shall mean the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

6. *"Top of Slope"* shall mean a break in slopes adjacent to steep-banked streams that have little or no floodplain.

7. *"Wetlands"* shall mean lands that are inundated or saturated by surface water or groundwater with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to: marshes, swamps, sloughs, potholes, river and lake overflows, mud flats, fens, bogs, and ponds. These areas are directly regulated under the State of Vermont and Federal regulations directly relating

to wetland classification and delineation.

SECTION 202: GENERAL RULES.

The rules as set forth in this Section shall apply to any interpretation of this Code unless specifically limited or altered by a specific provision of this Code or a Court of competent jurisdiction.

- A. Generally. All provisions, terms, phrases or expressions shall be liberally construed in order that the true intent and meaning of the Planning Commission and City Council is met.
- B. Gender. Words which are in the masculine gender shall be construed to include the feminine and neuter.
- C. Number. Words used in the singular may include the plural and words in the plural may include the singular. All interpretations shall include the context in which the words are used.
- D. Tense. Words in the past or present tense include the future as well as the past or present.
- E. Year. The word year shall mean a calendar year unless otherwise indicated.
- F. Shall; Should; May; Will; Includes. The word "shall" is mandatory; the word "may" is authorized but not required, the word "should" is desirable, but not mandatory; the word "includes" shall not limit a term to a specific example or series of examples, but is intended to extend its meaning to all other circumstances or examples of like kind or character.

CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES**SECTION 301: CITY COUNCIL**

The duly elected City Council shall have all the authority granted it by general law of the State of Vermont and the City Charter, including, but not limited to, the following:

- A. To adopt the Comprehensive Plan and any amendments thereto.
- B. To adopt the City of Essex Junction Land Development Code and any amendments thereto.
- C. To appoint the members of the Development Review Board and Planning Commission, as specified herein.
- D. To establish reasonable fees as necessary to administer the Land Development Code.
- E. To act pursuant to Section 506 on requests for waivers from the noise standards in Section 718.
- F. To act as a Board of Sewer Commissioners as necessary to administer the requirements of Chapter 11.
- G. To act as a Board of Water Commissioners as necessary to administer the requirements of Chapter 14.
- H. To act and approve requests regarding access to Rights-of-way and curb cuts pursuant to Sections 509 and 705.

SECTION 302: PLANNING COMMISSION**A. Creation**

The Planning Commission shall be that body created by § 803 of the City Charter pursuant to 24 V.S.A. §§4321(a) and 4322.

B. Powers and Duties

The Planning Commission shall have all powers granted municipal planning commissions under 24 V.S.A. § 4325, including, but not limited to, the following:

- 1. To provide recommendations and advice to the City Council on issues specified in this Code or as requested by the City Council.
- 2. To prepare, cause to be prepared, or review any amendments to the Comprehensive Plan or this Land Development Code.
- 3. To establish sub-committees to carry out its work.
- 4. To perform any other duties which may be assigned to it.

C. Membership

Members of the Planning Commission shall be among the qualified voters of Essex Junction. Members shall be appointed by the City Council and appointed for 3-year terms. The Commission shall have five (5) members.

D. Qualifications

Members shall be appointed based upon their general knowledge of planning, the process

of development within the City, and interest in local government. A majority of the Commission may not be employed by the same employer. All applicants shall advise the City Council of all potential conflicts of interest upon consideration for an appointment.

E. Officers

The Commission shall annually elect a Chair and Vice-Chair and may create and fill other offices as deemed necessary. The Chair shall have the authority to appoint Committees as deemed necessary.

F. Quorum

No meeting of the Commission shall be called to order, nor shall any business be transacted by the Commission, without a quorum consisting of three (3) members being present. Meetings deferred due to lack of a quorum shall be continued to a date specified by the Chair.

G. Decisions

Decisions shall be made by the Commission by an affirmative vote of a majority of the members present.

SECTION 303: DEVELOPMENT REVIEW BOARD

A. Creation

The Development Review Board shall be that body created by § 804 of the City Charter pursuant to 24 V.S.A. §4461.

B. Powers and Duties

The Development Review Board shall have all powers granted such boards under 24 V.S.A. § 4460, including, but not limited to the following:

1. To act pursuant to Section 502.C on requests for approval of conditional uses.
2. To act pursuant to Section 511 on requests for Planned Developments.
3. To act pursuant to Section 502.I on requests for approval of Site Plans.
4. To act pursuant to Section 503 on requests for approval of Subdivisions.
5. To review decisions of the Administrative Officer pursuant to Chapter 17.
6. To act pursuant to Chapter 17 to review requests for variances from the requirements of Chapters 6 and 7.
7. To perform other responsibilities as may be specified by Vermont Statutes.

C. Membership

Members of the Development Review Board shall be among the qualified voters of Essex Junction. Members shall be appointed by the City Council for 3-year terms. The Board shall have five (5) members and may have alternates.

D. Qualifications

Members shall be appointed based upon their general knowledge of planning, the process

of development within the City, and interest in local government. A majority of the Board may not be employed by the same employer. All applicants shall advise the City Council of potential conflicts of interest upon consideration for an appointment.

E. Officers

The Board shall annually elect a Chair and Vice-Chair and may create and fill other offices as it deems necessary.

F. Quorum

No meeting of the Board shall be called to order, nor shall any business be transacted by the Board, without a quorum consisting of three (3) members being present. Meetings deferred due to lack of a quorum shall be continued to a date specified by the Chair.

G. Decisions

As specified in Title 24, Chapter 117, Section (a)4461 of Vermont Statutes, any action taken by the Board shall be taken by the concurrence of a majority of the Board.

SECTION 304: COMMUNITY DEVELOPMENT DEPARTMENT

A. Composition

There shall be a Community Development Department headed by a Community Development Director. The individual designated by the City Manager to act as Administrative Officer shall be a member of the Community Development Department.

B. Duties and Responsibilities of the Community Development Department.

1. To accept and review all applications as specified herein.
2. To provide recommendations to the City Council, Commission and Development Review Board as specified herein.
3. To provide assistance to all applicants for any development approvals required by this Code.
4. To represent the Commission at meetings, hearings, conferences and workshops as directed.
5. To complete other tasks as assigned by the Commission.

C. Duties of the Community Development Director.

1. To determine whether proposed development activities require review pursuant to §503 regarding subdivisions.
2. To supervise the activities of the Community Development Department.

D. Duties of the Administrative Officer.

1. To act pursuant to §502.A. on requests for approval of Zoning Permits.
2. To act pursuant to §502.A.1. to determine what review is required prior to issuance of a Zoning Permit.
3. To act pursuant to §502.B. on requests for approval as a Permitted Use.

4. To act pursuant to §502.G. on requests for approval of Home Occupations.
5. To act pursuant to §502.D. on requests for approval of Temporary Uses.
6. To act pursuant to §502.H. on requests for approval of Signs.
7. To act pursuant to §502.I. on requests for approval of Accessory Apartments.
8. To act to initiate enforcement proceedings for any violation of Chapters 6 or 7.
9. To undertake such other actions as are directed by the Community Development Director.

SECTION 305: PUBLIC WORKS SUPERINTENDENT

The individual appointed by the City Manager to head the City Public Works Department which is responsible for City streets and parking lots, the City water supply system and the City sewage disposal system.

SECTION 306: WATER QUALITY SUPERINTENDENT

The individual appointed by the City Manager to head the Water Quality department, which is responsible for the Wastewater facility, the City pump stations and the City storm water system and best management practices.

CHAPTER 4: REGULATION OF LAND USE ACTIVITIES**SECTION 401: APPROVALS REQUIRED**

No person shall commence any of the following activities without first obtaining the required approval from the City. Any building permit may be subject to additional state or federal permits.

- A. Approval required for the construction, demolition, or alteration of any structure, the making of any material change in the use of any structure or land, the making of a change in the intensity of use of a structure or land, or the filling of land pursuant to Section 502.
- B. Approval required for the division of land into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of sale.
- C. Approval required for uncovering or making any connections with or openings into, or using, altering, or disturbing any public sewer or appurtenance thereof, or proposing a new discharge into a public sewer or a substantial change in the volume or character of pollutants that are being discharged into such sewer pursuant to Section 504.
- D. Approval required for construction of a private sewage disposal system or private sewer or connection to any such system pursuant to Section 505.
- E. Approval required for uncovering or making any connections with or openings into, or using, altering, or disturbing any public water line or appurtenance thereof pursuant to Section 507.
- F. Approval required for construction of a private water supply or private water line or connection to any such supply or line pursuant to Section 508.
- G. Approval required for opening, constructing, or reconstructing any driveway, entrance, or approach into a public road right-of-way; obstructing, altering, or changing a ditch, culvert, or drainage course that drains a public roadway; depositing material or placing improvements in a public right-of-way; or altering lands adjacent to a public right-of-way to divert surface waters onto the right-of-way pursuant to Section 509.
- H. A Certificate of Occupancy for the construction of a new building or the alteration of an existing building which is vacant during the process of alteration pursuant to Section 510.

SECTION 402: PROHIBITED ACTIVITIES

- A. The creation of sound that exceeds the standards set forth in Chapter 7.

SECTION 403: EXEMPT ACTIVITIES

- A. Activities lawfully existing on the date this Code becomes effective may continue unless specifically provided otherwise herein, or as this Code is hereafter amended.
- B. Remodeling the interior of any residential dwelling provided that no alteration to the exterior of the structure is proposed and there is no increase in dwelling units.
- C. Remodeling of the interior of any commercial structure if there is no change in use nor increase in space utilized for business purposes.
- D. Exterior maintenance work on any structure which does not increase the dimensions of the structure at any point.
- E. Routine maintenance and repair of public facilities.

SECTION 404: EFFECT OF PRIOR APPROVALS.

- A. The provisions of this Code shall not affect development for which specific approval has been granted under previous Ordinances, provided that development has commenced within one (1) year of the effective date of this Code.
- F. An application for subdivision which has received Sketch Plan and Preliminary Plat approval shall not be required to meet the standards of this Code if application for Final Plat approval is received within six (6) months of the effective date of this Code.

CHAPTER 5: DEVELOPMENT REVIEW PROCEDURES

This Chapter establishes procedures for review of any activity that requires approval under the Land Development Code.

SECTION 501: PROCEDURES OF GENERAL APPLICABILITY**A. Pre-Application Conference**

Prior to submittal of an application for any development, the applicant should schedule a pre-application conference with Staff. Staff shall review the proposal, identify required permits or approvals, and advise the applicant of necessary application materials.

B. Filing of Applications

All applications requiring a public meeting or hearing must be received and determined complete forty-five (45) days prior to a scheduled meeting and shall be submitted on forms provided by the Community Development Department. Supplemental materials shall be attached to the form as required. Once an application is submitted to the Community Development Department for review, and a public meeting or hearing has been warned, any additional information must be submitted at least 10 days prior to the public meeting or hearing. In addition, no changes which significantly alter the concept of the project may be made once an application has been submitted and any changes must be reviewed by staff prior to Development Review Board consideration. Applications shall not be accepted for review by the Community Development Department, if outstanding zoning violations exist on the property.

C. Determination of Completeness

Within ten (10) ~~working business~~ days after an application form for development approval has been received, the Community Development Department shall determine whether the application is complete. If Staff determines that the application is incomplete, Staff shall notify the applicant in writing of the deficiencies. This provision shall not apply to applications for Temporary Use Permits.

D. Notice of Public Hearings and Public Meetings

Notice of public hearings or meetings required under this Code shall comply with this Section, 24 V.S.A. § 4464 and with Vermont's Open Meeting Law (1 V.S.A. §§ 310-314) unless otherwise specified.

1. Published Notice. Notice for all public meetings with applications scheduled for review shall be published in a local newspaper of general circulation not less than seven (7) days prior to a scheduled meeting. No application shall be warned for a meeting or hearing, unless the application has been determined to be complete. Notice for all Public Hearings required under this Code shall be published not less than fifteen (15) days prior to the scheduled hearing in a local newspaper of general circulation pursuant to Section ~~4447~~ 4464(a) of Title 24 Chapter 117 of Vermont Statutes. All public notices shall include a description of the purpose of the application, hearing or meeting date,

applicant, and time and location of hearing or meetings.

2. Posted Notice. All scheduled hearings or meetings shall be posted on a bulletin board in three locations. One of the three notices for public hearings shall be posted within view of the public Right-of-Way most nearly adjacent to the property for which an application is made.

3. Mailed Notice. Community Development Department staff shall mail notice to all property owners adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. If the proposed development is located on a private street, notice shall also be sent to the owners of all properties having any rights of usage of the private street.

4. Property Notice. All applicants for any development approval which requires public notice shall, no less than seven (7) days prior to the public hearing or meeting, post a sign on the property. Said sign shall be provided by the Community Development Department and shall indicate the date, time, location and purpose of the hearing or public meeting.

5. Defects in Notice. A defect in notice not caused by an intentional or negligent act or omission of the applicant shall not be grounds for a continuance of the hearing, nor in any way affect the action taken at such hearing.

E. Public Hearing Procedures:

1. Staff Report. Staff shall present a summary of the application and provide recommendations.

2. Applicant presentation. The applicant may present evidence relevant to the application. Information not relevant to the application may be disallowed by the Chair.

3. Public Input. The hearing shall be opened for public comment. Public comment is restricted to the issue before the Development Review Board or City Council. Information not relevant to the issue at hand may be disallowed by the Chair.

4. Deliberations. The Development Review Board or City Council shall review the application, staff recommendations, public input, and all applicable laws or regulations prior to making a decision. The decision may be postponed until a subsequent meeting and deliberations may be made in executive session.

5. Decisions. The Development Review Board or City Council shall make its decision on all applications in a public meeting or shall provide written findings as specified below.

(a) The Board shall make and issue written findings and conclusions supporting its decision on all applications before it.

(c) The City Council, at their discretion, may make and issue written findings and conclusions supporting its decision on any application or appeal before it.

F. Public Meetings

Public meetings with no applications for development approval shall be posted in two

public locations not less than 48 hours prior to the scheduled meeting. The Chair shall have the authority to schedule presentations, solicit public comment, and direct the meeting in an orderly fashion.

G. Computation of Time

The time within which an action is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal Holiday, that day shall be excluded except as otherwise provided by Vermont Statutes.

Unless a provision of this Code expressly states otherwise, all time periods established by this Code are calculated in calendar days.

"Business Day" means any day other than a Saturday, Sunday, or Holiday recognized by the City. Where this Code specifies a time period in business days, intervening Saturdays, Sundays, and Holidays are excluded from the count.

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

A. Zoning Permit Requirement

A zoning permit is required for the construction of any structure, the making of any material change in the use of any structure or land, the making of a change in the intensity of use of a structure or land, an increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage, and winterizing or otherwise enclosing a porch), the disturbance of more than 400 square feet of soil, or the filling of land. For the purpose of this Code, the activities identified in this section are referred to as "development activities".

1. Approval Required. Issuance of a zoning permit shall require review and approval under one or more of the following review procedures, as determined by the staff:

- (a) Permitted Use - Section 502.B
- (b) Conditional Use - Section 502.C
- (c) Temporary Use - Section 502.D
- (d) Professional Office Development - Section 502.E
- (e) Site Plans - Section 502.F
- (f) Home Occupation - Section 502.G
- (g) Signs - Section 502.H
- (h) Accessory Apartments - Section 502.I
- (i) Non-conforming Use - Section 502.J
- (j) Noncomplying Structure - Section 502.K
- (k) Existing Small Lots - Section 502.L
- (l) Planned Unit Development (PUD) - Section 502.M
- (m) Telecommunications – Section 502.N
- (n) Master Plans – Section 502.O

2. Application Requirements. An application for a zoning permit shall include the following:
 - (a) A plan, drawn to scale, showing the dimensions of the lot and all structures, required setbacks, parking spaces and any required landscaping or screening elements not otherwise detailed on a landscaping plan.
 - (b) A description of the proposed use or uses of the land and structures and existing or proposed uses of adjacent lands.
 - (c) Floor Plans indicating the location and dimensions of major features such as units, rooms, elevators, stairs, doors and windows. This requirement may be waived by the Administrative Officer for single-family dwellings if it is deemed to not be necessary to achieve a clear understanding of the proposal.
 - (d) If not otherwise required through a site plan application, the Administrative Officer may require a survey for new construction or additions of over five hundred (500) square feet if the addition is within ten (10) feet from any required setback line or for other projects, where staff determines a survey is necessary due to the size and scope of the project. Such survey of the property shall be prepared by a licensed Vermont Land Surveyor and shall show property boundaries, easements, as well as existing and proposed structures.
 - (e) Any other information required by Staff to provide a clear understanding of the proposal.
 - (f) Applications or requests for all other permits or approvals which may be necessary (i.e. water and sewer connections).
3. Time Limitations:
 - (a) Staff shall act to approve or deny all permit applications within thirty (30) days of receipt of a complete application. If, however, Staff determines that the application is incomplete or does not include evidence that all conditions established by the Development Review Board have been met, Staff shall notify the applicant in writing of deficiencies. If additional information or action to remedy the deficiencies is not received within thirty (30) days of the notification, Staff shall deny the permit application.
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 (15) 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.
5. Administrative Requirements. Upon issuance of a permit, Staff shall:
 - (a) Deliver a copy to the listers/assessor of the Town.
 - (b) Post a copy of the permit in at least one public place in the City for a period of at least fifteen (15) days after the date of issuance of the permit.
6. Denial of permit application. If Staff determines the application does not satisfy the requirements of this Code, the application shall be denied and the applicant notified in writing stating the reasons for denial.

7. Appeals. Any interested person may appeal a decision of Staff regarding a Zoning Permit by filing an appeal in accordance with Section 1702 below.
8. Reapplication. A permit may be resubmitted at any time with required additions or corrections. If the re-submittal remedies all deficiencies and is received within thirty (30) days of the initial denial, it shall be attached to the original application and no additional fee shall be required.
9. Expiration of Permits. A zoning permit shall expire one year from the date of issuance. If the applicant has commenced work, the permit may be extended without fees for an additional year if requested in writing prior to the date of expiration. If substantial improvement has occurred, a second one-year extension may be granted if requested in writing prior to the date of expiration and may not be renewed again. This second extension is not available for permits issued solely for accessory structures, or other improvements that do not involve the addition of a new principal structure or additions to a principal structure. If work is not completed after three-two years or if the applicant is ineligible for a permit extension as described above, the applicant will be required to obtain a new permit and pay all appropriate fees in place at the time the permit application is submitted and shall be subject to regulations in effect at the time of the new application.

B. Approval of Permitted Uses

1. Purpose. Permitted uses are considered to be appropriate within the District in which they are located. These uses are permitted "by right" subject to the required permits and procedures specified in this Code. Review of permitted uses involves a minimal degree of discretion and requires only administrative review to determine compliance with standards applicable to the particular permitted use.
2. Review Requirement. Development activities involving those uses identified as "Permitted Uses" are subject to review under the standards applicable to such uses. Permitted uses, within this code are the uses designated by an "X" on the Use Chart set forth in Section 622. Uses which do not fall under a definition of one of the uses specified in the Use Chart in Section 622, shall be reviewed as permitted uses, if determined by the Administrative Officer to be substantially similar to one of the permitted uses within the District.
3. Approval Standards. Staff shall review an application for a permitted use to determine if it meets the dimensional requirements of Chapter 6 and the development standards of Chapter 7. Approval will be granted if staff determines that the use meets such standards.
4. Expiration of Approval. A decision approving a permitted use shall expire six (6) months from the date of approval if a zoning permit is not issued within such six-month period.
5. Appeals. Any interested person may appeal a Staff decision regarding a permitted use by filing an appeal in accordance with Section 1702.

C. Approval of Conditional Uses:

1. Purpose. To provide a review mechanism for uses which may be allowed in a

District after review by the Development Review Board. A Conditional Use is not a permitted use and is allowed only upon specific action by the Board on a specific application.

2. Review Requirement. Development activities involving those uses identified as "Conditional Uses" are subject to review under the standards applicable to such uses. Conditional uses, within the meaning of this Code are those uses designated by a "C" on the Use Chart set forth in Section 622, below. Uses which do not fall under a definition of one of the uses specified in the Use Chart in Section 622, shall be reviewed as conditional uses, if determined by the Administrative Officer not to be substantially similar to one of the permitted uses within the District, or if determined by the Administrative Officer not to be substantially similar to one of the prohibited uses within the District.

3. Approval Standards:

- (a) The proposed use will be consistent with the Comprehensive Plan.
- (b) The proposed use will not adversely affect the character of the neighborhood.
- (c) The proposed use will not be detrimental to adjoining properties.
- (d) The proposed use will not negatively affect the public health, safety, or welfare.
- (e) The design of the proposed use will minimize any potential adverse impacts.
- (f) Specific standards for the proposed use as listed within Chapters 6 and 7 of this Code shall be met.
- (g) The proposed use will not adversely affect traffic on streets in the vicinity of the project.
- (h) The proposed use will not adversely affect the capacity of existing or planned public infrastructure.
- (i) The proposed use will not adversely affect the utilization of renewable energy resources.
- (j) Notwithstanding the above approval standards, uses defined in 24 V.S.A. § 4413 (Limitations on municipal bylaws), shall not be restricted beyond the limits specified therein.

4. Conditional Use Application Requirements. Conditional use applications must include all submittal requirement listed in Section 502.F.4 for Site Plan Applications unless staff determines such information is not necessary.

5. Public Hearings. The Board shall convene a public hearing for consideration of all Conditional Use applications.

6. Action by the Development Review Board. The Board shall deny, approve or approve with conditions all applications within forty-five (45) days of the closing of the public hearing. Failure to act within this period shall be deemed approval. The Board shall issue written findings and conclusions supporting its decision on all applications; and the decisions shall include any conditions or restrictions established to ensure that all standards will be met.

7. Expiration of Approval. A decision approving a conditional use shall expire two (2) years from the date of approval if a zoning permit is not issued within such one year

period.

8. Appeal. Any interested person may appeal a decision regarding conditional use by filing an appeal in accordance with Section 1706 below.

D. Approval of Temporary Uses

1. Purpose. Within any district there are uses that may be appropriate on a temporary or limited basis. It is the intent of this Code to allow these uses on a limited basis.

2. Review Requirement. Activities involving those uses identified as "Temporary Uses" are subject to review under the standards applicable to such uses. Temporary Uses include: temporary activities authorized in the Planned Exposition District as specified in Section 612; activities identified as "temporary" in the land Use Chart at Section 622; the temporary parking of a vehicle for sale in accordance with Section 703(I); the temporary parking of storage trailers and boxes in accordance with Section 703(J) and temporary outdoor commercial activities in accordance with Section 706(G); the temporary sale of personal goods at garage or yard sales in accordance with Section 706(M).

3. Application Requirements. All applications for a Temporary Use Permit shall be submitted on forms provided by the Community Development Department. The application shall include:

- (a) Description and location of the proposed use.
- (b) Proposed duration of the use, (including time needed to set up materials, stands, products, or any structures which are to be used.)
- (c) Location of any proposed signs.
- (d) A description and map of circulation and parking areas.
- (e) A description of the potential impact of the use on any public infrastructure or public services, including fire protection and police protection.

4. Approval Standards. Staff shall review all applications for Temporary Use Permits. Staff will issue permits upon finding that the application meets the requirements of applicable sections of this Code. Staff may place conditions upon any approval in the following areas:

- (a) Time limits may be established for any use.
- (b) Measures to ensure adequate parking, limit signs and traffic control.
- (c) The location of any proposed temporary use may be restricted for public safety purposes.
- (d) Conditions to ensure conformance with performance standards set forth in Section 718 and other applicable provisions of this Code.

5. Review Times. Staff shall review all applications for Temporary Use Permits within ~~three-ten (103)~~ working-business days of receipt, excluding weekends and Holidays. This time limitation shall not apply if the application is incomplete.

6. Expiration of Permits. Permits shall expire as specified at the time of issuance. No time extensions shall be granted. Each activity shall require application for a new permit except as expressly provided herein.

7. Appeal of Denial. Any interested person may appeal a decision regarding a

temporary use by filing an appeal in accordance with Section 1702 below.

E. Professional Office Development.

1. All activities involving professional office development as defined in Section 722 shall be reviewed pursuant to procedures set forth in this Section. All proposed professional office development shall be reviewed by the Development Review Board to determine if it is an acceptable use.
2. Review Standards. An application for professional office development shall meet the general standards applicable to permitted uses and the specific standards set forth in Section 722.
3. Expiration of Approval. An approval for Professional Office Development shall expire in accordance with terms set forth in the approval.
4. Appeals. Any interested person may appeal a decision of the Development Review Board regarding professional office development in accordance with the procedures set forth in Section 1706 below.

F. Approval of Site Plans

1. Purpose. To provide procedures for the timely and efficient review of applications for Site Plan approval.
2. Review Requirement. Development activities involving any use except activity involving fewer than five (5) housing units on a single lot, or a food truck are subject to review at a Public Meeting under the standards applicable for site plans.
3. Conceptual Site Plan. A Conceptual Site Plan Review is required for the proposal of five (5) or more housing units on a single lot. The purpose of the Conceptual Site Plan Review is to discuss initial project feasibility and to give the applicant the right to proceed. Detailed engineering studies are not required but sufficient data shall be submitted to enable the Development Review Board to review the merits of the proposal.
 - (a) Review of a Conceptual Plan shall require a public meeting.
 - (b) The Development Review Board may approve or deny a Conceptual Plan and may make suggestions to be included when the Final Site Plan is prepared.
 - (c) Approval of a Conceptual Plan authorizes the applicant to proceed to the next steps of the approval process but does not commit the Development Review Board to further approvals.
 - (d) Submittal requirements. The Conceptual Plan application shall include sufficient information to enable the Development Review Board to review the merits of the application and to determine that all Code standards will be met. At a minimum, the submittal shall include:
 - (i) The project name, address and legal description; name, address and telephone number of the developer and project design professionals.
 - (ii) The approximate location of all proposed land uses including the number of dwelling units and/or the number, type and typical square footage of non-residential buildings, and total square footage of the project.

- (iii) The proposed height and number of stories of each building.
 - (iv) A sketch of a typical structure.
 - (v) The approximate location of proposed roads, parking areas, sidewalks, bikeways, fire lanes and other proposed circulation elements and patterns.
 - (vi) A landscape concept showing typical planting schemes, types of planting materials and general locations of major landscaping items such as berms, ponds, retaining walls or other man-made improvements.
 - (vii) The approximate location and size of proposed curb cuts on public or private streets, and the size and type of all interior curb cuts.
 - (viii) The approximate location and size of all common improvements, common open space and lands to be dedicated to public ownership.
 - (ix) An estimate or projected use of public infrastructure, including a preliminary statement regarding traffic, sewer, water demand impacts, and stormwater runoff mitigation.
 - (x) Information on surrounding properties, including land uses, zoning, ownership and traffic patterns.
 - (xi) The height, size, location and typical sketches of proposed signs and fencing, if any.
 - (xii) A preliminary analysis of drainage proposals, including a topographical map of the project area.
 - (xiii) An indication of proposed setbacks and minimum distances between proposed structures.
 - (xiv) A written request for any waivers to any standards contained in this Code, along with a justification for the request.
 - (xv) Any other information deemed pertinent to the review of the specific Conceptual Plan.
 - (xvi) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.
4. Final Site Plan Application Requirements. The applicant shall submit a Site Plan, drawn to scale (including a north arrow) and documentation to include the following:
- (a) A vicinity map drawn to scale which clearly shows the site in relationship to the surrounding property and specifies adjoining land use and zoning.
 - (b) Name, address and phone number of developer and all professionals working on the project.
 - (c) A survey of the property prepared by a licensed Vermont Land Surveyor which shows existing or proposed rights-of-way and easements. This is required

for projects that involve new buildings. Staff may require a survey for additions of over five hundred (500) square feet if the addition is within ten (10) feet from any required setback line or for other projects, where staff determines a survey is necessary due to the size and scope of the project.

(d) Total land area and location, size, height, and number of stories of all existing and proposed structures and the distance from all structures to the nearest property line.

(e) Location and dimensions of existing and proposed easements, streets, driveways, and infrastructure.

(f) Provide clear identification of infrastructure proposed to be turned over to the Municipality as public infrastructure. Draft legal documents (which may include an irrevocable offer of dedication, easement deed, quit claim or warranty deeds) shall be submitted for proposed public infrastructure.

(g) Description of proposed use and floor areas of all structures and calculations of parking and loading requirements.

(h) A topographic map showing final ground contours at no more than two (2) foot intervals if staff determined that such information is necessary.

(i) Identification of existing natural features including rock outcroppings, wetlands, areas of excessive slope, and tree groupings.

(j) A detailed Landscape Plan by a landscape design professional. The Landscape Plan shall specify the type, size, quantity and location of all plant materials, existing and proposed.

(k) Lighting plan pursuant to Section 704.

(l) Impact analysis to include traffic generation and impact on public and/or private infrastructure.

(m) Proposed engineering design standards for all improvements required by this Code.

(n) As necessary, a traffic study.

(o) Written request for waivers of any requirements of this Code.

(p) Location of any proposed new water or sewer service connections with clear delineation of infrastructure proposed for acceptance as public.

(q) Proposed development schedule and phasing request, if applicable.

(r) Location and type of all proposed or required screening or buffering.

(s) Elevation of existing and proposed structures and any proposed change to height of existing structures.

(t) Location and type of all proposed signs.

(u) Phosphorus loads and removal calculations for stormwater infrastructure must be provided.

(v) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for

the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

(w) Whenever a proposed site plan involves significant construction impact to the public right-of-way, a Temporary Traffic Control Plan that considers the safety and operational needs of all transportation modes.

(x) Floor Plans indicating the location dimensions of major features such as units, rooms, elevators, stairs, doors and windows.

(y) Other additional information requested by Staff to provide a clear understanding of the project.

5. Review Standards. All applications for Site Plan approval shall be reviewed for neighborhood compatibility, effect on public infrastructure, traffic generation, public health, safety and welfare, and the General Development Standards specified in Chapter 7 of this Code. The location of fire lanes shall be reviewed by the Fire Chief.

6. Approval Conditions. The Development Review Board may consider and impose conditions and safeguards with respect to the adequacy of traffic access, of circulation and parking, of landscaping and screening, and to protect the utilization of renewable energy resources.

7. Actions by Development Review Board. The Board shall review all applications for approval except as provided herein. The Board may table an application pending further information from the applicant. The application shall be denied if the applicant does not submit the requested information within the time specified by the Board. The Board may deny, approve, or approve with conditions, any application within forty-five (45) days after the hearing is closed. Failure to act within this time period shall be deemed approval.

8. Exceptions/Waivers. Upon receipt of a written request, the Board may consider and grant waivers to Site Plan standards as authorized in Chapters [6](#) and [7](#) of this Code.

9. Expiration of Approval. Site Plan approval shall expire two (2) years after approval if a Zoning Permit application has not been made. Staff may approve an extension not to exceed six (6) months upon receipt of a written request prior to expiration of the initial approval by the Board.

10. Appeal of Denial. An applicant may appeal a decision denying approval of a site plan by filing an appeal as specified in Section 1707 of this Code.

11. Site Plan Amendments/Minor Developments. Amendments to approved Site Plans shall be classified by Staff as a major or minor amendment based upon the following criteria:

(a) Major amendment. A major amendment requires review of the proposed changes by the Board and includes the following changes:

(i) Any change in land use density or intensity which requires increased parking or loading spaces.

(ii) Any proposed change which would result in the elimination or removal of existing landscaping required by the Board.

(iii) Any proposed change which would require the relocation of driveways or curb cuts on any public street or right-of-way.

- (iv) Any proposed change which would require a waiver of any provision of this Code.
- (v) Any change in location of structures which would reduce the approved setback.
- (vi) Any major change in the location of landscape areas, sidewalks or bike paths.
- (vii) Other proposed changes as determined by Staff which would alter the intent of findings.

(b) Minor amendment/development. A minor amendment or development application requires Staff review and approval. Staff may approve changes to existing sites where no site plan is on file (minor development) if the proposed change meets the criteria below. Applications for a minor development shall include only a zoning permit application. Any proposed development on a site with no approved site plan on file that doesn't meet the criteria below, shall submit a new site plan application for approval by the Board. Approval of changes to a property without an approved site plan on file does not constitute an approved site plan and any future changes that don't meet the criteria below are subject to full site plan review by the Development Review Board. Staff reserves the right to defer applications to the Development Review Board which would significantly alter the existing site. Minor amendments/developments include the following changes:

- (i) Any change in land use density or intensity which does not result in an increased requirement for parking or loading spaces.

(ii) Any change in land use density or intensity which results in an increased requirement for parking or loading spaces, provided that the total number of existing on-site parking or loading spaces meets or exceeds the new requirement without the need for a waiver of any provision of this Code, and no other major amendment criteria under Section 502.F.11(a) are triggered.

- (iii) Any engineering design changes as approved by the City Engineer.

~~(iiiv)~~ Any addition of less than five hundred (500) square feet if the addition meets all of the requirements of this Code and does not involve a change of use, which exceeds required parking, traffic or infrastructure demands. Any addition which meets the requirements of Section 611.G.

~~(iv)~~ Any change in lighting plans which meet the requirements of this Code.

- ~~(vi)~~ Minor changes in location of landscaped areas, sidewalks or bike paths.

~~(vii)~~ Substitution of proposed planting materials from the approved planting list provided that the substitution does not change the overall design concept approved by the Board.

- ~~(viii)~~ Minor changes in the location of structures.

~~(viiiix)~~ Other minor changes as determined by Staff which do not alter the concept of the development, or the development as approved by the

Board.

12. Appeals.

(a) Any interested person may appeal a Board decision regarding a Site Plan by filing an appeal in accordance with the procedures of Section 1707.

(b) Any interested person may appeal a Staff decision classifying a Site Plan Amendment or acting on a minor amendment by appealing to the Board pursuant to Section 1704.

G. Approval of Home Occupations

1. Purpose. To provide a process for expeditious review of applications for Home Occupation Permits.

2. Review Required. Any proposed Home Occupation as defined by this Code shall require a Home Occupation Permit.

3. Permit Application. Applications shall be made on forms supplied by the Community Development Department.

4. Standards of Review. Any application for Home Occupation Permit shall meet the provisions of Section 711. Staff shall approve or deny an application for a Home Occupation within ~~three-ten~~ (310) business days of receipt, and may establish conditions in any or all of the following areas:

(a) Hours of operation

(b) Expiration dates

(c) Parking

(d) Signs

5. Appeals. Any interested person may appeal a decision regarding a Home Occupation Permit to the Development Review Board pursuant to Section 1702 below.

6. Expiration of Permit. Home Occupation approvals shall expire sixty (60) days from the date of approval if not implemented.

H. Approval of Signs

1. The review and approval procedures for regulated signs and advertising features are specified in Section 714.

2. Appeals.

Any interested person may appeal a decision regarding a sign to the Development Review Board in accordance with the provisions of Section 1702 below.

I. Approval of Accessory Apartments

1. Purpose. To provide a mechanism for Administrative Officer review and approval of proposals to create accessory apartments in any Residential District.

2. Review Requirement. Any accessory apartment shall be reviewed as specified by the procedures in this section.

3. Review Procedures. The Administrative Officer may approve accessory apartments in accordance with the standards specified in Section 721.

4. Submittal Requirements. Sufficient information shall be submitted to enable the Administrative Officer to determine the possible impact of the proposal on all abutting

residentially zoned properties. The following minimal requirements shall be met.

- (a) A plot plan, which shows all existing structures, dimensions and distances from structures to property lines.
 - (b) The location of existing and proposed parking.
 - (c) The location of existing and proposed landscaping and screening.
 - (d) A drawing showing the existing structure arrangement and proposed location and arrangement of the accessory apartment.
5. Appeals. Any interested person may appeal an Administrative Officer decision regarding a permitted use by filing an appeal in accordance with Section 1702.
 6. Expiration of Approval. Approval of an accessory apartment shall expire when the Zoning Permit expires.

J. Approval of Activities Regarding Non-conforming Uses

1. Review Requirement. Any use of land or buildings lawfully existing on the effective date of this Code which is not allowable under this Code in the District where it is located shall be considered a non-conforming use and may be maintained subject to the provision of Chapter 8.
2. Appeals:
 - (a) Any interested person may appeal a Staff decision regarding a non-conforming use to the Development Review Board in accordance with the provisions of Section 1702 below.
 - (b) Any interested person may appeal a Development Review Board decision regarding a non-conforming use in accordance with the provisions of Section 1706 below.
3. Expiration of Approval. Approvals regarding non-conforming uses shall expire if not implemented within one (1) year from the date of approval.

K. Approval of Activities Regarding Non-complying Structures

1. Review Requirement. Any structure, existing on the effective date of this Code, which does not conform to the dimensional requirements of this Code shall be considered as a non-complying structure. Such structure may continue to be occupied, subject to the provisions of Chapter 8.
2. Appeals. Any interested person may appeal a decision regarding a non-complying structure as specified in Chapter 17.
3. Expiration of Approval. Approvals regarding non-complying structures shall expire if a Zoning Permit application is not received within one (1) year from the date of approval.

L. Approval of Development Activities on Existing Small Lots

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw. This provision shall not exempt development on such lots from other provisions of

this Code.

M. Planned Unit Development (PUD)

The objective of the Planned Unit Development (PUD) is to permit flexibility in the application of land development regulations to encourage compact, pedestrian-oriented development and redevelopment, and to implement the policies of the municipal plan, such as the provision of affordable housing. If flexibility is needed to achieve these objectives, the City may approve waivers in accordance with 723.B. In this way the City may grant the developer a desirable flexibility and at the same time not only protect, but enhance the welfare of the residents and other users of a development as well as the rest of the community. Planned Unit Developments may be used to facilitate development of areas designated for residential, mixed, or single use to achieve the objective stated herein.

1. Activities involving Planned Unit Development shall be reviewed in accordance with this section. An application for a Planned Unit Development shall be submitted and reviewed in accordance with the procedures of Section 511. A proposal for a Planned Unit Development must also be reviewed under Section 723.
2. Review Standards. An application for a Planned Unit Development shall be reviewed under the applicable standards of Section 723.
3. Expiration of approval. An approval for a Planned Unit Development shall expire in accordance with terms set forth in the approval.
4. Appeal. Any interested person may appeal a decision of the Development Review Board regarding a Planned Unit Development in accordance with the procedures set forth in Section 1707.

N. Telecommunications

1. Authority. Pursuant to 24 V.S.A. § 4414(12), the Development Review Board shall have the authority to regulate construction, alteration, development, decommissioning and dismantling of Wireless Telecommunication Facilities in the City of Essex Junction.
2. Purpose. The purpose of this bylaw is to promote the public health, safety, welfare, and convenience of the residents of the City of Essex Junction, while accommodating the telecommunication needs of the City's residents.
3. Consistency with Federal and State Law; Severability. This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.
4. Permit Application Requirements. In addition to information otherwise required in the City of Essex Junction's Land Development Code, applicants shall include the following supplemental information:
Every Wireless Telecommunication Facility and Small Scale Facility permit application shall include:
 - (a) The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is

incorporated and the name and address of its resident agent.

(b) The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.

(c) The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.

A Small Scale Facility permit application shall also include:

A final site and building plan and, where applicable, a report indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna or other device to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact point(s) of attachment shall be indicated.

Every Wireless Telecommunications Facility permit application shall include:

(a) The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public Right-of-way.

(b) A vicinity map showing the entire vicinity within a thousand (1000) foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.

(c) The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two (2) mile radius of the proposed tower site.

(d) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of one (1) inch = fifty (50) feet).

(e) In the case of a site that is forested, the approximate average elevation of the existing vegetation within fifty (50) feet of any tower base.

(f) Construction sequence and time schedule for completion of each phase of the entire project.

(g) A report from a qualified engineer that:

(i) Describes any tower's design and elevation,

(ii) Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,

(iii) Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.

(iv) In the case of new Facilities, demonstrates that existing towers and structures within five (5) miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.

- (v) Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
 - (vi) Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
 - (vii) Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards.
 - (viii) Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
 - (ix) Includes such other information as determined by the Development Review Board to evaluate the application.
 - (h) A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this bylaw and all other applicable laws.
 - (i) In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
 - (j) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility.
5. Permit Required. Wireless Telecommunication Facilities may be permitted or conditional uses as indicated in the Use Chart in Section 622. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the Administrative Officer. Site Plan review by the Development Review Board is required for all Wireless Telecommunications Facilities, including Small Scale Facilities not exempted below.
6. Exemptions. No permit shall be required for a Wireless Telecommunication Facility or Small Scale Facility that:
- (a) Is used exclusively for municipal radio dispatch service or emergency radio dispatch service.
 - (b) Is used solely for amateur radio activities as long as it is on the site of the business or home being served and is less than thirty six (36) feet in height, measured from grade.
 - (c) Antennae and satellite dishes that do not exceed 1 meter in diameter or height. The height shall be measured from grade if mounted on the ground or from the top of the structure if mounted on an existing structure.
7. Independent Consultants. Upon submission of an application for a Wireless

Telecommunication Facility permit, the Development Review Board may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Development Review Board. The consultant(s) shall work at the Development Review Board's direction and shall provide the Development Review Board reports and assistance, as the Development Review Board deems necessary to review an application.

O. Master Plans

1. Purpose. To guide long-term development on larger properties and allow for public input early in the process as a means to limit impacts resulting from incremental planning and development. The master plan process is an opportunity to address the long-term vision and conceptual design for development of buildings, land uses, infrastructure and conservation/preservation through integrative design. Master plans are an opportunity to discuss early design concepts with the Development Review Board prior to the formal permitting process. A formal approval of the Master Plan by the Development Review Board is not a guarantee that the development moving forward will gain Development Review Board approval, rather it is an indication that the general concept of the Master Plan is in keeping with the City's vision for the District moving forward. The Master Plan shall address the following:

- (a) Land uses;
- (b) Land subdivision;
- (c) Streets, parking, and open space;
- (d) Preservation of significant natural, historical or cultural features;
- (e) Stormwater management;
- (f) Urban form and urban design including the relationships between buildings, streets, open spaces, and parking areas;
- (g) Connections to adjacent areas and networks;
- (h) Significant natural and/or historic features; and
- (i) Development phasing.

2. Review Procedures. All Master Plans shall be reviewed by the Development Review Board at a public meeting. Approval of a master plan is not a guarantee of future development approvals on the site.

3. Submittal Requirements:

- (a) A map in plan view that addresses the items listed in Section 502.O.1.
- (b) Supporting documentation to include:
 - (i) Land uses by gross building square footage
 - (ii) Total number of units by type and overall density
 - (iii) Amount of open space and uses
 - (iv) Building typologies
 - (v) Amount and location of parking
 - (vi) Vignettes, sketches, 3D models or other visual media to assist in representing the master plan proposal (optional or as required by the

Development Review Board).

(vii) A statement describing the design intent for the master plan including the important physical relationships that influenced the proposed design including, but not limited to, natural features, connections, urban form, views, nodes, public transit, access and pedestrian mobility and connection to adjacent areas.

SECTION 503: APPROVAL OF SUBDIVISIONS

A. Purpose

To provide a mechanism for the timely review of applications for subdivision approval and to ensure that the development standards of this Code are met.

B. Classification

Staff shall review each subdivision application and classify it as a lot consolidation, minor subdivision or major subdivision. An applicant may request that the Development Review Board review the classification as determined by Staff. The classification criteria are as follows:

1. Lot Consolidation or Boundary Adjustment. An application for a lot consolidation or boundary adjustment shall be reviewed and approved by staff.
2. Minor Subdivision. A minor subdivision includes the platting of five (5) or fewer lots or minor adjustments to the lot lines of three (3) or more lots. A minor subdivision shall require Sketch Plan and Final Plat approval.
3. Major Subdivision. A major subdivision is any proposal not classified as a Consolidation or Minor Subdivision. A major subdivision requires approval of a Sketch Plan, Preliminary Plat, and Final Plat.
4. Footprint Lot. A footprint lot shall serve as a form of ownership and conveyance. A footprint lot is not recognized for the purposes of zoning as a separate lot with regard to lot coverage maximums, setbacks, and frontage and shall not be reviewed pursuant to the subdivision regulations as a subdivision of property. A project creating footprint lots may otherwise still require review under other sections of the Land Development Code, such as the PUD regulations, for example, based on the specifics of the proposal.

C. Public Meetings/Public Hearings

1. An application for Sketch Plan Approval shall be considered by the Development Review Board at a Public Meeting.
2. Applications for Preliminary Plat or Final Plat approval shall be considered by the Development Review Board at a public hearing.
3. The applicant, or duly authorized agent, is encouraged to attend all meetings and hearings for review of the application. The Development Review Board may delay action on any application if the owner/agent fails to attend scheduled meetings or hearings.

D. Waivers

Any request to waive or alter any requirement of this Code shall be made in writing at the time of application.

E. General Standards of Review

The Development Review Board shall generally review all applications for neighborhood compatibility, effect on adjoining undeveloped land, public infrastructure impact and the general public health, safety, and welfare.

F. Concurrent Reviews

An application for Subdivision approval may be reviewed concurrently with an application for Site Plan, Planned Development, or Conditional Use approval. Concurrent review does not ensure that the applications will not be denied.

G. Effects of Approval or Denial

Final approval of a subdivision authorizes the applicant to apply for any development permit required by this Code.

H. Application Submittal Requirements

Applications submitted for approval shall contain the material specified below. In addition, any request to alter or waive any Code requirements shall be included in writing as a part of the application.

1. Lot Division or Lot Consolidation. An application for a Lot Division or Lot Consolidation shall include the following:

- (a) Written request to waive or alter any requirement of this Code, if any.
- (b) A survey certified by a surveyor licensed to practice in the State of Vermont.
- (c) The location of existing and proposed lot lines.
- (d) Certification and signature of the owner(s) of record.
- (e) The location of all existing or proposed structures and distance between structures and lot lines.

2. Boundary Adjustments. An application for approval of a Boundary Adjustment shall include two reproducible drawings suitable for filing in the land records which shall meet the requirements of 27 VSA 1403 and two copies of a survey prepared by a licensed surveyor which depicts the two lots with the adjusted boundary and the following endorsements:

"Boundary Adjustments, approved by the City of Essex Junction
on the ____ day of _____, 20__, meets all City Code
requirements. Signed this ____ day of _____, 20__
By _____, Title _____

3. Sketch Plan. An application for Sketch Plan approval shall be submitted prior to submission of a Preliminary Plat. The Development Review Board shall review the sketch plan to determine general compliance with this Code and good urban design techniques. These techniques include but are not limited to designs that do the

following: maximize open space and connectivity, are economically viable in the long term, are cohesive with existing surroundings, are connected to the landscape, and are environmentally conscious. The Development Review Board shall prepare written findings which clearly express the results of their review of an application. Sketch Plan approval authorizes the applicant to proceed with the Subdivision process. However, Sketch Plan approval does not guarantee Preliminary or Final Plat approval, if further investigation reveals that engineering or design standards cannot be met. An application for Sketch Plan approval shall include the following:

- (a) A survey of the subdivision site certified by a surveyor licensed to practice in the State of Vermont.
- (b) Approximate location of existing and proposed lot lines and area of the property to be subdivided.
- (c) Name, address, and signature of the owner of record.
- (d) The general location of all existing or proposed structures and distance between structures and lot lines.
- (e) General description of proposed engineering techniques for stormwater management using AutoCAD for input and output calculation and phosphorus removal calculation.
- (f) Proposed method to provide water and sewer service.
- (g) Approximate location of existing and/or proposed easements.
- (h) Approximate location of any land proposed to be donated to the City.
- (i) Approximate location of any land to be held in common ownership.
- (j) Proposed method to ensure maintenance of any common improvements or lands in common ownership.
- (k) General description and proposed methodology for analyzing traffic impact if deemed necessary by the Development Review Board.
- (l) Other information as necessary to fully inform the Development Review Board of the extent of the development.
- (m) Whenever a proposed subdivision is adjacent to a State highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111.

4. Preliminary Plat. Approval of a Preliminary Plat authorizes the applicant to make application for Final Plat approval. The Development Review Board shall prepare written findings which identify any conditions of approval or other recommendations. The Development Review Board shall issue its decision and findings within forty-five (45) days of the completion of the hearing at which it was reviewed unless the application was continued. The findings may require submittal of additional information to the Development Review Board or Staff prior to acceptance of an application for Final Plat approval. An application for Preliminary Plat approval shall include the proposed plat and a written statement providing any required information which is not on the proposed plat. At a minimum, the following information is required.

- (a) A vicinity map which shows the site in relation to surrounding property and adjacent zoning/land use.

(b) The location and boundary lines of the subdivision and all proposed lots and a map or statement describing contiguous property in which the owner has an interest.

(c) The name, location and width of existing or proposed streets or right of ways within and contiguous to the proposal. For proposed streets, the application shall include plan, profile and grading plan and clear identification of those streets proposed to be turned over to the Municipality as public infrastructure. Draft legal documents (which may include an irrevocable offer of dedication, easement deed, quit claim or warranty deeds) shall be submitted for proposed public infrastructure.

(d) The location and size of sewers, water mains, storm drains, and other infrastructure within or contiguous to the proposal. The location of any above ground utilities or facilities including fire hydrants. Provide clear identification of the infrastructure proposed to be turned over to the Municipality as public infrastructure. Draft legal documents (which may include an irrevocable offer of dedication, easement deed, quit claim or warranty deeds) shall be submitted for proposed public infrastructure. The applicant shall submit all calculations supporting the storm water system design and fire flow requirements.

(e) The location and width of all proposed and existing easements.

(f) The location and type of lighting fixtures.

(g) Topographic survey with contour at no more than two (2) foot intervals by a surveyor or engineer licensed to practice in the State of Vermont.

(h) The approximate location of existing trees, or tree groupings, excessive slopes, wetlands, waterways and significant natural features within 200 feet of the proposed development.

(i) The location and dimensions of all lots and the square footage of each.

(j) The location and dimensions of parks or open land under common ownership or land proposed for dedication to the City.

(k) The location and dimensions of any buffer or screening area, including the location and height of proposed fencing and/or hedges.

(l) The location, dimensions, and construction material of all sidewalks, pedestrian ways, and bikepaths.

(m) Identification of any proposed development phasing recommended or required by Sketch Plan approval.

(n) Traffic impact study if required by the Development Review Board.

(o) Written description of the proposed design concept.

(p) Other material as required by the Development Review Board as a condition of Sketch Plan approval.

(q) Whenever a proposed subdivision is adjacent to a State highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed subdivision is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any

conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

5. Final Plat. No Final Plat shall be submitted which is not in substantial compliance with the Preliminary Plat and any conditions of approval of the Preliminary Plat. The Development Review Board shall, within forty-five (45) days of the close of the hearing, approve, modify and approve or disapprove such plat, unless the application was continued. The grounds for disapproval and/or any conditions to approval shall be included in a written notice of decision. A Final Plat shall conform to all Public Works Specifications and shall include the following:

(a) One (1) reproducible drawing which meets the requirements of 27 VSA 1403 which is suitable for recording in the land records. The scale shall be of sufficient size to show all detail and shall be stated and graphically illustrated on every sheet depicting any of the lands subdivided. A north arrow shall appear on each sheet.

(b) The name of the subdivision shall appear on each sheet. All streets shall be clearly named.

(c) Each plat shall be surveyed with all property boundaries clearly marked. Each lot shall be clearly numbered and all property boundaries clearly delineated.

(d) The property description sufficiently complete so that, without reference to the plat, the starting point and all boundaries of the subdivision can be located.

(e) Permanent Control points shall be shown on the Plat and tied to the Vermont Coordinate system NAD83 as defined in VSA1, Chapter 17, Section 671-679. The surveyor shall certify that the Permanent Control points have been set and the date that they were set.

(f) The final plat shall be submitted in digital form in one of the following options in order of preference:

- i. GIS geospatial data. Either a geodatabase or shapefile format. Must be in Vermont State Plane Meters, NAD83 (NSRS or most current).
- ii. If sub-part i is not possible, the plat shall be submitted as Coordinated CAD data in Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83(2011) epoch 2010.0, NAVD 88 (geoid12b).
- iii. If sub-parts i and ii are not possible, supply 3 values of State Plane Coordinates on the plan(s).

(g) Location, width, and names of all streets, waterways, or other right of ways shall be shown.

(h) Location and width of all easements shall be shown.

(i) All lot and subdivision lines shall clearly show dimensions, curvature and radii. Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction or non-radial lines shall be indicated.

(j) The centerline of all streets shall be shown with distance, angles and

bearings.

(k) Any areas dedicated or donated to the City shall be clearly designated with distance, angles and bearings.

(l) A licensed land surveyor shall include a certification signed and sealed on the plat.

6. Construction Drawings. Construction drawings shall be submitted with all Final Plat applications. The construction drawings shall include engineering details of all improvements to the property. Sufficient detail shall be provided to allow review and inspection of the subdivision during construction. The City shall have the authority to request additional details as necessary to review the plans for conformance to this Code, accepted engineering practice, and other standards or guidelines which may hereafter be adopted.

7. As-Built Plans. As-built Plans shall be submitted within six (6) months of the completion of the subdivision or phase thereof. Final inspection shall not occur prior to receipt of as-builts. The City shall not accept any street or other public improvements for maintenance prior to submittal of as-built plans. All final deeds and easements needed for transference of roads and/or infrastructure to the municipality shall be submitted to the Community Development Department, with copies for the City Engineer, Public Works Superintendent, and/or Water Quality Superintendent as applicable for review and consideration of processing to the City Council for acceptance City Council The applicant shall submit one set of reproducible drawings suitable for recording in the land records.

I. Time Limitations

1. Sketch Plan. Within one (1) year of approval of a Sketch Plan, a Preliminary Plat shall be submitted for review by the Development Review Board. If application for a time extension is received prior to the Preliminary Plat submittal date, staff may approve a time extension not to exceed six (6) months.

2. Preliminary Plat. Within one (1) year of approval, a Final Plat shall be submitted for review by the Development Review Board. If application for time extension is received prior to the Final Plat submittal date, the Development Review Board may approve a time extension not to exceed six (6) months. Failure to submit a Final Plat or request a time extension shall negate Sketch Plan approval.

3. Final plat. Construction shall commence on any Final Plat approved within two (2) years of approval. Failure to initiate construction shall negate Final Plat approval and the applicant shall reapply for Subdivision approval. The Development Review Board may grant an extension of up to two (2) years if the applicant demonstrates diligent pursuit of financing or other permits and demonstrates inability to control the delay.

J. Consolidated Applications

Applicants may request that the Development Review Board consider applications for Sketch Plan Approval, Preliminary Plat approval and/or Final Plat Approval simultaneously with a single application. The Development Review Board, however, may determine that separate reviews are required.

K. Filing of Approved Subdivision Final Plat

The approval of a final Subdivision Plat shall expire in one hundred and eighty (180) days, unless the plat has been duly recorded by the applicant with the office of the City Clerk with a copy provided to the Town Assessor. The administrative officer may extend the date for filing the plat by an additional 90 days, if final local or State permits or approvals are still pending. No plat shall be recorded with the City Clerk until it has been approved by the Development Review Board, and such approval is endorsed in writing on such plat by the Development Review Board Chair or Clerk. Endorsement shall not take place until all required plats, construction drawings and supporting documents have been submitted to Staff and determined to be complete and accurate. If submittals are not complete and accurate within one hundred and eighty (180) days, the subdivision approval shall be void and the application shall be resubmitted for final approval.

L. Plat Void if Revised after Approval

No changes, erasure, modification, or revision shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Development Review Board for approval of such modifications after public hearing with the exception of boundary adjustments pursuant to Section 503B. If such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void. Any change in a previously approved and recorded subdivision plat shall be resubmitted for approval pursuant to this Code.

M. Appeals.

1. Any interested person may appeal a Development Review Board decision regarding a subdivision by filing an appeal in accordance with the procedures of Section 1707 below.
2. Any interested person may appeal a Staff decision classifying a subdivision by appealing to the Development Review Board pursuant to Section 1704 below.

SECTION 504: APPROVAL OF ACTIVITIES INVOLVING PUBLIC SEWERS

A. Review Requirement

Activities involving uncovering or making any connections with or openings into, or using, altering, or disturbing any public sewer or appurtenance thereof, or proposing a new discharge into a public sewer or a substantial change in the volume or character of pollutants that are being discharged into such sewer shall require review in accordance with the procedures of this section.

B. Review Standards

Activities reviewed under this section shall comply with the standards set forth in Chapter 11.

C. Application Requirements

Applications for the connection of any use or structure shall require a plan prepared by a licensed potable water and wastewater system designer in accordance with the State of Vermont Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, described in Subchapter 7 - Designer Licensing (<https://dec.vermont.gov/water/licensed-designers>).

D. Review Procedures

Staff shall review all applications for completeness within ~~three-ten~~ (103) ~~business~~ days of receipt. The Public Works Superintendent and Water Quality Superintendent or their designee shall review and approve, approve with conditions, or deny within ~~ten-thirty~~ (1030) days.

E. Appeals

Any interested party may appeal a decision of the Superintendent to the City Council in accordance with the provisions of Section 1705.

F. Expiration of Approvals

Approvals and capacity shall expire one (1) year from the date permits are issued unless an extension is requested.

SECTION 505: APPROVAL OF ACTIVITIES INVOLVING PRIVATE SEWERS

A. Review Requirement

Activities involving construction of a private sewage disposal system or private sewer or connection to any such system shall require review in accordance with the procedures of this section.

B. Review Standards

Activities reviewed under this section shall comply with the standards set forth in Chapter 11.

C. Review Procedures

All applications for private sewers shall be reviewed by the Development Review Board and approved by the City Council.

D. Appeals

Any interested party may appeal a decision regarding a private sewer as specified in Chapter 17.

E. Expiration of Approvals

Approvals and capacity shall expire one (1) year from the date permits are issued unless an extension is requested.

SECTION 506: APPROVAL OF WAIVERS TO STANDARDS OF SECTION 718.B**A. Review Required**

Activities involving the conduct of a circus, carnival, menagerie, entertainment, concert, exhibition or similar activity shall be reviewed in accordance with the procedures of this section.

B. Review Standards

Activities reviewed under this section shall comply with the standards set forth in this Code.

C. Review Procedures

Staff shall review all applications to determine necessity of waivers under the provisions of this Code.

D. Appeals/Waivers

The City Council shall review all waiver requests. Waivers may be granted for one event or for multiple events. The City Council may authorize waivers for the same activity on one or more occasions, or for one or more years.

1. Upon written request, the City Council may grant a waiver from the provisions of Section 718.B for any activity which has received approval required herein, and:

- (a) Is a type of activity which cannot comply with the standards of this Code.
 - (b) Can not occur at a time when the activity would comply with the standards of this Code.
 - (c) Is a non-routine activity, which is proposed to occur for a specified period of time.
2. When granting a waiver under this Section, the City Council may attach reasonable conditions to minimize the impact of the waiver on adjoining properties. Such conditions may include but are not limited to:
 - (a) The time in which the activity may occur;
 - (b) Maximum sound limits, which may not be exceeded;
 - (c) The posting of a bond to insure compliance with the terms of the waiver; and
 - (d) Requirements to use particular equipment or procedures to minimize sound.
 - (e) Hours of operation.

E. Appeals

An individual who proposes an activity, which Staff determines will result in sound in excess of the standards of Section 718.B may appeal such decision to the City Council in accordance with the procedures of Section 1705.

SECTION 507: APPROVAL OF ACTIVITIES INVOLVING PUBLIC WATER LINES**A. Review Requirement**

Activities involving uncovering or making any connections with or openings into, or using, altering, or disturbing any public water line or appurtenance thereof shall require review in accordance with the procedures of this section.

B. Review Procedures and Standards

The Public Works Superintendent shall review and approve, approve with conditions, or deny within ten (10) [business](#) days an application to construct or connect to a public water line. The Superintendent shall review an application under the standards set forth in Chapter 14.

C. Expiration of Approvals.

Approvals and capacity shall expire one (1) year from the date permits are issued unless an extension is requested.

D. Appeals

An applicant for approval under this Section may appeal a decision of the Public Works Superintendent to the City Council in accordance with the provisions of Section 1705.

SECTION 508: APPROVAL OF ACTIVITIES INVOLVING PRIVATE WATER SUPPLY

A. Review Requirement

Activities involving use of a private water supply or construction of or making any connections with or openings into, or using, or altering any private water line shall require review in accordance with the procedures of this Section.

B. Review Procedures and Standards

1. An application to establish a private water supply shall be submitted to the City Council for its review at a regular or special meeting. The City Council may approve the application if it meets the standards of Section 1416. The decision of the City Council shall be final.
2. The Public Works Superintendent shall review and approve, approve with conditions, or deny within ten (10) [business](#) days an application to construct or connect to a private water line. The Director shall review an application under the standards set forth in Section 1416.

C. Expiration of Approvals

Approvals shall expire one (1) year from the date permits are issued.

D. Appeals

An applicant for approval of a private water line under this Section may appeal a decision of the Public Works Superintendent to the City Council in accordance with the provisions of Section 1705.

SECTION 509: ACTIVITIES INVOLVING ACCESS TO PUBLIC ROADS

A. Review Required

Activities involving opening, constructing, or reconstructing any driveway, entrance, or approach into a public road Right-of-way; obstructing, altering, or changing a ditch, culvert, or drainage course that drains a public roadway; depositing material or placing improvements in a public Right-of-way; or altering lands adjacent to a public Right-of-way to divert surface waters onto the Right-of-way shall require review in accordance with the procedures of this Section.

B. Review Procedures and Standards

1. Except as provided in subsection 2, below, an application for any activity regulated under this Section shall be submitted to the City Council for its review at a regular or special meeting. The City Council shall review the application under the standard set forth in Section 705. The decision of the City Council shall be final.
2. City Council approval for any activity regulated under this Section shall not be required for walkways connecting to the public road right-of-way, or if such activity is reviewed by Staff, or the Development Review Board under the provisions of Chapters 6, 7 or 9 of this Code.
3. The City Council may revoke or modify any approval authorizing any activity regulated under this Section after sending written notice of intent to take such action to any affected property owner. The City Council shall consider such action at a regular or special meeting of the City Council and provide any affected property owner notice of such meeting and an opportunity to present information at such meeting. The City Council shall review such proposed action under the standards set forth in Section 705. The City Council shall render its decision in writing, which decision shall be final. The City Council shall send a copy of the decision to any affected property owner.

C. Application Requirements

1. A scale drawing showing existing and proposed curb cuts including dimensions and radii.
2. A statement describing the purpose of the proposed curb cut changes.
3. Name and address and telephone number of applicant and any professional consultants.

D. Expiration of Approvals

Approvals shall expire one (1) year from the date of approval.

SECTION 510: ISSUANCE OF CERTIFICATES OF OCCUPANCY

A. Purpose

To provide a mechanism for Staff review of all applications for Certificates of Occupancy to ensure that all Code requirements and development conditions are satisfied prior to occupancy of any structure.

B. Requirement for Certificate of Occupancy

No building hereafter erected, and no building hereafter altered, which is vacant during the process of alteration, shall be occupied or used, in part or in whole, until a Certificate of Occupancy has been issued certifying that the building conforms to all approved plans and specifications, and to all provisions of this Code. If a previously occupied building undergoes a change of use, a new Certificate of Occupancy must be reviewed and issued by Staff.

C. Temporary Certificate of Occupancy

Upon request of the owner or his agent, a Temporary Certificate of Occupancy may be issued for occupancy of part of a building, provided that such temporary occupancy would not in any way jeopardize life or property.

D. Requirements

Prior to issuance of a Certificate of Occupancy, the owner or his agent shall provide Staff with evidence that a water meter has been installed (if needed) and that the building conforms to all approved plans and specifications, and to all provisions of this Code. Staff may inspect the building to verify that all requirements are satisfied.

SECTION 511: GENERAL REVIEW PROCEDURES FOR PLANNED UNIT DEVELOPMENTS**A. Purpose**

To provide a procedure for the timely and efficient review by the Development Review Board of any proposals for Planned Unit Developments. Planned Unit Development review is intended to combine subdivision and site plan review into a unified process. This Section is intended to supplement the procedures set forth in Section 502 above and shall be reviewed under the applicable standards of Section 723.

B. Review Requirements and Review Standards

With the exception of applications for Exposition Center PUD's, the review of applications for a Planned Unit Development approval shall include:

1. For major applications review of a Conceptual Plan and review of a Final Development Plan when the proposed development includes six (6) or more units. Review of a Preliminary Development Plan between Conceptual Plan review and Final Development Plan submittal is optional but recommended.
2. For minor applications review of a Conceptual Plan and review of a Final Development Plan when the proposed development includes less than six (6) units.
3. Site Plan Approval where applicable. All applicable site plan information as outlined in Section 502.F shall be submitted with all final development plans.

C. Conceptual Plan

A Conceptual Plan review is required to discuss initial project feasibility and to give the applicant the right to proceed. Detailed engineering studies are not required but sufficient data shall be submitted to enable the Development Review Board to review the merits of

the proposal.

1. Review of a Conceptual Plan shall require a public hearing.
2. The Development Review Board may approve or deny a Conceptual Plan, and may make suggestions to be included when the Preliminary or Final Development Plan is prepared.
3. Approval of a Conceptual Plan authorizes the applicant to proceed to the next steps of the approval process, but does not commit the Development Review Board to further approvals.
4. Submittal requirements. The Conceptual Plan application shall include sufficient information to enable the Development Review Board to review the merits of the application and to determine that all Code standards will be met. At a minimum, the submittal shall include:
 - (a) The project name, address and legal description; name, address and telephone number of the developer and project design professionals.
 - (b) The approximate location of all proposed land uses including the number of dwelling units and/or the number, type and typical square footage of non-residential buildings, and total square footage of the project.
 - (c) The proposed height and number of stories of each building.
 - (d) A sketch of a typical structure.
 - (e) The approximate location of proposed roads, parking areas, sidewalks, bikeways, fire lanes and other proposed circulation elements and patterns.
 - (f) A landscape concept showing typical planting schemes, types of planting materials and general locations of major landscaping items such as berms, ponds, retaining walls or other man-made improvements.
 - (g) The approximate location and size of proposed curb cuts on public or private streets, and the size and type of all interior curb cuts.
 - (h) The approximate location and size of all common improvements, common open space and lands to be dedicated to public ownership.
 - (i) An estimate or projected use of public infrastructure, including a preliminary statement regarding traffic, sewer and water demand impacts.
 - (j) Information on surrounding properties, including land uses, zoning, ownership and traffic patterns.
 - (k) The height, size, location and typical sketches of proposed signs and fencing, if any.
 - (l) A preliminary analysis of drainage proposals, including a topographical map of the project area.
 - (m) An indication of proposed setbacks and minimum distances between proposed structures.
 - (n) A written request for any waivers to any standards contained in this Code, along with a justification for the request, in accordance with Section 723.B.
 - (o) Any other information deemed pertinent to the review of the specific Conceptual Plan.

~~D. 5. Preliminary Development Plan:~~

Preliminary Development Plan approval is optional except where specifically required herein.

All applicants for Planned Development approval are encouraged to seek Preliminary Development plan approval.

~~1.(a)~~ Review of a Preliminary Development Plan by the Development Review Board does not require a Public Hearing.

~~2.(b)~~ Approval of a Preliminary Development Plan authorizes application for Final Development Plan but does not commit the Development Review Board to final approval.

~~3.(c)~~ Submittal Requirements.

~~(a)(i)~~ A statement indicating that the proposed Planned Development is in accord with previous approvals, as applicable.

~~(b)(i)~~ A site plan, drawn to scale, and a boundary certified by a land surveyor licensed to practice in the State of Vermont. The site plan shall show the location of all improvements and the location and size of all infrastructure.

~~(iii)(c)~~ If the project is to include common open space or common improvements, provide specification of ownership and responsibility for maintenance of such commonly owned features.

~~(iv)(d)~~ The location and dimensions of all easements.

~~(v)(e)~~ Engineering reports may be required to show conformance with this Code.

~~(vi)(f)~~ A proposed phasing schedule, if required by the Development Review Board, and estimated construction period.

~~(viii)(g)~~ A detailed landscape plan by a licensed landscape architect shall specify the type, size, quantity and location of all plant materials, and a landscape cost estimate, existing and proposed.

~~(h)~~ A written request for any waivers to any standards contained in this Code, along with a justification for the request, in accordance with Section 723.B.

E. ~~Final Development Plan:~~

-Final Development Plan approval is required for all proposed PUD projects.

~~1.~~ Approval of a Final Development Plan authorizes the applicant to proceed with applications for all other development permits.

~~2.~~ Review of a Final Development Plan shall require a Public Hearing.

~~3.~~ Submittal Requirements.

~~(a)~~ All submittal requirements specified in this Code for a Preliminary Plan review.

~~(b)~~ A Final Plat, as applicable, and a phasing schedule as required by the Development Review Board.

~~(c)~~ A survey of the property prepared by a licensed Land Surveyor.

~~(d)~~ A topographic map showing final ground contours at two (2) foot maximum intervals.

~~(e)~~ Architectural rendering of typical structures.

~~(f)~~ Final engineering designs for infrastructure or other improvements.

~~(g)~~ A statement certifying that the development meets all applicable provisions of this Code.

~~(h)~~ A written request for any waivers to any standards contained in this Code, along with a justification for the request, in accordance with Section 723.B.

(i) Whenever a proposed development involves significant construction impact to the public right-of-way, a Temporary Traffic Control Plan that considers the safety and operational needs of all transportation modes.

4. Each application shall be reviewed on an individual basis in accordance with the provisions of the District in which the property is located. The application must comply with the specific standards set forth in Chapter 6. In general, the Development Review Board shall consider the effects of the proposal on the surrounding neighborhood, public infrastructure and potential development of adjoining property.

5. Conditions. The Development Review Board may place conditions on any approval as necessary to ensure quality development and to limit potential negative effects of the proposal. A Planned Development may be approved in phases and may require construction within a specified time frame. Conditions shall be in accordance with the District within which the project is located and specific standards herein.

F. Amendment Procedures

Applications may be submitted to amend an approved Planned Development. Staff shall review any application and classify the proposal as follows:

1. Major Amendment. A major amendment requires submittal of a new Conceptual Plan and review by the Development Review Board at a Public Hearing. The following changes at any stage of a Planned Development approval, or following approval, constitute major amendments.

(a) Any change in the proposed land use or uses which would require different standards of review, or substantial change in occupancy of commercial uses which would alter traffic and parking needs or building design.

(b) Any change in the street pattern which would impact adjoining streets.

(c) Any increase in overall density or intensity of use within the Planned Development if that increase exceeds:

(i) Ten (10) percent of the approved number of dwelling units or ten (10) dwelling units, whichever is less;

(ii) Ten (10) percent of the approved square footage or two thousand (2,000) square feet for commercial buildings, whichever is less;

(iii) Any other proposed changes, which Staff determines will substantially alter the design or negate the intent of the Plan as approved by the Development Review Board.

2. Minor Amendment. A minor amendment requires review by the Development Review Board at a public meeting unless the proposed amendment alters an approved subdivision in which case a public hearing shall be required. The following changes constitute minor amendment.

(a) Any increase in density or intensity which do not qualify as a major amendment.

(b) A decrease in setbacks beyond what is required for the district in which the project is located.

(c) An increase in height or number of stories of one or more buildings.

(d) Minor changes in the approved street pattern.

(e) Any decrease in the size of designated open spaces or recreation areas.

- (f) Any decrease in the number of parking spaces or loading/unloading spaces.
 - (g) Any decrease in the amount of landscaping to be provided.
 - (h) Any change in the phasing plan.
 - (i) Any other change which Staff determines to not be either a major amendment or a minimal amendment.
3. Minimal Amendment. Minimal amendments shall be reviewed and approved by Staff. The following changes constitute minimal amendments.
- (a) Any reduction in density or intensity of use.
 - (b) Any changes in setbacks, which do not violate the standards of the District in which the project is located.
 - (c) Any changes in the location of landscaping, fencing, signage or sidewalks, or other changes which Staff determines to be insignificant.
 - (d) Any changes in land uses which do not impact parking or circulation patterns.
 - (e) Any minor additions that do not add more than five hundred (500) square feet to any structure and which do not significantly alter the architectural appearance of the project.

SECTION 512: APPROVAL OF ACTIVITIES INVOLVING LAND DISTURBANCE, STORMWATER SYSTEM

~~APPROVAL OF ACTIVITIES INVOLVING A NEW CONNECTION TO THE PUBLIC STORM DRAINAGE SYSTEM~~

This subject is addressed in Section 713: Stormwater Management. Please refer to that section for the applicable provisions.~~Review Requirement~~

~~Activities involving the uncovering or making any connections with or openings into, or using, altering, or disturbing any public storm drainage system or appurtenance thereof, or proposing a new discharge or a substantial change in the volume into a public storm drainage system shall require review in accordance with the procedures of this section.~~

~~A. Review Standards~~

~~Activities reviewed under this section shall comply with the standards set forth in Section 713 of this Code.~~

~~B. Application Requirements~~

~~Development of any use, structure, filling activity or redevelopment activity that would increase stormwater runoff from the property shall be connected to the City stormwater system. The applicant shall provide the following information as relevant:~~

- ~~1. Pre-development and post-development drainage calculations for a two (2), ten (10), and twenty-five (25) year design stormwater flow~~
- ~~2. On-site drainage improvements and best management practices focused on Green Stormwater Infrastructure including, but not limited to: rain gardens, buffer strips, filter strips, grass swales, infiltration basins or other infiltrating practices. Permeable pavement systems, cisterns or other structural/ non-structural best~~

management practices are also deemed appropriate for consideration.

3. ~~— A downstream analysis, if determined necessary by current or proposed local or state processes including, but not limited to, Total Maximum Daily Load ("TMDL").~~

4. ~~— Projects requiring a State stormwater permit may submit a copy of the issued State permit with supporting documentation and AutoCAD calculations for consideration of compliance with the requirement for a City stormwater management plan. Such properties may include properties greater than one-half (0.5) acre in size and industrial facilities regulated under the Multi-Sector General Permit requirements (MSGP).~~

5. ~~— Projects requiring further review as determined by State-issued watershed permitting or TMDL (if applicable) may require further improvement to mitigate stormwater flows as part of any related permits.~~

C. ~~Review Procedures~~

~~Staff shall review all applications for completeness within three ten (310) business days of receipt. The Public Works Superintendent or Water Quality Superintendent or their designee shall act on all applications within ten thirty (310) days.~~

D. ~~Appeals~~

~~Any interested party may appeal a decision regarding a public storm sewer connection as specified in Chapter 117 of Title 24.~~

E. ~~Expiration of Approvals~~

~~Approvals shall expire one (1) year from the date permits are issued, if not implemented.~~

SECTION 513: APPROVAL OF ACTIVITIES INVOLVING THE CONSTRUCTION OF A STORMWATER SYSTEM

F. ~~Review Requirement~~

~~Activities involving construction of a stormwater system other than the public storm drainage system, or connection to any such system, shall require review in accordance with the procedures of this section.~~

G. ~~Review Standards~~

~~Activities reviewed under this section shall comply with the procedures set forth herein, and the standards in Section 713 of this Code.~~

H. ~~Application Requirements~~

1. ~~— Applications for activities involving the construction of a stormwater system must include a stormwater management plan indicating how the performance requirements and operation and maintenance requirements set forth in this Code will be met. The application shall also identify the legal entity to own and maintain the non-municipal portions of any stormwater system proposed.~~

2. ~~— Pre-development and post-development drainage calculations for a two (2), ten (10), and twenty-five (25) year design stormwater flow.~~

~~3. On-site drainage improvements and best management practices focused on Green Stormwater Infrastructure including, but not limited to: rain gardens, buffer strips, filter strips, grass swales, infiltration basins or other infiltrating practices. Permeable pavement systems, cisterns or other structural/ non-structural best management practices are also deemed appropriate for consideration.~~

~~4. A downstream analysis, if determined necessary by current or proposed local or state processes including, but not limited to, Total Maximum Daily Load ("TMDL").~~

~~5. Projects requiring a State stormwater permit may submit a copy of the issued State permit with supporting documentation including all data needed to document phosphorus loading and reduction based on watershed (on the VT DEC BMP Tracking Table spreadsheet). This will serve as evidence of compliance with the requirement for a City of Essex Junction stormwater management plan and phosphorus control plan.~~

~~6. Projects requiring further review as determined by State issued watershed permitting or TMDL (if applicable) may require further improvement to mitigate stormwater flows as part of any related permits.~~

~~I. Review Procedures~~

~~Staff shall review all applications for completeness within three ten (310) business days of receipt. The Public Works Superintendent or Water Quality Superintendent or their designee shall act on all applications within ten thirty (310) calendar days.~~

~~J. Appeals~~

~~Any interested party may appeal a decision regarding construction of a stormwater system plan as specified in Chapter 117 of Title 24.~~

~~K. Permits for Stormwater Discharges Associated with Construction Activities~~

~~Under the National Pollutant Discharge Elimination System (NPDES), construction projects involving one (1) acre or more of land disturbance require a stormwater permit to discharge stormwater runoff from construction activities, as covered by Construction General Permit 3-9020, which is overseen by The Vermont Department of Environmental Conservation's Watershed Management Division.~~

~~L. Expiration of Approvals~~

~~Approvals shall expire one (1) year from the date permits are issued, if not implemented~~

SECTION 514: APPROVAL OF ACTIVITIES INVOLVING THE DISTURBANCE OF MORE THAN 0.5 ACRE OF LAND

~~M. Review Requirement~~

~~Activities involving clearing, grading, construction or land development/disturbance of more than half an acre of land (0.5) acre shall require review in accordance with the procedures of this section.~~

~~N. Review Standards~~

Activities reviewed under this section shall comply with the standards set forth in Section 713 of this Code. General requirements may be waived by the Public Works Superintendent or Water Quality Superintendent or their designee if the applicant conforms to the State of Vermont Best Site Management practices as outlined in: "The Low Risk Site Handbook for Erosion Prevention and Sediment Control" (as amended) or in the "Vermont Erosion Prevention and Sediment Control Field Guide" (as amended). The state guidelines are available at http://www.vtwaterquality.org/stormwater/htm/sw_cgp.htm.

~~Q. Application Requirements:~~

- ~~1. Activities involving clearing, grading, construction or land development of land more than half an acre of land (0.5) acre must include an erosion and sediment control plan indicating compliance with the "Low Risk Site Handbook for Erosion Prevention and Sediment Control."~~
- ~~2. Additional erosion control stipulations may be required depending on the specific site conditions, such as the extent of disturbed land, proximity of water, percent slope and soil types.~~

~~P. Review Procedures~~

~~Staff shall review all applications for completeness within three ten (310) business days of receipt. The Public Works Superintendent or Water Quality Superintendent shall act on all applications within ten thirty (1030) calendar days.~~

~~Q. Appeals~~

~~Any interested party may appeal a decision regarding an erosion and sediment control plan as specified in Chapter 117 of Title 24.~~

~~R. Expiration of Approvals~~

~~Approvals shall expire one (1) year from the date permits are issued, if not implemented.~~

SECTION 515: APPROVAL OF ACTIVITIES INVOLVING THE DISTURBANCE OF EQUAL TO OR GREATER THAN ONE (1) ACRE AND/OR THE CREATION OF MORE THAN 0.5 ACRE OF IMPERVIOUS SURFACE

~~A. Review Requirement~~

~~Activities involving clearing, grading, construction or land development of one (1) acre or more of land and/or creating a total resulting impervious surface equal to or greater than half an acre (0.5) acre shall require review in accordance with the procedures of the State of Vermont Construction General Permit 3-9020 and General Permit 3-9050 or other applicable state permits governing erosion and stormwater control of large construction sites. Evidence of compliance with this provision of Vermont State requirements must be provided to receive local approval to proceed. Projects with more than half an acre (0.5) acre of impervious surface shall also conform with the general standards.~~

~~B. Review Standards~~

~~Based on State design criteria.~~

C. Application Requirements

Application is made to the Agency of Natural Resources Water Quality Division.

D. Review Procedures

The City of Essex Junction reserves the right to require additional conditions above and beyond those in the State issued permit for due cause. The City reserves this right to address specific operational concerns related to the site and its impact on abutters including the municipal right of way and the municipal infrastructure.

E. Appeals

Any interested party may appeal a decision regarding an erosion and sediment control plan as specified in Chapter 117 of Title 24.

F. Expiration of Approvals

Approvals shall expire as per the Land Development Code, concurrent with the permits issued by the State of Vermont depending on the phasing and size of the project.

SECTION 5136: APPROVAL OF ACTIVITIES INVOLVING DEVELOPMENT WITHIN 200 FEET OF A WATERWAY, FLOODPLAIN OR WETLAND
DEVELOPMENT NEAR WATERWAYS, FLOODPLAINS, AND WETLANDS

A. Review Requirement

Activities involving development within 200 feet of a waterway, floodplain or wetland shall require review in accordance with the procedures of this section. The property shall maintain a fifteen (15) foot or more undisturbed buffer to adjacent streams. The buffer may be required to be extended based on flood plain profile, slope of the land or other conditions where further setback is warranted for protection of the stream. A set back of fifty (50) feet above high water mark of the floodplain will be considered for impact of stream meandering, streambank crossing, flooding or other natural stream processes that may have an impact on developed land. Development activity in the area of a wetland will require state and federal regulatory review, and set backs will be the same as required by those authorities and permits.

B. Review Standards

Activities reviewed under this section shall comply with the standards set forth in this Code.

C. Application Requirements

Applications for development of any use, structure, excavation, filling, clearing or grading activity located within two hundred (200) feet of a waterway, floodplain or wetland shall indicate the distance from the proposed activity to the waterway, floodplain or wetland

~~and the percent slope of the proposed site.~~

~~D. Review Procedures~~

~~Staff shall review all applications for completeness within three ten (103) business days of receipt. The Public Works Superintendent or Water Quality Superintendent shall act on all applications within ten thirty (130) calendar days.~~

~~E. Appeals~~

~~Any interested party may appeal a decision regarding a zoning district as specified in Chapter 117 of Title 24.~~

~~F. Expiration of Approvals~~

~~Approvals shall expire one (1) year from the date permits are issued, if not implemented.~~

~~G. Conditional Use Review~~

~~Shall be considered if it is determined that there is no potential adverse impact to the waters of the same.~~

~~H. Riparian Buffer Landscaping Requirements~~

~~It is the objective of these standards to promote the establishment and protection of heavily vegetated areas of native vegetation and trees along waterways to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife, fish habitat and maintain water quality.~~

~~Any application for development approval under this Code shall provide that all lands within a required riparian buffer are left in an undisturbed, naturally vegetated condition. These standards shall apply to all zoning districts. The following activities are not permitted within Riparian Buffer areas:~~

- ~~1. The creation of new lawn areas.~~
- ~~2. The clearing of trees that are not dead, heavily damaged by ice storms or other natural events, or diseased.~~
- ~~3. Property owners already encroaching on a riparian buffer shall be encouraged to return mowed areas to their naturally vegetated state.~~

~~The following conditions will apply to any application for development approval under this Code:~~

- ~~1. Prior to issuing a zoning permit, the Development Review Board may require on-site restoration of degraded riparian habitats through supplemental planting and landscaping with appropriate species and by designating no mow zones.~~
- ~~2. Restoration standards for planting and landscaping appropriate for riparian buffers are outlined in the *Vermont Stormwater Management Manual Rule and Design Guidance (as most recently amended)*.~~
- ~~3. Riparian buffers established as part of this section shall be maintained by the developer and all other subsequent property owners or associations within the development. Reference to these established buffers shall be made in the appropriate deeds or common property documents.~~

~~The standards for maintenance of the stream buffer zone prohibit the following:~~

- ~~1. Property owners already encroaching on the stream buffer are encouraged to return mowed areas to their naturally vegetated state.~~
- ~~2. Any areas within a required stream buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass and shall not be mowed more than one (1) time per calendar year after establishment.~~
- ~~3. Supplemental planting and landscaping with appropriate species of vegetation to restore and enhance the effective filtering function of a stream buffer is encouraged.~~

~~Expansion of pre-existing structures within stream buffers: Any building, structure, or land or use thereof, which is made non-conforming by reason of the adoption of this section, may be expanded or reconstructed, subject to the following provisions:~~

- ~~1. The structure to be expanded or reconstructed was originally constructed on or before promulgation of this rule.~~

- ~~2. The total building footprint area of the expanded or reconstructed structure shall not be more than fifty (50) percent larger than the footprint of the structure lawfully existing.~~
- ~~3. The non-conforming use shall not be changed to another non-conforming use.~~
- ~~4. A non-conforming use that is changed to a conforming use, discontinued for six (6) months, or abandoned shall not be resumed.~~
- ~~5. Enlargement, repair and reconstruction of pre-existing structures within stream buffers shall be permitted if it is determined that the development activity will not decrease the existing structure setback from the water body or increase the encroachment within the stream buffer.~~

~~New uses and encroachments within stream buffers: The encroachment of new land development activities into the City's stream buffers is discouraged. The Development Review Board may authorize the following as uses within stream buffers subject to the standards and conditions enumerated for each use:~~

- ~~1. Agriculture, horticulture, and forestry, including the keeping of livestock, provided that any building or structure appurtenant to such uses is located outside the stream buffer.~~
- ~~2. Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a permitted or conditional use on the same property and where the Development Review Board finds that there is no practicable alternative to the clearing, filling or excavating within the stream buffer. This section is not meant to exclude any streambank alteration permitting requirements of the State of Vermont.~~
- ~~3. Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.~~
- ~~4. Encroachments necessary for providing for or improving public facilities.~~
- ~~5. Public recreation paths located at least fifteen (15) feet above the ordinary high water mark or measured from the top of bank, whichever is greater.~~
- ~~6. Stormwater treatment facilities meeting the stormwater treatment practices and sizing criteria set forth in the *Vermont Stormwater Management Manual Rule and Design Guidance (as most recently amended)*. Evidence of an approved permit from the Vermont Agency of Natural Resources for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a stream buffer.~~
- ~~7. Roadways or access drives for purposes of crossing a stream buffer area to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access and the roadway or access drive is located at least fifteen (15) feet above the ordinary high water mark or measured from the top of bank, whichever is greater.~~
- ~~8. Utility lines, including power, telephone, cable, internet, sewer and water, to the extent necessary to cross or encroach into the stream buffer where there is no feasible alternative for providing or extending utility services.~~
- ~~9. Outdoor recreation provided any building or structure (including parking and~~

~~driveways) appurtenant to such use is located outside the stream buffer, and which does not involve the use of mowed fields within the stream buffer.~~

~~10. — Research and educational activities provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.~~

~~I. — Exceptions~~

~~A planting project considered to have a permit by operation under 24 V.S.A. § 4424(c) shall not be required to file an application to obtain a permit under this Code. A "planting project" means planting vegetation to restore natural and beneficial floodplain functions, as defined in 42 U.S.C. § 4121(a), that include floodwater storage, water quality improvement, and supporting riparian and aquatic habitat. By operation of 24 V.S.A. § 4424(c), a planting project in a flood or other hazard area or river corridor protection area is considered to have a permit under this chapter unless the project is:~~

- ~~1. — part of a larger undertaking that includes the construction or installation of structures, the creation of earthen berms or banks, or physical disturbance of land or water other than necessary for planting vegetation; or~~
- ~~2. — a forestry operation or part of a forestry operation as defined in 10 V.S.A. § 2602 and exempt from municipal regulation under subsection 4413(d) of this title.~~

CHAPTER 6: ZONING DISTRICTS REGULATIONS

This section sets forth regulations regarding the use, density, lot size, lot coverage and setbacks on properties in all Zoning Districts within the City. Where applicable, design review [and form-based](#) standards are also included.

SECTION 600: OFFICIAL ZONING MAP AND GENERAL PROVISIONS

All land in Essex Junction is divided into Districts as shown on the Official Zoning Map filed with the City Clerk, a copy of which is attached to this Code. Said Official Zoning Map shall be the official record of the zoning status of all land areas within the City.

A. Map Changes

No changes of any nature affecting property shall be made on the Official Zoning Map. It shall be unlawful for any person to alter or change the map upon adoption by the Essex Junction City Council. Any changes or amendments to the Official Zoning Map shall be made by the City Council after Public Hearings pursuant to Title 24, Chapter 117, Section 4404 of Vermont Statutes.

B. Map Interpretation

Staff shall interpret zoning district boundaries as specified below. Appeals to staff decisions may be made to the Development Review Board.

1. District boundaries adjacent to a street, highway, stream or power line shall be construed to follow the centerline.
2. District boundaries adjacent to railroad tracks, or rights of ways shall be construed to follow the centerline.
3. District boundaries, which approximately follow property lines shall be constructed to follow property lines.
4. Where a District splits a parcel or lot, the regulations applying to either portion of the lot may be extended onto the other portion for distance not exceeding fifty (50) feet.
5. The Future Land Use Map as filed with the City Clerk shall be consulted to determine intent in the establishment of any Zoning District boundary.

C. Setback Requirements on Corner Lot Use of Form-Based Standards**1. Purpose**

[This Chapter uses form-based standards to guide how buildings and sites are designed so that neighborhoods are walkable, include a mix of uses, and are well connected to transit. These standards focus on physical form rather than rigid separation of land uses, setting requirements for how buildings look and how they are placed in relation to sidewalks, streets, and surrounding properties. This includes standards for:](#)

- [Building placement and orientation](#)
- [Building height, massing, and façade articulation](#)
- [How building frontages relate to streets and the public right-of-way](#)

- [Ground-floor design and activity along streets](#)
- [Location and design of building entrances, access, parking, and service areas](#)
- [Landscaping and transitions between private development and public spaces](#)
- [Streetscape elements and pedestrian amenities](#)

2. [Applicability - Form-based standards apply only in specific zoning districts and are listed in the applicable zoning district sections of this chapter.](#)

3. [Review - Development subject to form-based standards shall follow the applicable review procedures in Section 502.](#)

D. General Standards and Guidelines

1. [Setback Requirements on Corner Lots](#) - 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.

2. Material Guidelines

(a) [Use of recycled and/or locally-sourced materials is strongly encouraged](#)

(b) [Low-VOC \(Volatile Organic Compound\) paints, sealants, and stains are strongly encouraged on all surfaces requiring such treatment.](#)

(c) [All Buildings shall use glazing with a Visible Light Reflectance \(VLR\) rating of 15% maximum, applicable to 80% of the glazing per floor.](#)

(d) [Use of reflective wall materials or coverings is prohibited.](#)

(e) [To the extent possible, all roof materials and colors should be selected to maximize the roof's Solar Reflectance Index \(SRI\).](#)

3. [Shared parking and connections between parking lots, in accordance with Section 703.K, are encouraged to provide better access, traffic flow, and ample parking.](#)

SECTION 601: MULTI-FAMILY RESIDENTIAL 1 (MF1)

A. Purpose

To provide areas for multi-family residential development and accessory uses.

B. Lot Size/Lot Coverage

1. The minimum lot size shall contain seven thousand five hundred (7,500) square feet. The maximum number of dwelling units shall be three (3) units per seven thousand five hundred (7,500) square feet. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted to exceed density limitations by 40 percent.
2. The maximum total lot coverage shall be fifty (50) percent.
3. No more than two (2) principal buildings shall be allowed per lot, unless approved as part of a Planned Development.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:
 - (a) The proposed setback does not negatively impact the character of the neighborhood; and
 - (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code. A principal building may contain any use identified on the Use Chart in Section 622 for the MF1 zoning district.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height.

1. Except as permitted in Section 601.F.2, building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than four (4) stories or ~~forty-eight~~seventy-two (~~48~~72) feet, whichever is less, provided that

the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

Any application for proposed development in the Multi-Family Residential 1 District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.

SECTION 602: MULTI-FAMILY RESIDENTIAL 2 (MF2)

A. Purpose

To provide areas for the construction of new multi-family dwellings and accessory residential uses.

B. Lot Size/Lot Coverage

1. The minimum lot size shall contain seven thousand five hundred (7,500) square feet. The maximum number of dwelling units shall be three (3) units per seven thousand five hundred (7,500) square feet. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted to exceed density limitations by 40 percent.
2. The maximum lot coverage shall be fifty (50) percent.
3. No more than two (2) principal buildings shall be allowed per lot, unless approved as part of a Planned Development.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:
 - (a) The proposed setback does not negatively impact the character of the neighborhood; and
 - (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this

Code. A principal building may contain any use identified on the Use Chart in Section 622 for the MF2 zoning district.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height

Except as permitted in Section 602.F.1, and 602.F.2, building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

1. The Development Review Board may grant a waiver of up to four (4) stories or forty-eight (48) feet, whichever is less under either of the following conditions:
 - (a.) The property is located along a major arterial street and no adverse impacts on the character of the neighborhood would result; or
 - (b) The project is not located on a major arterial street, but adequate buffering is proposed that would cause no adverse impacts on the character of the neighborhood.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than:
 - (a) four (4) stories or ~~seventy-two~~forty-eight (48) feet, whichever is less, if a height waiver is not granted under 602.F.1; or
 - (b) no more than five (5) stories or sixty (60) feet, whichever is less, if a waiver is granted under 602.F.1, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

Any application for proposed development in the Multi-Family Residential 2 District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.

SECTION 603: MULTI-FAMILY RESIDENTIAL 3 (MF3)

A. Purpose

To provide areas for low density multi-family dwellings and accessory residential uses.

B. Lot Size/Lot Coverage

1. The minimum lot size shall be seven thousand five hundred (7,500) square feet
2. The maximum total lot coverage shall be forty (40) percent.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described

above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
- (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
- 2. The minimum side yard setback shall be ten (10) feet.
- 3. The minimum rear yard setback shall be ten (10) feet.

D. Maximum Number of Dwelling Units

The maximum number of dwelling units on any individual lot shall be six (6).

E. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

F. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

G. Building Height.

- 1. Except as permitted in Section 603.G.2, building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.
- 2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than four (4) stories or forty-eight (48) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

H. Planned Unit Development

Any application for proposed development in the Multi-Family Residential 3 District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.

SECTION 604: VILLAGE CENTER (VC)

A. Purpose

To provide a compact ~~commercial-community~~ center having a mix of commercial, residential, governmental, cultural, and institutional ~~mixed-use~~ buildings and uses that are consistent with the purpose of a designated Village Center District, and a neighborhood development area as both are defined by the State of Vermont. The Village Center shall be

the core for an ongoing revitalization that will improve the community's vitality and livability and the goal of having a Center that accommodates growth. Due to the historic nature of the residential neighborhoods surrounding the Five Corners area, the design and layout of any new developments or infill projects shall acknowledge the importance of the existing streetscape and enhance the area through an architectural design and site layout that enhances pedestrian connectivity to adjacent properties.

B. Use of Form-Based Standards

Regulations for the Village Center include form-based standards that guide how buildings and sites are designed in order to support a vibrant, walkable neighborhood and efficient transit-oriented growth while recognizing and enhancing the area's unique historic character. These standards are intended to create a pedestrian-oriented district with strong relationships between buildings, sidewalks, and streets, by:

1. Enabling infill and redevelopment that protect existing historic resources while introducing new architectural and urban design approaches that increase density, activity, and economic opportunity.
2. Encouraging high-quality, mixed-use development that integrates residential, commercial, and civic uses with active ground floors, public amenities, and open spaces to support daily life, social interaction, and community identity.
3. Supporting daily activities within walking distance of most dwellings and ensuring safe, accessibility mobility for all users through the implementation of Complete Streets principles and inclusive design of all publicly accessible indoor and outdoor spaces.
4. Providing a range of housing types, sizes, arrangements, and price levels to accommodate a diverse range of households, ages, and incomes.
5. Ensuring that buildings and landscaping contribute to the physical definition of streets as civic places through human-scaled elements and details that promote pedestrian interest, comfort, and safety.

C. Applicability

1. Permitted and Conditional Uses are as indicated on the Use Chart in Section 622 of this code. Non-conforming uses shall comply with the standards in Chapter 8 regarding non-conforming uses.
2. All new construction shall comply with the applicable standards of this ~~Section~~Chapter.
3. Development proposals shall be reviewed in accordance with the procedures and submission requirements of Section 502.
4. Existing Buildings, Alterations, and Expansions
Existing buildings lawfully established prior to the effective date of this Code shall be considered conforming.
 - (a) Alterations, repairs, and additions that do not increase gross floor area by more than 30 percent may be permitted without full compliance with current standards, provided that such work does not create or increase any nonconformity and is generally consistent with the intent of the Village Center

District.

(b) Development proposals involving existing buildings that result in a cumulative increase in gross floor area of more than 30 percent shall comply with all applicable standards of this Chapter. Expansions exceeding 30 percent that do not fully comply with this ~~Section~~Chapter may be approved by the Development Review Board upon determination that the proposal is consistent with the intent of the Village Center District and does not significantly detract from its goals.

(c) Where changes to parking areas, circulation, or open space areas are proposed, landscaping improvements shall be provided in accordance with Section 604.H.2(~~ee~~).

(d) Any expansion of existing non-conforming structures shall comply with the provisions of Chapter 8.

5. Conflicting Standards

The standards within this ~~Section~~Chapter shall govern in the event of a conflict with other provisions established in the Land Development Code.

6. Waivers and Exemptions

(a) The Development Review Board may waive or modify provisions of this ~~Section~~Chapter upon determining that the waiver or modification is consistent with the intent of the Village Center District.

(b) Staff may approve minor site plan amendments or modifications to dimensional standards of this ~~Section~~Chapter where such modifications are limited in scope and consistent with the intent of the Village Center District. Staff may defer review of any minor site plan amendments or modifications to the Development Review Board.

D. ~~Lot Size/Lot Coverage~~Site and Dimensional Standards

B.

1. Building Placement and Orientation

(a) A Principal Building shall be placed on each Lot with its front façade along the Frontage Line. Facades shall be built parallel to a rectilinear Frontage Line, or to the tangent of a curved Frontage Line. For corner lots and through lots, the Frontage Line may be designated along either or both streets.

(b) Each lot shall provide contiguous frontage on each abutting public street, consistent with the frontage standards in the Dimensional Requirements table in Section 604.D.3.

(c) A Principal Building shall have at least one (1) principal entrance facing the Frontage Line. For Principal Buildings located on a corner, the principal entrance may be oriented to the corner. Principal Buildings fronting a plaza or square shall also have a minimum of one principal entrance directly onto the plaza or square.

(d) Where permitted, additional Principal Buildings may be placed at the frontage or behind a Principal Building placed at the frontage. Any Principal Buildings located behind the frontage shall be arranged in cohesive groupings.

with their principal entrances oriented to a shared driveway or common courtyard or greenspace.

(e) One or more attached or detached Accessory Structure(s) associated with a Principal Building may be built on each Lot to the rear of a Principal Building.

(f) Projections into required building setbacks, including balconies, bay windows, open terraces, attached decks, steps, stoops, windowsills, eaves, chimneys and fire escapes, are allowed up to 24 inches.

2. Residential Unit Mix

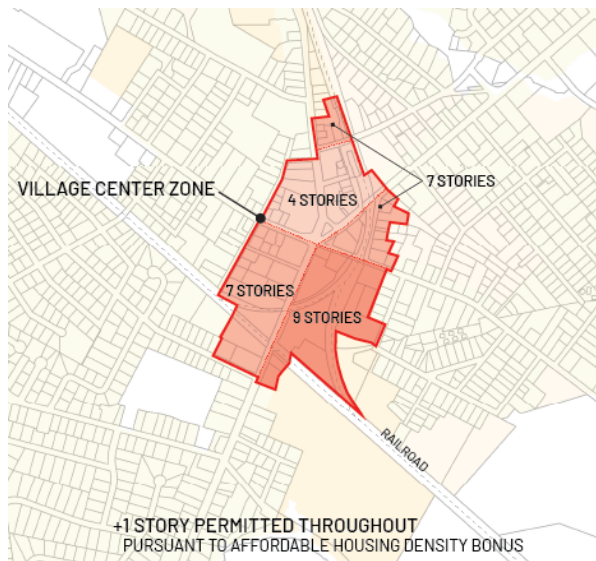
Residential developments containing more than 20 dwelling units shall provide a range of unit sizes. A minimum of 25 percent of dwelling units shall contain two (2) or more bedrooms, unless an alternative mix is approved by the Development Review Board upon determination that the proposal supports the housing goals of the Village Center District.

3. Dimensional Requirements

<u>Lot Area (square feet)</u>	<u>5,000 square feet min.</u>
<u>Density (dwelling units per acre)</u>	<u>N/A</u>
<u>Lot Coverage (% of lot area)</u>	
<u>Overall impervious coverage, including structural footprints</u>	<u>90% max 100% coverage allowed on lots 6,000 square feet or smaller.</u>
<u>Building Height</u>	
<u>Building height (stories)</u>	<u>2 stories min. Buildings with a footprint of 3,000 square feet or less are exempt from the minimum height requirement. Maximum height changes by subdistrict, reference Figure 604-A. Height throughout district shall not exceed 10 stories max., including affordable housing bonuses*</u>
<u>Setbacks</u>	
<u>Front yard</u>	<u>0' min. Must comply with Frontage Types (Section 604.E.2), except detached single-family dwellings, which are subject to Section 604.D.4.</u>
<u>Side yards (feet, each side)</u>	<u>0' min, except where the subject parcel is adjacent to a Residential zoning district, in which case Section 604.D.5 applies.</u>
<u>Rear yard (feet)</u>	<u>0' min, except where the subject parcel is adjacent to a Residential zoning district, in which case Section</u>

	604.D.5 applies.
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[* in accordance with 24 V.S.A. § 4412, provided that the structure complies with the Vermont Fire and Building Safety Code](#)



[Figure 604-A. Village Center maximum height sub-districts](#)

[4. Detached Single-Family Dwellings](#)

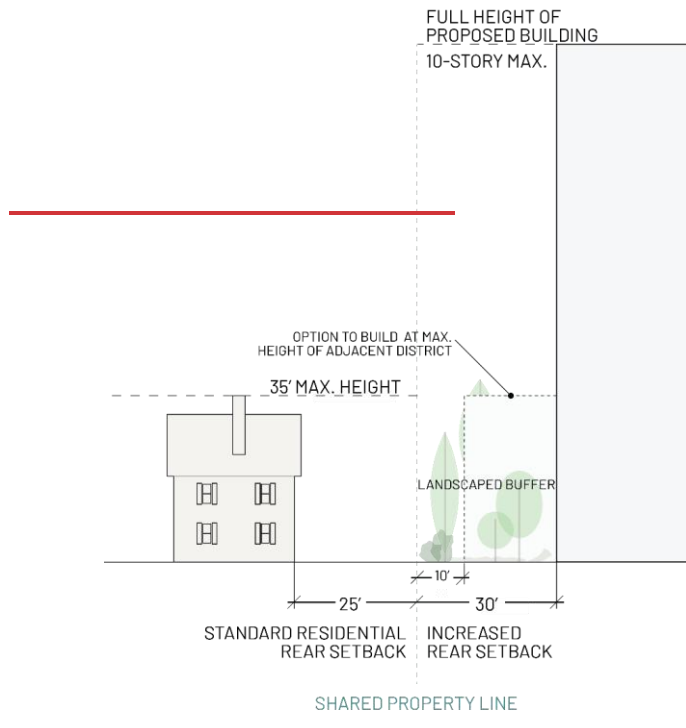
[\(a\) Detached single-family dwellings shall be exempt from the Street Room and Frontage standards of Section 604.E.](#)

~~[\(b\) Front setbacks for single-family dwellings shall be aligned with the prevailing setback pattern along the same block face and generally consistent with the setbacks and character of anticipated future development of the area, as determined by the Development Review Board or Administrative Officer.](#)~~

[5. Residential Adjacency](#)

[\(a\) 10-foot minimum side and rear setbacks shall be required where a parcel directly abuts a residential zoning district with a lower maximum building height.](#)

[\(b\) Where the difference between a new development's proposed building height and the maximum building height of the abutting residential district is four \(4\) or more stories, the required setback shall be increased to 30 feet, and a landscaped buffer shall be provided along the shared property line. Buildings may encroach provided the portion of the building within the 30-foot setback does not exceed the maximum building height permitted in the abutting zoning district and a minimum 10-foot setback is maintained along the property line. See Figure 604-B.](#)



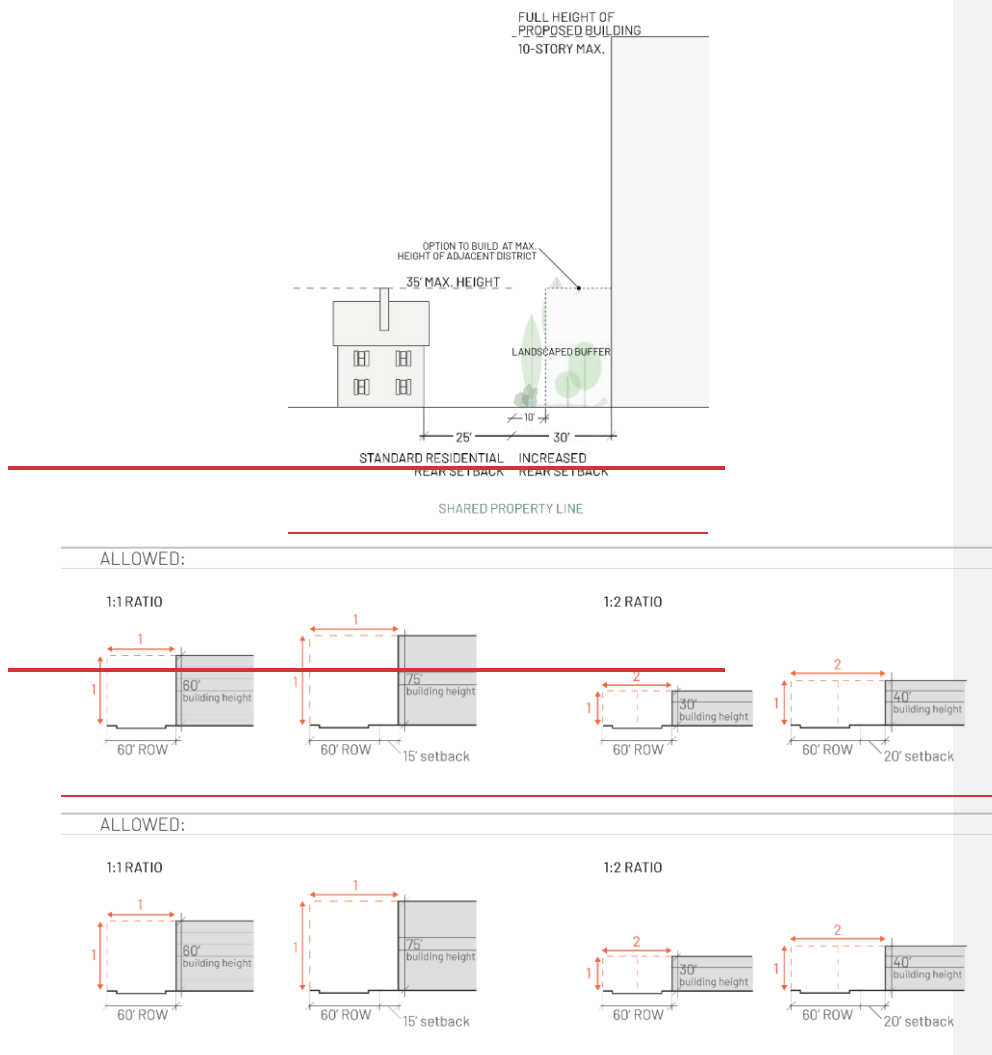


Figure 604-B. Residential Adjacency diagram

E. Street Room and Frontage Standards

The “street room” is the shared public space formed by building frontages and streetscape elements on both sides of the street. Buildings create the walls of the street room, while features along building frontages and within the public right-of-way help shape its character and support active use. Buildings shall be designed to define and reinforce a

comfortable, human-scaled street room through coordinated building height, setbacks, frontage types, and façade articulation. Projects shall comply with building-height-to-street-width ratio standards (Section 604.E.1) and implement an approved frontage type (Section 604.E.2) to establish street-room conditions that support diverse uses and contexts across the Village Center.

1. Building Height to Street Width Ratio Standards

(a) A consistent relationship between building height and street width helps create a sense of enclosure that defines the street environment and supports comfort and walkability. Building height, upper-level stepbacks, and front yard setbacks shall be coordinated to maintain a height-to-width ratio between 1:2 and 1:1 along the Frontage Line. See Figure 604-C. For lots with more than one Frontage Line, ratio standards shall apply on each frontage. Street Room standards apply to the Principal Building located closest to the Frontage Line. All Buildings must comply with height requirements (Section 604.D.32).

(b) To determine if a building meets this requirement, use the following formula:

Building Height / (ROW width + Front Yard Setback).

Building height is measured from sidewalk grade to the top of vertical wall, excluding parapet. ROW width is measured from Frontage Line to Frontage Line, including the full width of the street and sidewalks. For the purposes of this section, rail right-of-way may be included in the ROW width where it is directly adjacent to the street right-of-way.

If the resulting number is between 0.5 and 1.0, the building meets the standard (equivalent to 1:2-1:1) and requires no further adjustment.

ALLOWED:

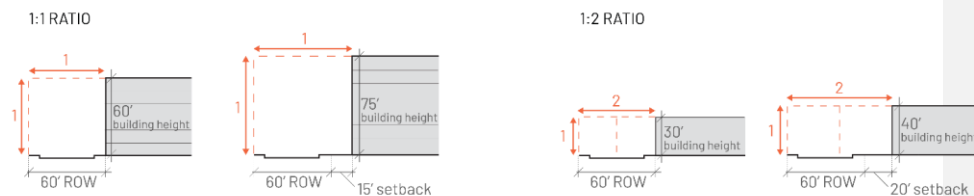


Figure 604-C. Building-height-to-Street-Width ratio diagrams

(c) Narrow Right-of-Way Adjustment

On frontages where the ROW width is less than 50 feet, the following provisions apply (See Figure 604-D):

- (i) When determining compliance with the building-height-to-street-width ratio (Section 604.E.1), assume a ROW width of 50 feet for the calculation.
- (ii) Buildings shall provide a minimum 10-foot setback along the

Frontage Line adjacent to the narrow right-of-way, in compliance with an approved Frontage Type (Section 604.E.2). The City may require that the required 10-foot setback functions as public sidewalk or pedestrian zone.

(iii) Where this section would result in the inability to achieve otherwise permitted low-scale building forms, the actual ROW width may be used for ratio calculations.

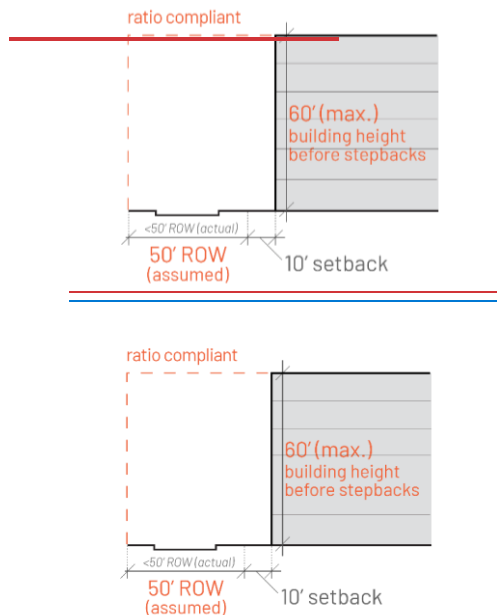


Figure 604-D. Narrow Right-of-Way Adjustment

(d) If the calculated ratio falls outside the 0.5-1.0 range, at least one of the following adjustments is required:

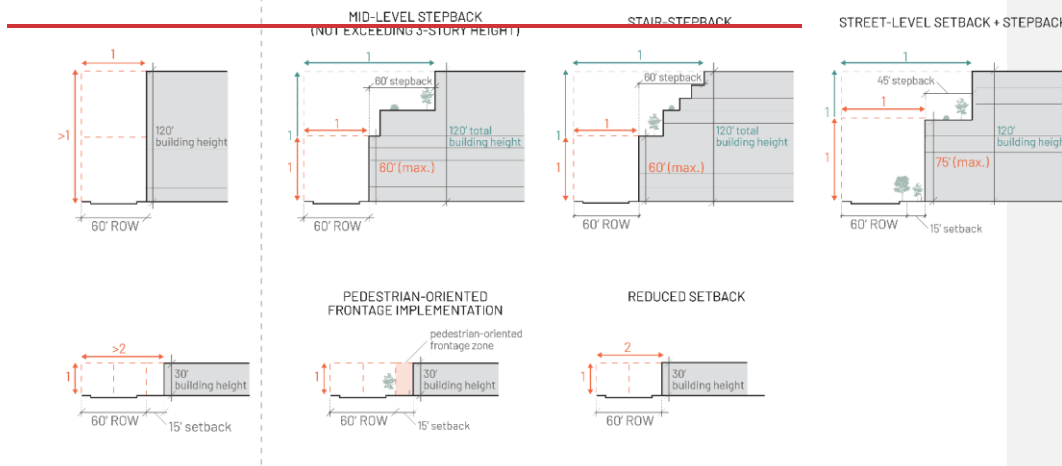
- (i) For ratios greater than 1.0, provide one or more upper-level setbacks above the ground floor. See Figure 604-E. Setbacks shall extend along at least 75% of the Principal Façade and must be deep enough to reduce the effective ratio to 1.0 or less, calculated as: $\text{Total Building Height} / (\text{ROW Width} + \text{Front Setback} + \text{Total Setback Depth})$. Setbacks may occur at one or multiple levels, provided the cumulative effect meets the required setback depth. No vertical building wall above a setback shall exceed three (3) stories without an additional setback. Setback areas are encouraged to be designed as usable space, such as terraces or green roofs; or
- (ii) For ratios less than 0.5, provide a pedestrian-oriented façade along the frontage, which must include:

- a. The building's primary entrance oriented to the street;
- b. Transparency or display windows covering a minimum of 75% of the ground-floor façade; and
- c. Functional weather protection at least five (5) feet deep provided over at least 75% of the ground-floor façade. This could include awnings, canopies, marquees, or other permitted treatments.

This may be applied as the Linear Frontage type (Section 604.E.2(b)(i)); or (iii) Adjust the front setback within allowed limits and in coordination with an approved Frontage Type (Section 604.E.2) in order to achieve a compliant ratio. A ratio greater than 1.0 would require an increased setback while a ratio less than 0.5 would require a reduced setback.

NOT ALLOWED:

OPTIONS FOR COMPLIANCE:



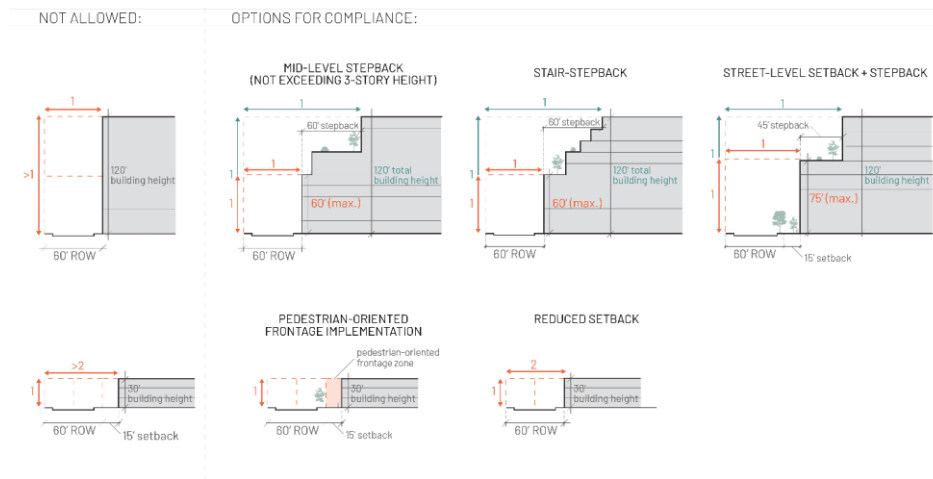


Figure 604-E. Street Room compliance examples

The minimum lot size shall be five thousand (5,000) square feet. The Village Center District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.

2. Frontage Types

(a) Each street-facing façade shall implement one or more approved Frontage Type(s) consistent with the building's intended ground-floor use, adjacent street character, and Street Room standards. Frontage Type shall be coordinated with building-height-to-street-width ratio (Section 604.E.1) to ensure façade features, setbacks, and active uses collectively create a well-proportioned, human-scaled, street environment.

(b) Each development shall designate at least one of the following Frontage Types per street-facing facade and meet the associated standards. See Figure 604-F.

(c) Where multiple Frontage Types are implemented along a single street-facing façade, each Frontage Type shall apply to a distinct portion of the frontage and comply with the applicable standards. Dimensional and percentage requirements shall be calculated based only on the portion of frontage where the Frontage Type is designated and shall not include vehicular access points or curb cuts. The maximum total lot coverage shall be determined by the Development Review Board as part of Site Plan Review.

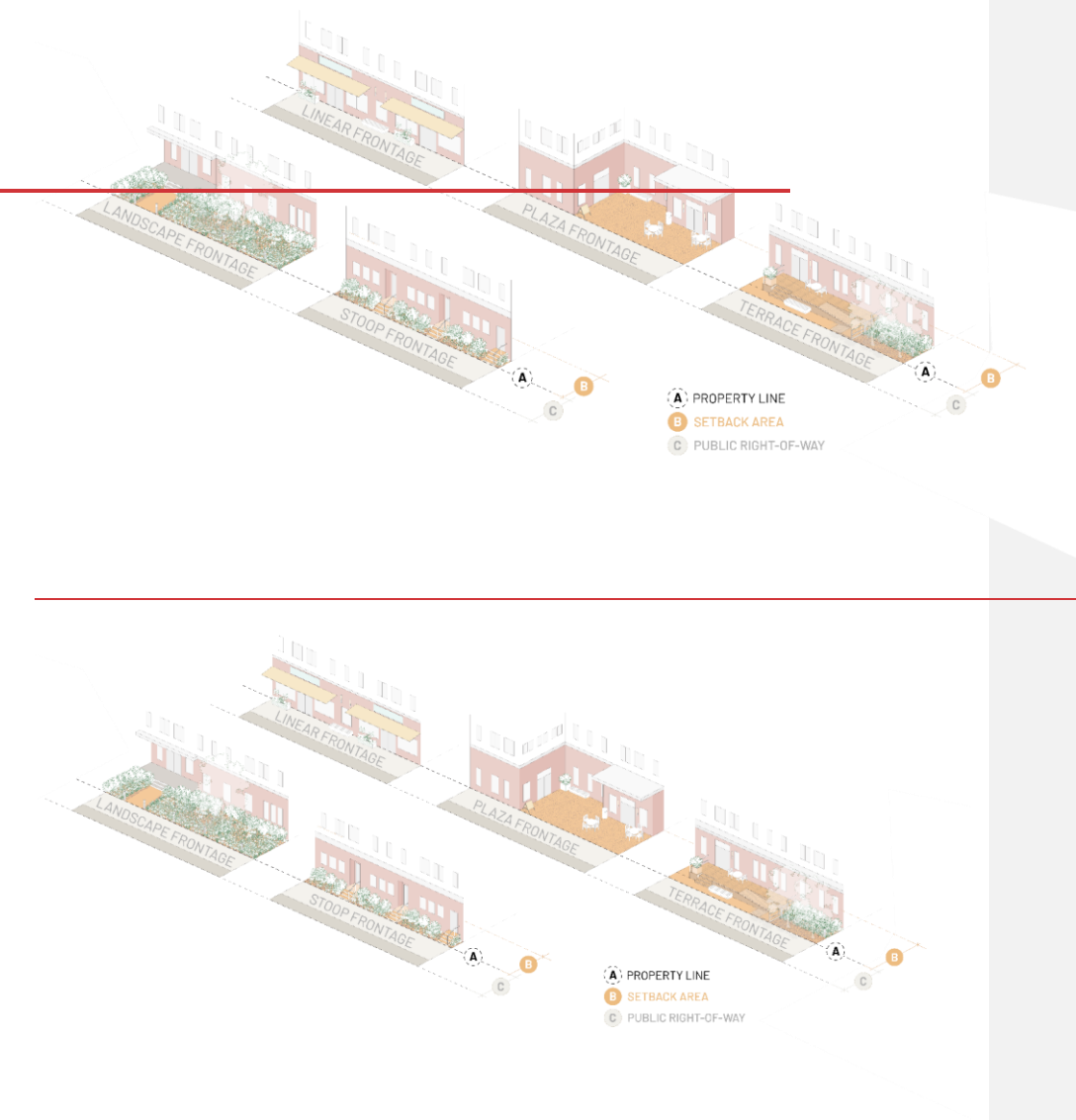


Figure 604-F. Frontage Types

Frontage Type	Front setback	Purpose	Intended/Suggested Ground-Floor Use
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	(feet)		
Linear	0' min, 10' max	Creating a continuous, sidewalk-aligned building edge that prioritizes storefront visibility, pedestrian movement, and lingering.	Active commercial uses.
Plaza	10' min, 30' max	Integrating publicly accessible open space with building frontage to support gathering, seating, and programmed activity.	Commercial or civic uses.
Terrace	8' min, 15' max	Creating a defined transition space between the building and sidewalk that supports either semi-private residential use or publicly accessible commercial/civic activity while maintaining an active and accessible pedestrian edge.	Any uses. Different application of facade elements and amenities depending on intended ground-floor use.
Landscape	5' min, 20' max	Establishing a landscaped buffer between building and street that prioritizes privacy and green space.	Residential or office
Stoop	5' min, 15' max	Providing a residential street edge that balances neighborhood activation with privacy through elevated entries and landscaped transitions.	Residential



Figure 604-G. Zero Setback Linear Frontage

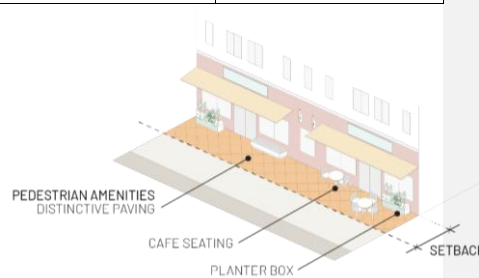


Figure 604-H. Linear Frontage with Setback

(i) [Linear](#)a. [Setback](#)

[The Linear Frontage shall have zero setback from the street edge \(Figure 604-G\). A setback of up to 10 feet is permitted if the](#)

setback area is designed and functions as an extension of the public right-of-way, as a pedestrian through-zone or seating zone (Figure 604-H).

b. Access

Primary entrances shall be oriented to the street. At least one (1) commercial storefront shall be provided with a direct tenant entrance from the sidewalk, at grade. Entrances may be recessed up to four (4) feet in depth.

c. Lighting

Pedestrian-scale lighting shall be provided along the building façade and spaced approximately 40 feet apart. At least one (1) lighting fixture is required at each building entry. All lighting shall comply with Section 704.

d. Façade Treatment

At least 75 percent of the façade area between two (2) and 10 feet above the finished sidewalk grade shall be treated with active façade components, which may include transparent windows and/or doors, display areas, and artwork.

e. Weather Protection

Functional weather protection shall be provided over at least 75 percent of the ground-floor façade, projecting a minimum of five (5) feet over the sidewalk with a walk-under clearance of at least eight (8) feet above sidewalk grade. This could include awnings, canopies, or other permitted treatments.

f. Amenities

If a setback is provided, the frontage shall incorporate at least two (2) distinct amenities from the following list. Amenities shall not obstruct pedestrian circulation.

i Moveable furniture – Benches or café seating, accommodating at least two (2) people.

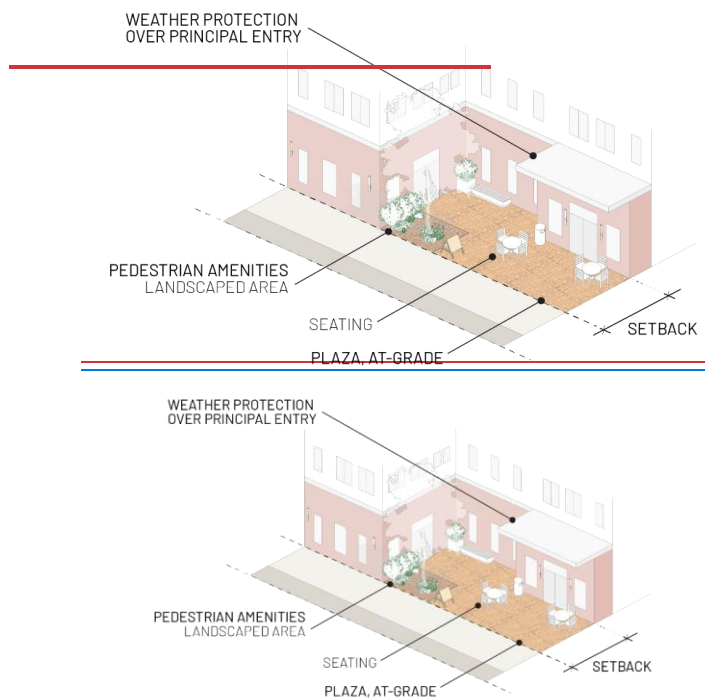
ii Planter boxes – Minimum area of eight (8) square feet and minimum soil depth of 18 inches; may include trees, shrubs, or seasonal plants.

iii Distinctive paving pattern – Of contrasting color, material, or texture covering at least 50 percent of the setback area.

iv Public Art – Sculptures, wall or ground murals, or other permanent installations at least three (3) feet in height or covering at least ten (10) square feet of surface area.

v Planted buffer – Continuous planting along at least 50 percent of the frontage with a minimum width of two (2) feet; may be in-ground or boxed/elevated.

g. Ground-floor residential uses are not permitted within the

Linear Frontage at the time of initial development.Figure 604-I. Plaza Frontage(ii) Plazaa. Setback

The Plaza Frontage includes a pedestrian-oriented plaza between the building and street edge. The plaza shall be at sidewalk grade and located within a 10- to 30-foot front setback. The plaza should extend along a minimum of 30 feet of frontage and provide at least 1,500 square feet of public plaza space. Building frontage not part of the plaza may extend up to zero-foot setback at the property line.

b. Access

Primary entrances shall be oriented to the plaza. Entrances may be at grade or elevated as required to accommodate site slope.

c. Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths and plaza edges and should be integrated with landscape, seating, or plaza features where possible. In addition, at least one (1) lighting fixture is required at each building entry.

d. Façade Treatment

At least 40 percent of the facade between two (2) and 10 feet above the finished sidewalk grade shall be glazed with transparent windows and/or doors.

e. Weather Protection

Weather protection with a minimum depth of five (5) feet is required over each primary entry.

f. Amenities

At least three (3) linear feet of seating area (bench, ledge, etc.) or one (1) individual seat is required per 60 square feet of plaza area. Seating may include a combination of fixed and moveable furniture and/or may be integrated with other plaza features such as planting beds. In addition, a plaza must incorporate at least one (1) of the following amenities:

i A continuous landscaped area of at least 20 square feet.

ii One (1) planter box per 100 square feet of plaza area. Each planter box should have a minimum area of eight (8) square feet and a minimum soil depth of 18 inches and may include trees, shrubs, or seasonal plants.

iii A public art feature with a minimum of six (6) feet in height or 20 square feet in area.

iv A water feature with a minimum of 20 square feet in area.

g. The Plaza Frontage may not be implemented with ground-floor residential uses at the time of initial development, except lobbies or entrances for upper-level units.

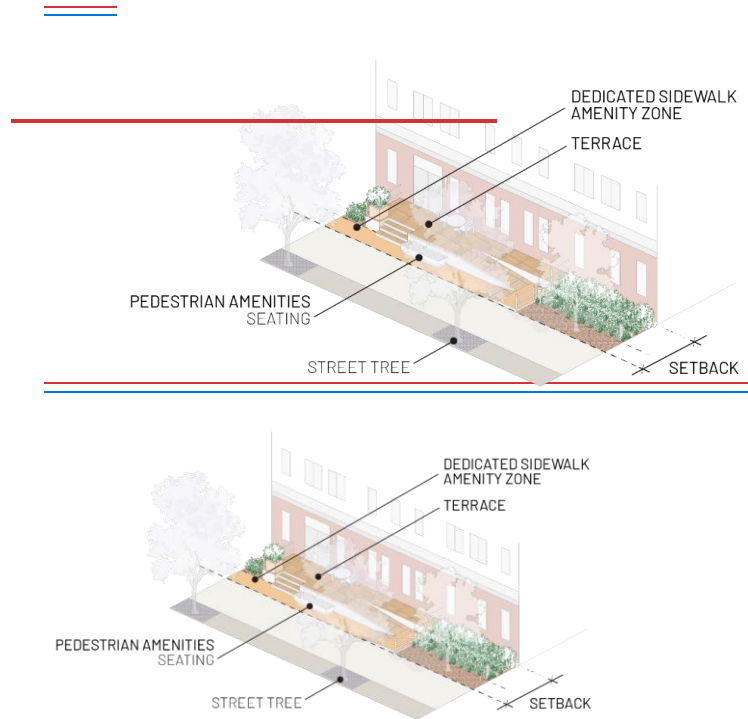


Figure 604-J. Terrace Frontage

(iii) Terrace

a. Setback

The Terrace Frontage shall be located within a front setback of eight (8) to 15 feet. A minimum of four (4) feet of this setback shall remain at sidewalk grade, extending along the street-facing façade and maintaining direct connection to the right-of-way. The remaining setback area shall be occupied by an elevated terrace raised at least one (1) foot or two (2) steps above sidewalk grade, or as required to accommodate site slope. A terrace may be fully open-air, or it may function as a recessed arcade with a partial building overhang above.

b. Access

The terrace shall serve as primary access to the building, directly accessible from the sidewalk, and not enclosed by fencing or barriers over 42" in height. Access stairs or ramps serving a

terrace may encroach into the required four (4) foot at-grade area, provided that pedestrian connectivity is maintained.

c. Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths and terrace edges. Additional decorative lighting such as canopies or string lights is encouraged for terraces intended for public use.

d. Façade Treatment

At least 30 percent of the facade between two (2) and 10 feet above the terrace or primary entry level shall be glazed with transparent windows and/or doors.

e. Amenities

The at-grade portion of the setback shall function to support pedestrian activity as an extension of the public right-of-way and shall incorporate at least one (1) of the following amenities:

- i Fixed or moveable seating
- ii Planter boxes
- iii Street trees
- iv Public art

f. Terraces may function as public or semi-public spaces and may serve commercial, retail, civic, or residential uses. Public terraces are encouraged to incorporate additional amenities such as cafe seating, shade structures, and planter boxes.

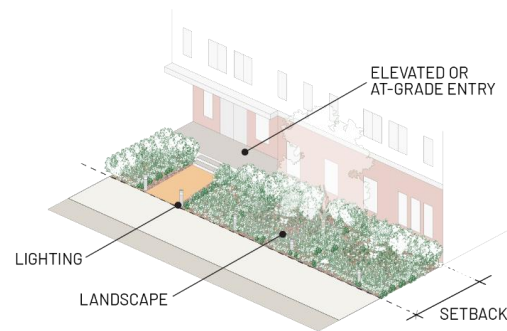


Figure 604-K. Landscape Frontage

(iv) Landscape

a. Setback

The Landscape Frontage shall be located within a front setback 10 to 30 feet.

b. Access

Primary entrances shall be oriented to the street. Entrances may be at grade or elevated as required to accommodate site slope.

c. Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths. Integration of lighting with landscape features is encouraged.

d. Façade Treatment

At least 30 percent of the facade between two (2) and 10 feet above the finished ground-floor elevation shall be glazed with transparent windows and/or doors.

e. Landscape

At least 50 percent of the frontage area shall be landscaped with at least one (1) tree per 600 square feet of setback area.

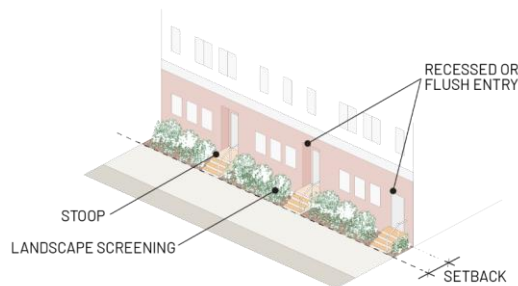
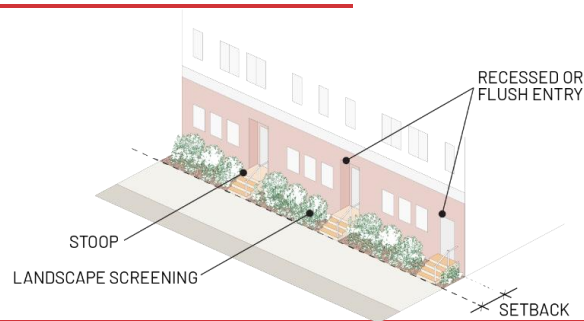


Figure 604-L. Stoop Frontage

(v) Stoopa. Setback

The Stoop Frontage shall be located within a front setback of five (5) to 15 feet.

b. Access

Primary entrances shall be oriented to the street and accessed from a stoop. Stoops may be projecting or recessed and shall not exceed eight (8) feet in width or depth. Stoops shall be elevated a minimum of two (2) feet or four (4) steps above sidewalk grade. Access stairs or ramps may encroach into the setback and may be street-facing or side-loaded.

c. Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths.

d. Façade Treatment

At least 30 percent of the façade between two (2) and 10 feet above the finished ground-floor elevation shall be glazed with transparent windows and/or doors.

e. Landscape

At least 20 percent of the setback area shall be provided as landscaped screening consisting of in-ground planting beds with a minimum width of three (3) feet. In addition, at least one (1) tree shall be provided per 30 linear feet of façade. Required trees may be provided within the public right-of-way as street trees, subject to approval.

F. Setback Requirement Façade Composition and Material Standards

The standards in this section regulate façade composition, articulation, and architectural materials. These standards apply in addition to Street Room and Frontage Type requirements in Section 604.E.

1. Materials

(a) Primary materials shall be used on at least 75% of each Principal Façade. Primary materials permitted in the Village Center include wood or high-quality fiber cement siding, brick, natural stone, and stucco.

(b) Secondary materials may be used for trim, accent areas, upper-story stepbacks, and/or architectural details.

(c) Material changes shall occur at logical building transitions such as corners, horizontal expression bands, or other articulation lines implemented under Section 604.F.2.

2. Articulation

(a) Building facades exceeding 60 feet in length along a Frontage Line shall incorporate vertical articulation to establish a rhythm that reflects the historic lot patterns and traditional storefront widths. Vertical articulation shall occur at intervals not exceeding 30 feet. See Figure 604-M. Vertical articulation shall include at least one of the following:

(i) A change in façade plane of at least two (2) feet in depth;

(ii) A change in material extending the full height of the articulated bay;

(iii) A recessed or projecting entry element;

- (iv) A change in fenestration pattern.
- (b) For buildings over four (4) stories, the building base shall be visually differentiated from upper stories. The base may include the first one (1) or two (2) stories. Horizontal differentiation may be made using one of the following methods. See Figure 604-N.
 - (i) A change in material;
 - (ii) A change in window size or pattern;
 - (iii) A horizontal expression band;
 - (iv) Architectural elements such as columns, pilasters, or an arcade.
- (c) Blank walls exceeding 20 feet in length are prohibited along Frontage Line. Blank walls are façade segments without windows, doors, transparency, or façade articulation.

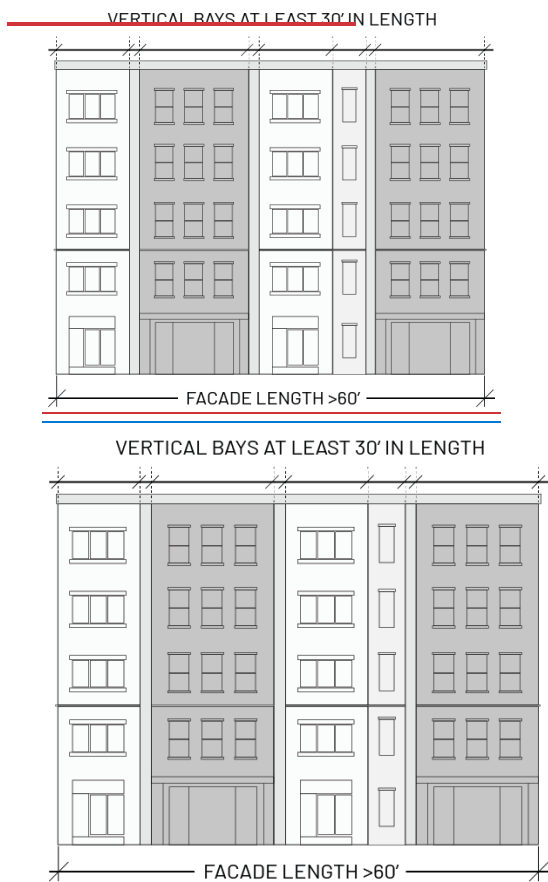
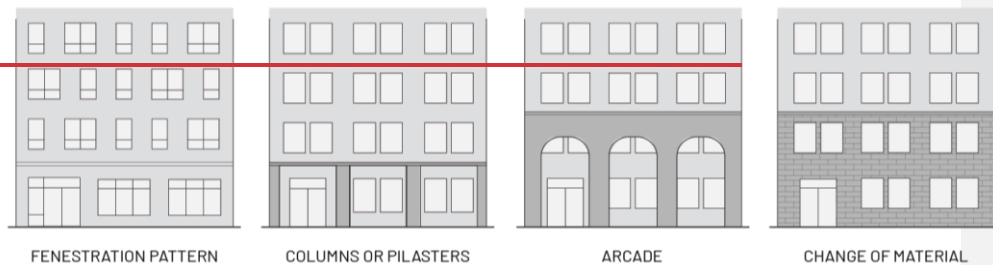


Figure 604-M. Vertical Articulation



BUILDING BASE ARTICULATION

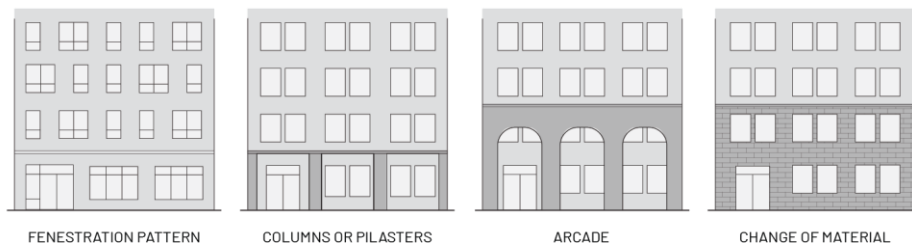


Figure 604-N. Building Base Articulation

3. Upper-Story and Roof Treatment

- (a) Upper-story windows shall be vertically proportioned, meaning they should be taller than they are wide. Windows may be grouped horizontally if individual openings are visually separated by a mullion, column, pier or wall section.
- (b) Upper-story windows shall comprise at least 20 percent of façade area, measured from the top of the second-level finished floor to the top of the roof structure. Windows shall be distributed or grouped to create a consistent rhythm across the façade. See Figure 604-O.
- (c) Roofs can be flat with articulated parapets or overhanging eaves, or pitched between 3:12 and 12:12. Pitched roof slopes shall be appropriate to local climatic conditions and roofing materials. Eaves shall overhang at least six (6) inches where provided.

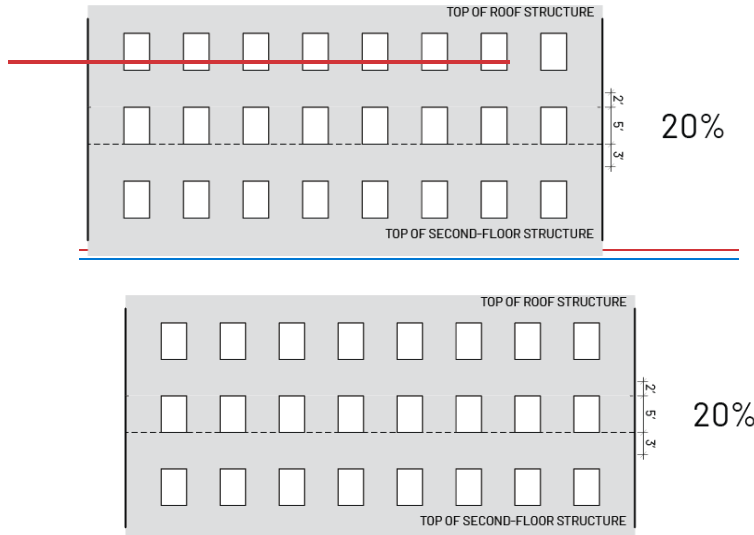


Figure 604-O. Upper-story façade transparency

4. Mechanical and Service Elements

- (a) Unfinished foundation walls on a Principal Building shall be exposed no more than 48 inches above the finished grade. Surface-applied waterproofing on any foundation wall shall not be visible.
- (b) Security shutters, where provided, shall be designed to be integrated with the façade composition and hidden from view when fully opened.
- (c) Where placed on a façade, gutters, downspouts, and projecting drainpipes shall be arranged as an integral part of the Façade composition and shall generally be placed at the corners of the building least visible from frontages. Gutters are required where eaves extend over pedestrian walkways.
- (d) The following items are not permitted to project from a façade: air conditioner and HVAC equipment; utility boxes or gas meters; chimneys, vents, piping, ducts, and conduits external to the building; wind generation; and antennas, satellite dishes, and other telecommunications equipment
 - (i) Exception: Small exterior vents (less than 10-in x 10-in) associated with small scale heating/cooling equipment or residential appliances shall be permitted on a façade only if residential occupancy occurs along that Façade. Every effort should be made to minimize and consolidate the number of these vents. They shall be located, organized, screened, and detailed to fit within the overall design of the Façade.
- (e) Roof penetrations, other than chimneys, shall be placed to minimize their visibility from the Frontage Line. Any rooftop mechanical and telecommunication equipment shall be fully screened on all sides so as not to be directly visible from the street or a civic space. Such screening shall be incorporated in a manner

consistent with the overall architectural design of the building and may consist of parapets, cornices, penthouse screens, or other similar methods.

(f) Storage areas, service areas, trash receptacles, accessory structures, and parking areas shall be screened from view from the street and adjoining properties, per Section 708.

~~C.~~

~~No requirements for commercial or mixed-use buildings. For single family buildings, the maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:~~

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

~~D. Permitted and Conditional Uses~~

~~Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.~~

~~E. Design Review and Historic Preservation~~

~~Because of the important role the Village Center plays in the regional economy and the unique historic qualities of some of the existing buildings, the Development Review Board is hereby authorized to undertake a special review, as part of its site plan review. Design review is required by the Development Review Board for any proposed construction, reconstruction, demolition or exterior alteration (including a change of color) of any building in the district with the exception of sign permits, which are approved administratively. Activities involving buildings listed or eligible for the state or national registers of historic places must meet additional standards as described below. All reviews shall be conducted at a public meeting.~~

- ~~1. Purpose. The purpose of this section is to protect those buildings listed or eligible for the State or Federal Register of Historic Places while accommodating new and appropriate infill and redevelopment supporting increased density and multi-modal development. Infill and redevelopment brings opportunities to protect existing historic resources and provide new sources of architectural and urban design for the 21st century while increasing density, activity and economic opportunity in the Village Center District. In addition, the purpose is to carry out the concepts of the Design~~

Five Corners Plan (<https://www.ccrpcvt.org/wp-content/uploads/2019/03/D5C-Implementation-Plan-Final-Report.pdf>) which are to accommodate infill development while calming traffic and reclaiming more space for people; and to establish a pedestrian friendly atmosphere.

2. ~~Applicability~~

- ~~(a) The design review standards are applicable to all development proposals within the Village Center District except for plan sets selected from the 802 Homes Catalogue.~~
- ~~(b) The historic preservation design standards with respect to alterations, additions or redevelopment of existing historic structures as defined in Section 604.E.4.B of this Code are applicable to buildings listed or eligible for the State or National Register of Historic Places or listed on Map 2 in the Comprehensive Plan (https://www.essexjunction.org/fileadmin/files/Planning_Zoning/Map2_Historic_Sites_20190130.pdf). The following buildings are exempt:
 - ~~(i) Buildings that have been de-listed, or determined by the Vermont Division for Historic Preservation for state and federal regulatory program purposes to not meet the State Register Criteria for Evaluation and are not eligible for listing in the State Register of Historic Places.~~
 - ~~(ii) Buildings where the historical significance has been compromised and is no longer relevant. A letter must be provided by a qualified Historic Preservation consultant stating this case.~~~~

3. ~~District Design Review Procedures. The Development Review Board may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Accordingly:~~

- ~~(a) Within this district, no structure may be demolished, reconstructed, moved, erected, or changed in use, nor may the exterior be altered or restored without design approval from the Development Review Board, issued in conjunction with subdivision or site plan approval. In the event that subdivision or site plan review is not otherwise required, design review shall be conducted in accordance with site plan review procedures under Section 502 or Section 503.~~
- ~~(b) Nothing in these design control criteria shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.~~
- ~~(c) The review of plans under this Section by the Development Review Board requires the submission of information listed in Section 502 or Section 503 along with building elevations, a description of materials to be used on the exterior of any structure, plans for exterior lighting, signs, drainage and snow removal, and photographs of existing structures and adjacent buildings if applicable. The Development Review Board may require additional information and documentation, as it deems necessary including 3D drawings and/or~~

models of the proposal to assist in understanding the fundamental design elements and important spatial relationships.

- (d) ~~Should the Development Review Board deem it necessary to employ an architect or other qualified individual to review any development proposal, the cost of employing such an individual shall be borne by the applicant.~~

4. ~~District Design Requirements. The Development Review Board shall review all development applications in the Village Center for compliance with the criteria listed below and in accordance with the character of the district as defined by the Essex Junction Comprehensive Plan. The Development Review Board reserves the right to require applicants to undertake their development per the Secretary of Interiors Standards. Staff will review the applicant's proposal and provide guidance as to what the Development Review Board will expect with historic structures.~~

(a) ~~Design Standards for the Village Center~~

- (i) ~~The relationship of building mass and architectural detail to open space and to the relative size of a person shall be reviewed by the Development Review Board in this District.~~
- (ii) ~~The predominant direction of structural shape, of placement of openings and architectural details at the front façade shall be harmonious with the core principles of a designated Village Center District.~~
- (iii) ~~Buildings shall generally have no setback from the street and be at least two stories in height and maximum four stories to create a consistent street edge and sense of enclosure. Additional building setback to provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas may be allowed and in some cases encouraged.~~
- (iv) ~~Bicycle paths which connect neighborhoods shall be constructed in accordance with planned facilities mapped in the Comprehensive Plan on Map 6: Non-Motorized Transportation, or in conformity to a Bicycle Plan as approved by the Development Review Board.~~
- (v) ~~Site features and design shall promote cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. As appropriate to the location of the application, features shall include at least two or more of the following, or similar amenity with approval from the Development Review Board:~~
 - a. ~~Pedestrian access directly from the building to the public sidewalk;~~
 - b. ~~Pocket park with benches or similar amenities between the public realm and the private building (see image box for examples to help clarify the intent of this requirement);~~
 - c. ~~Public art, murals or interactive games;~~
 - d. ~~Covered bus shelter; and~~
 - e. ~~Shade trees.~~

~~Below: Public Realm Amenity examples for Section 604.E.4(a)(v). These images are provided as illustrations of intent.~~



All images herein are from *Seven Catalytic Placemaking Strategies: A Discussion about the Future of Vermont Downtowns* by Fred Kent, Kathy Madden and Amy Tomasso.
 url: <https://www.sociallifeproject.org/rural-placemaking-vermont-downtowns/>

- (vi) The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:
- The relationship between the width to height of the front elevation of the building.
 - The relationship of width to height of windows and doors.

- ~~c. The rhythmic relationship of openings to solid areas in front façades.~~
 - ~~d. The spaces between the proposed structure or structural alteration.~~
 - ~~e. The relationship of entranceways to buildings and porches.~~
 - ~~f. The materials, textures, and colors, including primary and accent or trim colors.~~
 - ~~g. Proposed architectural details (such as lintels, arches, chimneys).~~
 - ~~h. Proposed roof shapes and lines.~~
 - ~~i. Proposed enclosures, including fences, brick walls, stone walls, evergreen hedgerows and building facades, which are also continuous and cohesive with existing walls in the district.~~
 - ~~j. Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.~~
 - ~~k. The proposed ground cover shall be compatible with the predominant ground cover in the district.~~
 - ~~l. Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.~~
- ~~(b) Secretary of the Interiors Standards for the Rehabilitation of Historic Structures:~~
- ~~(i) An existing property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.~~
 - ~~(ii) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.~~
 - ~~(iii) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.~~
 - ~~(iv) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~
 - ~~(v) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.~~
 - ~~(vi) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.~~
 - ~~(vii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of~~

structures, if appropriate, shall be undertaken using the gentlest means possible.

- (viii) ~~Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~
- (ix) ~~New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.~~
- (x) ~~New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.~~

5. ~~Demolition of Historic Structures. The demolition of listed, or properties eligible for historic listing is discouraged and it is the intent of this section to limit the demolition of historic structures unless the following standards are met. The intent of this section is to provide a procedure for the review of applications for the demolition of a historic structure. The Development Review Board may require professional assistance in evaluating an application for demolition at the applicants' expense in order to determine compliance with the standards of this section. An application for demolition of a historic structure will be reviewed based on financial, structural, historic, design and community benefits of the proposed redevelopment.~~

~~(a) Application for Demolition~~

- ~~(i) A report from a licensed engineer qualified to assess the structural integrity of historic buildings is required. The report shall address the ability for rehabilitation and reuse of the existing building as it pertains to the buildings structural integrity and cost of rehabilitation.~~
- ~~(ii) A report from a qualified professional (planner, economist, business consultant) on the economic feasibility to rehabilitate and/or operate the historic building or site while preserving its historic qualities. The report, at the request of the Development Review Board, may require the report to assess options for sensitive building expansions as it pertains to the economic viability of the building.~~
- ~~(iii) A statement from the applicant regarding compliance with the standards for demolition of a historic structure.~~
- ~~(iv) Any building in non-compliance with the design requirements for historic structures as a result of a fire, flood or similar unforeseen event shall apply within six months of the date of the event for an application to demolish the building or approval of a plan for restoration. All of the standards in this section shall be fully considered including economic hardship, structural integrity and community benefit.~~

~~(b) Demolition Review Standards:~~

- ~~(i) Economic Hardship. The continued operation of the historic structure is~~

- ~~financially infeasible based on existing and potential land uses and any costs of rehabilitation. All options for adaptive reuse, resale, or relocation shall be considered and addressed in the application.~~
- ~~(ii) Structural Integrity. The structure is beyond repair or the cost of repairing and operating the building is not financially feasible or reasonable; or~~
 - ~~(iii) Community Benefit. The redevelopment plan for the site has significant state, regional or community benefits in terms of urban design, ecology, and cultural or economic benefits. The redevelopment proposal shall consider and address impacts on adjacent historic properties and the entire district. The potential of incorporating historic structures into redevelopment plans shall be considered and is encouraged.~~
- ~~(c) Approval for Demolition. Historic buildings that are approved for demolition require the applicant to comply with the following:~~
- ~~(i) Any approval for the demolition of a historic structure shall require the applicant to document the building in accordance with the Historic American Building Survey (HABS).~~
 - ~~(ii) Assurance from the applicant that the redevelopment plan as approved will be implemented if the historic structure demolition is approved based on the community benefit of the redevelopment plan. In addition, structures approved for demolition based on the community benefit shall not be demolished until construction of the entire project has received all financial resources and regulatory permits. The Development Review Board may require a bond or letter of credit as a condition of approval for the demolition of a historic structure.~~
 - ~~(iii) The time between demolition and the commencement of construction shall not exceed 3 months unless an alternative timeline is specifically approved as part of the demolition approval from the Development Review Board.~~
6. ~~Formula Based Retail and Restaurants:~~
- ~~(a) Purpose. Formula-based retail and restaurants have the potential to negatively impact the unique character and small town atmosphere in the Village Center District unless carefully designed to minimize negative impacts associated with standardized buildings, signs and operations that does not take into account the special qualities and historic features of the District as defined in the Essex Junction Comprehensive Plan.~~
 - ~~(b) Applicability. Formula-based retail and restaurants, as defined in Chapter 2, shall require conditional use review and approval for the establishment or expansion of such an operation in the Village Center District.~~
 - ~~(c) Review Standards. In addition to the conditional use review standards, the following criteria pertain to all proposed formula-based retail and restaurant establishments and the expansion of existing ones:~~
 - ~~(i) New buildings shall be designed with attention to the existing site features and shall not consist of a standardized building type used by the~~

- ~~formula-based business on other sites and locations.~~
- (ii) ~~Façade detailing and style shall be unique and not part of a standardized set of features used in other locations, but rather complement the historic identity of the Village Center District.~~

F.G. Parking

1. Due to the unique characteristics of this District, no minimum vehicle parking requirements are established, apart from the bicycle parking standards of Section 703.1M as applicable. However, the Development Review Board may require parking as a part of any Site Plan approval. The Development Review Board shall use the parking standards of Chapter ~~7~~Seven as a guide to determine reasonable parking.

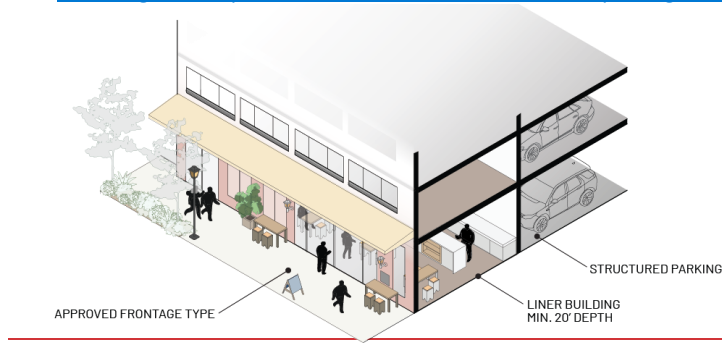
2. At-grade, below grade, and above grade parking is allowed, subject to the following:

(a) At-grade structured parking is permitted only when located within the interior of the building and screened along all ground-floor street frontages by a liner building that implements an approved Frontage Type (Section 604.E.2) and has a minimum depth of 20'. Use of ground-floor spaces for pedestrian-oriented businesses is encouraged. See Figure 604-P.

(b) Surface parking is permitted only at the rear of the lot, behind a Principal Building and a minimum of 30 feet from the edge of the public right-of-way. Landscaping, screening, and lighting requirements apply per Chapter 7.

(c) At the discretion of the City Council, parking lots constructed as part of a development project may be accepted by the City as municipal public parking.

(d) Shared parking and connections between adjacent parking areas are encouraged to improve access, traffic flow, and overall parking efficiency.



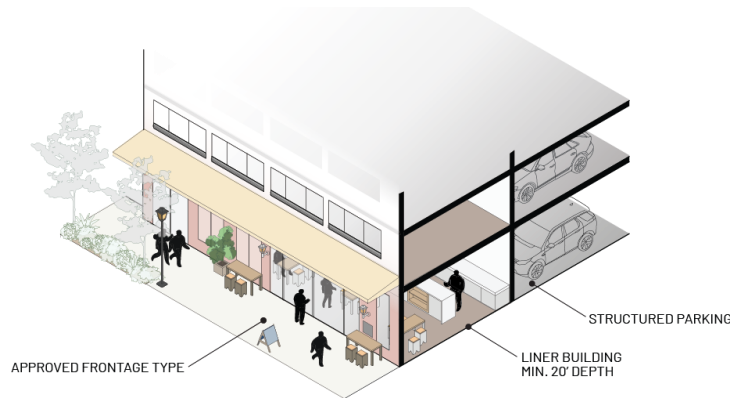


Figure 604-P. Structured Parking

3. Each property is permitted one (1) curb cut in accordance with Section 705. The Development Review Board may approve an additional curb cut upon finding that it is necessary to provide adequate site access. Curb cuts on major arterial streets shall be minimized. Shared curb cuts and joint access are strongly encouraged.

4. Off-site Residential Parking Access

(a) Where a proposed development includes residential dwelling units and would provide on-site parking spaces for those units at a ratio less than 75 percent of what would otherwise be required in Section 703.C, the Development Review Board may, as a condition of Site Plan approval, require the applicant to demonstrate that reasonably accessible off-site parking is available to meet the anticipated shortfall, and to take reasonable steps to facilitate tenant access to such parking. Such steps may include, but are not limited to:

- (i) Identifying specific off-site parking facilities within 600 feet of the primary building entrance that have available capacity;
- (ii) Providing written evidence, such as a letter of intent or executed agreement, that the owner of such off-site parking is willing to enter into leasing arrangements with tenants of the proposed development for at least the first year of occupancy;
- (iii) Including in all residential lease agreements for the development written notification that on-site parking is limited or unavailable, the location of identified off-site parking options, and contact information for accessing such parking; and
- (iv) Designating a property manager or agent responsible for assisting tenants in arranging off-site parking during the first year of occupancy.

(b) This provision applies only to the residential dwelling units within a development and shall not affect the review of any commercial component of the same application.

(c) The Development Review Board may not deny a Site Plan application solely on the grounds that off-site parking agreements have not been executed

at the time of approval, provided the applicant has made a good-faith showing of the availability of and willingness to negotiate for such parking. ~~The DRB may require that executed parking agreements be submitted prior to the issuance of a Certificate of Occupancy.~~

~~If on-site parking is required, it shall be placed on the side or rear of the building, not in front. If parking is placed on the side, it shall not take up more than thirty (30) percent of the linear frontage of the lot. The Development Review Board may waive this requirement due to site constraints. Below grade parking or structured parking may also be approved by the Development Review Board. Municipal parking lots are exempt from the side, rear and thirty (30) percent limit on linear frontage requirements for parking areas.~~

G.H. Landscaping Planned Unit Development

1. Landscaping standards are intended to reinforce the existing character of the Village Center while promoting environmental performance and long-term site quality. Standards emphasize tree retention, canopy expansion, integration of green stormwater infrastructure, and plant species that are resilient, easy to maintain, and provide visual interest across all seasons.

2. Landscape Performance Score Requirement

(a) The Landscape Performance Score is a weighted system that assigns point values to specific landscape components based on their environmental benefit, contribution to tree canopy, and enhancement of site quality.

(b) All development subject to this Section shall achieve a minimum Landscape Performance Score of 30, calculated in accordance with the Table in Section 604.H.2(ee). Only permanently installed and maintained landscape components may be counted toward the required score.

(c) For additions, alterations, and expansions to existing development, the Landscape Performance Score may be calculated based on the impacted area rather than the entire parcel. The impacted area is the portion of the site directly subject to proposed improvements, including new or modified buildings, parking areas, circulation improvements, grading, and landscaped areas included in the project design.

(d) Where site size, configuration, or unique constraints limit an applicant's ability to meet Landscape Performance Score requirements, the City may approve alternative strategies that maintain the intent of supporting streetscape quality.

(e) Landscape Performance Scoring Table. Applicants should fill out Component Amount below then multiply by the provided Performance Factors for corresponding Component Scores.

Site Landscape Components	Component Amount	Performance Factor	Component Score
	<i>Area (square feet) or Number of Plants/Trees</i>	<i>Based on contribution to environment, neighborhood,</i>	<i>Component Amount x Performance Factor</i>

			<i>and site quality</i>	
Planted Areas	Planted areas with soil depth less than 24"	Area	<u>1015</u>	
	Planted areas with soil depth of 24" or greater	Area	60	
	Bioretention Facilities	Area	100	
Small Plantings, Shrubs, and Perennials	Mulch, ground cover, and other plants less than 2' tall at maturity	Area	<u>1015</u>	
	Medium shrubs or perennials 2-4' tall at maturity	Number of plants	270	
	Large shrubs or perennials 4' tall or greater at maturity	Number of plants	1,080	
Trees	Trees with canopy spread of 8-15' at maturity	Number of trees	2,250	
	Trees with canopy spread of 16-20' at maturity	Number of trees	7,500	
	Trees with canopy spread of 21-25' at maturity	Number of trees	17,500	
	Trees with canopy spread of 26' or more at maturity	Number of trees	31,500	
	Preservation of existing trees with a minimum trunk diameter of 6" measured at 4' above the ground	Number of trees	24,000	
Green Roofs and Walls	Green roofs with less than 4" of growth medium	Area	20	
	Green roofs with 4-8" of growth medium	Area	30	
	Green roofs with 8" or more of growth medium	Area	40	
	Green walls: living vegetation on building or structural vertical surfaces	Area	<u>15</u>	
Permeable paving	Permeable pavers over soil or gravel with a depth of less than 24"	Area	20	
	Permeable pavers over soil or gravel with a depth of 24" or greater	Area	50	
Bonuses	Landscaped area with at least 70% native plant	Area	40	

coverage			
<u>Landscaped area with at least 70% drought-tolerant species</u>	<u>Area</u>	<u>20</u>	
<u>Landscaped area dedicated to food-producing planting (edible crops, orchards, food gardens)</u>	<u>Area</u>	<u>10</u>	
<u>Landscaped area planted with a mix of flowering species that collectively provide blooms in spring, summer, and fall</u>	<u>Area</u>	<u>30</u>	
<u>Vegetation planted along the street frontage*</u>	<u>Area</u>	<u>20</u>	
<u>Structural soil systems</u>	<u>Area</u>	<u>50</u>	
<u>Landscaped area with preserved, reused, or compost-amended topsoil</u>	<u>Area</u>	<u>25</u>	
<u>Landscaped areas where at least 50% of annual irrigation needs are met through use of collected rainwater or graywater.</u>	<u>Area</u>	<u>20</u>	
<u>Landscaped area managed to reduce routine fertilization, mowing, and pesticide/herbicide use after establishment</u>	<u>Area</u>	<u>20</u>	
SCORE NUMERATOR <i>Add all Component Scores.</i>			
SCORE DENOMINATOR: Parcel Area or Impacted Area for qualifying additions, alterations, and expansions (in square feet)			
LANDSCAPE PERFORMANCE SCORE <i>Numerator / Denominator</i>			

*Vegetation planted along the street frontage may include planted areas within the building's front setback, along the building facade, and/or within the right-of-way planting strip, in compliance with Public Works standards. Any application for proposed development may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723. Development Review Board

I. Demolition within the Village Center Building Height.

The demolition of historic structures in the Village Center, including those not formally listed on state or national registers, is discouraged. This section establishes a procedure for reviewing demolition applications for buildings in the Village Center that are designated or potentially eligible for designation based on age, integrity, and/or historic, cultural, or architectural significance. The Development Review Board may require professional assistance in evaluating an application for demolition at the applicant's expense to determine compliance with the standards of this section.

H. _____

1. Application for Demolition

- (a) A report from a licensed engineer qualified to assess the structural integrity of historic buildings is required. The report shall address the ability for rehabilitation and reuse of the existing building as it pertains to the building's structural integrity and cost of rehabilitation.
- (b) A report from a qualified professional (planner, economist, business consultant) on the economic feasibility to rehabilitate and/or operate the historic building or site while preserving its historic qualities. The report, at the request of the Development Review Board, may require the report to assess options for sensitive building expansions as it pertains to the economic viability of the building.
- (c) A statement from the applicant regarding compliance with the standards for demolition of a historic structure.
- (d) Any building in non-compliance with the design requirements for historic structures as a result of a fire, flood or similar unforeseen event shall apply within six months of the date of the event for an application to demolish the building or approval of a plan for restoration. All of the standards in this section shall be fully considered including economic hardship, structural integrity and community benefit.

2. Demolition Review Standards:

- (a) Economic Hardship. The continued operation of the historic structure is financially infeasible based on existing and potential land uses and any costs of rehabilitation. All options for adaptive reuse, resale, or relocation shall be considered and addressed in the application.
- (b) Structural Integrity. The structure is beyond repair or the cost of repairing and operating the building is not financially feasible or reasonable; or
- (c) Community Benefit. The redevelopment plan for the site has significant state, regional or community benefits in terms of urban design, ecology, and cultural or economic benefits. The redevelopment proposal shall consider and address impacts on adjacent historic properties and the entire district. The potential of incorporating historic structures into redevelopment plans shall be considered and is encouraged.

3. Approval for Demolition

Historic buildings that are approved for demolition require the applicant to comply with the following:

- (a) Any approval for the demolition of a historic structure shall require the

applicant to document the building in accordance with the Historic American Building Survey (HABS).

(b) Assurance from the applicant that the redevelopment plan as approved will be implemented if the historic structure demolition is approved based on the community benefit of the redevelopment plan. In addition, structures approved for demolition based on the community benefit shall not be demolished until construction of the entire project has received all financial resources and regulatory permits. The Development Review Board may require a bond or letter of credit as a condition of approval for the demolition of a historic structure.

(c) The time between demolition and the commencement of construction shall not exceed 3 months unless an alternative timeline is specifically approved as part of the demolition approval from the Development Review Board. Except in as permitted in Section 604.H.2, building heights shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

J. Formula-Based Retail and Restaurants². In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

1. Purpose

Formula-based retail and restaurants have the potential to negatively impact the unique character and small-town atmosphere in the Village Center District unless carefully designed to minimize negative impacts associated with standardized buildings, signs and operations that does not take into account the special qualities and historic features of the District as defined in the Essex Junction Comprehensive Plan.

2. Applicability

Formula-based retail and restaurants, as defined in Chapter 2, shall require conditional use review and approval for the establishment or expansion of such an operation in the Village Center District.

3. Review Standards

In addition to the conditional use review standards, the following criteria pertain to all proposed formula-based retail and restaurant establishments and the expansion of existing ones:

(a) New buildings shall be designed with attention to the existing site features and shall not consist of a standardized building type used by the formula-based business on other sites and locations.

(b) Façade detailing and style shall be unique and not part of a standardized set of features used in other locations, but rather complement the historic identity of the Village Center District.

SECTION 605: HIGHWAY-ARTERIAL DISTRICT (HA)

A. Purpose

To provide areas for retail, wholesale, commercial, residential, service and professional businesses while minimizing negative impacts due to increased traffic.

B. Density/Lot Coverage.

1. The minimum lot size shall be ten thousand (10,000) square feet. The Highway Arterial District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted to exceed density limitations by 40 percent.
2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Development Review Board. Waivers shall be based upon the following criteria and may include specific conditions:
 - (a) Unique physical characteristics of the site proposed for development.
 - (b) Superior building design, lot layout and landscaping design.
 - (c) Provision of public open spaces or superior bicycle and pedestrian access.
 - (d) Joint or combined vehicular access with adjoining properties.

C. Setback Requirements

Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.

1. The minimum front yard setback shall be twenty (20) feet.
2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height

1. Except as permitted in section 605.F.2, building height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

Any application for proposed development may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.

SECTION 606: MULTI-FAMILY/MIXED-USE-1 DISTRICT (MF-MU1)**A. Purpose**

The Multi-Family/Mixed-Use-1 District is intended to allow high density multi-family development along low intensity commercial uses along major transportation and public transit corridors. High Density, Mixed Use developments and affordable housing with parking below grade or on the first floor of the building are encouraged. Development in the MF-MU1 District should support alternative modes of transportation, while accommodating the automobile.

B. Density/Lot Coverage

1. The minimum lot size in the MF-MU1 District shall be fifteen thousand (15,000) square feet. The MF-MU1 District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.
2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Development Review Board. Waivers shall be based upon the following criteria and may include specific conditions:
 - (a) Unique physical characteristics of the site proposed for development.
 - (b) Superior building design, lot layout and landscaping design.
 - (c) Provision of public open spaces or superior bicycle and pedestrian access.
 - (d) Joint or combined vehicular access with adjoining properties.

C. Setback Requirements

The Development Review Board may waive the screening and buffering requirements for new developments upon determining that the development will not adversely impact neighboring properties. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.

1. Side: The side yard setback shall be ten (10) feet.
2. Front: The minimum front yard setback shall be twenty (20) feet, the maximum front yard setback shall be thirty (30) feet for the principal structure. At least thirty (30) percent of the front of the principal structure shall be within the minimum and maximum setback.
3. Rear: The required rear setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

1. At Grade Parking on First Floor of Building: The building façade for parking on

the first floor of the principal structure shall have a residential appearance and shall blend with the upper floors of the building.

F. Building Height

1. Except as permitted in Section 606.F.2, building height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

The Development Review Board may approve a Planned Unit Development for use as a MF-MU1 District. In connection with such PUD approval, the Development Review Board may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Mixed-Use-1 District. Any application for proposed development in the Multi-Family Mixed-Use-1 District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

SECTION 607: MULTI-FAMILY/MIXED-USE-2 DISTRICT (MF-MU2)

A. Purpose

The Multi-Family/Mixed-Use-2 District is intended to allow high density multi-family development along low intensity commercial uses along major transportation and public transit corridors. High Density, Mixed Use developments and affordable housing with parking below grade or on the first floor of the building are encouraged. Development in the MF-MU2 District should support alternative modes of transportation, while accommodating the automobile. Developments within this district should be designed in such a way as to build upon the village character found in the core areas of the City.

B. Density/Lot Coverage

1. The minimum lot size in the MF-MU2 District shall be fifteen thousand (15,000) square feet. The maximum permitted density shall be fifteen (15) units per acre. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted to exceed density limitations by 40 percent.
2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Development Review Board. Waivers shall be based upon the following criteria and may include specific conditions:
 - (a) Unique physical characteristics of the site proposed for development.
 - (b) Superior building design, lot layout and landscaping design.
 - (c) Provision of public open spaces or superior bicycle and pedestrian access.
 - (d) Joint or combined vehicular access with adjoining properties.

C. Setback Requirements

The Development Review Board may waive the screening and buffering requirements for new developments upon determining that the development will not adversely impact neighboring properties. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.

1. Side: The side yard setback shall be ten (10) feet.
2. Front: The minimum front yard setback shall be twenty (20) feet; the maximum front yard setback shall be thirty (30) feet for the principal structure. At least thirty (30) percent of the front of the principal structure shall be within the minimum and maximum setback.
3. Rear: The required rear setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

1. At Grade Parking on First Floor of Building: The building façade for parking on the first floor of the principal structure shall have a residential appearance and shall blend with the upper floors of the building.

F. Building Height.

1. Except as permitted in Section 607.F.2, building height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

The Development Review Board may approve a Planned Unit Development for use as a MF-MU2 District. In connection with such PUD approval, the Development Review Board may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family/Mixed-Use-2 District. Any application for proposed development in the Multi-Family/Mixed-Use-2 District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

SECTION 608: TRANSIT ORIENTED DEVELOPMENT (TOD)

A. Purpose

To encourage development that supports a variety of transportation options including public transit (bus and rail), walking, biking, and car travel. The TOD District is currently served by public bus service and is adjacent to an active rail corridor that may accommodate future light rail service as well as planned bike facilities. Given these connections, the TOD District is an ideal location to support compact urban growth and increased mobility options. Development including dense housing within the district should embody the principles of transit-oriented design through high-density residential and mixed-use buildings with first-floor retail, wide sidewalks, on-street parking, public or shared parking facilities, open spaces, and pedestrian amenities that enhance safety and comfort for all users.

B. Use of Form-Based Standards

The purpose of the Transit Oriented Development District (TOD) is to encourage development that supports a variety of transportation options including public transit (bus and rail), walking, biking and the automobile.

Regulations for the TOD District include form-based standards to guide compact, mixed use development that supports a range of transportation options, including public transit, walking, biking, and car travel. These standards are intended to create a pedestrian-oriented, transit-supportive district with active streets, lots of housing options close to services and transit, interconnected streets and pedestrian paths, and welcoming public spaces:¹. In order to achieve the desired goal of providing greater transportation options, development within the district shall embody the characteristics of compact urban development and pedestrian oriented design. Mixed use buildings with first floor retail, wide sidewalks, interconnected streets, on-street parking, high density residential development, pedestrian amenities, transit stations and stops, open spaces, and public or shared parking are strongly encouraged and in many cases required as a part of the standards within the TOD District.

1. Creating an environment that encourages use of public transit, walking, and biking by concentrating density and activity around transit stops and key pedestrian corridors.
2. Enabling infill and redevelopment that integrates commercial, institutional, and residential uses with plazas and open spaces, supporting daily needs and universal accessibility.
3. Encouraging development that reflects and enhances existing character while promoting contemporary, creative architecture and urban design solutions, durable materials, and high-quality construction.
4. Providing high-density residential development that increases housing options, supports transit ridership, and contributes to active community life and the local economy.
5. Ensuring that buildings and landscaping contribute to a comfortable and attractive public realm and the physical definition of streets as civic places through accessible, pedestrian-oriented design features such as active ground floors, wide

sidewalks, street trees, lighting, and furnishings.

6. Providing interconnected streets, on-street parking, and shared parking facilities that accommodate vehicles without detracting from the pedestrian environment.

7. Encouraging the use of Tax Increment Financing (TIF) and similar tools to support public improvements in the district.

2. The area within the TOD District is currently served by public bus transportation. In addition, the TOD District is adjacent to an active rail corridor, which may be used for light rail service in the future. A bike path is also planned for the rail corridor. Therefore, the TOD District is in an ideal location to provide greater transportation options.

3. The specific objectives of the TOD District are:

(a) Create an environment that is conducive to using public transit, walking and riding a bike;

(b) Accommodate a mix of uses in a form that attracts pedestrians;

(c) Integrate commercial, institutional and residential development into a compact development pattern arranged around a street grid;

(d) Provide pedestrian amenities and open spaces to create a comfortable and attractive environment;

(e) Provide public and/or shared parking to accommodate automobiles, but will not detract from the pedestrian environment;

(f) High Density Residential development;

(g) First Floor Retail; and

(h) Encourage the use of Tax Increment Financing to support public improvements in the district.

B.C. Applicability

1. Permitted and Conditional Uses are as indicated on the Use Chart in Section 622 of this code. Non-conforming uses shall comply with the standards in Chapter 8 regarding non-conforming uses.

2. All new construction shall comply with the applicable standards of this ~~Section~~Chapter.

3. Development proposals shall be reviewed in accordance with the procedures and submission requirements of Section 502

4. Existing buildings lawfully established prior to the effective date of this Code shall be considered conforming.

(a) Alterations, repairs, and additions that do not increase gross floor area by more than 30 percent may be permitted without full compliance with current standards, provided that such work does not create or increase any nonconformity and is generally consistent with the intent of the ~~Village Center District~~TOD District.

(b) Development proposals involving existing buildings that result in a cumulative increase in gross floor area of more than 30 percent shall comply with all applicable standards of this ~~Section~~Chapter. Expansions exceeding 30 percent that do not fully comply with this Chapter may be approved by the

Development Review Board upon determination that the proposal is consistent with the intent of the ~~TOD~~~~Village Center~~ District and does not significantly detract from its goals.

(c) Where changes to parking areas, circulation, or open space areas are proposed, landscaping improvements shall be provided in accordance with Section 608.H.2(~~ee~~).

(d) Any expansion of existing non-conforming structures shall comply with the provisions of Chapter 8.

5. ~~Conflicting Standards~~

The standards within this ~~Section~~~~Chapter~~ shall govern in the event of a conflict with other provisions established in the Land Development Code.

6. ~~Waivers and Exemptions~~

(a) The Development Review Board may waive or modify provisions of this ~~Section~~~~Chapter~~ upon determining that the waiver or modification is consistent with the intent of the ~~TOD~~~~Village Center~~ District.

(b) Staff may approve minor site plan amendments or modifications to dimensional standards of this ~~Section~~~~Chapter~~ where such modifications are limited in scope and consistent with the intent of the ~~TOD~~~~Village Center~~ District. Staff may defer review of any minor site plan amendments or modifications to the Development Review Board.

Development proposals that involve more than thirty (30) percent or more of the existing building(s) square footage on the effective date of this ordinance shall be in full compliance with the standards of the TOD District. It is the intent of the TOD District regulations to prohibit the expansion of existing non-conforming structures beyond thirty (30) percent of the existing floor space on the effective date of this ordinance unless a waiver is granted by the Development Review Board upon determination that the expansion would not significantly detract from the goals and intent of the TOD District. Any expansion of existing non-conforming structures shall comply with the provisions of Chapter 8.

1. ~~The use chart in Section 622 identifies the allowed uses in the TOD District, which shall apply on effective date of this code. Non-conforming uses shall comply with the standards in Chapter 8 regarding non-conforming uses.~~

2. ~~The standards within the TOD District in some cases conflict with other standards established in the Land Development Code. The standards contained within this district shall override and take precedent over other standards when in conflict with the standards of the TOD District.~~

~~C-D. Site and Dimensional Standards~~~~Density/Lot Coverage~~

1. ~~Building Placement, Orientation, and Coverage~~

(a) A Principal Building shall be placed on each lot with its front façade along the Frontage Line. Facades shall be built parallel to a rectilinear Frontage Line, or to the tangent of a curved Frontage Line. For corner lots and through lots, the Frontage Line may be designated along either or both streets.

(b) Each lot shall provide contiguous frontage on each abutting public street, consistent with the frontage standards in the Dimensional Requirements table in Section 608.D.3.

(c) A Principal Building shall have at least one (1) principal entrance facing the Frontage Line. For Principal Buildings located on a corner, the principal entrance may be oriented to the corner. Principal Buildings fronting a plaza or square shall also have a minimum of one principal entrance directly onto the plaza or square.

(d) Where permitted, additional Principal Buildings may be placed at the frontage or behind a Principal Building placed at the frontage. Any Principal Buildings located behind the frontage shall be arranged in cohesive groupings, with their principal entrances oriented to a shared driveway or common courtyard or greenspace.

(e) One or more attached or detached Accessory Structure(s) associated with a Principal Building may be built on each Lot to the rear of a Principal Building.

(f) Projections into required building setbacks, including balconies, bay windows, open terraces, attached decks, steps, stoops, windowsills, eaves, chimneys and fire escapes, are allowed up to 24 inches.

2. Residential Unit Mix

Residential developments containing more than 20 dwelling units shall provide a range of unit sizes. A minimum of 25 percent of dwelling units shall contain two (2) or more bedrooms, unless an alternative mix is approved by the Development Review Board upon determination that the proposal supports the housing goals of the TOD District.

3. Dimensional Requirements

The minimum lot size in the TOD District is five thousand (5,000) square feet. There shall be no maximum residential density. Residential development potential shall be determined by the ability to meet the other provisions of the Land Development Code including parking, building height, setbacks and lot coverage.

The maximum total lot coverage shall be one hundred (100) percent.

Lot Area (square feet)	5,000 square feet min.
Density (dwelling units per acre)	N/A
Street frontage width (feet)	10' min 120' max
Lot Coverage (% of lot area)	
Overall impervious coverage, including structural footprints	90% max
Building coverage	60% min
Building Height	
Building height (stories)	2 stories min. Buildings with a footprint of 3,000 square feet or less are exempt from the minimum height requirement. 9 stories max.

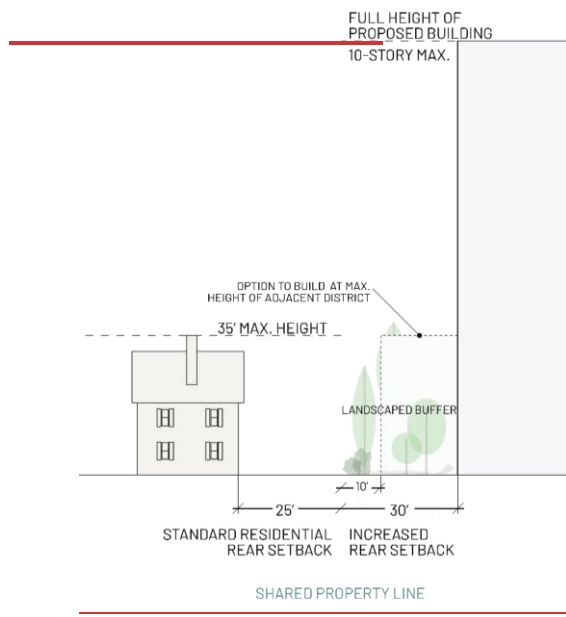
Building height for any affordable housing development*	10 stories max.
Setbacks	
Front yard	0' min. Must comply with Frontage Types (Section 608.E.2)
Side yards (feet, each side)	0' min, except where the subject parcel is adjacent to a Residential zoning district, in which case Section 608.D.4 applies.

* in accordance with 24 V.S.A. § 4412, provided that the structure complies with the Vermont Fire and Building Safety Code

4. Residential Adjacency

(a) 10-foot minimum side and rear setbacks shall be required where a parcel directly abuts a residential zoning district with a lower maximum building height.

(b) Where the difference between a new development's proposed building height and the maximum building height of the abutting residential district is four (4) or more stories, the required setback shall be increased to 30 feet, and a landscaped buffer shall be provided along the shared property line. Buildings may encroach provided the portion of the building within the 30-foot setback does not exceed the maximum building height permitted in the abutting zoning district and a minimum 10-foot setback is maintained along the property line. See Figure 608-A.



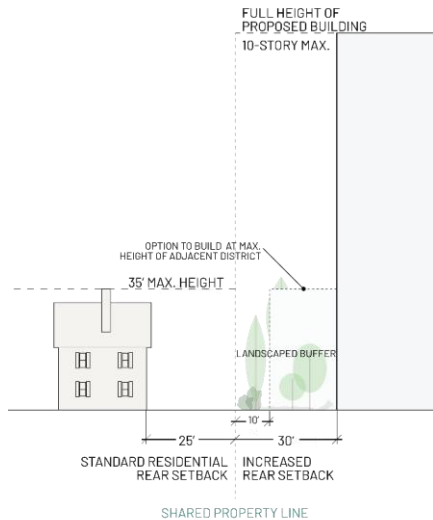


Figure 608-A. Residential Adjacency diagram

E. Street Room and Frontage Standards

The “street room” is the shared public space formed by building frontages and streetscape elements on both sides of the street. Buildings create the walls of the street room, while features along building frontages and within the public right-of-way help shape its character and support active use. Buildings shall be designed to define and reinforce a comfortable, human-scaled street room through coordinated building height, setbacks, frontage types, and façade articulation. Projects shall comply with building-height-to-street-width ratio standards (Section 608.E.1) and implement an approved frontage type (Section 608.E.2) to establish street-room conditions that support diverse uses and contexts across the TOD District.

1. Building Height to Street Width Ratio Standards

(a) A consistent relationship between building height and street width helps create a sense of enclosure that defines the street environment and supports comfort and walkability. Building height, upper-level setbacks, and front yard setbacks shall be coordinated to maintain a height-to-width ratio between 1:2 and 1:1 along the Frontage Line. See Figure 608-B. For lots with more than one Frontage Line, ratio standards shall apply on each frontage. Street Room standards apply to the Principal Building located closest to the Frontage Line. All Buildings must comply with height requirements (Section 608.D.32).

(b) To determine if a building meets this requirement, use the following formula:

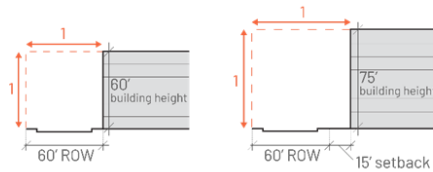
Building Height / (ROW width + Front Yard Setback).

Building height is measured from sidewalk grade to the top of vertical wall, excluding parapet. ROW width is measured from Frontage Line to Frontage Line, including the full width of the street and sidewalks. For the purposes of this section, rail right-of-way may be included in the ROW width where it is directly adjacent to the street right-of-way.

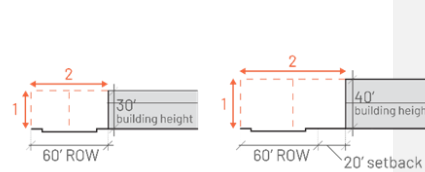
If the resulting number is between 0.5 and 1.0, the building meets the standard (equivalent to 1:2-1:1) and requires no further adjustment.

ALLOWED:

1:1 RATIO

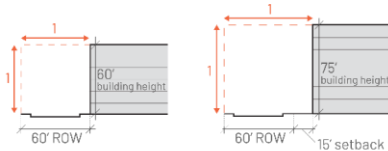


1:2 RATIO



ALLOWED:

1:1 RATIO



1:2 RATIO

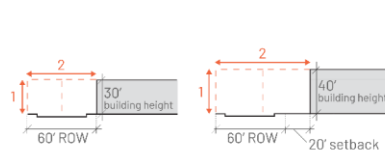


Figure 608-B. Building-height-to-Street-Width ratio diagrams

(c) Narrow Right-of-Way Adjustment

On frontages where the ROW width is less than 50 feet, the following provisions apply (See Figure 608-C):

- (i) When determining compliance with the building-height-to-street-width ratio (Section 608-E.1B), assume a ROW width of 50 feet for the calculation.
- (ii) Buildings shall provide a minimum 10-foot setback along the Frontage Line adjacent to the narrow right-of-way, in compliance with an approved Frontage Type (Section 608.E.2). The City may require that the required 10-foot setback functions as public sidewalk or pedestrian zone.
- (iii) Where this section would result in the inability to achieve otherwise permitted low-scale building forms, the actual ROW width may be used for ratio calculations.

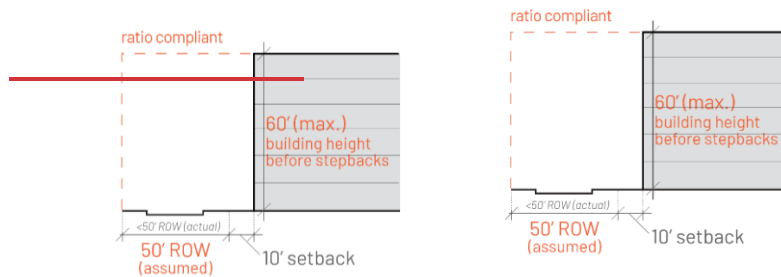


Figure 608-C. Narrow Right-of-Way Adjustment

(d) If the calculated ratio falls outside the 0.5-1.0 range, at least one of the following adjustments is required:

- (i) For ratios greater than 1.0, provide one or more upper-level setbacks above the ground floor. See Figure 608-D. Stepbacks shall extend along at least 75% of the Principal Façade and must be deep enough to reduce the effective ratio to 1.0 or less, calculated as: $\text{Total Building Height} / (\text{ROW Width} + \text{Front Setback} + \text{Total Stepback Depth})$. Stepbacks may occur at one or multiple levels, provided the cumulative effect meets the required stepback depth. No vertical building wall above a stepback shall exceed three (3) stories without an additional stepback. Stepback areas are encouraged to be designed as usable space, such as terraces or green roofs; or
- (ii) For ratios less than 0.5, provide a pedestrian-oriented façade along the frontage, which must include:
 - (aa) The building's primary entrance oriented to the street;
 - (bb) Transparency or display windows covering a minimum of 75% of the ground-floor façade; and
 - (cc) Functional weather protection at least five (5) feet deep provided over at least 75% of the ground-floor façade. This could include awnings, canopies, marquees, or other permitted treatments.

This may be applied as the Linear Frontage type (Section 608.E.2(b)(i)); or

- (iii) Adjust the front setback within allowed limits and in coordination with an approved Frontage Type (Section 608.E.2) in order to achieve a compliant ratio. A ratio greater than 1.0 would require an increased setback while a ratio less than 0.5 would require a reduced setback.

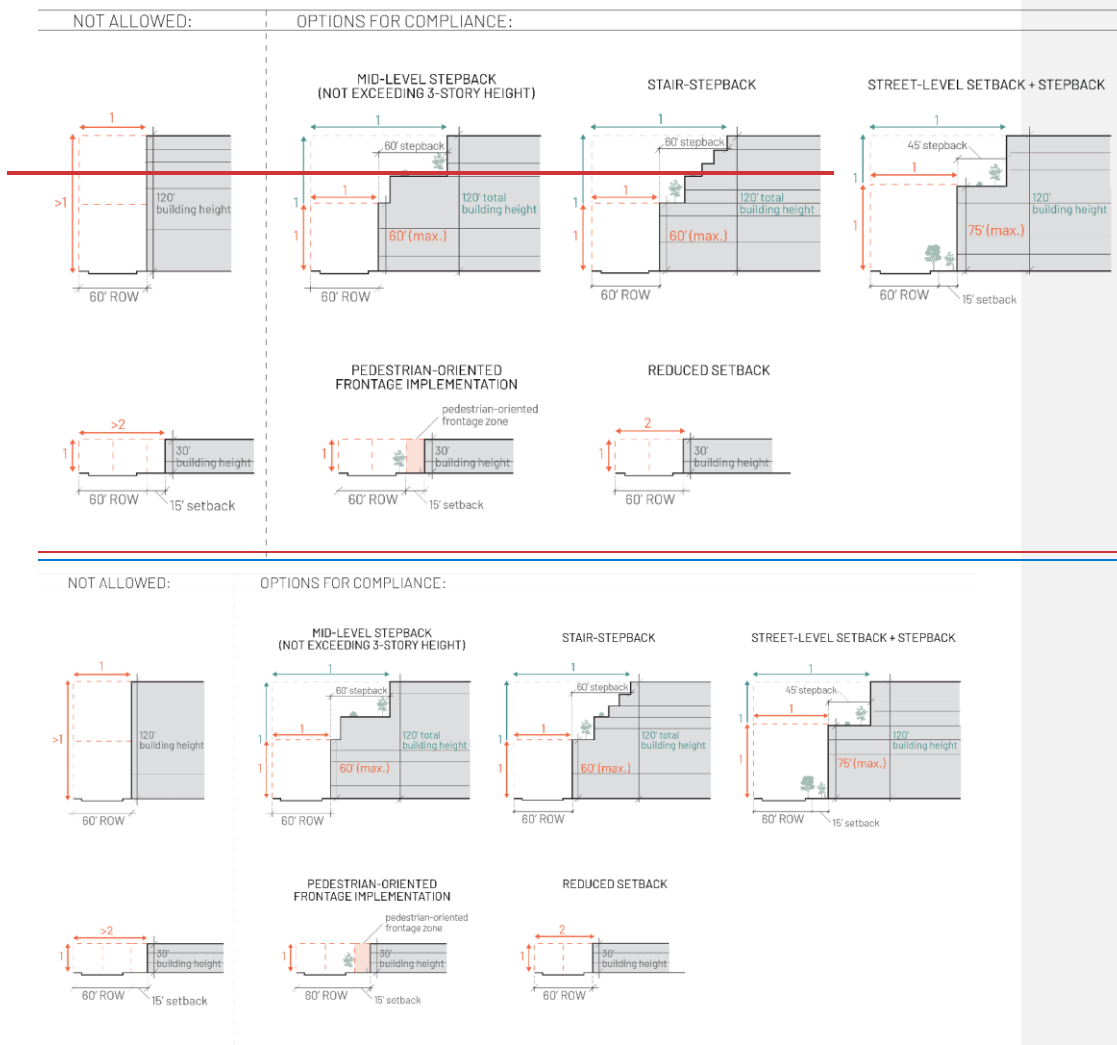


Figure 608-D. Street Room compliance examples

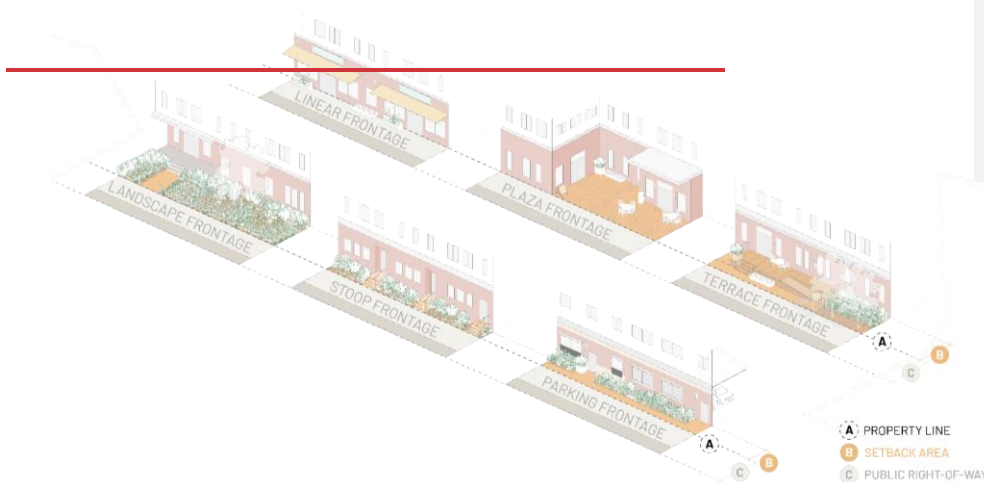
2. Frontage Types

(a) Each street-facing façade shall implement one or more approved Frontage Type(s) consistent with the building's intended ground-floor use, adjacent street character, and Street Room standards. Frontage Type shall be coordinated with building-height-to-street-width ratio (Section 608.E.1) to

ensure façade features, setbacks, and active uses collectively create a well-proportioned, human-scaled, street environment.

(b) Each development shall designate at least one of the following Frontage Types per street-facing façade and meet the associated standards. See Figure 608-E.

(c) Where multiple Frontage Types are implemented along a single street-facing façade, each Frontage Type shall apply to a distinct portion of the frontage and comply with the applicable standards. Dimensional and percentage requirements shall be calculated based only on the portion of frontage where the Frontage Type is designated and shall not include vehicular access points or curb cuts.



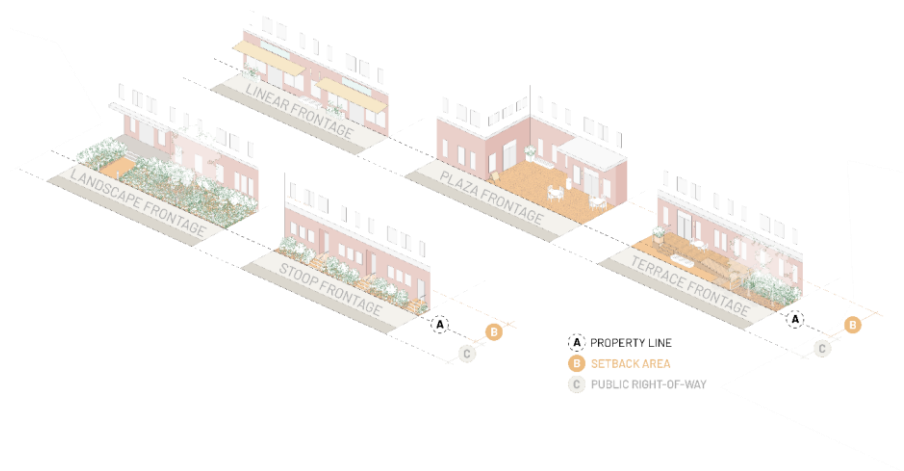


Figure 608-E. Frontage Types

Frontage Type	Front setback (feet)	Purpose	Intended/Suggested Ground-Floor Use
Linear	0' min, 10' max	Creating a continuous, sidewalk-aligned building edge that prioritizes storefront visibility, pedestrian movement, and lingering.	Active commercial uses.
Plaza	10' min, 30' max	Integrating publicly accessible open space with building frontage to support gathering, seating, and programmed activity.	Commercial or civic uses.
Terrace	8' min, 15' max	Creating a defined transition space between the building and sidewalk that supports either semi-private residential use or publicly accessible commercial/civic activity while maintaining an active and accessible pedestrian edge.	Any uses. Different application of facade elements and amenities depending on intended ground-floor use.
Landscape	5' min, 20' max	Establishing a landscaped buffer between building and street that	Residential or office

		<u>prioritizes privacy and green space.</u>	
<u>Stoop</u>	<u>5' min. 15' max</u>	<u>Providing a residential street edge that balances neighborhood activation with privacy through elevated entries and landscaped transitions.</u>	<u>Residential</u>
<u>Parking</u>	<u>10' min. 30' max</u>	<u>Providing a landscaped or built buffer between parking and the public realm to screen vehicles and maintain a defined and pedestrian-oriented street edge.</u>	<u>Parking. Intended as a secondary frontage condition.</u>



Figure 608-F. Zero Setback Linear Frontage

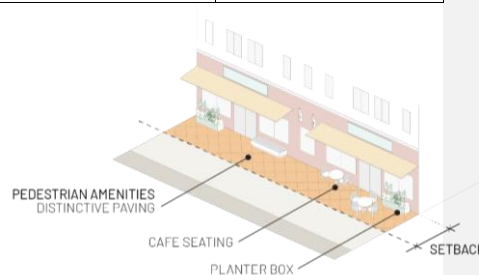


Figure 608-G. Linear Frontage with Setback

(i) Linear~~(a)~~ Setback

The Linear Frontage shall have zero setback from the street edge (Figure 608-F). A setback of up to 10 feet is permitted if the setback area is designed and functions as an extension of the public right-of-way, as a pedestrian through-zone or seating zone (Figure 608-G).

~~(b)~~ Access

Primary entrances shall be oriented to the street. At least one (1) commercial storefront shall be provided with a direct tenant entrance from the sidewalk, at grade. Entrances may be recessed up to four (4) feet in depth.

~~(c)~~ Lighting

Pedestrian-scale lighting shall be provided along the building façade and spaced approximately 40 feet apart. At least one (1) lighting fixture is required at each building entry. All lighting shall comply with Section 704.

~~(d)~~ Façade Treatment

At least 75 percent of the façade area between two (2) and 10 feet above the finished sidewalk grade shall be treated with active

façade components, which may include transparent windows and/or doors, display areas, and artwork.

(ee)- Weather Protection

Functional weather protection shall be provided over at least 75 percent of the ground-floor façade, projecting a minimum of five (5) feet over the sidewalk with a walk-under clearance of at least eight (8) feet above sidewalk grade. This could include awnings, canopies, or other permitted treatments.

(ff)- Amenities

If a setback is provided, the frontage shall incorporate at least two (2) distinct amenities from the following list. Amenities shall not obstruct pedestrian circulation.

i Moveable furniture – Benches or café seating, accommodating at least two (2) people.

ii Planter boxes – Minimum area of eight (8) square feet and minimum soil depth of 18 inches; may include trees, shrubs, or seasonal plants.

iii Distinctive paving pattern – Of contrasting color, material, or texture covering at least 50 percent of the setback area.

iv Public Art – Sculptures, wall or ground murals, or other permanent installations at least three (3) feet in height or covering at least ten (10) square feet of surface area.

v Planted buffer – Continuous planting along at least 50 percent of the frontage with a minimum width of two (2) feet; may be in-ground or boxed/elevated.

(gg)- Ground-floor residential uses are not permitted within the Linear Frontage at the time of initial development.

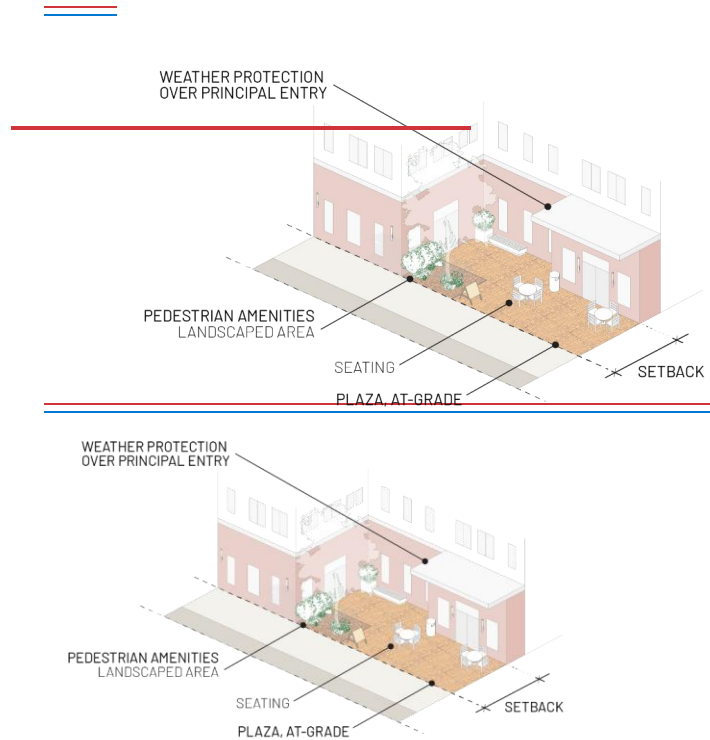


Figure 608-H. Plaza Frontage

(ii) Plaza

~~(aa)-~~ Setback

The Plaza Frontage includes a pedestrian-oriented plaza between the building and street edge. The plaza shall be at sidewalk grade and located within a 10- to 30-foot front setback. The plaza should extend along a minimum of 30 feet of frontage and provide at least 1,500 square feet of public plaza space. Building frontage not part of the plaza may extend up to zero-foot setback at the property line.

~~b-(bb)~~ Access

Primary entrances shall be oriented to the plaza. Entrances may be at grade or elevated as required to accommodate site slope.

~~c-(cc)~~ Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths and

plaza edges and should be integrated with landscape, seating, or plaza features where possible. In addition, at least one (1) lighting fixture is required at each building entry.

~~(dd)~~d. Façade Treatment

At least 40 percent of the facade between two (2) and 10 feet above the finished sidewalk grade shall be glazed with transparent windows and/or doors.

~~(ee)~~e. Weather Protection

Weather protection with a minimum depth of five (5) feet is required over each primary entry.

~~(ff)~~f. Amenities

At least three (3) linear feet of seating area (bench, ledge, etc) or one (1) individual seat is required per 60 square feet of plaza area. Seating may include a combination of fixed and moveable furniture and/or may be integrated with other plaza features such as planting beds. In addition, a plaza must incorporate at least one (1) of the following amenities:

- i A continuous landscaped area of at least 20 square feet.
- ii One (1) planter box per 100 square feet of plaza area. Each planter box should have a minimum area of eight (8) square feet and a minimum soil depth of 18 inches and may include trees, shrubs, or seasonal plants.
- iii A public art feature with a minimum of six (6) feet in height or 20 square feet in area.
- iv A water feature with a minimum of 20 square feet in area.

~~(gg)~~g. The Plaza Frontage may not be implemented with ground-floor residential uses at the time of initial development, except lobbies or entrances for upper-level units.

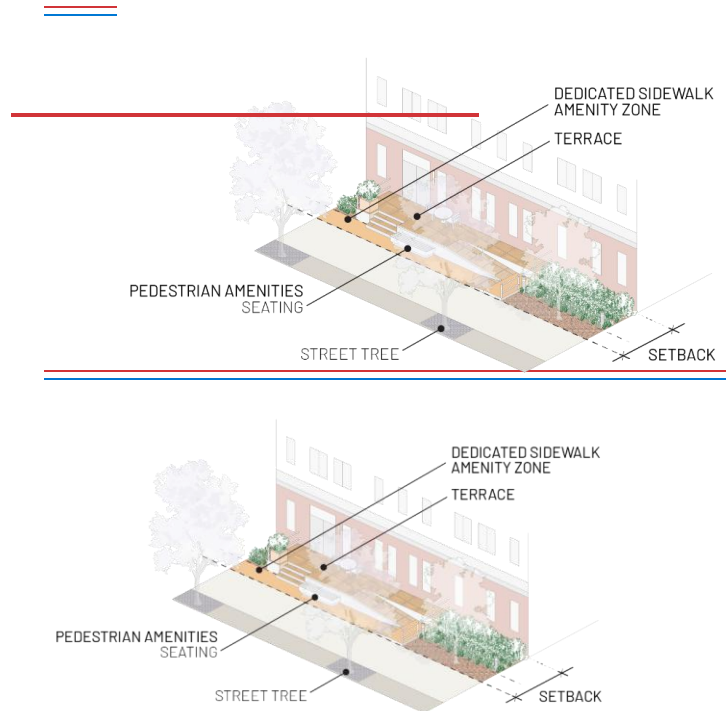


Figure 608-I Terrace Frontage

(iii) Terrace

(aa) ~~a-~~ Setback

The Terrace Frontage shall be located within a front setback of eight (8) to 15 feet. A minimum of four (4) feet of this setback shall remain at sidewalk grade, extending along the street-facing façade and maintaining direct connection to the right-of-way. The remaining setback area shall be occupied by an elevated terrace raised at least one (1) foot or two (2) steps above sidewalk grade, or as required to accommodate site slope. A terrace may be fully open-air, or it may function as a recessed arcade with a partial building overhang above.

(bb) ~~b-~~ Access

The terrace shall serve as primary access to the building, directly accessible from the sidewalk, and not enclosed by fencing or barriers over 42" in height. Access stairs or ramps serving a

terrace may encroach into the required four (4) foot at-grade area, provided that pedestrian connectivity is maintained.

~~(cc)e-~~ Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths and terrace edges. Additional decorative lighting such as canopies or string lights is encouraged for terraces intended for public use.

~~(dd)d-~~ Façade Treatment

At least 30 percent of the facade between two (2) and 10 feet above the terrace or primary entry level shall be glazed with transparent windows and/or doors.

~~(ee)e-~~ Amenities

The at-grade portion of the setback shall function to support pedestrian activity as an extension of the public right-of-way and shall incorporate at least one (1) of the following amenities:

- i Fixed or moveable seating
- ii Planter boxes
- iii Street trees
- iv Public art

~~(ff)f-~~ Terraces may function as public or semi-public spaces and may serve commercial, retail, civic, or residential uses. Public terraces are encouraged to incorporate additional amenities such as cafe seating, shade structures, and planter boxes.

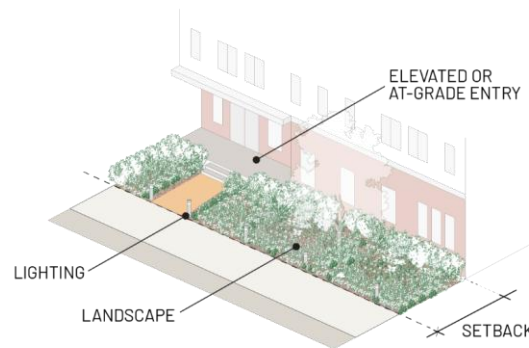


Figure 608-J. Landscape Frontage

(iv) Landscape

~~(aa)a-~~ Setback

The Landscape Frontage shall be located within a front setback 10

to 30 feet.

~~(bb)~~ **b. Access**

Primary entrances shall be oriented to the street. Entrances may be at grade or elevated as required to accommodate site slope.

~~(cc)~~ **c. Lighting**

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths. Integration of lighting with landscape features is encouraged.

~~(dd)~~ **d. Façade Treatment**

At least 30 percent of the façade between two (2) and 10 feet above the finished ground-floor elevation shall be glazed with transparent windows and/or doors.

~~e~~ **(ee) Landscape**

At least 50 percent of the frontage area shall be landscaped with at least one (1) tree per 600 square feet of setback area.

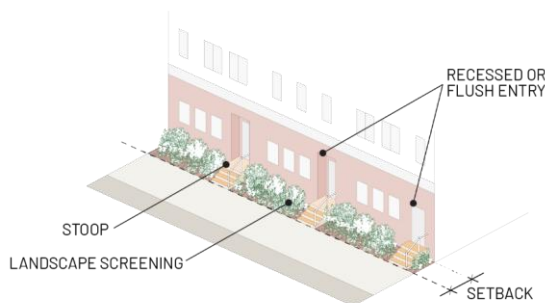
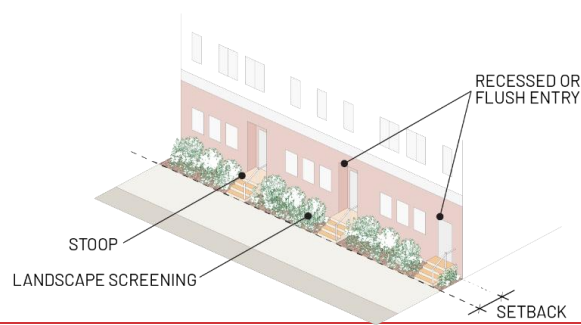


Figure 608-K. Stoop Frontage

(v) Stoop

(aa)a- Setback

The Stoop Frontage shall be located within a front setback of five (5) to 15 feet.

(bb)b- Access

Primary entrances shall be oriented to the street and accessed from a stoop. Stoops may be projecting or recessed and shall not exceed eight (8) feet in width or depth. Stoops shall be elevated a minimum of two (2) feet or four (4) steps above sidewalk grade. Access stairs or ramps may encroach into the setback and may be street-facing or side-loaded.

(cc)c- Lighting

Pedestrian-scale lighting in compliance with Section 704 is required at regular intervals along primary pedestrian paths.

(dd)d- Façade Treatment

At least 30 percent of the façade between two (2) and 10 feet above the finished ground-floor elevation shall be glazed with transparent windows and/or doors.

(ee)e- Landscape

At least 20 percent of the setback area shall be provided as landscaped screening consisting of in-ground planting beds with a minimum width of three (3) feet. In addition, at least one (1) tree shall be provided per 30 linear feet of façade. Required trees may be provided within the public right-of-way as street trees, subject to approval.

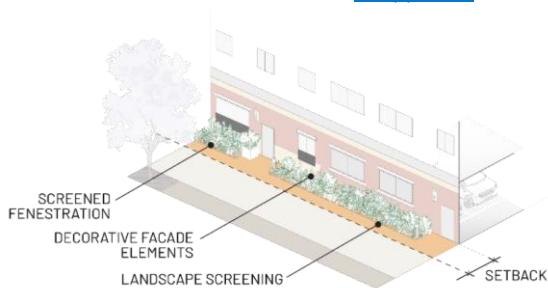


Figure 608-L. Parking Frontage (Structured)

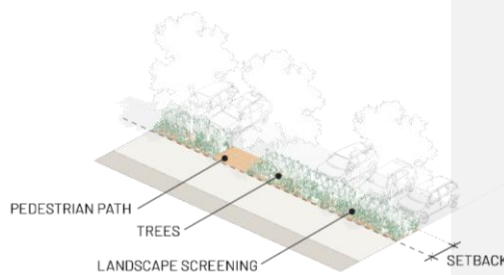


Figure 608-M. Parking Frontage (Surface)

(vi) Parking(aa)A- General

The Parking Frontage may be implemented as either structured parking or surface parking, subject to the standards below. On corner lots or lots with multiple Frontage Lines, a Parking Frontage may be implemented only on one frontage. Vehicle

access should be provided on secondary streets or alleys where available. Parking design shall comply with Section 608.G and Chapter 7.

~~(bb)~~ **b.** Setback

The Parking Frontage shall be located within a front setback of 10 to 30 feet.

~~(cc)~~ **c.** Landscape

Continuous planting beds with a minimum width of 10 feet are required along the entire Parking Frontage, except for access points.

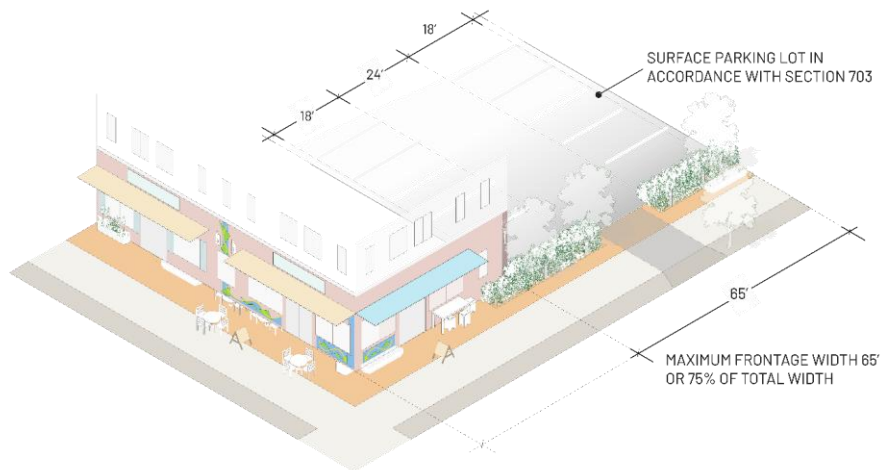
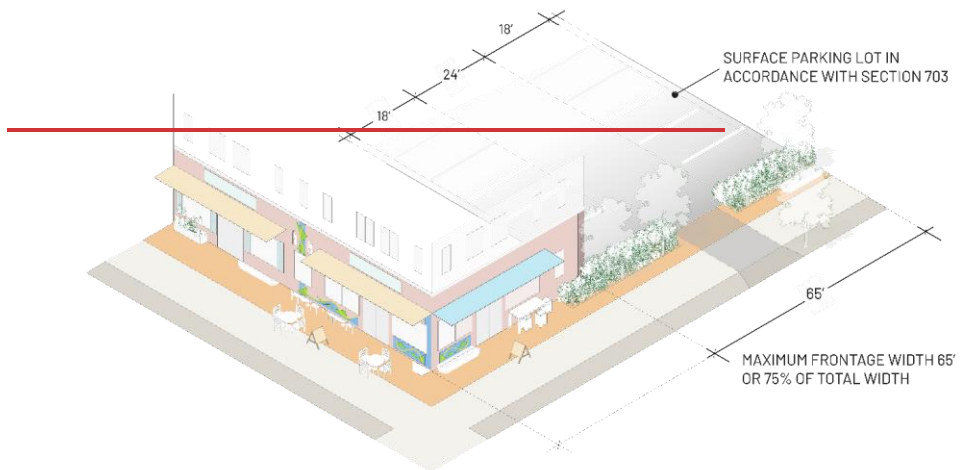
~~(dd)~~ **d.** Structured Parking

Where structured parking is provided (See Figure 608-L), architectural treatment consistent with the principal building and/or adjacent development is required, including facade articulation, materials, and openings/fenestration. Structured Parking Frontages shall be designed as an integrated part of the overall building façade and comply with the façade composition and articulation standards of Section 608.F. Openings shall be screened or otherwise designed to limit direct views of vehicles from the public right-of-way, using decorative metal, mesh screens, green wall systems, or similar strategies. Vehicular access openings should be minimized and integrated into the overall façade composition.

~~(ee)~~ **e.** Surface Lots

Where surface lots are provided (See Figure 608-M), frontage width shall not exceed 75 percent of the total frontage width or 65 feet, whichever is less (See Figure 608-N). At least one (1) tree shall be provided per 30 linear feet of Surface Parking Frontage. In addition, at least one (1) of the following is required:

- i. Continuous hedge or planting with minimum height of three (3) feet at installation.
- ii. Decorative fencing or low wall with a maximum height of four (4) feet, otherwise in compliance with Section 707.
- iii. Bioswales or green infrastructure



[Figure 608-N. Surface Parking Frontage Maximum Width](#)

[F. Façade Composition and Material Standards](#)

[The standards in this section regulate façade composition, articulation, and architectural materials. These standards apply in addition to Street Room and Frontage Type](#)

requirements in Section 608.E.1. Materials

- (a) Primary materials shall be used on at least 75% of each Principal Façade. Primary materials permitted in the ~~TOD District~~Village Center include wood or high-quality fiber cement siding, brick, natural stone, and stucco.
- (b) Secondary materials may be used for trim, accent areas, upper-story stepbacks, and/or architectural details.
- (c) Material changes shall occur at logical building transitions such as corners, horizontal expression bands, or other articulation lines implemented under Section 608.F.2.

2. Articulation

- (a) Building facades exceeding 60 feet in length along a Frontage Line shall incorporate vertical articulation to establish a rhythm that reflects the historic lot patterns and traditional storefront widths. Vertical articulation shall occur at intervals not exceeding 30 feet. See Figure 608-O. Vertical articulation shall include at least one of the following:
 - (i) A change in façade plane of at least two (2) feet in depth;
 - (ii) A change in material extending the full height of the articulated bay;
 - (iii) A recessed or projecting entry element;
 - (iv) A change in fenestration pattern.
- (b) For buildings over four (4) stories, the building base shall be visually differentiated from upper stories. The base may include the first one (1) or two (2) stories. Horizontal differentiation may be made using one of the following methods. See Figure 608-P.
 - (i) A change in material;
 - (ii) A change in window size or pattern;
 - (iii) A horizontal expression band;
 - (iv) Architectural elements such as columns, pilasters, or an arcade.
- (c) Blank walls exceeding 20 feet in length are prohibited along a Frontage Line. Blank walls are façade segments without windows, doors, transparency, or façade articulation.

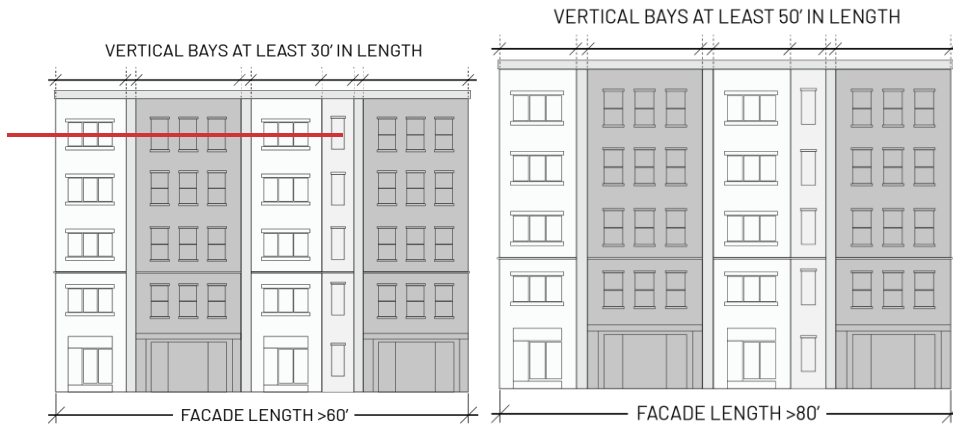


Figure 608-O. Vertical Articulation



BUILDING BASE ARTICULATION

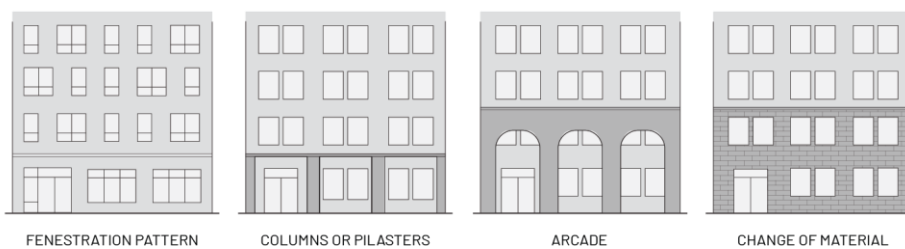


Figure 608-P. Building Base Articulation

3. Upper-Story and Roof Treatment

(a) Upper-story windows shall be vertically proportioned, meaning they should be taller than they are wide. Windows may be grouped horizontally if individual openings are visually separated by a mullion, column, pier or wall section.

(b) Upper-story windows shall comprise at least 20 percent of façade area, measured from the top of the second-level finished floor to the top of the roof structure. Windows shall be distributed or grouped to create a consistent rhythm across the façade. See Figure 608-Q.

(c) Roofs can be flat with articulated parapets or overhanging eaves, or pitched between 3:12 and 12:12. Pitched roof slopes shall be appropriate to local climatic conditions and roofing materials. Eaves shall overhang at least six (6) inches where provided.

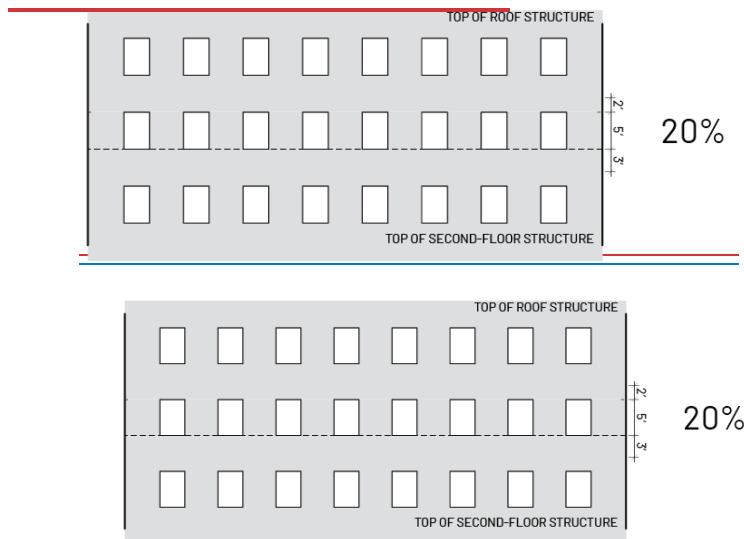


Figure 608-Q. Upper-story façade transparency

4. Mechanical and Service Elements

(a) Unfinished foundation walls on a Principal Building shall be exposed no more than 48 inches above the finished grade. Surface-applied waterproofing on any foundation wall shall not be visible.

(b) Security shutters, where provided, shall be designed to be integrated with the façade composition and hidden from view when fully opened.

(c) Where placed on a façade, gutters, downspouts, and projecting drainpipes shall be arranged as an integral part of the Façade composition and shall generally be placed at the corners of the building least visible from frontages. Gutters are required where eaves extend over pedestrian walkways.

(d) The following items are not permitted to project from a façade: air conditioner and HVAC equipment; utility boxes or gas meters; chimneys, vents, piping, ducts, and conduits external to the building; wind generation; and antennas, satellite dishes, and other telecommunications equipment.

(i) Exception: Small exterior vents (less than 10-in x 10-in) associated with small scale heating/cooling equipment or residential appliances shall

be permitted on a façade only if residential occupancy occurs along that Façade. Every effort should be made to minimize and consolidate the number of these vents. They shall be located, organized, screened, and detailed to fit within the overall design of the Façade.

(e) Roof penetrations, other than chimneys, shall be placed to minimize their visibility from the Frontage Line. Any rooftop mechanical and telecommunication equipment shall be fully screened on all sides so as not to be directly visible from the street or a civic space. Such screening shall be incorporated in a manner consistent with the overall architectural design of the building and may consist of parapets, cornices, penthouse screens, or other similar methods.

(f) Storage areas, service areas, trash receptacles, accessory structures, and parking areas shall be screened from view from the street and adjoining properties, per Section 708.

D. Setback Requirements

1. There shall be no minimum required setbacks.
2. The maximum front yard setback shall be twenty (20) feet.

E. Building Frontage, Façade and Entry

1. All buildings shall have a minimum building frontage on a public street of seventy-five (75) percent of the frontage of the lot. The Development Review Board may waive this requirement if the proposed land use warrants less building frontage to accommodate on-site parking on the side of the building or due to site constraints.
2. All structures require clear windows, which shall encompass at least fifty (50) percent of the building façade along the street from three (3) feet to six (6) feet and eight (8) inches above the finished sidewalk grade.
3. At grade, below grade and above grade parking is allowed. However, at grade structured parking shall not be allowed unless the parking is on the interior of the structure and a liner building is present along the street frontage on the first floor.

F. Building Height

1. Except as permitted in Section 608.F.2, the maximum allowable building height shall be four (4) stories or fifty-eight (58) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

H. Access to Public Streets

~~Curb cuts onto major arterial streets shall be minimized; shared curb cuts and joint access are strongly encouraged. Each property shall be allowed a single curb cut in accordance with the width requirements of Section 705 unless waived by the Development Review Board upon determination that an additional curb cut is necessary to provide adequate access to the site.~~

~~H.G. Parking Requirements and Location~~

1. The parking requirements for the TOD District are as follows:

Land Use	Parking Requirement
Residential	1 space per unit
Lodging	1 space per room
Office	2 spaces per 1,000 SF of net office space
Retail	3 spaces per 1,000 SF of net retail space
Other	As determined by the Development Review Board based on anticipated need. The Development Review Board shall use the requirements of Chapter 7 and other national parking standards as a guide.

The Development Review Board~~DRB~~ may waive or modify parking requirements based on site context, shared parking opportunities, and intended use.

2. At-grade, below grade, and above grade parking is allowed, subject to the following:

- (a) At-grade structured parking is permitted when applied as the Parking Frontage type (Section 608.E.2(b)(vi)) or when located within the interior of the building and screened along all ground-floor street frontages by a liner building that implements an approved Frontage Type (Section 608.E.2) and has a minimum depth of 20'. Use of ground-floor spaces for pedestrian-oriented businesses is encouraged. See Figure 608-R.
- (b) Except where applied as the Parking Frontage type (Section 608.E.2(b)(vi)), surface parking is permitted only at the rear of the lot, behind a Principal Building and a minimum of 30 feet from the edge of the public right-of-way. Landscaping, screening, and lighting requirements apply as specified in Chapter 7.
- (c) At the discretion of the City Council, parking lots constructed as part of a development project may be accepted by the City as municipal public parking.
- (d) Shared parking and connections between adjacent parking areas are encouraged to improve access, traffic flow, and overall parking efficiency.

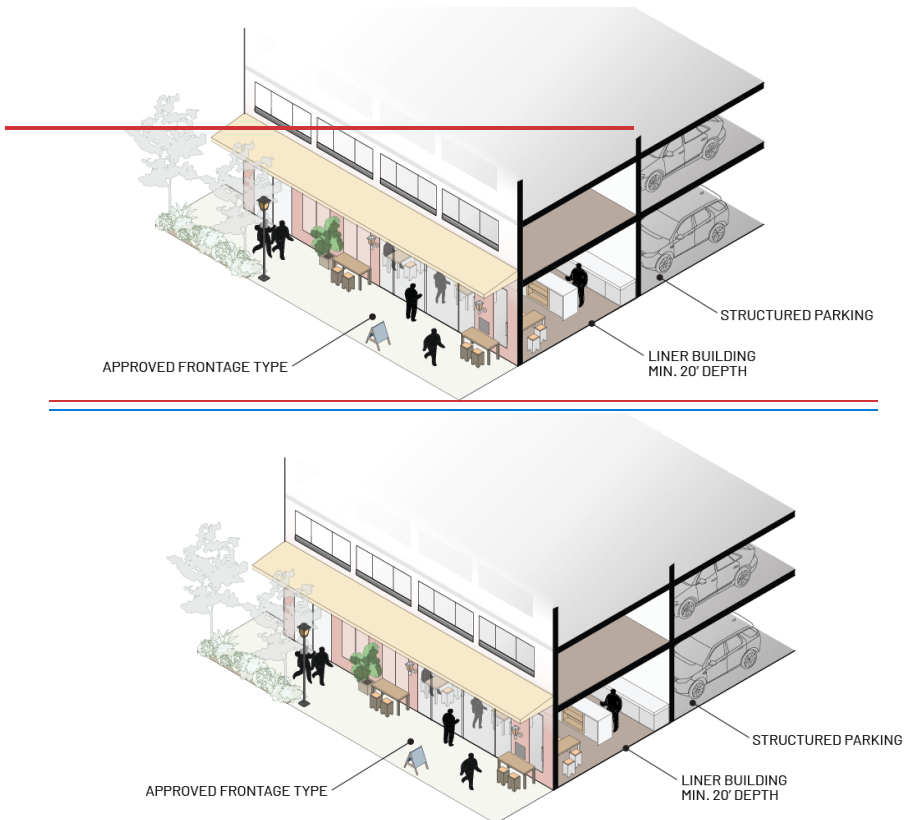


Figure 608-R. Structured Parking

3. Each property is permitted one (1) curb cut in accordance with Section 705. The Development Review Board may approve an additional curb cut upon finding that it is necessary to provide adequate site access. Curb cuts on major arterial streets shall be minimized. Shared curb cuts and joint access are strongly encouraged.
Parking shall be provided along the rear of the lot, unless a waiver is granted in accordance with Section 608.E.1.
At the discretion of the City Council, parking lots created as part of a development project may be accepted by the City as municipal public parking.
Shared parking and connections between parking lots are encouraged to provide better access, traffic flow, and ample parking.

J.H. Street and Sidewalk Regulations Landscaping

1. Landscaping standards are intended to promote environmental performance and long-term site quality. Standards emphasize tree retention, canopy expansion,

integration of green stormwater infrastructure, and plant species that are resilient, easy to maintain, and provide visual interest across all seasons.

2. Landscape Performance Score Requirement

(a) The Landscape Performance Score is a weighted system that assigns point values to specific landscape components based on their environmental benefit, contribution to tree canopy, and enhancement of site quality.

(b) All development subject to this Section shall achieve a minimum Landscape Performance Score of 30, calculated in accordance with the Table in Section 608.H.2(e). Only permanently installed and maintained landscape components may be counted toward the required score.

(c) For additions, alterations, and expansions to existing development, the Landscape Performance Score may be calculated based on the impacted area rather than the entire parcel. The impacted area is the portion of the site directly subject to proposed improvements, including new or modified buildings, parking areas, circulation improvements, grading, and landscaped areas included in the project design.

(d) Where site size, configuration, or unique constraints limit an applicant's ability to meet Landscape Performance Score requirements, the City may approve alternative strategies that maintain the intent of supporting streetscape quality.

(e) Landscape Performance Scoring Table. Applicants should fill out Component Amount below, then multiply by the provided Performance Factors for corresponding Component Scores.

Site Landscape Components		Component Amount <i>Area (square feet) or Number of Plants/Trees</i>	Performance Factor <i>Based on contribution to environment, neighborhood, and site quality</i>	Component Score <i>Component Amount x Performance Factor</i>
Planted Areas	Planted areas with soil depth less than 24"	Area	10 15	
	Planted areas with soil depth of 24" or greater	Area	60	
	Bioretention Facilities	Area	100	
Small Plantings, Shrubs, and Perennials	Mulch, ground cover, and other plants less than 2' tall at maturity	Area	10 15	
	Medium shrubs or perennials 2-4' tall at maturity	Number of plants	270	
	Large shrubs or perennials 4' tall or greater at maturity	Number of plants	1,080	
Trees	Trees with canopy spread of 8-15' at maturity	Number of trees	2,250	

	Trees with canopy spread of 16-20' at maturity	Number of trees	7,500	
	Trees with canopy spread of 21-25' at maturity	Number of trees	17,500	
	Trees with canopy spread of 26' or more at maturity	Number of trees	31,500	
	Preservation of existing trees with a minimum trunk diameter of 6" measured at 4' above the ground	Number of trees	24,000	
Green Roofs and Walls	Green roofs with less than 4" of growth medium	Area	20	
	Green roofs with 4-8" of growth medium	Area	30	
	Green roofs with 8" or more of growth medium	Area	40	
	Green walls: living vegetation on building or structural vertical surfaces	Area	15	
Permeable paving	Permeable pavers over soil or gravel with a depth of less than 24"	Area	20	
	Permeable pavers over soil or gravel with a depth of 24" or greater	Area	50	
Bonuses	Landscaped area with at least 70% native plant coverage	Area	40	
	Landscaped area with at least 70% drought-tolerant species	Area	20	
	Landscaped area dedicated to food-producing planting (edible crops, orchards, food gardens)	Area	10	
	Landscaped area planted with a mix of flowering species that collectively provide blooms in spring, summer, and fall	Area	30	
	Vegetation planted along the street frontage*	Area	20	
	Structural soil systems	Area	50	

	<u>Landscaped area with preserved, reused, or compost-amended topsoil</u>	<u>Area</u>	<u>25</u>	
	<u>Landscaped areas where at least 50% of annual irrigation needs are met through use of collected rainwater or graywater.</u>	<u>Area</u>	<u>20</u>	
	<u>Landscaped area managed to reduce routine fertilization, mowing, and pesticide/herbicide use after establishment</u> <u>Landscaped areas where at least 50% of annual irrigation needs are met through use of collected rainwater or graywater.</u>	<u>Area</u>	<u>20</u>	
SCORE NUMERATOR <i>Add all Component Scores.</i>				
SCORE DENOMINATOR: Parcel Area <u>or Impacted Area for qualifying additions, alterations, and expansions</u> (in square feet)				
LANDSCAPE PERFORMANCE SCORE <i>Numerator / Denominator</i>				

*Vegetation planted along the street frontage may include planted areas within the building's front setback, along the building facade, and/or within the right-of-way planting strip, in compliance with Public Works standards.

K-1. Street and Sidewalk Regulations

For the redevelopment of large parcels (over five (5) acres), -parcels within the TOD District, new streets, blocks, and lots shall be established in order to create a pedestrian-friendly environment that supports a variety of transportation options. For a New streets, the following standards shall meet the following requirements: be met:

1. All new streets shall be provided as public streets. New streets shall generally conform to the Typical Street Section illustrated in Figure 608-S.
2. Alleys shall be privately owned and maintained. The overall number of alleys shall be limited to the minimum amount necessary to provide adequate access to the rear of buildings. Alleys shall be designed to minimize the number of access points onto public streets.
3. Block length shall not exceed 400 feet.
4. Pedestrian Amenities
 - (a) Sidewalks shall have a minimum of eight feet of unobstructed width.
 - (b) Crosswalks in compliance with the Americans with Disabilities Act (ADA) shall be included at all intersections.

(c) Pedestrian street lamps shall be incorporated into all new streets. The lamps shall be full cut-off fixtures with metal halide bulbs and mounted no higher than fifteen (15) feet. Pedestrian street lamps shall be of a decorative architectural style and approved by the Development Review Board.

(d) Pedestrian amenities including benches, trash receptacles, and bike racks shall be incorporated into the design of new streets.

(e) Street trees shall be planted every 40 feet on center with tree grates and structural soil (See Appendix A for Public Works Specifications). Street trees shall be placed between the pedestrian travel way and the curb.

5. Car Travel and Parking

~~a)A-~~ New streets shall include on-street parallel or 45-degree angled parking on at least one side.

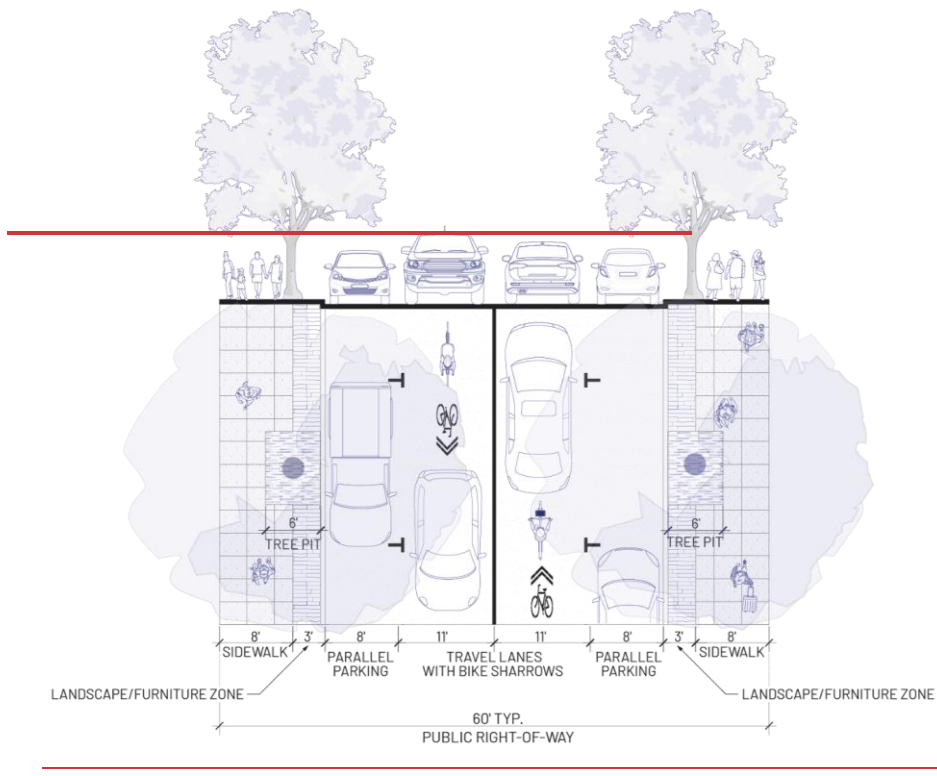
~~b)-~~ New streets shall have two car travel lanes, each 10 to 12 feet in width. Travel lanes shall be 12 feet wide where 45-degree angled parking is provided.

6. New streets shall incorporate bus stops and shall be coordinated with Green Mountain Transit (GMT). The applicant shall be required to provide written comments from GMT on the proposed bus stops and facilities.

7. New streets shall include bike lanes at least five feet in width as needed to provide convenient and safe bicycle access throughout the district. It is not expected that every new street will have a bike lane, but rather that overall connectivity and major bicycle transportation routes throughout the district are established.

8. Public pedestrian paths may be provided in lieu of new streets provided they are publicly accessible and reinforce connectivity between public streets, transit stops, open spaces, and/or planned public networks in adjacent development. Clear standards for width, length, lighting, and pedestrian amenities shall be established.

9. Modifications to these standards may be approved by the City ~~where site dimensions or engineering requirements create constraints~~, provided the proposed design maintains the intent of supporting connectivity, walkability, and a lively public realm. ~~For the redevelopment of large (over five (5) acres) parcels within the TOD District, new streets, blocks, and lots shall be established in order to create a pedestrian friendly environment that supports a variety of transportation options. For new streets, the following standards shall be met:~~



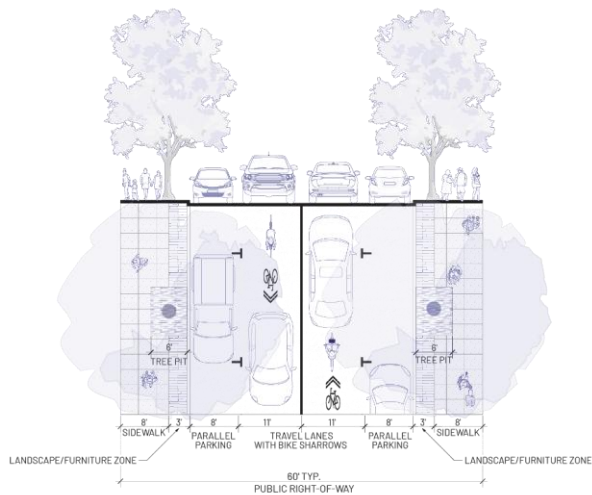


Figure 608-S. TOD Zone Typical Street Section for New Streets

3. Street Design and Layout

(a) All new streets within the TOD District shall be provided as public streets. Alleys shall be privately owned and maintained. The overall number of alleys shall be limited to the minimum amount necessary to provide adequate access to the rear of buildings. Alleys shall be designed to minimize the number of access points onto public streets.

(b) New Streets shall not have a block length greater than six hundred (600) feet.

(c) Sidewalks within the TOD District shall have a minimum of eight (8) feet of unobstructed width.

(d) Major redevelopment projects within the TOD District shall include bike lanes at least five (5) feet in width within the development in order to provide convenient and safe bicycle access within the district. It is not expected that every new street will have a bike lane, but rather those that provide major bicycle transportation routes within the district. All new streets shall include crosswalks at all intersections, which are in compliance with the Americans with Disabilities Act.

(e) Pedestrian amenities including benches, trash receptacles, and bike racks shall be incorporated into the design of new streets.

(f) Street trees shall be planted every forty (40) feet on center with tree grates and structural soil (See Appendix A for Public Works Specifications). Street trees shall be placed between the pedestrian travel way and the curb.

(g) New streets shall include on-street parallel or forty-five (45) degree angled parking.

(h) Pedestrian street lamps shall be incorporated into all new streets. The lamps shall be

~~full cut-off fixtures with metal halide bulbs and mounted no higher than fifteen (15) feet. Pedestrian street lamps shall be of a decorative architectural style and approved by the Development Review Board.~~

~~(i) All new streets shall incorporate bus stops and shall be coordinated with Green Mountain Transit (GMT). The applicant shall be required to provide written comments from GMT on the proposed bus stops and facilities.~~

~~(j) New streets with parallel parking on both sides of the street shall have two eleven (11) foot travel lanes.~~

~~(k) New streets with forty five (45) degree angled parking shall have two (2) twelve (12) foot travel lanes.~~

~~L. Planned Unit Development~~

~~Any application for proposed development may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.~~

M.J. Special Uses

Uses identified with an "S" on the Use Chart in Section 622 of this Code for the TOD District shall only be allowed on the first story.

SECTION 609: RESIDENTIAL-OFFICE (R-O)

A. Purpose

Provide areas for small office conversions of existing residential structures while maintaining residential type architecture. It is not the intent of this District to allow conversions which substantially alter the residential appearance of the structure or which alter the residential character of the neighborhood.

B. Lot Size/Lot Coverage

1. The minimum lot size shall be seven thousand five hundred (7500) square feet
2. The maximum total lot coverage shall be forty (40) percent.
3. No more than two (2) principal buildings shall be allowed per lot, unless approved as part of a Planned Development.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
- (b) 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.

- 2. The minimum side yard setback shall be eight (8) feet.
- 3. The minimum rear yard setback shall be eight (8) feet.

D. Maximum Number of Dwelling Units

The maximum number of dwelling units on any individual lot shall be six (6).

E. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

F. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

G. Building Height

Building height shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

H. Special Standards for Residential Conversions

Any proposed residential conversion which adds one or more dwelling units shall require Site Plan approval. In addition, the following standards shall be met:

- 1. Parking for additional dwelling units shall be designed to minimize impact on adjoining properties. The Development Review Board may require that screening, landscaping, berming or other techniques be used as a condition of approval.
- 2. Alterations to the structure shall not substantially change the single family character of the structure. Added exits, stairways and window treatments shall be designed to protect the residential character of the structure. The Development Review

Board may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

I. Special Standards for Office Conversions

Proposed conversions to non-residential uses shall require Conditional Use and Site Plan approval. In addition to Site Plan standards, the Development Review Board shall review the following special standards:

1. The proposed use shall not cause significant sound or traffic impacts on adjoining properties.
2. Parking areas shall be arranged to minimize the impact on adjoining properties. Parking shall not be allowed within any front or side yard. The additional parking shall be effectively screened from ground level view of adjoining residences. The Development Review Board may require that screening, landscaping, berming or other techniques be used as a condition of approval.
3. Signs advertising the use shall be limited to twenty (20) square feet in area and not internally illuminated. Only one sign is allowed per business. The one sign may be a freestanding, projecting or wall sign.
4. The application shall specify the number of employees and shall certify to the Development Review Board that there will be no increase in employees without notice. Upon receipt of such notification, the Development Review Board may decide to reconsider the Site Plan approval and shall so notify the applicant within forty-five (45) days of receipt of the notice of increased employees.
5. The application shall include an estimate of the number of daily customers. If, at a later date, the Development Review Board should determine that the daily number of customers is significantly greater than estimated, the Development Review Board may reconsider the Site Plan approval and shall so notify the applicant.
6. Businesses to be allowed in this district are those which generally serve customers on an appointment only basis, and shall be restricted to the following:
 - (a) Doctor, lawyer, accountant, insurance agent, planner, engineer, architect and similar professions.
 - (b) Real estate offices and travel agencies.
 - (c) Barber shop or beauty parlor.
 - (d) Dance and gymnastics studios, provided that lessons are restricted to not more than ten (10) customers at a time.
 - (e) Retail sales associated with any of the above uses, provided that the space (including storage) allocated to retail goods shall not exceed ten (10) percent of the total floor.
 - (f) Apothecary type pharmacy as an accessory use, provided that the space (including storage) allocated to retail goods shall not exceed ten (10) percent of the total floor.
7. The Development Review Board may restrict hours, employees and customers, and may specify other conditions necessary to protect the residential character of the neighborhood.
8. The Development Review Board may impose conditions on parking, traffic

circulation (including prohibiting parking in front yards), drainage and landscaping as it deems necessary to protect the residential character of the neighborhood.

9. Alterations to the structure shall not substantially change the single family character of the structure. Added exits, stairways and window treatments shall be designed to protect the residential character of the structure. New construction shall be of residential construction and shall fit the established character of the neighborhood. The Development Review Board may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

J. Standards for Existing Non-Residential Structures

Current uses of non-residential type structures may be sold or leased to support another use, providing it is, in the opinion of the Administrative Officer, similar to the original use and intensity.

SECTION 610: OPEN SPACE DISTRICT

A. Purpose

To provide and maintain open lands within the City and its neighborhoods, and to provide locations for public recreation and school facilities.

B. Lot Size/Lot Coverage

1. The minimum lot size shall contain three (3) acres.
2. The maximum total lot coverage shall be twenty (20) percent.

C. Setback Requirements

1. The minimum front yard setback shall be:
 - (a) For agricultural uses, forty (40) feet.
 - (b) For all other uses, fifty (50) feet.
2. The minimum side yard setback shall be:
 - (a) For agricultural uses, twenty (20) feet.
 - (b) For all other uses, fifty (50) feet.
3. The minimum rear yard setback shall be:
 - (a) For agricultural uses, twenty (20) feet.
 - (b) For all other uses, fifty (50) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height

Building heights shall not exceed three (3) stories or thirty-five (35) feet whichever is less.

SECTION 611: LIGHT INDUSTRIAL (LI)**A. Purpose**

To provide areas for manufacturing, warehousing, research and development while maintaining high air and water quality.

B. Density/Lot Coverage

1. The minimum lot size shall be ten thousand (10,000) square feet.
2. The maximum total lot coverage shall be sixty-five (65) percent.

C. Setback Requirements

1. The minimum setback from a public street shall be one hundred (100) feet.
2. The minimum setback from an adjoining property line shall be fifty (50) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Heights

The height of any structure shall not exceed four stories or fifty-eight (58) feet, whichever is less. The Development Review Board may waive this requirement to no more than six stories or seventy-two (72) feet upon clear determination that the waiver is necessary for proper functioning of any permitted industrial use and that it will not adversely impact any surrounding properties.

G. Special Standards

Due to the unique characteristics of this district, the following special standards shall apply:

1. Additions not exceeding two thousand (2,000) square feet in area per story and which do not generate additional employees may be approved by Staff if the addition is not visible from any adjoining public street.
2. Additions not exceeding ten thousand (10,000) square feet in area may be approved by Staff, if following public notice of the project, a request for a public hearing is not received with fifteen (15) days of receipt of notice. The request shall be made in writing and shall state the basis for the request.
3. The addition of structures necessary for safety, fire protection or communications which do not exceed one thousand (1,000) square feet in area per story and are not more than sixty-five (65) feet in height may be approved by Staff.

SECTION 612: PLANNED EXPOSITION (PE)

A. Purpose

To provide an area for special events and exposition facilities while minimizing adverse traffic, sound and visual impacts. It is the intent of this district to encourage innovation in design and to encourage pedestrian, bicycle and bus access to such events.

B. Density/Lot Coverage

1. The minimum lot size shall be one hundred (100) acres.
2. The maximum total lot coverage shall be forty (40) percent.

C. Setback Requirements

1. For front yards abutting commercial districts the minimum setback shall be twenty (20) feet.
2. For front yards abutting residential districts the minimum setback shall be fifty (50) feet.
3. For side and rear yards abutting commercial districts the minimum setback shall be twenty (20) feet.
4. For side and rear yards abutting residential districts the minimum setback shall be fifty (50) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements shall be specifically approved by the Development Review Board. Office uses shall meet the standards specified in "Professional Office" in Section 703(C). Other uses shall, at a minimum, meet the following standards:

1. One (1) space per three (3) seats in principal seating area or five (5) per one thousand (1,000) Square Foot of Gross Floor Area.
2. Outdoor events – One (1) space per ten (10) visitors.

F. Building Heights

The height of any structure shall not exceed thirty-five (35) feet; provided that the Development Review Board may waive this requirement for facilities constructed a minimum of one hundred (100) feet from any property line with Conceptual Plan and Site Plan review.

G. Exposition Center PUD

The Development Review Board may approve a Planned Unit Development for use as an Exposition Center. In connection with such PUD approval, the Development Review Board may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Planned Exposition District. Development activity involving an Exposition Center PUD shall be reviewed under the provisions of this Subsection. For the purposes of this Code, an Exposition Center PUD shall be defined as the development of a parcel of land

with multiple buildings, vehicle parking areas and appurtenant facilities for the purpose of conducting indoor and outdoor exhibits, carnivals, fairs, concerts, trade shows and similar events.

1. Approval of an application for an Exposition Center PUD requires approval of a Conceptual Plan by the Development Review Board in accordance with the requirements of Section 511.C.
2. If the application involves the construction of new buildings or the alteration of existing buildings or facilities, Site Plan approval is also required; see section 502.F.
3. Submittal Requirements. In addition to the requirements for submittal of a Conceptual Plan specified in Section 511.C, a Conceptual Plan for an Exposition Center PUD shall contain the following:
 - (a) The location and type of all permanent signs.
 - (b) The location of areas proposed for temporary and permanent signs which are visible from any public street.
 - (c) The general location of areas to be used for specific purposes or events, including parking.
 - (d) The general location of permanent fencing, screening and landscaping, including a description of types of plant materials.
 - (e) The general location of areas to be occupied by temporary structures, including distances between buildings and from structures to property lines. Temporary structures are those not staying in one location for more than two consecutive weeks or not served by water, sewer, and electric power connections.
 - (f) The approximate location of any proposed roads, sidewalks or bike paths.
 - (g) A proposed phasing schedule and map.
 - (h) A description of methods used to estimate the impact of the proposed development on public infrastructure.
4. Standards of Review of Exposition Center PUD.
 - (a) Physical characteristics of the site and relation to surrounding properties;
 - (b) Relationship to major transportation facilities, including mass transit, walkways and bike paths;
 - (c) Design characteristics of the proposal and compatibility to adjoining developed land;
 - (d) Unique design or land planning characteristics;
 - (e) Methods used to provide a transition between adjoining uses and proposed uses including, but not limited to, setbacks, screening, fencing, building design and parking design;
 - (f) The preservation of unique natural physical characteristics;
 - (g) Building design compatibility with adjoining structures; and
 - (h) Other criteria, as deemed necessary by the Development Review Board, to evaluate the merits of a specific proposal.
5. Standards for Review of Temporary Activities in an Exposition Center PUD.
 - (a) The size of the event;
 - (b) The location of the event within the Planned Exposition District;

- (c) Anticipated traffic impacts;
 - (d) Proposed hours of operation; and
 - (e) Conformance with performance standards in Section 718 of this Code.
6. Conditions. The Development Review Board may approve the proposed Exposition Center PUD with conditions designed to meet the standards established in Section 612 of this Code.
7. Classification and Approval of Activities. Plans for specific activities in an Exposition Center PUD shall be classified by the Community Development Department as permitted activities, temporary activities or major activities, and shall be reviewed in the following manner:
- (a) Permitted activities. Permitted activities require no permits, provided that no new or temporary structures are proposed. The applicant shall notify Staff in writing, not less than two (2) [business](#) days, excluding weekends and holidays, prior to the activity to ensure that additional review is not necessary. The following are permitted activities:
 - (i) Agriculture shows or exhibitions and related sales.
 - (ii) Educational workshops.
 - (iii) Special training, including driver's education, surveying techniques and similar training activities.
 - (iv) Reunions.
 - (v) Low intensity recreation activities.
 - (vi) Offices directly related to the Fairground's activities.
 - (vii) Storage facilities for equipment to be used for maintenance of any approved event or as a seasonal use.
 - (viii) Horse boarding.
 - (b) Temporary Activities. Temporary activities require staff review and approval. An application for a Temporary Use Permit shall be submitted in accordance with Section 502.D of this Code. In addition to the Temporary Use Permit standards, Staff shall review a temporary activity under the standards in Section 612.
 - (i) An application for a temporary activities permit may be submitted for a series of events over a one-year period (an annual permit application) or for individual events. Approval of an annual permit application shall not preclude application for and receipt of any number of single permits for events during the same year.
 - (ii) Annual permit applications shall be reviewed within twenty-one (21) days of receipt.
 - (iii) Single permit applications shall be reviewed within forty-eight (48) hours receipt.
 - (iv) The following shall be deemed temporary activities:
 - (aa) Antique shows;
 - (bb) Dog shows;
 - (cc) Car shows;
 - (dd) Craft shows;
 - (ee) Group sales (retail associations, car dealerships, clearance

- sales or similar events);
 - (ff) Sales of products associated with another temporary or permitted event;
 - (gg) Concerts; and
 - (hh) Trade shows.
- (c) Major Activities. The Development Review Board shall hold a public meeting in connection with review of a major activity, and may require a public hearing.
- (i) Standards of review. The Development Review Board shall review each application for a major activity permit on its individual merits. Special consideration shall be given to mitigation efforts proposed to reduce potential community impacts. In granting such a permit, the Development Review Board may impose conditions regarding:
 - (aa) Time of the events;
 - (bb) Parking and traffic control measures;
 - (cc) Temporary off-site parking of recreational vehicles on public property;
 - (dd) Sound mitigation;
 - (ee) Location of the event within the District; and
 - (ff) Impacts which, in the opinion of the Development Review Board, are reasonable and will mitigate adverse impacts.
 - (ii) The following shall be deemed major activities;
 - (aa) Any event for which a permit has been denied by Staff;
 - (bb) Events which last more than five (5) days (excluding set-up and take-down);
 - (cc) Any event, which exceeds the performance standards specified in Section 718 of this Code.
 - (iii) Annual agricultural exhibitions shall be reviewed by staff on an annual basis and are classified as a major use. Staff may approve all activities specified below. The Development Review Board shall review any activity denied by Staff.
 - (aa) Normal Activities. Daily shows (other than grandstand shows), education workshops, product demonstrations, agricultural events, food services, booths, carnivals, and any activity within enclosed structures shall be considered as normal activities and shall not be individually reviewed.
 - (bb) Cumulative Effects. The cumulative effects of fair activities shall be reviewed annually with Staff, the Police Department and the applicant. Review is restricted to traffic control, lighting, parking, and sound abatement plans. Reasonable efforts shall be made to reduce potential adverse impacts of annual events. In the event that agreement is not reached, the Development Review Board shall consider the outstanding issues at a public meeting on the next Development Review Board agenda.
 - (cc) Special Events. Special events, including, but not limited to,

concerts, demolition derbies, tractor pulls and other grandstand events shall be reviewed for compliance with standards for sound, dust control, parking and traffic flow. Staff may not grant waivers to any standard included in this Code. If it is expected that sound standards may be exceeded, application shall be made to the City Council for a waiver in accordance with Section 506 of this Code. Staff may approve any special event, which does not exceed standards and may impose reasonable conditions regarding control of traffic, sound and dust. In addition, Staff may stipulate hours of operation to ensure conformance with adopted standards.

8. Signs. Signs in the Planned Exposition Center PUD shall be approved by the Development Review Board as part of Conceptual and/or Site Plan review.
 - (a) The Development Review Board shall consider the following:
 - (i) Compatibility with the Conceptual Plan.
 - (ii) Compatibility with the adjoining property.
 - (iii) Visual design.
 - (iv) Landscaping.
 - (v) Location and size.
 - (b) Specific types of signs which may be approved subject to the above, including a single sign with changeable messages to advertise events and signs near the streets to direct pedestrian, bicycle and vehicular traffic to appropriate entrances. The general location and type of Temporary signs shall be reviewed by the Development Review Board.
9. Expiration of Approvals. Approval for an Exposition Center PUD or approvals for any activities to be conducted at such PUD shall expire in accordance with terms set forth in the approval.
10. Appeals:
 - (a) Any interested person may appeal a decision of the Development Review Board regarding an Exposition Center PUD or conduct of a major activity at an Exposition Center PUD in accordance with the procedures set forth in Section 1707 below.
 - (b) Any interested person may appeal a decision of the Staff classifying an activity at an Exposition Center PUD to the Development Review Board in accordance with the procedures set forth in Section 1704 below.

SECTION 613: PLANNED AGRICULTURE (PA)

A. Purpose

To provide areas for active agricultural uses and provide mechanisms to ensure the long-term viability of agriculture. Prime agriculture or active farming land shall be preserved whenever possible through specific policies of the City. Property used for agricultural purposes shall be deemed the predominant use of land and shall be protected from the adverse effects of urban developments. If development is to occur, the preservation of

open space for agricultural or recreation purposes is important to the long-term environmental sustainability and quality of life in the district. Projects are reviewed on an overall project density basis to allow for the preservation of open space while achieving full build out. Open space networks and preservation of important natural resources should be integrated with new development in such a way as to allow for continued agricultural uses or emerging open space opportunities with responsible development.

B. Density/Lot Coverage

1. The minimum lot size shall be fifteen thousand (15,000) square feet.
2. The maximum total lot coverage shall be thirty (30) percent.

C. Setback Requirements

1. The minimum front yard setback shall be thirty (30) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
- (b) 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.

2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height

1. Except as permitted in Section 613.F.3, building height for residential structures and accessory residential structures shall not exceed three (3) stories.
2. Structures utilized for normal agricultural activities shall have no height limitation.

3. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than four (4) stories, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Agriculture PUD

The Development Review Board may approve a Planned Unit Development for an Agriculture PUD, and in connection with such PUD approval, approve the structures and facilities to accommodate any of the uses allowed in the Planned Agriculture District. Any application for proposed development in the Planned Agriculture District may, at the applicant's request, be reviewed as an Agriculture PUD under the provisions of this Section in this District. All development applications involving more than three (3) units of housing shall be reviewed as an Agriculture PUD.

1. Applications shall be reviewed in accordance with the procedures set forth in Section 511. If the proposed Agriculture PUD includes new or altered buildings or facilities, Site Plan approval and/or Subdivision approval may be required.
2. Submittal requirements. In addition to the submittal requirements established in Section 511, applications for an Agriculture PUD shall include the following:
 - (a) The location and acreage of land to be reserved for agricultural purposes.
 - (b) Draft legal documents to ensure the continued availability of said lands for agricultural purposes in the future.
 - (c) A description and map of areas to receive transferred development rights, if any.
 - (d) A description of methods used to preserve agricultural lands other than the transfer of development rights, if applicable.
 - (e) Other information as needed to demonstrate compliance with the purpose of Section 613 of this Code.
3. A Conceptual Plan shall be submitted which includes, at a minimum, the following information:
 - (a) Location and acreage of all prime agricultural lands in single ownership.
 - (b) Location and acreage of all land proposed to be developed.
 - (c) Sending and receiving areas of all land proposed for transfer of development rights.
 - (d) Location of all land proposed for conservation of prime agricultural lands.
 - (e) Location and acreage of land proposed to be preserved as open space in perpetuity.
 - (f) Location and acreage of any lands to be transferred to qualified land trusts or non-profit organizations.
 - (g) Proposed phasing schedule.
 - (h) Proposed methods of preserving agriculture land.
4. Standards of Review. Generally, the Development Review Board shall consider the effect of the proposed development on the Community, public infrastructure and adjoining development. Mitigation efforts, including sound control, traffic control and landscaping shall be considered.

(a) General Review Standards

- (i) Physical characteristics of the site and relation to surrounding properties.
- (ii) Relationship to major transportation facilities, including mass transit, walkways and bike paths.
- (iii) Design characteristics of the proposal and compatibility to adjoining developed land.
- (iv) Unique design and land planning.
- (v) Methods used to provide a transition between adjoining uses and proposed uses including, but not limited to, setbacks, screening, fencing, building design and parking design.
- (vi) The preservation of unique natural physical characteristics.
- (vii) Building design compatibility with adjoining structures.
- (viii) Other criteria, as deemed necessary by the Development Review Board to evaluate the merits of a specific proposal.

(b) Specific Review Standards

- (i) Amount of land to be preserved for agricultural purposes.
- (ii) Location and type of all proposed uses.
- (iii) The proposed design concept, including location and access to any non-agricultural open space.
- (iv) Use of innovative techniques, including but not limited to, clustering, Zero Lot Lines development, purchase/leaseback arrangements, and the provision of amenities including biking and hiking trails.
- (v) Proposed densities and location of any proposed multi-family dwelling units.

5. Density Bonuses. The Development Review Board may approve density increases for any Planned Agricultural proposal. Density shall be calculated on an overall project basis and allowable bonus density on developable land that is preserved may be applied elsewhere in a development.

(a) Standards. The Development Review Board shall consider the standards as specified below:

- (i) The proposed density guarantees the preservation of agricultural lands.
- (ii) The proposed development concept is of superior design and quality to a standard subdivision. The proposed development supports a walkable environment and pedestrian connectivity including pedestrian oriented design with attention to the relationship between blocks, lots, street, buildings and open spaces.
- (iii) The proposal includes amenities, including but not limited to, pedestrian and bikeways, passive and active open spaces, energy efficient designs and alternative energy sources including renewable energy sources.
- (iv) The provision of elderly housing.
- (v) The provision of affordable housing.

(b) Bonuses. If the proposal clearly meets the intent of this District and preserves agricultural lands for either agricultural or recreational purposes, the applicant may request bonuses not to exceed the following:

- (i) Total density bonus may not exceed an additional one hundred (100) percent of the base density on all developable land.
- (ii) Twenty-five (25) percent density bonus for all preserved developable land, to be applied elsewhere on the site.
- (iii) One (1) additional residential unit per unit that is perpetually affordable to households earning no more than eighty (80) percent of median income as allowed per district.

Any proposed development under Section 613.G.2 - Exceptions shall not qualify for density bonuses.

(c) Special Residential Standards. Upon approval and construction of any residential development, agricultural uses are prohibited in the developed area with the following exceptions:

- (i) Specific agricultural uses which are approved by the Development Review Board as part of a Planned Unit Development Conceptual Plan shall be allowed.
- (ii) Barbed wire fencing may be used to separate the agricultural activities from the boundaries of any residential subdivision.
- (iii) Horse trails may be allowed as part of the proposed development.
- (iv) Lots which are ten (10) acres or more in area may have agricultural uses, provided animals are not kept within twenty-five (25) feet of the property boundaries.

6. Conditions. The Development Review Board may approve the proposed Agriculture PUD with conditions designed to meet the standards established in Section 613 of this Code.

7. Expiration of Approval. An approval for an Agriculture PUD shall expire in accordance with terms set forth in the approval.

8. Appeal. Any interested person may appeal a decision of the Development Review Board regarding an Agriculture PUD in accordance with the procedures set forth in Section 1707 below.

SECTION 614: FLOOD PLAIN (FP)

A. Purpose

The purpose of this district, consistent with 10 V.S.A. § 751, is to:

- 1. Promote the public health, safety and general welfare;
- 2. Prevent increases in flooding caused by excessive development of land in flood hazard areas;
- 3. Minimize and prevent loss of life and property, disruption of commerce, impairment of the tax base, and extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards;

4. Ensure that the City of Essex Junction and individuals remain eligible for federal flood insurance, disaster recovery funds, and hazard mitigation funds as may be available.

B. Applicability

These regulations shall apply to all areas included in the FP Flood Plain District, or all lands identified as areas of special flood hazard at time of submittal of application on the most recently available Flood Insurance Rate Maps and in the most recently available Flood Insurance Studies published by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this code.

C. Warning And Disclaimer of Liability

This code does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This code shall not create liability on the part of the City of Essex Junction or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this code, or any administrative decision lawfully made hereunder.

D. Permitted and Conditional Uses

Permitted uses within this district are restricted to agricultural and accessory uses and structures other than dwellings and/or commercial buildings. Conditional uses are limited to recreational facilities not involving the use of structures or flood control works.

E. Review Procedures

1. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24 V.S.A. 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.
2. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
3. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

F. Base Flood Elevations and Floodway Limits

1. Where available, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.
2. In areas where base flood elevations and floodway limits have not been provided

by the National Flood Insurance Program, base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these regulations.

G. Development Standards

1. All development shall be designed to:
 - (a) Minimize flood damage to the proposed development and to public facilities and utilities; and
 - (b) To provide adequate drainage to reduce exposure to flood hazards.
2. Structures shall be:
 - (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - (b) Be constructed with material resistant to flood damage;
 - (c) Be constructed by methods and practices that minimize flood damage; and
 - (d) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. Replacement manufactured homes shall be:
 - (a) elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
 - (b) properly anchored to resist flotation, collapse, or lateral movement.
7. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
8. The lowest floor, including basement, of all new buildings shall be at least one foot above the base flood elevation.
9. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection 8 (above).
10. Existing buildings to be substantially improved for non-residential purposes shall either:
 - (a) Meet the requirements of Subsection 8 (above); or
 - (b) Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design,

specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Subsection.

11. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside the floodway, provided the area is filled to at least one foot above the base flood elevation.
12. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
13. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all standards of Section 603(B)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 603(C)(6) of the National Flood Insurance Program Regulations.

H. Duties and Responsibilities of Staff

The Administrative Officer shall maintain records of:

1. All permits issued for development in areas of special flood hazard.
2. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
3. The elevation, in relation to mean sea level, to which buildings have been flood proofed.
4. All flood-proofing certifications required under this regulation.
5. All variances and justification for their issuance.

I. Variances to the Development Standards

Variances shall be granted by the Development Review Board only:

1. In accordance with the provision of 24 V.S.A. Section 4469.
2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
3. Upon a determination that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional

threats to public safety.

SECTION 615: MIXED COMMERCIAL USE DISTRICT (MCU)**A. Purpose**

To provide areas for mixed use development in locations which have adequate public and compatible surrounding land uses. A mix of residential, retail and office use is encouraged.

B. Lot Size/Lot Coverage

1. The minimum lot size shall be fifteen thousand (15,000) square feet. The Mixed Commercial Use District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.
2. The maximum total lot coverage shall be sixty-five (65) percent; the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Development Review Board using the same criteria outlined in Section 601.G.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet.
2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code.

E. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

F. Building Height.

1. Except as permitted in Section 615.F.2, building heights shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.
2. In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.

G. Planned Unit Development

Any application for proposed development in the Mixed Commercial District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723.

SECTION 616: PROFESSIONAL OFFICE OVERLAY DISTRICT**A. Purpose**

A Professional Office Development Overlay District is to allow for the development of office buildings within areas of existing offices, and as designated on the Future Land Use Map in the Essex Junction Comprehensive Plan.

B. Review

All proposed Professional Office Developments shall require a hearing before the Development Review Board. The Development Review Board shall consider the following criteria and may establish conditions as deemed necessary to meet the purposes of this Section.

1. Compatibility with surrounding office uses.
2. Hours of operation.
3. The proposed use will not interfere with or alter the residential uses of adjoining properties.
4. Permitted Uses. Specific uses shall be determined by the Development Review Board upon review of an application and finding that the proposal meets all the criteria of this Section. However, retail and industrial uses shall not be allowed. Residential uses shall be allowed as a Conditional use. The residential density shall not exceed ten (10) units per acre.

C. Conditions

The Development Review Board may establish conditions as deemed necessary to mitigate impacts of a proposed Professional Office Development.

D. Site Plan

In addition to the Site Plan Standards specified in this Code, the Development Review Board review the following:

1. Lighting shall not negatively impact adjoining residential properties and the use of flood lighting is expressly prohibited.
2. Parking areas shall be screened from view from adjoining residential properties.
3. All structures shall be designed to be compatible in construction with adjoining structures.
4. Proposed signs shall be specifically approved.

SECTION 617: NORTH LINCOLN STREET OVERLAY DISTRICT (NLSO)**A. Purpose**

The North Lincoln Street Overlay District is intended to allow additional land uses beyond those allowed by the underlying zoning district due to the fact that the properties within this district are not served by municipal sewer and the property is relatively isolated.

B. Permitted Uses

Uses allowed in the NLSO shall be those uses identified in Section 622 Use Chart, including all uses identified in both the NLSO and the underlying zoning district.

C. Dimensional Standards

Development within the NLSO shall meet the dimensional requirements of the underlying zoning district including setbacks, lot coverage and building height.

D. Density

The allowable residential density in the NLSO shall be established by the underlying zoning district.

SECTION 618: RESIDENTIAL 1 (R1)**A. Purpose**

To provide areas for large lot residential dwellings and accessory uses, [as well as other unit types permitted by applicable state statute](#).

B. Lot Size/Lot Coverage

1. The minimum lot size shall be fifteen thousand (15,000) square feet.
2. The maximum total lot coverage shall be forty (40) percent. However, the maximum permitted lot coverage for buildings shall not exceed thirty (30) percent.
3. No more than two (2) principal buildings shall be allowed per lot, unless approved as part of a Planned Development.

C. Setback Requirements

1. The minimum front yard setback shall be twenty (20) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:
 - (a) The proposed setback does not negatively impact the character of the neighborhood; and
 - (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
2. The minimum side yard setback shall be eight (8) feet.
3. The minimum rear yard setback shall be twenty-five (25) feet.

D. Maximum Number of Dwelling Units

The maximum number of dwelling units on any individual lot shall be four (4).

E. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code. A principal structure may contain any use identified on the Use Chart in Section 622 for the R1 zoning district.

F. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

G. Building Height

Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

H. Special Standards

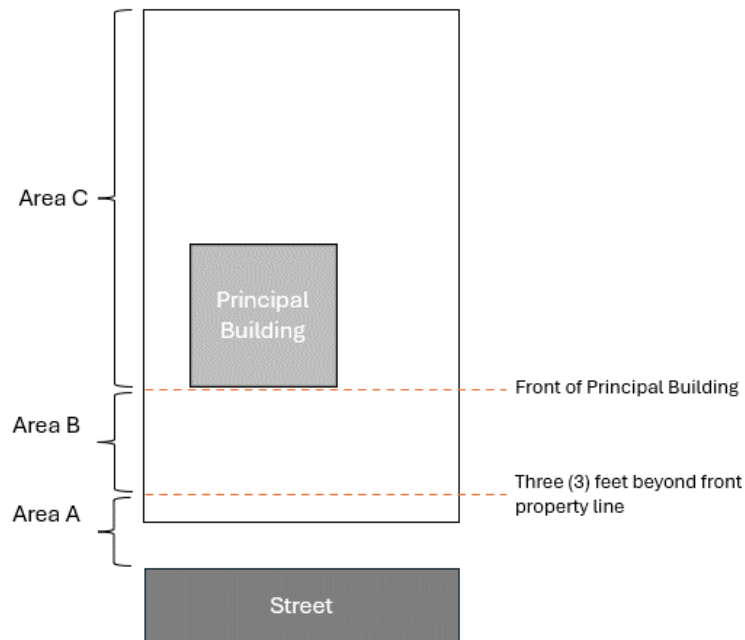
To encourage architectural styles compatible with the other buildings within the district and to encourage parking to be located at the side or rear of residential properties:

1. For the principal building closest to the street, at least one dwelling unit must ~~have a primary pedestrian entrance facing the street; either:~~
 - (a) ~~have a primary pedestrian entrance facing the street; or~~
 - (b) ~~have a primary pedestrian entrance accessed through a porch, deck, or stoop that has an entry or defined access way facing the street; or~~~~(a)(c) have a primary pedestrian entrance located on a side elevation of the building within ten (10) feet of the front building façade, measured horizontally along the side wall.~~

~~5-2.~~ Parking and Driveways in this district are subject to the following standards:

- (a) In the area between the street and three (3) feet beyond the front property line (Area A in the diagram below), the maximum width of the driveway is determined by Section 705 of this code.
- (b) In the area between three (3) feet beyond the front property line and the front of the Principal Building closest to the street (Area B in the diagram below), outdoor parking spaces and any portion of the driveway used for parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is more.
- (c) In the area behind the front of the Principal Building closest to the street (Area C in the diagram below), outdoor parking spaces and any portion of the driveway used for parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is more unless the width in excess of this limit is screened from view from the street. Screening shall be provided by buildings, other opaque structure, or hedges not less than six (6) feet in height. Any hedges planted for this

purpose shall be of sufficient size and density to block vision at eye level within two (2) years of planting.



6.3. On double-frontage lots, these special standards are only applied to one frontage.

SECTION 619: RESIDENTIAL 2 (R2)

A. Purpose

To provide areas for high-density single family residential development and accessory uses, [as well as other unit types permitted by applicable state statute](#).

B. Lot Size/Lot Coverage

1. The minimum lot size shall be seven thousand five hundred (7,500) square feet.
2. The maximum total lot coverage shall be forty (40) percent. However, the maximum permitted lot coverage for buildings shall not exceed thirty (30) percent.
3. No more than two (2) principal buildings shall be allowed per lot, unless approved as part of a Planned Development.

C. Setback Requirements

1. The minimum front yard setback shall be fifteen (15) feet. The maximum front yard setback shall be the larger of the setbacks of the two adjacent lots (or the closest

two lots on the same side of the same street). The principal structure closest to the street shall have a setback between the established maximum and minimum setback as described above. If the maximum setback is below the minimum setback as described above, the minimum setback shall prevail. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. 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 Development Review Board may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
 - (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
2. The minimum side yard setback shall be eight (8) feet.
 3. The minimum rear yard setback shall be twenty-five (25) feet for principal structures and fifteen (15) feet for accessory structures or parking spaces.

D. Maximum Number of Dwelling Units

The maximum number of dwelling units on any individual lot shall be four (4).

E. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 622 of this Code. A principal building may contain any use identified on the Use Chart in Section 622 for the R2 zoning district.

F. Parking Requirements

Off-street parking requirements are as specified in Section 703 of this Code.

G. Building Height

Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

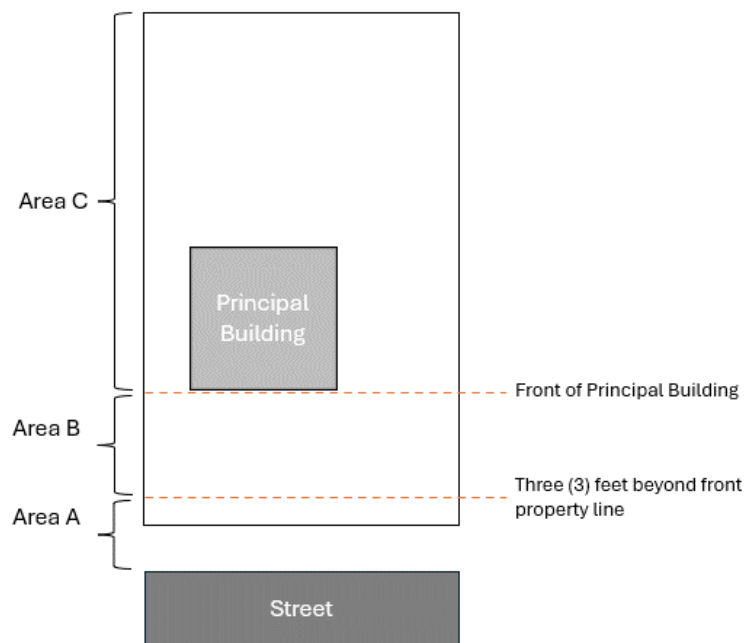
H. Special Standards

To remain at similar existing densities in this district as the Comprehensive Plan calls for:

1. For the principal building closest to the street, at least one dwelling unit must either:
 - (a) have a primary pedestrian entrance facing the street; or
 - (b) have a primary pedestrian entrance accessed through a porch, deck, or stoop that has an entry or defined access way facing the street; or have a primary pedestrian entrance facing the street.
 - (c) have a primary pedestrian entrance located on a side elevation of the building within ten (10) feet of the front building façade, measured horizontally along the side wall.

7.2. Parking and Driveways in this district are subject to the following standards:

- (a) In the area between the street and three (3) feet beyond the front property line (Area A in the diagram below), the maximum width of the driveway is determined by Section 705 of this code.
- (b) In the area between three (3) feet beyond the front property line and the front of the Principal Building closest to the street (Area B in the diagram below), outdoor parking spaces and any portion of the driveway used for parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is more.
- (c) In the area behind the front of the Principal Building closest to the street (Area C in the diagram below), outdoor parking spaces and any portion of the driveway used for parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is more unless the width in excess of this limit is screened from view from the street. Screening shall be provided by buildings, other opaque structures, or hedges not less than six (6) feet in height. Any hedges planted for this purpose shall be of sufficient size and density to block vision at eye level within two (2) years of planting.



- 8.3. On double-frontage lots, these special standards are only applied to one frontage.

SECTION 620: DESIGN REVIEW OVERLAY DISTRICT (DRO)

A. Purpose

~~The purpose of the Design Review Overlay District is to apply design review standards in the areas surrounding the Village Center District, along the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street as called for in the Comprehensive Plan; thereby recognizing the economic importance and unique historic qualities of the existing buildings and neighborhoods. The purpose of these standards is to~~
The purpose of the Design Review Overlay District is to expand the design review standards used in the Village Center District into the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street as called for in the Comprehensive Plan; thereby recognizing the economic importance and unique historic qualities of the existing buildings and neighborhoods. The purpose of these standards is to:

1. Enable infill and redevelopment that brings opportunities to protect existing historic resources and provide new sources of architectural and urban design for the 21st century while increasing density, activity and economic opportunity.
2. Carryout the concepts of the Design Five Corners Plan which are to accommodate infill development while calming traffic and reclaiming more space for people.
3. Establish a pedestrian friendly atmosphere from the surrounding neighborhoods into the Village Center.

B. Applicability

These standards are in addition to the underlying standards of the base zoning district. The design review standards in Section 620.D. are applicable to any new construction, proposed additions, demolition or reconstruction of existing buildings within the Design Review ~~and Historic Preservation~~ Overlay District. Regular maintenance, exterior alterations, and change of use are exempt.

In addition, Design Review by the Development Review Board shall not be required for the construction of a new building that the Administrative Officer has determined is selected from and conforms to the 802 Homes Catalogue, as defined in Section 201, subject to the following conditions:

1. The proposed building is not located on a parcel containing a structure listed or eligible for the State or National Register of Historic Places, or identified on Map 2 of the Comprehensive Plan;
2. The applicant submits the applicable 802 Homes Catalogue plan set, annotated to demonstrate conformance with all dimensional and use standards of the underlying zoning district; and
3. All other applicable development review requirements of this Code, including zoning permit requirements, remain in full effect.

Regarding demolition the intent is for the Administrative Officer or Development Review Board to review the plan for reconstruction for conformance with this section prior to demolition.

C. Design Review Procedures

The Development Review Board may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Accordingly:

1. Design review from the Development Review Board will be conducted in conjunction with subdivision or site plan approval. If subdivision or site plan review is not otherwise required, design review shall be conducted in accordance with site plan review procedures under Section 502 or Section 503. All reviews shall be conducted at a public meeting.
2. Nothing in these design control criteria shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.
3. The review of plans under this Section by the Development Review Board requires the submission of information listed in Section 502 or Section 503 along with building elevations, a description of materials to be used on the exterior of any structure, plans for exterior lighting, signs, drainage and snow removal, and photographs of existing structures and adjacent buildings if applicable. The Development Review Board may require additional information and documentation, as it deems necessary including 3D drawings and/or models of the proposal to assist in understanding the fundamental design elements and important spatial relationships.
4. Should the Development Review Board deem it necessary to employ an architect or other qualified individual to review any development proposal, the cost of employing such an individual shall be borne by the applicant.

D. Design Review Standards

The Development Review Board shall review applicable development applications in the Design Review Overlay District for compliance with the criteria listed below and in accordance with the character of the underlying district as defined by the Essex Junction Comprehensive Plan.

1. The relationship of building mass and architectural detail to open space and to the relative size of a person shall be reviewed by the Development Review Board in this District.
2. The predominant direction of structural shape, of placement of openings and architectural details at the front façade shall be harmonious with the core principles of a designated Village Center District.
3. Building setback and height requirements of the underlying zoning district shall apply. However, variation along the frontage may be

permitted by the Development Review Board to:

- (a) Create a consistent street edge and sense of enclosure.
 - (b) Provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas.
4. Bicycle paths which connect neighborhoods shall be constructed in accordance with planned facilities mapped in the Comprehensive Plan on Map 6: Non-Motorized Transportation, or in conformity to a Bicycle Plan as approved by the Development Review Board.
5. Site features and design shall promote cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. As appropriate to the location of the application, features shall include at least two or more of the following, or similar amenity with approval from the Development Review Board:
- (a) Pedestrian access directly from the building to the public sidewalk;
 - (b) Pocket park with benches or similar amenities between the public realm and the private building (see image box for examples to help clarify the intent of this requirement);
 - (c) Public art, murals or interactive games;
 - (d) Covered bus shelter; and
 - (e) Shade trees.

Below: Public Realm Amenity examples for Section 620.D.5. These images are provided as illustrations of intent.



6. The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:
 - (a) The relationship between the width to height of the front elevation of the building.

- (b) The relationship of width to height of windows and doors.
- (c) The rhythmic relationship of openings to solid areas in front façades.
- (d) The spaces between the proposed structure or structural alteration.
- (e) The relationship of entranceways to buildings and porches.
- (f) The materials, textures, and colors, including primary and accent or trim colors.
- (g) Proposed architectural details (such as lintels, arches, chimneys).
- (h) Proposed roof shapes and lines.
- (i) Proposed enclosures, including fences, brick walls, stone walls, evergreen hedgerows and building facades, which are also continuous and cohesive with existing walls in the district.
- (j) Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.
- (k) The proposed ground cover shall be compatible with the predominant ground cover in the district.
- (l) Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.

SECTION 621: HISTORIC PRESERVATION OVERLAY DISTRICT (HRO)

A. Purpose

~~The purpose of the Historic Preservation Overlay District is to protect buildings listed on the State or Federal Register of Historic Places, recognizing their cultural and economic importance and their contribution to neighborhoods in Essex Junction.~~ ~~he purpose of the Historic Preservation Overlay District is to expand the historic preservation standards used in the Village Center District into the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street as called for in the Comprehensive Plan; thereby recognizing the economic importance and unique historic qualities of the existing buildings and neighborhoods. The purpose of these standards is to:~~ ~~Protect those buildings listed or eligible for the State or Federal Register of Historic Places while accommodating new and appropriate infill and redevelopment supporting increased density and multi-modal development.~~ ~~Enable infill and redevelopment that brings opportunities to protect existing historic resources and provide new sources of architectural and urban design for the 21st century while increasing density, activity and economic opportunity.~~

B. Applicability

These standards are in addition to the underlying standards of the base zoning district. The historic preservation design standards in Section ~~620~~621.D.2. of this Code are applicable to demolition, alterations, additions or redevelopment of buildings within the ~~Design Review~~

~~and~~ Historic Preservation Overlay District and structures on Map 2 in the Comprehensive Plan

((https://www.essexjunction.org/fileadmin/files/Planning_Zoning/Map2_Historic_Sites_20190130.pdf), or listed on the State or National Registers of Historic Places. The following buildings are exempt:

1. Buildings that have been de-listed or determined by the Vermont Division for Historic Preservation for state and federal regulatory program purposes to not meet the State Register Criteria for Evaluation and are not eligible for listing in the State Register of Historic Places.
2. Buildings where the historical significance has been compromised and is no longer relevant. A letter must be provided by a qualified Historic Preservation consultant stating this case.

C. Historic Preservation Procedures

The Development Review Board may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Accordingly:

1. Historic Preservation review from the Development Review Board will be conducted in conjunction with subdivision or site plan approval. If subdivision or site plan review is not otherwise required, design review shall be conducted in accordance with site plan review procedures under Section 502 or Section 503. All reviews shall be conducted at a public meeting.
2. Nothing in these Historic Preservation standards shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.
3. The review of plans under this Section by the Development Review Board requires the submission of information listed in Section 502 or Section 503 along with building elevations, a description of materials to be used on the exterior of any structure, plans for exterior lighting, signs, drainage and snow removal, and photographs of existing structures and adjacent buildings if applicable. The Development Review Board may require additional information and documentation, as it deems necessary including 3D drawings and/or models of the proposal to assist in understanding the fundamental design elements and important spatial relationships.
4. Should the Development Review Board deem it necessary to employ an architect or other qualified individual to review any development proposal, the cost of employing such an individual shall be borne by the applicant.

D. Historic Preservation Standards

The Development Review Board shall review applicable development applications in the Historic Protection Overlay District for compliance with the criteria listed below and in accordance with the character of the underlying district as defined by the Essex Junction Comprehensive Plan. Staff will review the applicant's proposal and provide guidance as to what the Development Review Board will expect with historic structures. The following

Secretary of the Interiors Standards for the Rehabilitation of Historic Structures shall apply:

1. An existing property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Demolition of Historic Structures

The demolition of listed, or properties eligible for historic listing is discouraged and it is the intent of this section to limit the demolition of historic structures unless the following standards are met. The intent of this section is to provide a procedure for the review of applications for the demolition of a historic structure. The Development Review Board may require professional assistance in evaluating an application for demolition at the applicant's expense to determine compliance with the standards of this section. An application for demolition of a historic structure will be reviewed based on financial, structural, historic, design and community benefits of the proposed redevelopment.

(1) Application for Demolition

- (a) A report from a licensed engineer qualified to assess the structural integrity of historic buildings is required. The report shall address the ability for rehabilitation and reuse of the existing building as it pertains to the building's structural integrity and cost of rehabilitation.
- (b) A report from a qualified professional (planner, economist, business consultant) on the economic feasibility to rehabilitate and/or operate the historic building or site while preserving its historic qualities. The report, at the request of the Development Review Board, may require the report to assess options for sensitive building expansions as it pertains to the economic viability of the building.
- (c) A statement from the applicant regarding compliance with the standards for demolition of a historic structure.
- (d) Any building in non-compliance with the design requirements for historic structures as a result of a fire, flood or similar unforeseen event shall apply within six months of the date of the event for an application to demolish the building or approval of a plan for restoration. All of the standards in this section shall be fully considered including economic hardship, structural integrity and community benefit.

(2) Demolition Review Standards:

- (a) Economic Hardship. The continued operation of the historic structure is financially infeasible based on existing and potential land uses and any costs of rehabilitation. All options for adaptive reuse, resale, or relocation shall be considered and addressed in the application.
- (b) Structural Integrity. The structure is beyond repair or the cost of repairing and operating the building is not financially feasible or reasonable; or
- (c) Community Benefit. The redevelopment plan for the site has significant state, regional or community benefits in terms of urban design, ecology, and cultural or economic benefits. The redevelopment proposal shall consider and address impacts on adjacent historic properties and the entire district. The potential of incorporating historic structures into redevelopment plans shall be considered and is encouraged.

(3) Approval for Demolition. Historic buildings that are approved for demolition require the applicant to comply with the following:

- (a) Any approval for the demolition of a historic structure shall require the applicant to document the building in accordance with the Historic American Building Survey (HABS).
- (b) Assurance from the applicant that the redevelopment plan as approved will be implemented if the historic structure demolition is approved based on the community benefit of the redevelopment plan. In addition, structures approved for demolition based on the community benefit shall not be demolished until construction of the entire project has received all financial resources and regulatory permits. The Development Review Board may require a bond or letter of credit as a condition of approval for the demolition of a historic

structure.

(c) The time between demolition and the commencement of construction shall not exceed 3 months unless an alternative timeline is specifically approved as part of the demolition approval from the Development Review Board.

SECTION 622: USE CHART**A. District Abbreviations**

For the purposes of this Code, and for the chart presented in this Section, the zoning districts shall have the following abbreviations:

1. Multi-Family Residential 1 District (MF1).
2. Multi-Family Residential 2 District (MF2).
3. Multi-Family Residential 3 District (MF3).
4. Village Center District (VC).
5. Highway-Arterial (HA)
6. Multi-Family/Mixed Use-1 District (MF-MU1)
7. Multi-Family/Mixed Use-2 District (MF-MU2)
8. Transit Oriented Development (TOD)
9. Residential-Office District (RO).
10. Open Space (OS)
11. Light Industrial District (LI).
12. Planned Exposition District (PE).
13. Planned Agriculture District (PA).
14. Flood Plain District (FP).
15. Mixed Commercial Use District (MCU).
16. Professional Office Overlay District
17. North Lincoln Street Overlay District (NLSO).
18. Residential 1 District (R1).
19. Residential 2 District (R2).
20. Design Review Overlay District (DRO)
21. Historic Preservation Overlay District (HRO)

B. Permitted Uses

Uses considered to be permitted uses in each district are marked with an "X".

C. Conditional Uses

Uses considered to be conditional uses in each district are marked with a "C".

D. Special Uses

Uses which are generally permitted; but require specific reviews or approvals by the Development Review Board to determine applicability at a specific location are marked with an "S".

E. Prohibited Uses

Uses which are listed but not marked with an "X", "C", or "S" are considered to be prohibited uses within each district.

F. Uses not Specified in Use Chart

Uses, which do not fall under a definition of one of the uses specified in the Use Chart

below, shall be reviewed in accordance with Sections 502.B and Section 502.C of this Code.

G. The Use Chart

The following chart indicates uses specifically allowed within each district. Qualifications and other additional requirements can be found in the applicable zoning district standards elsewhere in this Code.

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	C&C	PE	PA	OS
SINGLE FAMILY DWELLING	X	X	X	X	X	X		X	X				X	X		X	
TWO FAMILY DWELLING	X	X	X	X	X	X		X	X				X	X		X	
THREE FAMILY DWELLING	X	X	X	X	X	X		X	X		X		X	X		X	
FOUR FAMILY DWELLING	X	X	X	X	X	X		X	X		X		X	X		X	
MULTI-FAMILY DWELLING			X	X	X	X		X	X		X	X		X		X	
AGRICULTURE																X	
AGRICULTURE PRODUCTS SALES															S	X	
ANIMAL BOARDING FACILITY															C	X	
ANIMAL EXHIBITS															S	C	
ANIMAL SHELTER	X	X	X	X	X	X	X			X			X		X	X	
ANTENNA TOWER							X										
BANK						X		X	X		X	X		X			
BANK W/ DRIVE THROUGH						X		X	X		X	X					
BED AND BREAKFAST	X	X	X	X	X	X		X	X		X	X	X	X		X	
BOARDING HOUSE	C	C	C	C	C	X		C	C		X	C	C	X			
BUILDING MATERIALS ESTABLISHMENT						X	X			X		X					
BUSINESS SERVICE						X		X	X		X	X	C	X		X	

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	CAC	PE	PA	OS
CANNABIS RETAIL ESTABLISHMENT											X	X					
CANNABIS WHOLESALE ESTABLISHMENT											X	X					
CANNABIS MEDICAL DISPENSARY											X	X					
CANNABIS CULTIVATOR ESTABLISHMENT																X	
CANNABIS MANUFACTURING ESTABLISHMENT (TIER 1)	X	X	X	X	X	X		X	X		X	X	X	X			
CANNABIS MANUFACTURING ESTABLISHMENT (TIERS 2 & 3)							X										
CANNABIS TESTING LABORATORY ESTABLISHMENT							X										
CAR WASH, INCIDENTAL															S		
CAR WASH												X					
CATERING SERVICES						X	C	X	X		X	X	C	X			
CIRCUS, CARNIVAL						X									S		
CLINIC, MEDICAL						X	X	X	X	X	X	X		X			
CLINIC, VETERINARY						X		X	X		X	X				X	
CONGREGATE HOUSING	C	C	X	X	X	X		X	X		X		X	X		X	
CONSTRUCTION SERVICES ESTABLISHMENT						X	X				C						
CULTURAL FACILITY						X		X	X		X	X	S	X	S		
DAY CARE HOME	X	X	X	X	X	X		X	X		X	X	X	X		X	

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	C&C	PE	PA	OS
DAY CARE FACILITY	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
DORMITORY						X		X	X		S	X		C			
DRY CLEANER						X	X	X	X		X	X					
EATING ESTABLISHMENT DRIVE THROUGH											X	X					
EATING AND DRINKING ESTABLISHMENT						X	X	X	X		X	X		X	S		
FAMILY CARE HOME	X	X	X	X	X	X		X	X		X	X	X	X		X	
FAMILY CARE FACILITY	C	C	C	C	C	C	C	X	X		S	X	C	C	C	C	
FLEA MARKET						X				X					X		
FREIGHT RAIL DISTRIBUTION CENTER							X										
FUNERAL HOME						X				X			C	X			
GAS PUMPS											C	C					
GROUP HOUSING	C	C	C	C	C	X				X				X			
HOME OCCUPATION	X	X	X	X	X	X		X	X		X	X	X	X			
HOTEL, MOTEL – EXTENDED STAY						X		X	X		X	X		X	C		
HOTEL, MOTEL						X		X	X		X	X		X	C		
JUNK YARD																	
LANDFILL COLLECTION SITE							C									C	

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	C&C	PE	PA	OS
LANDSCAPE SERVICE						X	X			X						X	
MAIL SERVICES						X		X	X		X	X		X			
MANUFACTURING - LIGHT						C	X				X	X					
MANUFACTURING - HEAVY							C										
MASSAGE THERAPY	C	C	C	C	C	C		C	C		C	C	C	C		C	
MEDICAL AND DENTAL LAB						C	X	C	C		X	X	C	C			
MINI-WAREHOUSE						C	X			X							
MOTOR VEHICLE MAINTENANCE SERVICE							C			X		X					
MOTOR VEHICLE REPAIR SERVICES							C					X					
NURSING, REST, CONVALESCENT HOME	C	C	C	C	C			X	X		X					C	
OFFICE, HOME	X	X	X	X	X								X	X		X	
OFFICE, PROFESSIONAL						X	X	X	X		X	X	C	X	S		
PARKING, COMMERCIAL						X	X				X			X	S		
PERSONAL SERVICES ESTABLISHMENT						X		X	X		X	X	C	X			
PLACE OF WORSHIP	X	X	X	X	X	X		X	X		X	X	X	X	X	X	
PRIVATE COMMUNITY USE	C	C	C	C	C	X		X	X		X	X		X		X	
RECREATION USE, LOW INTENSITY	X	X	X	X	X	X	X	X	X		X	X	X	X	S	X	X

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	CAC	PE	PA	OS
RECREATION USE, HIGH INTENSITY						X		X	X		X	X			S		
RECREATION USE MEDIUM INTENSITY						X		X	X		X	X		X	S		
RECREATIONAL VEHICLE SITE										X					S		
RECYCLING CENTER							C			X					C	C	
REPAIR SERVICES ESTABLISHMENT							X	X	X	X	X	X					
RETAIL, SALES W/ DRIVE-THROUGH						C	X	X	X		X	X			S		
RETAIL SALES						X	X	X	X		X	X		X	S		
ROADSIDE SALE OF AGRICULTURAL PRODUCTS																X	C
SALES, TEMPORARY						X		X	X		X	X		X	S		
SALES, OUTDOORS						X				X				X	S		
SCHOOLS	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X
SHOPPING CENTER						X					X			X			
SMALL SCALE WIRELESS FACILITY						X	X	X	X	X	X	X	X	X	X		
SOLID WASTE COLLECTION POINT							C								C	C	
STABLE, PUBLIC															S	X	
STORAGE, OUTDOOR							X			X					S		

DISTRICT / USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	CAC	PE	PA	OS
TAXI-CAB LIMOUSINE SERVICE						C	C			X				C	S		
TRANSIT PARK AND RIDE											X				X		
VEHICLE SALES												C			S		
WAREHOUSE						C	X			X		C					
WIRELESS TELE-COMMUNICATIONS FACILITY						C	C	C	C		C	C			C		
AERODROME																	

CHAPTER 7: GENERAL DEVELOPMENT STANDARDS**SECTION 701: PURPOSE**

The purpose of this Chapter is to provide development standards related to specific land uses and/or development standards for any use permitted by any provision of this Code. The regulations as established by this Chapter supplement and do not supersede other requirements of this Code.

SECTION 702: APPLICABILITY

The regulations and standards of this Chapter shall apply to all applications for development approval as required by this Code.

SECTION 703: PARKING AND LOADING**A. Purpose of Parking and Loading Provisions**

To ensure the adequate provision of parking and loading facilities for all development within the City.

B. Loading Requirements

All uses shall provide off-street loading spaces except residential uses or other uses specifically waived by the Development Review Board in accordance with Subsection 7 below.

1. Location. All loading spaces shall be located on the same lot as the principal use. Loading spaces shall minimize circulation conflicts on the lot. Loading areas shall not be calculated to include required off-street parking spaces.
2. Size. All loading spaces shall be of sufficient size to allow necessary maneuvering for deliveries without encroaching upon the public right-of-way, parking spaces, or internal parking lot circulation unless a specific waiver is approved by the Development Review Board. Loading spaces shall be fifteen (15) feet wide by twenty-five (25) feet in length. The Development Review Board may require greater dimensions if deemed necessary to handle projected truck traffic volumes.
3. Surfaces. All loading areas shall be hard-surfaced and clearly marked with painting to designate the loading area. This requirement may be waived by Staff or the Development Review Board.
4. Combination of uses. Loading spaces may be designed to serve one or more businesses located in the same building or on the same lot. The Development Review Board may approve joint usage on adjacent lots provided a written agreement is submitted and filed with a deed.
5. Ratios. One (1) space for the first five thousand (5000) square feet of gross floor area. One (1) additional space for each additional thirty thousand (30000) square feet of gross floor area.
6. Other standards. Loading areas shall meet screening, landscaping, lighting, and other development standards as specified herein.
7. Waivers. All waiver requests shall be submitted in writing. Staff may approve a waiver request for a change in use which does not increase loading requirements or any

building expansion which does not exceed five hundred (500) square feet of gross floor area. The Development Review Board may approve waiver requests under the following circumstances.

- (a) The proposed use will require minimal deliveries which will not interfere with the traffic circulation on the lot.
- (b) Deliveries are made during non-business hours.
- (c) Existing development makes it impossible to meet loading standards.

The Development Review Board may require that waivers be filed with City Land records and that a statement be attached that any change in use may require the construction of loading facilities.

C. Off-Street Parking Requirements.

1. All required parking spaces, with the exception of parallel parking spaces, shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Parallel parking spaces shall have a minimum width of eight (8) feet and minimum length of twenty-two (22) feet.
2. Parking lot aisles shall meet the following minimum dimensional standards:

PARKING PATTERN	MINIMUM ONE-WAY AISLE WIDTH	MINIMUM TWO-WAY AISLE WIDTH
90° PERPENDICULAR	TWENTY'	TWENTY- FOUR
60° ANGLE	EIGHTEEN'	TWENTY- FOUR
45° ANGLE	SIXTEEN'	TWENTY- FOUR
30° ANGLE	FOURTEEN'	TWENTY- FOUR
PARALLEL	TWELVE'	TWENTY- FOUR

3. The aisle width standards of this subsection apply to parking lots and do not establish a minimum width for driveways serving residential uses up to a four-family dwelling, which are governed by Section 705.B.

4. Required Parking Spaces:

The following is a list of parking requirements. Based on the calculations below, fractions of a space shall be rounded up when the fraction of a space is one half (0.5) or above and rounded down when the fraction is below one half (0.5). If the land use or building type is not known at the time of application, "Retail Sales Establishment" shall be used for determining parking requirements. The required number of off-street parking spaces shall be as follows:

LAND USE\BUILDING TYPE	REQUIRED PARKING SPACES
AUTO REPAIR\PAINTING	2.0 PER 1,000 SFGFA*

LAND USE\BUILDING TYPE	REQUIRED PARKING SPACES
BANK	3.3 PER 1,000 SFGFA*
BANK WITH DRIVE-THROUGH TELLER	3.0 PER 1,000 SFGFA*
BOWLING ALLEY	4.5 PER LANE
PLACE OF WORSHIP	.5 PER SEAT OR 22 LINEAR INCHES OF BENCH
CLEANERS	1.5 PER 1,000 SFGFA
CONSTRUCTION SERVICES ESTABLISHMENT	2.5 PER 1,000 SFGFA*
CONVENIENCE STORE	7.5 PER 1,000 SFGFA*
DEPARTMENT/DISCOUNT STORE	4.5 PER 1,000 SFGFA*
DRIVE-THROUGH FACILITY	3 SPACES PER DRIVE-THROUGH WINDOW
EATING AND DRINKING ESTABLISHMENT	1 PER 100 SQUARE FEET OF CUSTOMER SERVICE AREA
FAST FOOD RESTAURANT	MINIMUM – 6 SPACES PER 1,000 SQUARE FEET OF CUSTOMER AREA MAXIMUM – 10 SPACES PER 1,000 SQUARE FEET OF CUSTOMER AREA
FUNERAL HOME	MINIMUM – 1 PER 150 SFGFA* MAXIMUM – 1 PER 75 SFGFA*
FURNITURE STORE	2 PER 1,000 SFGFA*
HARDWARE STORE	3 PER 1,000 SFGFA*
HOSPITAL/CLINIC	1.5 PER BED
HOTEL/MOTEL EXTENDED STAY	1 PER ROOM
INDUSTRIAL PARK	1.6 PER 1,000 SFGFA**
LANDSCAPE SERVICE	1.5 PER 2 EMPLOYEES + 1 PER BUSINESS VEHICLE
LAUNDROMAT	5.0 PER 1,000 SFGFA
MANUFACTURING (LIGHT AND HEAVY)	1 PER 1,000 SFGFA *UP TO 20,000 SQUARE FEET 1 PER 2,000 SFGFA ABOVE 20,000 SQUARE FEET
MEDICAL CLINIC	3.5 PER 1,000 SFGFA*
MEDICAL AND DENTAL LAB	1.5 PER EMPLOYEE
MUSEUM/CULTURAL FACILITY	3.3 PER 1,000 SFGFA**
NURSING HOME	.33 PER ROOM
PERSONAL SERVICES ESTABLISHMENT	2.0 PER 1,000 SFGFA +1 PER CUSTOMER SERVICE STATION
PRINT/COPY SHOP	2.5 PER 1,000 SFGFA*
PROFESSIONAL OFFICE	3.5 PER 1,000 SFGFA*

LAND USE\BUILDING TYPE	REQUIRED PARKING SPACES
RECREATION CENTER	4 PER 1,000 SFGFA*
RESIDENTIAL: ACCESSORY APARTMENT BED AND BREAKFAST BOARDING HOUSE DORMITORY ELDERLY HOUSING FRATERNITY/SORORITY GROUP HOME SINGLE FAMILY, DUPLEX, TRIPLEX AND MULTI-FAMILY	1 PER UNIT 1 PER SLEEPING ROOM +2 PER DWELLING 1 PER ROOM 1 PER ROOM .5 PER DWELLING UNIT 1.5 PER 1,000 SFGFA* .3 PER SLEEPING ROOM 1 PER DWELLING UNIT
RETAIL SALES ESTABLISHMENT	2.5 PER 1,000 SFGFA*
SERVICE STATION	5.5 PER 1,000 SFGFA*
SHOPPING CENTER	PARKING REQUIREMENT SHALL BE BASED ON THE NET USES OF THE SHOPPING CENTER.
SPORTS CLUB/HEALTH SPA	5 per 1,000 SFGFA*
WAREHOUSE, MINI	.25 PER 1,000 SFGFA*
WAREHOUSE	.25 PER 1,000 SFGFA*
VETERINARY CLINIC	2.5 PER 1,000 SFGFA*
* SFGFA=Square feet of gross floor area. ** SFGRA=Square feet of retail floor area	

D. Drive-through Facilities.

1. Location. Drive-through facilities shall not utilize required parking spaces to meet stacking requirements. Facilities shall be designed to minimize conflicts with other on-site vehicular and pedestrian traffic.
2. Stacking requirements. A minimum of six (6) vehicles shall be accommodated in each stacking lane.

E. Parking or storage of junk vehicles

The parking or storage of any unregistered or junk vehicle is prohibited except as provided in a vehicle repair facility unless screened from view from the adjoining street and property line. No junk vehicle may be parked or stored within any required setback. No such vehicle parked, or stored on any lot shall decrease the required number of parking spaces. In no instance may junk vehicles be parked and stored in any Residential District except for one personally owned vehicle which is totally screened from view.

F. Parking of Commercial Vehicles in Residential Areas

The parking or storage of commercial vehicles shall not exceed one commercial automobile, pick-up or van at a residence.

G. Parking of Recreational Vehicles

Recreational vehicles shall meet the following requirements:

1. No more than one such vehicle may be parked in a driveway or front yard. Vehicle must be parked outside of the required setbacks.
2. No such vehicle, parked or stored, on any lot shall decrease the required number of parking spaces.
3. The parking of a recreation vehicle owned by visitors may be temporarily parked for a period of time not to exceed three (3) consecutive weeks.
4. Any recreational vehicle parked or stored on any residential lot for a period exceeding one (1) month shall be located in an enclosed garage, a carport, or a rear yard, except one (1) vehicle may be placed in a side yard to the rear of the front setback.

H. Parking of Recreational Vehicles on Public Property

The Development Review Board may allow for the temporary off-site parking of recreational vehicles on public property provided it is reviewed and approved as part of a major event taking place within the Planned Exposition District. The Development Review Board may place conditions upon any approval in the following areas:

1. Time limits may be established for the use;
2. Maximum number of vehicles allowed;
3. Traffic safety measures; and
4. Conditions to ensure conformance with performance standards set forth in Section 718 and other applicable standards of the Code.

I. Vehicles For Sale

Any vehicle advertised for sale within any District and not in an approved car lot shall obtain a Temporary Use Permit except as specified below and shall meet the following standards:

1. Within any residentially zoned District, one (1) personal vehicle, which is properly registered to an occupant of the property, may be offered for sale at one time without a Temporary Use Permit.
2. Vehicles for sale may be parked only in designated drive-ways or parking areas and shall not be parked within any required setbacks.
3. No vehicle for sale may be parked in any public right-of-way in any district for more than twenty-four hours.
4. Vehicles for sale and parked in any parking lot for more than four (4) hours shall obtain written permission from the property owner. No more than two (2) Temporary Use Permits shall be granted for any parking lot at any time.
5. Nothing in this Section shall allow the sale of one or more vehicles within any District, or within the public right-of-way, for commercial purposes without full compliance with all provisions of this Code.

J. Parking of Storage Trailers, Storage Boxes and Similar Structures

The parking of storage trailers, storage boxes, railroad cars, or similar structures for storage of personal or business property or use as a food service establishment is expressly prohibited in all districts unless a Temporary Use Permit has been granted.

1. Temporary structures for construction purposes shall be allowed only during the time of construction. Temporary structures for storage of personal or business property

shall be allowed for a period not to exceed three (3) months with a Temporary Use Permit. Temporary storage structures shall be located in a side or rear yard outside of the front setback.

2. Within zoning districts where "Eating and Drinking Establishment" is a permitted use, or on any municipal or school property, the operation of food trucks compliant with the specifications of Section 727 is permitted.

K. Other Parking Standards and Applicability

1. Location. All parking lots shall require Site Plan Review. All parking lots shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the Development Review Board. The Development Review Board may waive the required number of off-street spaces for a proposed development only if sufficient alternative parking is available or if a waiver is granted in accordance with Section 703. ~~LK-165~~.

2. Parking Lot Fund. The Development Review Board may accept payment in lieu of construction of on-site parking spaces. The cash payment shall be placed in a public parking lot improvements fund. The value of any payments in lieu of construction shall be calculated by multiplying the required number of parking spaces times an average parking space cost. The applicant shall provide an average construction cost which shall be reviewed by the City. The Development Review Board may authorize payments in lieu of parking only within the Village Center District or within any commercial district where the Capital Budget includes the construction of public parking facilities which would serve the proposed business as well as the surrounding commercial area.

3. Surfacing. All parking areas shall be hard-surfaced. Residential driveways serving up to five (5) homes may be gravel, except that the driveway apron and any portion within the public right-of-way must be paved. The paved portion must extend onto the lot to whichever of the following is greater:

- (a) five (5) feet beyond the edge of the adjacent road surface, sidewalk, or shared use path, whichever is closest to the driveway; or
- (b) the edge of the public right-of-way.

Where the average grade of the driveway, measured over the fifteen (15) feet immediately inside the right-of-way line, slopes downward toward the right-of-way at more than five percent (5%), the paved portion must extend an additional ten (10) feet into the lot beyond the distance otherwise required above.

~~but the driveway apron and any portion in the public right-of-way must be paved twenty (20) feet beyond the edge of the public right-of-way.~~

The Development Review Board may waive this requirement for parking lots in accordance with Section 703. ~~LK-1613~~.

4. Drainage. All parking lots shall be designed to minimize stormwater run-off on adjacent properties and in no case shall the stormwater flow be allowed to increase. To the extent possible, run-off shall be contained on the lot. All drainage facilities shall be constructed in accord with Public Works Specifications contained in Appendix A of this Code and Section 713 of this code. Unless specifically approved otherwise, all facilities

shall ~~be~~ not be connected to the City stormwater system.

5. Accessible provisions. All parking lots shall provide hard-surfaced accessible spaces which are clearly designated, marked, and signed for accessible use only. All accessible spaces shall conform to the Americans s with Disabilities Act. The following number of spaces shall be provided:

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

6. Off-site parking - commuter lots. Commuter lots may be approved by the Development Review Board with Site Plan Review and Approval.

7. Setbacks. All parking spaces shall meet the setback standards for the District in which it is located.

8. Screening. The screening requirements of Section 708 shall apply to the perimeters of all parking lots. In addition, the Development Review Board may require screening for any parking lots located within any front yard. Screening shall emphasize the separation of parking lots from adjoining public streets to minimize glare from vehicle headlights onto public streets. The use of berms and landscape materials is the preferred method of screening. The Development Review Board may approve fencing, if it determines the preferred methods are impractical.

9. Landscaping. All parking lots shall be landscaped as specified in Section 719 of this Code.

10. Pedestrian access. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The Development Review Board may waive this requirement due to unique characteristics of the lot such as small lots, underground parking or innovative alternative designs.

11. Striping. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified in Section 703.

12. Traffic Control Signs. The Development Review Board may require the use of uniform ingress and egress signs, traffic control signs, and other signs as necessary to

direct the flow of traffic.

13. Lighting. Lighting shall be provided in all parking lots and related walkways as specified in Section 704 of this Code.

14. ~~Joint Parking Facilities. Minimum parking is required in accordance with Section 703.C, unless the applicant requests and the Development Review Board approves a reduced number based on shared parking calculations. The applicant shall use Shared Parking by Mary Smith (<https://knowledge.uli.org/en/books/2019/shared-parking>) as most recently updated for shared parking calculations. Joint parking arrangements may be approved by the Development Review Board, provided that the applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any shopping center or other areas where joint parking has been established, the Development Review Board may not approve any site plan and site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.~~

~~15. Tandem Parking~~

(a) Tandem parking is only allowed for residential uses or for dedicated employee-only parking where signed as such.

(b) Two parking spaces in tandem must have a combined minimum dimension of 9' in width by 34' in length.

(c) Up to 50 percent of the total required off-street parking spaces provided may incorporate tandem parking.

(d) Tandem spaces must be assigned to the same dwelling unit or business establishment. Tandem parking shall not be used to provide guest/shared parking.

L. ~~16. Waivers~~

The Development Review Board may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The Development Review Board may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The Development Review Board shall determine that one or more of the following standards are met at a specific location prior to granting a waiver:

~~(a) 1.~~ The proposed uses have staggered business hours with minimal overlap in business hours which allow for shared use of parking spaces.

~~(b) 2.~~ The applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.

~~(c) 3.~~ The applicant demonstrates that the demand for parking is reduced because the type of business proposed generates substantial pedestrian traffic.

~~(d) 4.~~ The applicant demonstrates that sufficient off-street parking is available at other locations within two hundred (200) feet, which are or have been approved by the Development Review Board.

~~(e)~~ The use of mass transit or other alternate transportation reduces parking demand.

~~(f) Joint parking facilities with abutting businesses are sufficient to meet parking demand.~~

5. ~~(g)~~ The latest edition of the ITE Parking Manual, the ULI Shared Parking manual, or other professional source acceptable to the Development Review Board, provides data which demonstrates that the parking demand for a proposed use is less than the standards specified in this Code.

6. The applicant demonstrates that sufficient off-street parking is available at other locations within six hundred (600) feet walking distance of the primary building entrance, and that such parking is or will be made available to the users of the proposed development through a recorded joint parking agreement. Joint parking arrangements approved under this criterion shall be subject to the following:

(a) The applicant shall submit legal documentation satisfactory to the Development Review Board guaranteeing the continued long-term availability of the shared spaces, executed prior to the issuance of a Certificate of Occupancy.

7. For residential uses, the applicant demonstrates that required parking spaces will be offered on an unbundled basis — that is, advertised, leased, or sold separately from dwelling units at market rate — such that tenants without vehicles are not compelled to pay for parking they do not need, and that spaces are therefore more likely to turn over and remain available to residents and other tenants who do require them.

Conditions on Waivers. The Development Review Board may impose conditions on any waiver granted under this Section as necessary to guarantee that the parking supply relied upon to justify the waiver remains genuinely available to the uses it is credited toward. Where a waiver is granted in whole or in part on the basis that parking spaces on or near the site provide sufficient overall capacity — including spaces associated with a different use within the same development — those spaces shall not be gated, restricted, or otherwise reserved for the exclusive use of any single tenant, owner, or occupant in a manner that makes them unavailable to the customers, clients, visitors, or residents of the uses for which the waiver was granted. The Development Review Board may require, as a condition of approval, that signage, access controls, and lease or deed terms be structured to ensure such availability, and may require the applicant to demonstrate continued compliance as part of any subsequent site plan review.

L.M. Bicycle Parking and Storage Standards and Applicability

These standards for short term parking and long-term storage of bicycles are intended to recognize and promote cycling as a viable means of transportation and recreation for residents, consumers, visitors, and employees; and to ensure compliance with the Comprehensive Plan which calls for improved access to and safety of bicycle and pedestrian facilities.

1. Short Term Bicycle Parking. These bicycle parking spaces (bps) standards apply to any application for development that requires site plan approval under Section 502.F of the Land Development Code in all Zoning Districts except for Residential 1 and

Planned Agriculture.

- (a) The minimum number of bicycle parking spaces shall be as indicated on Table 703.LM.1.
- (b) Bicycle parking shall utilize the 'Inverted U' style or Post-and-ring style. The rack may not be constructed of wood. See Figure 1 and Figure 2 below for permitted and non-permitted rack types.

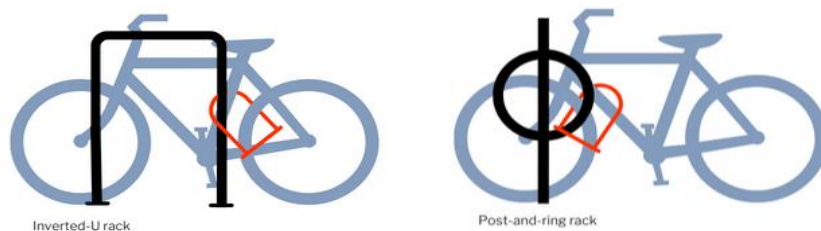


Figure 1: Permitted rack types (not to scale)

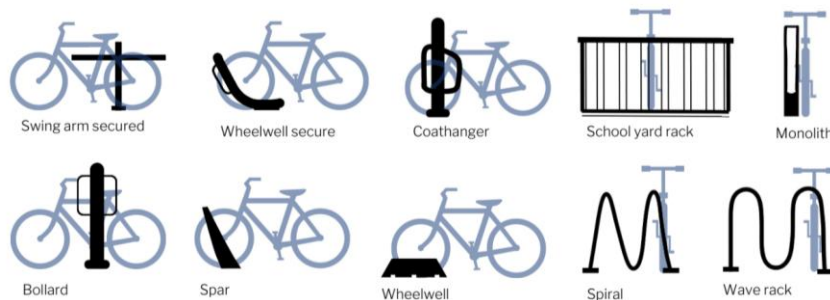


Figure 2: Non-permitted rack types (not to scale)

- (c) If an applicant wishes to install something different, any bps shall meet the following specifications:
 - (i) Allow secure locking of the frame and wheel;
 - (ii) Support a bicycle frame at two points of contact;
 - (iii) Meet the intent of the examples provided in the [Association of Pedestrian and Bicycle Professionals Essential of Bike Parking, 2015](#) or as most recently updated.
- (d) Location & Serviceability. Each bps:
 - (i) Shall be securely anchored to the ground and on a hard, stabilized surface of at least six feet in length and a width sufficient to satisfy the remainder of these regulations;
 - (ii) Shall be spaced to allow easy access to each bicycle
 - (iii) Shall be spaced sufficiently away from obstructions, including walls, doors, posts, columns, landscaping, and

other racks, in accordance with the [Association of Pedestrian and Bicycle Professionals Essential of Bike Parking, 2015](#) or as most recently updated. The minimum spacing is summarized in Figure 3 below

- (iv) Shall be easily accessible from the street or multi-use path and protected from motor vehicles;
- (v) Shall be visible to passers-by and well-lit to promote usage and enhance security; especially in retrofitted areas, or where good visibility is not achievable, an applicant may be required to install directional signage.
- (vi) Shall be located at or nearby principal entrances where reasonably practicable, unless doing so compromises the other directives of this subsection, including visibility and accessibility.
- (vii) Is preferred to be covered from rain when possible

Bike Parking Placement

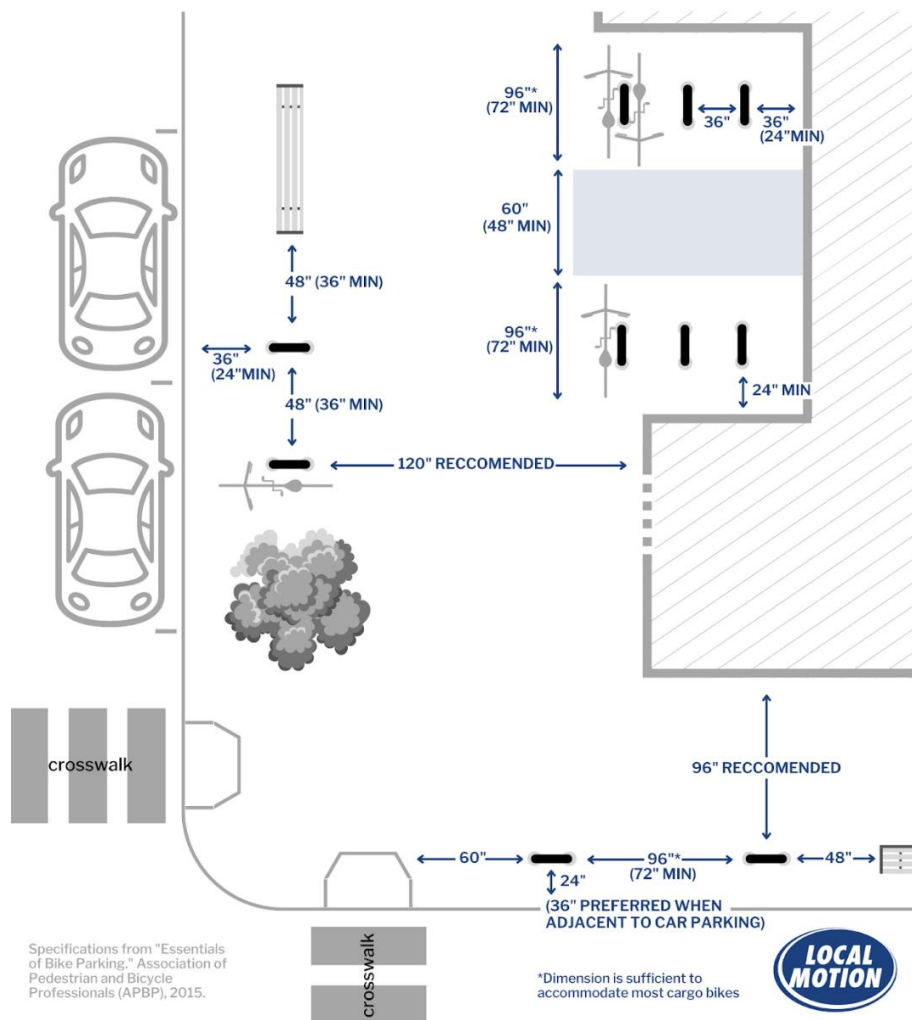


Figure 3: Bike Rack Placement

- (e) Bicycle parking serving buildings with multiple entrances shall be dispersed so that all principal entrances are served.
- (f) For office building use, up to 50% of short term bicycle parking requirements may be met by supplementing the (indoor) long term bicycle parking requirements with the required short term

bicycle parking spaces.

2. Long Term Bicycle Storage Applicability. These standards apply to construction of new mixed use or commercial buildings and any new residential building with more than 3 dwelling units; building ~~expansions or additions or reconstruction~~ of a minimum of 5,000 gross square feet in area for mixed use or commercial buildings, ~~and or~~ any residential building with five or more residential units and a minimum of 5,000 gross square feet in area.
 - (a) Standards for Residential Buildings
 - (i) Secure Storage in bicycle locker, bicycle storage room or private enclosure outside of the private residence that protects the entire bicycle, including components and accessories against theft and weather.
 - ~~(ii)~~ Garages which are private to each unit may count towards parking requirements.
 - ~~(iii)~~ Where long-term bicycle storage for residential uses is provided in a shared facility — such as a common bicycle room or secured enclosure — rather than in a garage or enclosure private to each dwelling unit, the facility shall include bicycle racks meeting the performance criteria and rack style standards of the latest available edition of the APBP Essentials of Bike Parking guide. Rack styles identified in that guide as "Racks to Avoid" shall not be used to satisfy this requirement. Racks shall be installed in sufficient quantity and with sufficient spacing to accommodate one bicycle per required long-term storage space without requiring bicycles to be stacked, leaned against walls, or otherwise stored outside of a rack.
 - (b) Standards for Non-Residential Buildings
 - (i) Secure storage in bicycle locker, bicycle storage room or enclosure that protects the entire bicycle, including components and accessories against theft and weather, allows secure locking of the frame and wheel and supports a bicycle upright. Where storage is provided in a shared bicycle room or secure enclosure rather than in individual lockers, the facility shall include bicycle racks meeting the performance criteria and rack style standards of the latest available edition of the APBP Essentials of Bike Parking guide, excluding rack styles identified in that guide as "Racks to Avoid," installed in sufficient quantity and spacing to accommodate one bicycle per required long-term storage space.
 - (ii) Where indicated in Table 703.~~LM~~.2, clothes lockers shall be lockable with the following minimum dimensions: 12" wide,

- 18" deep, 36" high. Lockers do not need to be in same place as bicycle storage;
- (iii) Secure office space (private offices) may account for up to 50% of the required indoor parking areas and lockers provided they are located on the ground floor of the building, accessible and of sufficient size;
 - (iv) Shower and changing facilities dependent on the number of bicycles required to be stored and as indicated on Table 703.1M.1.

Table 703.1M.1. Bicycle Parking Requirements

Type of Activity	Short Term Bike Parking	Long Term Bike Storage
Residential buildings with more than 3 units	1 for every 10 units; minimum 4 ¹	1 for every unit
Warehousing, contractor, and light industry	1 per 20k SF; minimum 2	2 per tenant
Retail, restaurant, office, and all other	1 per 5k SF; minimum 4	50% of required short term bike parking spaces.
Educational	1 space for each 20 students of planned capacity.	For new buildings only, one space for each 20 employees.

¹ May request waiver from minimum per building for buildings with less than 6 units if Development Review Board finds the need is adequately met for visitors.

Table 703.1M.2. Long Term parking – shower and changing room facility requirements

Number of protected long term bicycle parking spaces	Changing facility	Unisex Showers	Clothes Lockers
1-3	none	none	1
4 - 9	1 ²	1 ²	3
For every 10	1 ²	1 ²	40% of LTB parking

² if unisex, units available to any gender; otherwise provide one per gender

SECTION 704: LIGHTING

A. Purpose

To provide appropriate outdoor lighting adjacent to buildings, streets, sidewalks, and within parking areas for public safety and to minimize glare on streets and adjoining properties while minimizing energy use through the use of efficient fixtures and minimizing the use of lighting during non-business hours or when activity is not occurring on-site.

B. General Standards

Lighting is allowed in required yards and shall be subject to the following regulations:

1. Lights shall be used for the purpose of illumination, including security lighting, and not for advertising purposes.
2. The operation of searchlights is prohibited except for public safety purposes.
3. All light fixtures shall be hooded or shielded and directed downward at sixty (60) degrees to horizontal, unless otherwise approved, and shall have concealed light sources.

4. Light sources shall not be visible at property lines.
5. Intermittent lighting, except for holiday lighting, may not be used.
 - (a) Displays, including lighting, erected in connection with the observance of holidays shall not be illuminated after ten (10) days following the holidays. Temporary lighting for holiday decorations from November 15 to January 15 are exempt.
6. Lighting devices may not produce direct or reflected glare on adjoining properties or streets.
7. All residential and commercial exterior light sources shall be Dark Sky Compliant.
8. Lighting for emergency purposes or lighting required on any structure for public safety purposes shall be exempt from the provisions of this section as approved by the Development Review Board.
9. Lighting shall only be used as necessary for the operation of a business or activity. Lights shall be placed on a timer; an operations plan must be approved as part of a development application for the project site. Lighting plans may include the use of some, but not all, of on-site lighting during non-hours of operation.
10. String lights may be used except as specifically prohibited within this Section. Illuminated tubing or strings of lights are not to be illuminated between 10:00pm and 6:00am to minimize light disturbance. If used in connection with commercial premises, string lights shall be switched off outside of business hours. String lights shall not be used as the sole source of light for pedestrian areas.

C. Review of Lighting Plans

The installation of or replacement of any outdoor lighting fixtures of new design shall require a zoning permit with the exception of residential lots with fewer than five (5) housing units. If the proposed lighting is associated with a project that requires Site Plan Review, the Development Review Board shall review and approve the lighting plan. If site plan is not required, staff shall review the lighting plan to ensure conformance with Section 704.

Applicants shall submit an exterior lighting plan for the City's review. The plan shall include the following information:

1. A Site Plan drawn to a maximum scale of one (1) inch to twenty (20) feet, to include building footprint, landscaping, parking areas; and all proposed lighting fixtures, unless another scale is approved by staff;
2. Specifications for all proposed lighting fixtures including a manufacturer's catalog cut and photometric data showing numerical grid of lighting levels, in foot candles, that fixtures will produce on the ground.
3. Proposed mounting height and wattage of all exterior lighting fixtures;
4. For all parking areas, drives, and walkways an analysis and illuminance level diagram showing a numerical grid of lighting levels, in foot candles, and a table of lighting statistics verifying that the proposed installation conforms to the lighting standards in this section; and building elevations with fixtures, portions of wall to be illuminated.

D. Parking Lot and Pathway Illumination

1. For parking lots of ten (10) spaces or more, pole lighting is required to be used to provide even illumination for parking spaces and interior walkways.
2. Light fixtures shall be located no more than five (5) feet outside the perimeter of the parking area.
3. All light fixtures shall be hooded or shielded and downward directed at sixty (60) degrees to horizontal, unless otherwise approved, and shall have concealed light sources.
4. Wood utility or similar poles may not be used to mount light fixtures unless specifically approved by the Development Review Board. Decorative poles of wood or other materials may be approved by the Development Review Board upon determination that they are visually compatible with the design of the development.
5. Energy saving LED lamps with a correlated color temperature not exceeding four thousand three hundred (4,300) Kelvin (K) shall be used. Special alternatives may be approved by the Development Review Board upon determination that the purposes of this Section are achieved.
6. Light fixtures for parking lot and pathway lighting may be mounted on existing utility poles in the public right-of-way. This configuration is allowed only in commercial districts. The luminaries must have extended shields and be mounted ninety (90) degrees to the roadway. Fixtures shall be mounted at the same height as existing street lighting in the area.
7. All parking lot and pathway lighting fixtures shall be cut-off fixtures as defined by the Illuminating Engineers Society of North America (IESNA)
8. Alternatives: The design for an area may suggest the use of parking lot and pathway lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.
9. Lighting shall conform to the Chittenden County Regional Planning Commission "Outdoor Lighting Manual for Vermont Municipalities" or as otherwise approved by the City Engineer. The minimum lighting level shall be at least two tenths (0.2) foot candles but not exceed four tenths (0.4) foot candles and the maximum uniformity ratio (average to minimum) shall be 10:1, unless otherwise approved by the City Engineer.
10. Light fixtures shall be mounted in accordance with the table below or as otherwise approved by the City Engineer.

	LI District	HCA District	VEVC District	MF District	All Other Districts
Max Mounting Height	30ft.	20ft.	15ft.	15ft.	16ft.

*Notes: For parking areas of fifty (50) or more spaces, light fixtures may be allowed to be mounted up to thirty (30) feet above grade if all fixtures are a minimum of one hundred (100) feet from a residential district.

E. Illumination of Building Facades and Landscaping:

With the exception of structures in the Light Industrial District and structures having

symbolic or historic significance, facade lighting for safety and pedestrian access may be approved by the

Development Review Board as long as it is not visible from off-site. Building facades having symbolic or historic significance shall be approved by the Development Review Board and the following provisions shall be met:

1. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot candles.
2. When allowed lighting fixtures shall be located and shielded so the light is directed only onto the building facade. Lighting fixtures shall not be directed towards adjacent streets or properties.
3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign. It shall not shine directly into a public right-of-way or residential property.

F. Roadway Lighting:

1. New or replacement light fixtures on arterial and non-residential collector streets, shall be of cut-off cobra type fixtures with LED bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin, mounted no more than forty (40) feet above grade. Specific alternatives may be approved by the Development Review Board upon determination that the purposes of this Section will be achieved.
2. On other existing City streets, new or replacement light fixtures shall match existing styles unless alternatives are approved by the Development Review Board. Fixtures shall have concealed LED bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin and the height shall match that of existing street lights in the area.
3. On new residential streets, street lights shall use "shoe box" style fixtures on black or bronze anodized poles up to twenty five (25) feet in height with LED bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin, unless alternatives are approved by the Development Review Board.
4. The selection and location of roadway and street lights shall achieve the recommended illuminance per the American National Standards Institute (ANSI)/Illuminating Engineering Society of North America (IESNA) RP-8, American National Standard Practice for Roadway Lighting. The standards summarized in the table below shall be utilized unless otherwise approved by the City Engineer.

Street Type	Average Illuminance (fc)	Average to Minimum	Maximum Mounting Height, ft
Major	0.9	3	30
Collector	0.6	4	30
Residential	0.4	6	25
Pedestrian Areas	0.4	4	to match street

New and replacement fixtures shall be fully cutoff, fully shielded fixtures to

minimize glare and light trespass.

New and replacement fixtures shall be light emitting diodes (LEDs) with a maximum correlated color temperature of 4300K.

G. Recreation Facility Lighting:

1. Maximum post and fixture mounting height shall not exceed eighty (80) feet in height.
2. Light fixtures shall not exceed a total cutoff angle of ninety (90) degrees, provided the luminary is shielded to prevent light and glare spill-over to residential property.
3. Recreational lighting may only be used between the hours of 8:00 a.m. and 12:00 midnight.
4. Recreational lighting shall not be permitted within residential districts except for public or private schools, public parks or public open spaces.

H. Review of Lighting Plans

If the project requires Site Plan review, the lighting shall be included in such application for review by the Development Review Board. If Site Plan review is not required, staff shall review the lighting plans.

I. Lighting of Gasoline Station/Convenience Store Aprons and Canopies Where Allowed:

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate on-site activities. Lighting of such areas shall not be used to attract attention to the business.

1. Areas on the apron away from the gasoline pump island used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas.
2. The pump islands and under the canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candle and no more than five and a half (5.5) foot candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one (4:1), which yields an average illumination level of no more than twenty-two (22) foot candles.
3. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and shielded by the fixture or the edge of the canopy so that light is restrained to no more than eighty-five (85) degrees from vertical.
4. As an alternative (or supplement) to recessed lights, indirect lighting may be used where light is beamed upward reflecting off the underside of the canopy. Fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
5. Lights shall not be mounted on the top or sides of the canopy and the sides of the canopy shall not be illuminated.

J. Lighting of Exterior Display/Sales Areas:

Lighting levels on exterior display and sales areas shall not be used to attract attention to the businesses. The applicant shall designate areas to be considered display and sales areas and areas used as parking or passive vehicle storage areas. The designation must be approved by the Development Review Board.

1. Areas designated as parking or passive display and sales areas shall be illuminated in accordance with the requirements for parking areas in this Section,
2. Areas designated as exterior display and sales shall be illuminated so that the average horizontal illuminance at grade level is no more than five (5) foot candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one (4:1). The average and minimum shall be computed for only that area designated as exterior display sales areas.
3. Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed and shielded so that direct light is not cast onto adjacent streets or properties.
4. Fixtures shall be mounted no more than twenty-five (25) feet above grade, and mounting poles shall be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

SECTION 705: CURB CUT AND ACCESS TO PUBLIC STREETS

A. Purpose

To promote the smooth and efficient flow of vehicular, pedestrian, and bicycle traffic and to minimize safety hazards.

B. Residential Uses

All curb cuts for residential uses up to a four-family dwelling shall be reviewed and approved by Staff through issuance of a zoning permit.

1. Each residential use up to a four-family dwelling on a lot shall be allowed one curb cut
 - (a) for residential lots with two or fewer dwelling units, the curb cut shall not exceed twenty (20) feet in width at the street and the driveway shall not be greater than twenty (20) in width until beyond 3 feet of the front property line.
 - (b) for residential lots with three or four dwelling units on the side of a street with an adjacent sidewalk, the curb cut shall not exceed twenty (20) feet in width at the street and the driveway shall not be greater than twenty (20) in width until beyond 3 feet of the front property line unless the below conditions are met, in which case, the curb cut shall not exceed twenty-seven (27) feet or thirty (30) percent of the linear frontage of the lot, whichever is less:
 - (i) The residential development involves the retrofit or addition upon an existing single-family dwelling or duplex that has been in place for at least five years.
 - (ii) The driveway is on a side of the street without a sidewalk.

2. A lot which exceeds two hundred (200) feet of road frontage may be allowed a second curb cut, provided the curb cuts are at least fifty (50) feet apart.
3. For the purpose of determining curb cuts, all residential lots with five (5) or more dwelling units shall be reviewed as commercial curb cuts.

4. Minimum Driveway Width. For residential uses up to a four-family dwelling, a driveway providing two-way access may be a single travel lane with a minimum width of ten (10) feet. The parking lot aisle width standards of Section 703.C.2 shall not apply to driveways serving residential uses up to a four-family dwelling.

5. Passing Areas. Driveways longer than [fifty (50)] feet that serve more than two (2) dwelling units shall provide a passing area or turnout at least [eighteen (18)] feet wide and [twenty (20)] feet long, or shall be widened to [eighteen (18)] feet, where Staff determines it is necessary for emergency vehicle access.

C. Commercial and Industrial

All commercial and industrial development shall be designed to meet the following minimum standards.

1. One traffic lane – Twelve (12) to fifteen (15) foot curb-cut
 2. Two traffic lanes – Twenty four (24) to thirty (30) foot curb-cut
 3. Three traffic lanes – Thirty (30) to forty five (45) foot curb-cut
- The Development Review Board shall review proposed curb cuts and the closure or relocation of existing curb-cuts based upon anticipated traffic, turning movements and need to accommodate buses and trucks. The applicant must provide information supporting a request for more than one twelve (12) foot wide entry and one twelve (12) foot wide exit.

D. General Standards

1. No more than one curb cut is allowed for each seventy-five (75) linear feet of frontage. Lots containing one (1) or two (2) family dwellings shall have only one (1) curb cut unless a second is specifically approved by the Development Review Board upon determination that special conditions justify the exception
2. Property under common ownership with separate leased structures shall be allowed the number of curb cuts which would be allowed for a single use.
3. Lots with frontage on both a principal and a secondary roadway shall obtain access from the secondary roadway unless specifically waived by the Development Review Board. Under special circumstances the Development Review Board may allow corner lots to have curb cuts on both adjoining streets.
4. Curb cuts shall not be less than twenty-five (25) feet from the property line in any Commercial or Industrial District unless joint access is proposed with the adjoining property, or an alternate is approved by the Development Review Board. Curb cuts for any residential property shall meet the setbacks of the District, unless joint access is specifically approved by the Development Review Board.
5. Curb cuts shall be designed to intersect a street at an angle of ninety (90) degrees.
6. Curb cuts shall intersect the pavement at a radius of not less than fifteen (15)

feet nor more than forty (40) feet and shall become tangent to the edge of the pavement with the exception of curb cuts for single family dwellings.

7. The Development Review Board may grant exceptions to the curb cut standards due to unique circumstances or superior design. A traffic study may be required to determine the size and number of curb cuts.

8. For the purposes of this Section, a driveway is deemed a curb cut, if curb and gutter is not currently in place or proposed for construction.

E. Alterations Within Public Right-of-way.

The City Council shall have authority to approve a change within the public right-of-way which is not specifically delegated to the Staff by Section 705.B and to the Development Review Board in Section 705.C.

1. Routine maintenance by the Public Works Department and construction projects approved by the City Council shall be exempt from further approvals.

2. Closure or relocation of an existing curb cut (with the exception of the closure or relocation of an existing curb-cut as stipulated by the Development Review Board through Site Plan Review) shall require a Public Meeting by the City Council. Closure or relocation review may be by written request or may be initiated by the City Council. The City Council shall notify by mail all property owners abutting the proposed site and all property owners with a legal interest in the curb cut. Notice shall also be published not less than seven (7) days prior to the meeting in a newspaper of general circulation. The City Council shall consider the following standards:

(a) The use of the curb cut has changed due to an increase or decrease in traffic, and increase or decrease in truck traffic, or a change in use.

(b) Traffic and pedestrian safety hazards have increased due to increased traffic on the adjoining street, or increased usage of the curb cut.

(c) Alteration of the curb cut is necessary due to public improvements of public infrastructure.

(d) Alternate access is immediately available to provide reasonable access to the parcel.

(e) The curb cut was installed or used without approvals as specified in this Code.

(f) The curb cut adversely affects the flow of stormwater within the public right-of-way.

3. Any change, alteration, obstruction, filling, construction or placement of any material within the right-of-way shall require separate review and approval as specified in this Code. No such activity shall occur without prior approval as specified herein.

4. Any change, alteration, obstruction, filling, construction, or placement of any material adjacent to a public right-of-way which drains, diverts, or alters the flow of water within the right-of-way shall be prohibited, unless specifically approved or permitted as authorized herein.

5. Appeal of any decision or permit granted under the provisions of this Section shall be to the City Council.

SECTION 706: ACCESSORY USES AND STRUCTURES**A. Purpose**

To establish criteria for Accessory Uses and Accessory Structures and to establish certain limitations and standards for these uses and structures. Except as specifically provided elsewhere in this Code, no accessory use or structure may be approved, constructed or used before the principal structure is approved, constructed or used.

B. General Requirements

1. All accessory uses or structures shall be designed primarily to serve the principal use or structure.
2. No accessory structure shall be constructed, placed, or moved within any required setback except as provided herein.
3. No accessory structure may be located within any right-of-way, Visibility Triangle, utility easement or drainage easement.
4. No accessory structure shall be occupied unless the principal structure is occupied or used for a use as permitted within the District.
5. All accessory uses or structures shall comply with the use, density, and lot coverage requirements of the District within which it is located.
6. All accessory uses or structures shall obtain permits as specified in this Code unless specifically exempted.
7. All detached and semi-attached accessory structures shall not exceed fifty (50) percent of the above grade floor area of the principal structure. Driveways, walks, decks, patios and similar structures are excluded from this provision.

C. Set-back Exceptions

1. **Driveways and Parking.** Driveways and parking spaces may be located within any District pursuant to the regulations established herein. Personal vehicles may be parked in the paved area of any residential driveway so long as they are not parked closer than six (6) feet to any sidewalk or bicycle/pedestrian path. Driveways shall meet the rear setback requirements and must be at least two (2) feet from the side property line. No driveway shall be closer than two (2) feet from any side and rear property line. If parking spaces are located within the side yard setback areas of the underlying zoning district, they must be screened from view from the adjacent lot with a 6-foot opaque fence, or with hedges not less than six (6) feet in height. Any hedge planted for this purpose shall be of sufficient size and density to block vision at eye level within two (2) years of planting. This screening requirement does not apply within the front setback or within any required Visibility Triangle.
2. **Utilities.** Public utilities and infrastructure may be located within any setback, provided that above ground structures are not located within any required Visibility Triangle. Above-ground utility structures shall be screened with vegetation when said screening does not interfere with the functional characteristics of the structure. To the extent possible above ground structures shall be designed and painted to match the characteristics of adjacent development. New and redevelopment projects shall install

utilities underground.

3. Roof Overhangs. Roof overhangs or eaves on any structure may encroach into any setback for a distance not to exceed eighteen (18) inches.

4. Heating, ventilation and air conditioning equipment. Equipment for heating, ventilation or air conditioning which encroaches into a setback by not more than twelve (12) inches shall not be deemed to violate this Code. Equipment placed upon the roof of any commercial or residential structure shall not be deemed a violation of this Code if:

- (a) It extends less than two (2) feet above the roof;
- (b) It occupies no more than eight (8) square feet of area; and
- (c) It generates no additional sound discernable at the adjoining property line.

5. Porches and decks. Porches and decks shall be deemed structures and shall meet the setback requirements.

6. Flagpoles, mailboxes, water fountains, bicycle racks, swing sets, bird houses, ~~telephone booths~~, benches, ~~and bus shelters~~, and window wells may be allowed within a required setback if they meet the standards below:

- (a) None of these uses may encroach upon the Visibility Triangle as established in Section 710 of this Code.
- (b) Bus shelters shall be reviewed by the Development Review Board and meet Site Plan standards.
- (c) Mail boxes are limited to the residents or occupants of the principal structure.
- (d) Flagpoles in all districts must meet the requirements of Section 714.C.4
- (e) Water fountains, lawn ornamentations, and benches shall not substantially alter the character of any residential neighborhood. Water fountains located on any commercial or industrial property shall not encroach on setbacks and shall require Site Plan approval.
- (f) No window well shall be constructed closer than three (3) feet from any property line.

7. Accessible ramps constructed to accommodate disabilities are exempt from setback provisions provided that no reasonable alternative is available and the encroachment is the minimum necessary to provide access. Covered or enclosed ramps shall meet all setback requirements.

8. A non-complying structure may be enlarged or expanded provided that the following conditions are met:

- (a) The enlargement or expansion, itself, conforms to all provisions of this Code except setbacks.
- (b) The structure, as enlarged, does not diminish any required yard or setback areas except a setback line encroachment equal to the existing building line.
- (c) The expansion does not exceed any maximum density, lot coverage, intensity or height limitations.

9. Electric Vehicle Supply Equipment are exempt from setback requirements

10. The exceptions to setback requirements listed in this subsection are not exhaustive. Additional setback exceptions specified elsewhere in this Code are applicable.

D. Satellite Dish Antenna

No satellite dish or other antenna may be erected or placed within any District except in compliance with this Section and with Conditional Use approval.

1. All antenna located within any commercial, industrial, or multi-family District shall be located in a rear yard or be screened from view from adjacent streets and properties. If the applicant clearly demonstrates that said conditions interfere with the receipt of signals, the Board may reduce the conditions as necessary to obtain a signal. The Board may permit the installation of satellite dishes on a roof, if provisions are made to minimize visual impact.
2. Within any residential District, the structure shall be located within the rear yard. If the applicant clearly demonstrates that a signal cannot be received at this location, the dish may be located in the side yard. In no instance shall required setbacks be encroached upon.
3. Within any residential District, landscaping and berming shall be placed at the base of the structure to screen the dish to the extent possible from the neighboring property.
4. All antenna dishes shall be permanently ground-mounted unless specifically approved otherwise by the Development Review Board.
5. If the Board determines that the above standards cannot be met, the Board may alter the requirements of this Section but only to the extent necessary to obtain satellite signals. The Board may place reasonable conditions on its approval to minimize visual or other impacts at adjoining property lines.
6. Satellite dishes less than one (1) meter in diameter are exempt from the provisions of this section and do not require a zoning permit. However, satellite dishes shall be screened from view from the street unless necessary to receive a signal.

E. Residential Garages

No garage shall be located within any residential District except as follows:

1. Residential garages on residential lots with fewer than five (5) housing units in combination with all other detached or semi-attached accessory structures (excluding driveways, decks walks, patios and similar structures) shall not exceed fifty (50) percent of the total above grade floor area of the principal structures unless Conditional Use approval is granted.
2. Any detached garage which contains a second story or exceeds the fifty (50) percent requirement shall require Conditional Use approval by the Board.
3. No space in any garage may be rented or used for commercial or business, except that one or more parking stalls may be rented or used for the parking of motor vehicles, provided that all other provisions of this Code are met.

F. Storage sheds. Other Structures

Within any residentially zoned District, storage sheds must be located a minimum of five (5) feet from the property line within any side or rear yard. The Administrative Officer may waive this setback for sheds no larger than one hundred and twenty (120) square feet and

with a height no taller than twelve (12) feet, and if the structure does not shed rainwater onto neighboring properties. The total square footage of all storage sheds and detached garages shall not exceed fifty (50) percent of the floor area of the principal structures. Storage sheds within any Commercial or Industrial District shall meet Site Plan standards.

Within any residential district, the construction of a tree house, playhouse or an animal shelter (doghouse) shall be exempt from permitting requirements if it meets setbacks and does not exceed fifty (50) sq. ft. in floor area.

G. Outdoor Business Activities:

1. No sale or display of any product shall be allowed within any public right-of-way or upon any public sidewalk without first obtaining a Temporary Use Permit, except a business in the Village Center District that abuts the sidewalk may display merchandise or make seating available for dining, from April 1st through October 31st, provided the merchandise or seating does not block entrances, sidewalks (a minimum of five feet of clear passage must be maintained), or obstruct Visibility Triangles.
2. In any commercial district, an outdoor display or sale which is located entirely upon a private sidewalk shall not require a Temporary Use Permit.
3. The use of stands or tents in parking areas may be approved as part of a Temporary Use Permit if the applicant clearly demonstrates that sufficient parking will be available for the use and the outdoor activity.
4. The display of newspapers in a newspaper stand shall not be deemed an outdoor business activity.

H. Recycling Centers

The location of a recycling center shall require approval of a Conditional Use permit and Site Plan. Any proposal shall include screening, landscaping, and circulation plans. Recycling Centers shall serve as drop off areas for general household recycling purposes. The use of trucks, or commercial haulers, to drop recyclables at recycling centers shall be prohibited. The Board may place conditions necessary to meet the purposes of this Section, including restrictions on the size of the facility and operating hours. Recycling centers shall only be approved in Commercial, Industrial or Planned Exposition Districts.

I. Solid Waste Collection Point.

Any proposal for a solid waste collection point or transfer station shall require approval of a Conditional Use permit and a Site Plan. The proposal shall include screening, landscaping, and circulation plans. At a minimum, these centers shall be landscaped and screened from view from public streets and adjoining properties. Solid Waste Collection Points shall not be directly connected to storm drainage systems or directly run off into storm drainage systems. Conditions may be placed upon any application including, but not limited to, restrictions on the hours of operation, access, limitations on the numbers and types of trucks and commercial vehicles, and increased setbacks from business and residential areas. The Board may require that storing and sorting occur in entirely enclosed structures. Garbage pickup centers shall be approved only in Commercial, Industrial, or

Planned Exposition Districts.

J. Dumpsters or Other Trash Containers:

No dumpster or trash container shall be located or used in any District except in conformance with these standards or approval of a Site Plan.

1. All dumpsters or trash containers located within any District shall be screened from view from the public right-of-way by a nontransparent fence and/or landscaping materials to a height of six (6) feet.
2. Dumpsters shall be covered, and drainage plugs shall be installed. Covers may only be opened for depositing refuse or for emptying of the dumpster. Open top temporary use dumpsters are exempted.
3. All dumpsters or trash containers shall be made of non-combustible materials, with solid sides and a cover suitable in design and construction for the deposit of trash.
4. All trash containers or dumpsters shall comply with the following requirements for separation from structures:
 - (a) No less than five (5) feet from a non-combustible structure with a flat roof.
 - (b) No less than five (5) feet from a non-combustible structure with a wall height of twenty (20) feet or more.
 - (c) No less than fifteen (15) feet from any structure built of combustible material.
5. The provisions of this Section shall not apply to any residential use up to a four family dwelling.

K. Tennis, Basketball or Volleyball Court

These facilities, or similar private recreation facilities, such as outdoor skating rink facilities, may be located in rear or side yard setbacks within five (5) feet of any property line; provided, however, they may not be located in any drainage or utility easement. A single basketball hoop may be located within a front yard, provided that it is located on or adjacent to a driveway and that it is located no closer than ten (10) feet to any public sidewalk, bicycle, pedestrian lane, or right-of-way.

L. Swimming Pools

No swimming pool shall be used or located within any District without conformance to the following standards:

1. Lighting shall be located to prevent direct glare at the lot line.
2. All in-ground pools shall be completely enclosed by a wall, fence or other structure not less than four (4) feet in height. Entrance to a swimming pool shall be from a self-latching and self-closing gate except that the door of any residence forming any part of the enclosure need not be so equipped. The use of hedges or natural barriers may be allowed if it is of sufficient density to bar entry to the pool.
3. No overhead electrical wires shall cross the pool area or be installed within fifteen (15) feet of the pool surface.
4. Above-ground pools need not meet the fencing requirement of Section L.2 above, if evidence is submitted that entrance to the pool is possible only through the

use of steps or stairs, which are portable, and removed when the pool is not in use, or unless accessible from the house.

M. Garage Sales, Yard Sales

Within any Residential Zoning District, garage sales or yard sales of common household goods and appliances may be approved upon submittal of a Temporary Use Permit application pursuant to Section 502(d). Temporary sales for the above purposes shall be permitted for a period of three (3) days. No more than four (4) permits for any one location may be issued in any calendar year.

SECTION 707: FENCES

A. Purpose

To provide standards for the construction or placement of fences.

B. Standards

Any fences placed or located on any property shall meet the following standards:

1. A fence which does not exceed six (6) feet in height may be located at the property line in any side or rear yard and shall not require a zoning permit. Any fence which exceeds six (6) feet in height shall be deemed a structure.
2. No fence may be erected or constructed in such a manner to interfere with any required Visibility Triangle [specified in Section 710](#).
3. No fence may be erected or constructed within a public right-of-way or easement. If unavoidable, the fence shall have a removable panel for access to the infrastructure which the easement is granted for.
4. Any fence located adjacent to a publicly owned or maintained sidewalk, bikepath or pedestrian way shall not be located closer than two (2) feet to such public facility.
5. Any nontransparent fence located in a front yard shall not exceed twenty-nine (29) inches in height unless it meets the front yard setback for the Zoning District in which it is located. [\(Note: per Section 600.C, corner lots are deemed to have two front yards, one along each street.\)](#)
6. A chain link fence, not to exceed six (6) feet in height, may be located along the side or front property lines within Commercial or Industrial Districts after Site Plan approval. The fence shall be located and maintained in such a manner that it does not interfere with pedestrian or vehicular vision. The Development Review Board may require landscaping.
7. The use of barbed wire fencing is prohibited except as specified under exceptions below.

C. Exceptions

1. Property located in a Planned Agriculture District may use barbed wire for fencing purposes, provided that said fencing is utilized strictly for agricultural purposes. Properties in the Light Industrial District may also use barbed wire fencing. However, conditions may be imposed upon approval to provide minimal impacts on neighboring

properties.

2. The Development Review Board may authorize the use of fences which exceed the six (6) foot requirement for non-commercial, Industrial, or Planned Exposition Districts. The Development Review Board may authorize exceptions only for security or safety purposes and may require landscaping to mitigate visual impacts.

3. In accordance with the standards for Planned Development approval, the Development Review Board may approve alternative standards which are designed specifically as a part of an overall development plan including perimeter walls around the development or other effective visual treatments.

SECTION 708: SCREENING/BUFFERING

A. Purpose

To provide sufficient screening and buffering to mitigate the potential negative impact of adjoining incompatible land uses.

B. Standards.

1. Any Industrial District located adjacent to a residential District shall provide a buffer not less than fifty (50) feet. The buffer shall be landscaped and fenced in such a manner as to minimize impact on the adjoining Residential District.

2. Any Commercial use located adjacent to a residential use shall provide a buffer zone of not less than twenty (20) feet. The buffer zone shall be landscaped in such a manner as to minimize impact on the adjoining residential use. A fence and/or hedge not less than six (6) feet in height may be required. Any fence and/or hedge erected for this purpose shall be of sufficient size and density to block vision at eye level within two (2) years of planting. The use of berms is encouraged and may be required by the Development Review Board as a Site Plan condition.

3. Any multi-family use located adjacent to a single-family use shall provide a buffer zone of not less than fifteen (15) feet. The buffer zone shall be landscaped in such a manner as to minimize impact on the adjoining single-family use. The Development Review Board may require the placement of an opaque fence and/or hedge to screen the multi-family structure from adjoining single-family dwellings. Any multi-family development in the Village Center District that is adjacent to a single family use that is also in the Village Center District shall not be required to provide a fifteen (15) feet buffer zone.

4. Parking lots located adjacent to public streets shall be screened to minimize glare and vehicle light encroachment on the street. Screening may include berms and landscaping.

5. **Waivers.** The Development Review Board may waive the screening and buffering requirement if it determines that the encroachment will not have an undue adverse impact on adjacent properties.

SECTION 709: PRIVATE STREETS

A. Standards

The Development Review Board may approve a Private Street only as a part of a Planned Development application. The following conditions shall apply to any private street:

1. The applicant shall submit documentation common to all properties to ensure the continued maintenance of the Private Street.
2. The applicant shall submit documentation to ensure snow removal on the Private Street, as well as include the snow storage area on the plans.
3. Private streets shall meet the requirements of Chapter 9 and Appendix A.

Private

Streets shall be built with the same cross section as a Public Street as outlined in Detail 2 of Appendix A.

4. No new private street shall be accepted by the City for maintenance or snow removal without conforming to all street standards specified in Chapter 9.
5. The City shall not be responsible for snow removal or maintenance on any sidewalk located on a private street.
6. The following streets must be provided as public streets and dedicated to the City, unless waived by the Development Review Board upon determination the waiver would be consistent with the provisions of Section 917 of the Land Development Code:
 - (a) The principal entry to a planned unit development.
 - (b) Roads servicing or planned to service adjacent properties.
 - (c) Internal roads, which will carry daily traffic in excess of seven hundred and fifty (750) vehicles based on current trip generation rates published by the Institute of Transportation Engineers.
 - (d) Other streets as determined by the Development Review Board.

B. Existing Private Streets

The City shall not accept any existing Private Street or sidewalk for snow removal or maintenance until the facilities meet the standards specified in Chapter 9.

SECTION 710: VISIBILITY TRIANGLES**A. Purpose**

To provide clear and unobstructed vision for pedestrian and vehicular traffic at all intersections and driveways.

B. Intersections

On any corner lot, no fence, wall, screen, sign, structure or foliage shall be erected, placed, constructed, planted, or allowed to grow in such a manner as to encroach upon the Visibility Triangle.

1. The Visibility Triangle shall be determined as follows: starting at the intersection of the property lines along the intersecting streets, measure away from the point of intersection a distance of twenty (20) feet along both property lines. Connect these points with an imaginary line. The visibility triangle shall be the triangle defined by the two property lines and the imaginary line.

2. Within this Visibility Triangle, nothing shall encroach upon lines of vision between the heights of thirty (30) inches and eight (8) feet.

C. Driveways

At a point where any driveway intersects with a public street, no fence, wall, screen, sign, structure or foliage shall be erected, placed, constructed, planted, or allowed to grow in such a manner as to encroach upon the Visibility Triangles on either side of the driveway.

1. The Visibility Triangles shall be determined as follows: starting at the intersections of the front property line and the edges of the driveway, measure away from the points of intersection a distance of ten (10) feet along both property line and the edges of the driveway. Connect these points with imaginary lines. The Visibility Triangles shall be the triangles defined by the property line, the edges of the driveway and the imaginary lines.
2. Within these Visibility Triangles, nothing shall encroach upon lines of vision between the heights of thirty (30) inches and eight (8) feet.

D. Exceptions

The following items are exempt from the Visibility Triangle requirement.

1. All plantings or structures not within Visibility Triangles described in B. and C. above, measured at the high point of the street along the right-of-way line.
2. The Visibility Triangle shall not apply to the trunk of an existing tree provided that it is trimmed to meet the vision requirement in B. and C. above.
3. Fire hydrants, public utility poles, street markers, traffic control devices, mailboxes, or other items which by their nature must be located within the Visibility Triangle.
4. Public bus benches.
5. Telephone booths, parking areas, bus shelters, signs, bicycle racks, and similar structures are prohibited.
6. Vegetation related to Green Stormwater Infrastructure or Low Impact Development may be located in Visibility Triangles provided it does not exceed the height requirements as described in B. and C. above.

SECTION 711: HOME OCCUPATIONS

Nothing in this Code shall infringe upon the right of any resident to use a minor portion of a dwelling or garage for an occupation which is customary in residential areas and which does not change the character thereof.

A. Purpose:

1. To protect residential areas from potential adverse impact of excessive traffic, nuisance, sound and other effects of occupational activities within residential neighborhoods.
2. To establish criteria and development standards for Home Occupations conducted in dwelling units.
3. To provide residents the option to use their residences for certain Home

Occupations without altering the residential character of the neighborhood.

4. To assure that public and private services including streets, drainage, water and sewer systems, and other public facilities and services are maintained as designed for residential purposes.

B. Review Criteria

All Home Occupations shall meet the following review criteria and standards:

1. The Home Occupation shall be conducted entirely within the dwelling unit or garage by residents of the dwelling.
2. No employees other than residents of the dwelling are permissible.
3. The area utilized for the Home Occupation shall not exceed twenty (20) percent of the floor area of the residence, including garages.
4. Merchandise offered for sale shall be clearly incidental to the Home Occupation, provided, however, that orders may be taken for later delivery off premises.
5. Delivery of products for a home business shall occur no more frequently than once daily. Vehicles not ordinarily utilized for residential delivery shall be prohibited.
6. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other hazardous materials shall be used or stored on the premises.
7. No mechanical equipment other than that ordinarily utilized for household or hobby purposes shall be permitted.
8. No activity shall be conducted on the premises which would interfere with radio or television transmission, nor shall there be any offensive sound, smoke, dust or heat noticeable at the property line.
9. The operation of the Home Occupation shall not cause or encourage vehicular or pedestrian traffic not ordinarily associated with the residential area in which the Home Occupation is located except under the following conditions:
 - (a) Public access to the Home Occupation shall be by invitation only and no more than one (1) vehicle not owned by the occupant may be parked on or adjacent to the property for business purposes. Appointments may overlap for a time period not exceeding thirty (30) minutes.
 - (b) Occasional parties or meetings associated with the business shall occur no more frequently than four (4) times monthly. Special arrangements must be made to provide sufficient parking so vehicles in no way impede the safety and flow of traffic within the neighborhood.
10. On-premise advertising shall be limited to one (1) non-illuminated sign not exceeding one (1) square foot, and it shall be neutral in color.
11. Public access to Home Occupations shall be restricted to the hours of 8:00 am to 9:00 pm.

SECTION 712: OPEN SPACE REGULATIONS.

Except as specified in this Code, no building, structure or vehicles shall encroach upon any required setback or designated Open Space area. All required setbacks shall be maintained in vegetative cover and shall not be covered with any impermeable surface materials except in Commercial Districts where the Development Review Board may approve specific alternatives.

SECTION 713: STORM-WATER MANAGEMENT.A. Purpose.A. Purpose.

The purpose of this Section is:

1. To promote stormwater management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source;
2. To protect water resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
3. To protect other properties from damage that could be caused by stormwater and sediment from improperly managed construction activities and post-construction conditions on the development site;
4. To reduce the impacts on surface waters from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and
5. To promote public safety from flooding and streambank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and prevent damage to municipal infrastructure from inadequate stormwater controls.

B. Applicability1. Stormwater Management

These regulations shall apply to all development within the City of Essex Junction where five thousand (5,000) square feet or more of impervious surface area exists or is proposed to exist on an applicant's lot or parcel.

2. Exemption

If the combination of new impervious surface area created and the redevelopment or substantial reconstruction of existing impervious surfaces is less than five thousand (5,000) square feet, the application is exempt from the stormwater management requirements of this Section, unless, at the determination of the Water Quality Superintendent or their designee, the project has significant adverse impacts on neighboring parcels or the watershed.

3. Redevelopment

Applications meeting the criteria set forth in Subsection B(1) shall meet the application requirements in Subsection C and design requirements in Subsections D and E as follows:

- (a) If the impervious area of the lot or parcel being redeveloped or substantially reconstructed is less than fifty percent (50%) of the lot's existing impervious surface area, only those portions of the lot or parcel being redeveloped or

substantially reconstructed shall comply with the design requirements of this Section. All new impervious surface area shall comply with the design requirements of this Section.

(b) If the impervious area of the lot or parcel being redeveloped or substantially reconstructed exceeds fifty percent (50%) of the lot's existing impervious surface area, all impervious surfaces on the lot or parcel shall comply with the design requirements of this Section. All new impervious surface area shall comply with the design requirements of this Section.

C. Stormwater Management Application Requirements

1. Stormwater Management Plan and Ownership

Applications involving the construction of a stormwater system, modification, or redevelopment of impervious surface shall include a Stormwater Management Plan indicating how the performance requirements and operation and maintenance requirements will be met.

The application shall identify the legal entity responsible for ownership and maintenance of all non-municipal portions of any proposed stormwater system.

2. Technical Submittals

Applicants required to comply with this Section shall provide:

(a) Sub-watershed boundaries and drainage area delineations for all stormwater treatment practices.

(b) Location, type, material, size, elevation data, and specifications for all existing and proposed stormwater collection systems, culverts, and stormwater treatment practices.

(c) Soil types and/or hydrologic soil group, including the location and results of any soil borings, infiltration testing, or soil compaction testing. Infiltration testing shall be completed using methods identified in the Vermont Stormwater Management Manual (VSMM, latest edition).

(d) A brief written description of the proposed stormwater treatment and management techniques. Where Tier 1 practices are not proposed, the applicant shall provide a full justification and demonstrate why the use of these practices is not possible before proposing Tier 2 or Tier 3 practices. Tier 1-3 practices are those defined in the VSMM, (latest edition).

(e) A detailed maintenance plan for all proposed stormwater treatment practices.

(f) Modeling results demonstrating the existing and post-development hydrographs for:

(i) The Water Quality Volume (WQv) storm event;

(ii) The one-year, twenty-four-hour storm event;

(iii) The ten-year, twenty-four-hour storm event;

(iv) The twenty-five-year, twenty-four-hour storm event; and

(v) The one-hundred-year, twenty-four-hour storm event if more than or equal to ten (≥10) acres of impervious surfaces

Rainfall shall be determined using NOAA Atlas 14 data and a Type II rainfall

distribution. Any TR-55 based model, HydroCAD, or equivalent drainage computation shall be acceptable.

The intent of the twenty-five-year storm analysis is to ensure that the proposed project does not overload existing downstream drainage structures or result in damage to public or private infrastructure and property, and to ensure that stormwater infrastructure installed as part of a development can accommodate future upstream development.

(g) Such additional information as the Water Quality Superintendent or designee determines necessary to evaluate the adequacy of proposed drainage infrastructure.

3. State Operational Stormwater Discharge Permit Documentation

Applicants conducting projects that are regulated by the State of Vermont for managing stormwater runoff from developed and impervious surface activities shall provide documentation demonstrating coverage under the Vermont Operational Stormwater General Permit 3-9050 or an Individual Stormwater Permit, including copies of issued permits.

4. Projects Intended for Municipal Ownership

Projects requiring a State stormwater permit that are intended for transfer to the City of Essex Junction ownership shall submit a copy of the issued State permit together with all supporting documentation necessary to document phosphorus loading reduction by watershed. Submission of this information shall satisfy the City's Stormwater Management Plan and phosphorus control plan requirements.

D. Design Requirements – On-Site Treatment

Applicants shall meet the following standards for on-site stormwater treatment:

1. Water Quality Treatment

The Water Quality Volume (WQv), as defined in the VSMM (latest edition), for the lot or parcel's impervious surfaces shall be treated using Tier 1 practices.

If treatment using Tier 1 practices is infeasible because of:

- (a) Seasonally high or shallow depth to groundwater;
- (b) Shallow depth to bedrock;
- (c) Soil infiltration rates of less than 0.2 inches per hour;
- (d) Soils contaminated with hazardous materials, as that phrase is defined by 10 V.S.A. §6602(16), as amended;
- (e) The presence of a “stormwater hotspot”; as defined in the VSMM (latest edition) or
- (f) Other site conditions approved by the City Engineer or designee, the WQv shall be treated using Tier 2 practices in accordance with the VSMM. Existing Tier 3 practices may only be used in accordance with the Water Quality Practice Selection Flowchart in the VSMM (latest edition). Evaluation of retrofitting/expanding a Tier 3 practices can also be considered.

2. Peak Flow Control

The post-construction peak runoff rate for the one-year, twenty-four hour (rainfall amounts to be determined using NOAA, Atlas 14 data and a type II rainfall distribution)

rain event shall not exceed the existing peak runoff rate for the same storm event from the site under conditions existing prior to submittal of an application.

3. Site Balancing

Applicants who demonstrate that the treatment requirements of this Section cannot reasonably be achieved may utilize Site Balancing. Site Balancing is defined as when stormwater control or treatment is not possible for specific limited areas of new, redeveloped, or significantly reconstructed impervious surfaces, the impact of these untreated surfaces must be compensated for in an equivalent manner. This can be done by controlling or treating other impervious surfaces on the lot, parcel, or property. To achieve this, additional control or treatment measures can be implemented beyond what is required by code.

4. New Drainage Structures

- (a) All drainage structures shall be designed to safely pass the twenty-five-year, twenty-four-hour storm event.
- (b) Concrete risers, not brick and mortar structures, shall be utilized.
- (c) Utilized booted connections
- (d) Driveway culverts shall have a minimum diameter of eighteen (18) inches and twelve (12) inches of cover. End treatment or headwall is required.

E. Design Requirements – Impacts to Municipal Stormwater Systems

Stormwater runoff from sites subject to this Section may discharge to the municipal stormwater system or to a stormwater system located within a proposed future municipal right-of-way, provided adequate capacity exists, after the stormwater has been treated on-site.

1. Municipal System Connections

New drainage structures connected to the municipal stormwater system shall comply with the following standards:

- (a) New drainage structures should be located within the street right-of-way.
- (b) All drainage structures shall safely pass the twenty-five-year, twenty-four-hour storm event.
- (c) Drainage pipes shall have a minimum diameter of fifteen (15) inches and utilize booted connections.
- (d) Concrete risers, not brick and mortar structures, shall be utilized.
- (e) House footing drains or basement sump pumps may only connect to municipal drainage facilities when no suitable daylight outlet exists.
- (f) Footing drains or basement sump pumps shall not be connected to road underdrains.
- (g) Any footing drains connected to municipal drainage facilities shall be provided with a backflow preventer.
- (h) Driveway culverts shall have a minimum diameter of eighteen (18) inches and twelve (12) inches of cover. End treatment or headwall is required.

2. Downstream Drainage Impacts

Where the Water Quality Superintendent or their designee determines that a proposed

development may overload downstream drainage facilities and result in damage to private or public infrastructure or property, the City may require measures to prevent such impacts, regardless of whether the improvements are located on or off the applicant's property.

F. Construction Site Stormwater Runoff and Erosion Prevention and Sediment Control

1. Applicability

Prior to the commencement of any land-disturbing activity involving one thousand (1,000) square feet or more of disturbance, the property owner, developer, or operator shall implement erosion prevention and sediment control measures sufficient to prevent discharges to the MS4, waters of the State, wetlands, drainage systems, and adjacent properties.

Any construction activity resulting in one (1) acre or more of disturbance, or less than one acre when part of a larger common plan of development resulting in one acre or more of disturbance, shall comply with this Section and obtain all required Vermont Construction General Permit coverage.

2. Erosion Prevention and Sediment Control Plan Requirements

An Erosion Prevention and Sediment Control Plan (EPSC), or erosion control narrative, shall be submitted and approved with the final site plan application.

At a minimum, all regulated activities shall comply with the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control (EPSC), as amended.

3. Municipal Inspection Requirements

For projects requiring an approved Erosion and Sediment Control Plan, the Water Quality Superintendent or their designee shall conduct periodic inspections to determine compliance with the approved plan.

The permittee or their authorized representative shall request inspections at least two (2) business days before each required inspection milestone unless certification in accordance with Section F5 has been approved.

(a) At a minimum, inspections shall be required for:

- (i) Commencement of construction, including verification of the limits of disturbance;
- (ii) Installation of all required erosion prevention and sediment control measures;
- (iii) Completion of final site stabilization, landscaping, and revegetation; and
- (iv) Before October 15 of each year for projects where land disturbance or construction activities will continue through the winter season.

(b) Following inspection, the Water Quality Superintendent or designee shall either:

- (i) Approve the completed work; or
- (ii) Provide written notice identifying deficiencies and required corrective actions.

Failure to maintain compliance with the approved Erosion Prevention and Sediment

Control Plan may result in suspension or revocation of municipal permits, issuance of a stop-work order, or other enforcement actions authorized by this code.

4. Professional Inspection Requirements

In lieu of municipal inspections required under Section 5, the Water Quality Superintendent may authorize or require the permittee to retain a Vermont-licensed professional engineer or a Certified Professional in Erosion and Sediment Control (CPESC) to conduct inspections.

The engineer or CPESC shall perform inspections in accordance with the schedule established in the approved Erosion and Sediment Control Plan and shall submit written certifications to the municipality documenting:

- (a) Compliance with the approved plan;
- (b) The condition and effectiveness of erosion and sediment control practices; and
- (c) Any deficiencies observed and corrective measures implemented.

Acceptance of professional certifications shall not limit the municipality's authority to conduct independent inspections or enforce the requirements of these regulations.

5. Construction Site Waste Management

All regulated construction activities shall employ controls for:

- (a) Discarded building materials;
- (b) Concrete and mortar washout;
- (c) Fuels, oils, solvents, paints, and chemicals;
- (d) Litter and debris;
- (e) Sanitary waste; and
- (f) Other materials that may adversely affect water quality.

6. State Stormwater Construction Permit Documentation

Applicants conducting regulated construction activities shall provide documentation demonstrating coverage under the Vermont Construction General Permit (CGP), including copies of issued permits.

7. Permit Compliance Documentation

The City may require submission of permit authorizations, Erosion Prevention and Sediment Control Plans (EPSCs), inspection reports, corrective action documentation, and other documentation necessary to verify compliance.

8. Prohibited Discharges

No person shall cause or allow sediment, erosion, or construction-related pollutants to enter:

- (a) The municipal stormwater system;
- (b) Surface waters;

- (c) Wetlands or drainageways;
- (d) Public rights-of-way; or
- (e) Adjacent properties.

9. Exemptions

This Section shall not apply to emergency activities or agricultural activities operating in accordance with applicable State law requirements.

G. Maintenance of Permitted Stormwater Systems

Should a property owner fail to maintain stormwater infrastructure in accordance with approved plans, permit conditions, or state permit requirements, the City shall issue written notice of violation.

Corrective actions shall be completed within fourteen (14) calendar days unless an alternative schedule is approved by the City.

Where an immediate threat exists to public safety, municipal infrastructure, or waters of the State, the City may perform emergency corrective actions. Costs incurred by the City may be assessed against the property owner and become a lien upon the property.

H. Stormwater Systems Proposed for Municipal Ownership

Stormwater systems proposed for transfer to the City shall remain the responsibility of the permittee until formally accepted by the City.

1. Prior to acceptance:

- (a) As-built plans shall be submitted.
- (b) A final inspection shall be completed.
- (c) The stormwater system shall be clean and in proper working order.
- (d) All required access and maintenance easements shall be recorded and provided to the Water Quality Superintendent.
- (e) All permits shall remain valid and compliant.
- (f) Certification by a Professional Engineer that it was built according to plans.

Only stormwater facilities deemed to be in the best interest of the City shall be accepted for municipal ownership.

I. Review Procedures, Appeals and Expiration

1. Review

Staff shall review applications for completeness within ten (10) business days of receipt. The Public Works Superintendent, Water Quality Superintendent, City Engineer, or designee shall act on applications within thirty (30) calendar days.

2. Appeals

Any interested party may appeal a decision under this Section in accordance with Chapter 117 of Title 24, Vermont Statutes Annotated. See 24 V.S.A. §4465 for appeals from a determination of the administrative officer and §4451 for appeals from a Notice of Violation.

3. Expiration

Approvals shall expire one (1) year from the date permits are issued if not commenced.

J. Administration and Enforcement

1. The Water Quality Department, in conjunction with the Community Development Department, shall administer, implement, and enforce this Section.

Failure to comply with this Section, approved plans, permit conditions, or orders issued pursuant to this Section shall constitute a violation.

The City may:

- (a) Issue notices of violation;
- (b) Require corrective actions;
- (c) Issue stop-work orders;
- (d) Suspend or revoke approvals;
- (e) Recover costs of enforcement or remediation;
- (f) Assess penalties authorized by law; and
- (g) Pursue any other legal or equitable remedy available.

Compliance with a State-issued permit shall not relieve any person of the responsibility to comply with this Section or any more stringent municipal requirement.

SECTION 714: SIGN STANDARDS.

A. Authority and Intent

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all Signs and advertising features:

1. Effectively maintain a safe and orderly pedestrian and vehicular environment by being legible and not distracting to motorists, cyclists, and pedestrians;
2. Reduce potentially hazardous conflicts between Signs and traffic control devices;
3. Compliment their surroundings, and protect and promote neighborhood and community character;
4. Effectively optimize communication that support the community's sustained economic development, and reduce visual clutter within or directed upon the public realm; and,
5. Are an enhancement to the City's built environment, and are harmonious in size, design, color, material, and lighting with the building to which it relates, without removing, obscuring or detracting from the community's character, history, and architecture.

The regulations on signs under this Chapter are intended to be content-neutral, where the City considers only the physical aspects of the Sign, not content.

B. Permit Required

All Signs shall require the issuance of a zoning permit subject to the standards of this Section before public erection and display unless otherwise specifically exempt by this Section. All Signs must be maintained in a condition or state of equivalent quality to which it was approved or required by the City. A sign permit shall expire if not erected within one

(1) year from the date of approval.

C. Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Section and allowed without the requirement to obtain a new zoning permit.

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Section and the necessity to obtain a permit:

1. Highway and Official Signs. Signs within the public right-of-way or along a public thoroughfare designed and placed in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) published by the US Dept. of Transportation, and other public information, traffic control, identification, special event, directional, public notice, and other such Signs erected by or at the direction of a government agency, court, or public utility in the performance of their public duty.
2. Election Period Signs within City Right-of-Way. Temporary signs or banners no larger than six (6) square feet may be displayed for a period not to exceed two (2) weeks leading up to a local, state or federal election within the City Right-of-Way unless city staff determines a sign to be a hazard to public safety. These signs shall be removed within 3 days after the election.
3. Public Notice Signs on Publicly Owned Property. Signs authorized by the City, placed on publicly owned property for the purpose of public notice are exempt from the requirements of this Section.
4. Street Address Identification. Numerals that identify the street address of the property so that it can be easily identified from a public thoroughfare by patrons, guests, and emergency responders provided such numerals are a minimum of 3-inches and maximum of 10-inches in height, and the area of the numerals does not exceed two (2) square feet. In cases where the building is not located within view of the public street, the numerals shall be located on a mailbox or other suitable device such that it is visible from a public thoroughfare.
5. Electronic Message Board. One- or two-sided free-standing signs for municipal departments, which are used to provide public information, and are deemed to meet the intent of Section 502.H.1. Such signs must be approved by the Development Review Board and City Council, may not exceed thirty (30) square feet per side, must be at least five (5) feet from the pavement of any public right-of-way, must not be located within any right-of-way, and may not exceed ten (10) feet in height. Such signs may include an Electronic Message Board not exceeding ten (10) square feet on each side of the sign, which may only be used between the hours of 7:00 A.M. and midnight. Information may be displayed on the message board on an intermittent basis, provided each display is at least five (5) minutes in duration. Each department shall be limited to one (1) sign.
6. Flags:
 - a. In the Residential 1 (R1) and Residential 2 (R2) zones: up to 2 flags which may or may not be attached to 1 freestanding pole per lot. Each flag may be up to 15 square feet in area with no single dimension exceeding 5-feet. Any freestanding flagpole shall meet the maximum height and minimum setback requirements per

the district-specific dimensional requirements of Chapter 7.

- b. In all other Zoning: 1 flag per 25 feet of a lot's road frontage, up to a maximum of 6 flags which may or may not be attached to up to 6 freestanding poles are permitted. Each flag may be up to 24 square feet in area with no single dimension exceeding 6-feet. The height of any freestanding flagpole shall not exceed the highest point of the Principal building on the lot or 50-feet whichever is lower and shall meet the minimum setback requirements per the district-specific dimensional requirements of Chapter 7 or 10-feet whichever is more restrictive.
7. Property Management, Information, and Directional Signs. Non-illuminated Signs two (2) square feet or less in size controlling access to a property and/or oriented to and intended primarily for use internal to the property. Examples may include those announcing no trespassing or solicitation; warning of hidden dangers; the private nature of a road or driveway; directional and parking; and regulating fishing or hunting.
8. Signs Inside Buildings. Any Sign which is located completely within an enclosed building and 12-inches or more behind a window or door provided they do not obscure more than 40% of the total window area between 4 and 7 feet above the adjacent sidewalk and otherwise preclude an unobstructed view into the establishment from the sidewalk.
9. Vending Machines and Gas Pumps: Signs incorporated into or upon vending machines or fuel pumps. Internally illuminated vending machines shall not be allowed outside of buildings except in Commercial Districts.
10. Signs Within an Athletic Field or Complex: Any Signs facing inward to the field of play and associated spectators such as those affixed to a wall, window, fence, or scoreboard.
11. Historic Marker: A non-illuminated Wall Sign two (2) square feet or less in size commemorating the historic significance of a building or site.
12. Temporary Signs: Temporary Signs are permitted subject to the standards found in Sec. 714.E Temporary Signs below.
13. Sandwich Boards: Sandwich Boards Signs are permitted subject to the standards found in Sec. 714.L.10 Sandwich Boards Signs below.
- ~~14. Directional Signs: Non-illuminated signs displayed on private property strictly for the direction, safety or convenience of the public, including such signs which identify the location of restrooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided the area of any such sign shall not exceed two (2) square feet. Directional Signs: In all Districts, any legal business or recreational use, except a Home Occupation, that is not readily visible from a street, may be allowed to erect one (1) off premise directional sign. This sign may not exceed four (4) square feet and must be on an adjacent lot or on a right-of-way owned or leased by the business in question. This directional sign must be set back at least five (5) feet from the edge of the right-of-way. Staff may deny an application for a directional sign in any residential district which in Staff's judgment alters the character of the area.~~
14. Murals: Non-commercial artistic expression in the form of a unique hand produced work of visual art which is tiled, painted directly upon, or otherwise affixed or placed directly onto an exterior wall of a building or structure provided that the Mural:

- a. does not contain any advertising copy, symbols, lettering, logos or other such recognized branding related to products or services provided on the premises where the mural is located except where otherwise permitted and incorporated into a permitted Sign Type as provided in Secs. 714.B through 714.M Sign Types;
 - i. is placed on a Secondary Frontage or non-street-facing side or rear elevation of a Building or Structure; and,
 - ii. is not illuminated.

16. Non-illuminated window signs do not require a permit but must comply with the requirements of 714.L.12.

D. Prohibited Signs

The following types and characteristics of Signs shall be prohibited in all parts of the City:

1. No person shall paint, paste, brand, stamp, or in any other manner hang, place on or over, or attach to any tree, rocks, or other natural feature; and any utility pole, street light, transformer, hydrant, bench, or any similar object or surface any advertisement, bill, notice, card, Sign, or poster for any purpose unless as permitted by this Section or otherwise installed by or at the direction of the Department of Public Works.
2. Signs that may obstruct the view of approaching or intersecting traffic, or otherwise interfere with the clear and unobstructed view of a highway or official Sign and/or the safe movement of vehicles, bicycles, or pedestrians operating within, entering, leaving, or crossing a public right-of-way, sidewalk, path, or Thoroughfare including those located within a clear sight triangle;
3. Any Sign and/or Sign structure that obstructs the view of, imitates, or otherwise may be confused with a governmental, traffic or safety Sign;
4. Any Sign and copy that mimics the City's E-911 street naming and addressing system by using a fictitious, or "vanity," address consisting of a combination of a number, name, and/or place type (e.g. "1 City Square") that has not been assigned by the City and thus may interfere with the timely and accurate response by emergency services.
5. Signs that interfere with free passage from or obstruct any fire escape, downspout, window, door, stairways, ladder, or Building opening or appurtenance intended as a means of ingress or egress, or providing light or air.
6. Signs located on any property without prior authorization granted by the Property Owner;
7. Any Sign which advertises goods, products, or services which are not sold, manufactured, stored, or distributed on or from the property on which the Sign is located.
8. Signs located on the roofs of buildings or structures, or that project above the roof or parapet line;
9. Signs mounted, attached, or painted on a trailer, boat, motor vehicle, or other mobile conveyance when parked, stored, or displayed conspicuously close to or within the public right-of-way in a manner intended to attract the attention of the public for advertising purposes, except where the motor vehicle or trailer is regularly and consistently used and moved to conduct normal business activities; and,
10. Signs of any of the following types or with any of the following features or

characteristics:

- a. Any Sign, portion of a Sign, or other advertising device with:
 - i. visibly moving or movable parts; or,
 - ii. flashing, animated, or intermittent illumination except for those specifically allowed in Sec. 714.J; or Sec. 714.G; or,
 - iii. fluorescent paint or tape, mirrors, disks, reflectors, or similar devices which have the effect of intensifying reflected light.
- b. Inflatable Signs, such as but not limited to balloons, gas inflated signs, blimps, or similar inflated signs;
- c. Portable Signs, except for Sandwich Board Signs as permitted under Sec. 714.L.10 below or by the Department of Public Works for placement in the public right-of-way;
- d. Windblown devices such as but not limited to, streamers, spinners, banners, feather signs, pennants, and Flags other than those specifically allowed in Sec. 714.C.3; and,
- e. Searchlights, outdoor image projections, or any other similar displays projected from an external light source into the sky or onto any building, structure, right-of-way, or thoroughfare, except as may be allowed on a limited basis for special events by Public Works, Parks Recreation, or City Council.

E. Temporary Signs

The following types of Temporary Signs are allowed in all Districts without the requirement of a zoning permit provided they meet the standards found in Table 714.E – Temporary Signs below:

Table 714.E Temporary Signs

Temporary Banner	
Number of Signs	1 on a primary street frontage
Types Allowed	Wall
Sign Area	50 sf max.
Sign Height	No higher than the floor level of the 2 nd story.
Illumination	None
Duration/ Frequency	Shall not exceed 30 consecutive days and a maximum of 2 display periods per calendar year separated by a minimum of 30 days between display periods.
Temporary Sign	
Number of Signs	1 on a primary street frontage.
Types Allowed	Freestanding, Wall, or Window.
Sign Area	6 sf max. for any individual Sign.

Sign Height	Freestanding: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle Wall or Window: No higher than the floor level of the 2 nd story.
Illumination	None
Duration/ Frequency	Shall not exceed 30 consecutive days and a maximum of 2 display periods per calendar year separated by a minimum of 30 days between display periods.
Real Estate Sign	
Number of Signs	1 on a primary street frontage of a property offered for rent or sale.
Types Allowed	Freestanding, Wall, or Window.
Sign Area	6 sf max.
Sign Height	Freestanding: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle. Wall or Window: No higher than the floor level of the 2 nd story.
Illumination	None
Duration/ Frequency	Shall not be erected prior to the property being offered for sale or rent, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred.
Election Period Sign	
Number of Signs	6 Signs max. per property
Types Allowed	Freestanding, Wall, and/or Window including Banners
Sign Area	6 sf max. for any individual Sign
Sign Height	- Freestanding: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle - Wall or Window (including Banners): No higher than the floor level of the 2nd story.
Illumination	None
Duration/ Frequency	Shall not be erected earlier than 60 days prior to an election and shall be removed within 3 days afterwards.
Construction Site Sign	
Number of Signs	1 per street frontage max.
Sign Types Allowed	Freestanding or Wall.
Total Sign Face Area	32 sf max in a Residential district; or, 64 sf max in all other districts.
Sign Height	8' max.
Illumination	None

Location	Installed on the premises of a project under construction.
Duration/ Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.
Construction Site Wrap	
Number of Signs	1 per street frontage max.
Sign Height	12' max.
Illumination	None
Location	Installed along the perimeter of the premises of a project under construction. Must not be located within any public street right-of-way unless permitted by the Department of Public Works.
Duration/ Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.
Construction/Real Estate Window Wrap	
Number of Signs	1 per window and door max.
Sign Area	May fill the entire glazed portion of the window and/or door.
Sign Height	No higher than the ceiling level of the 1 st story.
Illumination	None
Location	Installed on the premises of a project under construction.
Duration/ Frequency	Shall not be erected prior to the property being offered for sale or rent, or one week prior to the commencement of construction, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred or within 24 hours of completion of construction.

F. Non-Conforming Signs

Any legally pre-existing Sign or other advertising device which does not conform to the current provisions of this Section shall be deemed a non-conforming Sign. Non-conforming Signs may remain in use at the same location, and ordinary maintenance and repair of such Signs shall be permitted. A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) except to bring the Sign into complete or substantially greater compliance with this Section. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing non-conforming Sign subject to the applicable requirements of this Section. Non-conforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Section. Value shall be determined based on replacement cost.

The following types of non-conforming signs shall be altered to comply with the provisions of this article or removed within ninety (90) days after the effective date of this Code:

1. Portable signs and temporary signs.
2. Signs that are in violation of Section 714.E.

G. Discontinuance and Removal

Any Sign advertising an activity, business, service, or product must be removed, or the Sign face replaced with a blank face, within 60 days of the activity, business, or service promoted by the Sign being discontinued on the premises where the Sign is displayed. If the use is not reestablished, or a new use is not established, within one (1) year, then the entire Sign Structure and mounting hardware shall be removed.

H. Sign Permit Applications, Submission Requirements, Review and Decision-making

An application is necessary for those requests pertaining to all Signs covered by the requirements of this Section. Submission requirements shall also include all the following as applicable:

1. A completed application form, and signed by the property owner, along with the applicable fee;
2. A scaled rendering of the proposed Sign indicating its dimensions in square inches or feet (length, width, height), and all materials and colors used;
3. Applications involving Freestanding, and Monument Signs shall include a scaled site plan indicating the location of all existing and proposed Signs on the lot, all setbacks in feet from the property lines and/or rights-of-way, and the location of any Clear Sight Triangle.
4. Applications involving Awning, Blade, Canopy, Marquee, Nameplate, Outdoor Display Case, Projecting, Window, and/or Wall Signs shall include scaled building elevations indicating the location of all existing and proposed Signs on the building façade and the frontage dedicated to the establishment in linear feet.
5. Where applicable, the type and method of illumination (i.e. external, internal, or backlit), including the fixture style, placement, and bulb wattage and type. Applications involving an Electronic Changeable Message must also provide written certification from the sign manufacturer that the luminance of the display has been factory pre-set so that it will not exceed 5,000 nits.
6. The total square footage of all existing Signs for the establishment; and,
7. Photographs of the building or site where the Sign is proposed.

I. Calculation of Sign Area and Height

1. The following shall govern the calculation of a Sign's area:
 - a. The area of a Sign shall include all numerals, lettering, designs, logos, or symbols, together with the background, whether open or enclosed, upon which they are displayed. Not included are any supporting framework incidental to the display itself unless under Secs. 714.L.1 through 714.L.12 Sign Types.



b. Where a Sign consists of only individual numerals, letters, logos, or symbols attached, painted, or applied directly to a door, wall, or window, the area shall be considered the smallest polygon which would enclose the sign encompassing all the letters and symbols. (See Figure 714.L.1)

Figure 714.L.1 Area of a Sign affixed directly on a wall or window.

c. If a Sign has two or more faces, the area of all faces is included in determining the maximum area of the Sign, unless the two faces are identical and placed back-to-back or are no more than two feet apart. In such case, the Sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate Sign area.

d. The Sign area of a three-dimensional, free-form, or sculptural (non-planar) Sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the Sign.

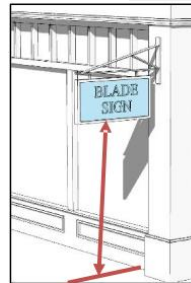
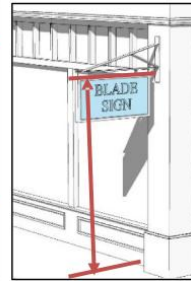
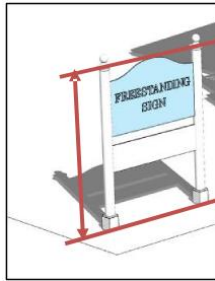
e. The maximum allowable area of a Sign shall include all permanent Signs attached, painted, or applied to a building façade. If an establishment has walls fronting on two (2) or more streets, the Sign area for each street shall be computed separately.

f. Limitations on the height of lettering shall pertain only to the height of individual characters.

2. Unless described otherwise under Secs. 714.L.1

through 714.L.12 Sign Types, the following shall govern the calculation of a Sign's height:

- Sign height overall is measured as the vertical distance from the finished grade at the base of a freestanding Sign, or of a building or structure for an attached Sign, to the highest point of the Sign.
- For Signs attached to and projecting from a building or structure, vertical clearance is measured as the vertical distance from the finished sidewalk level to the lowest point of the Sign or Sign structure.



J. Sign Lighting

The following requirements shall pertain to the lighting of all Signs:

- The eligibility of lighting for any Sign shall be as indicated under Secs. 714.L.1 through 714.L.12 Sign Types.
- All Signs shall be illuminated such that the illumination is steady and stationary, directed solely at the Sign or internal to it, and does not create glare or unduly illuminate the surrounding area.
- The luminance of any Sign shall not exceed 250 nits between dusk and dawn, as measured from the brightest element of the Sign's face. Dusk and dawn are defined as, respectively, the time starting at one-half hour before sunset and one-half hour after sunrise, as determined by the National Weather Service (actual time).

4. External Illumination:
 - a. Light fixtures shall be located, shielded, and directed such that the light source is directed only onto the Sign face.
 - b. Neither the light source nor reflective surfaces of the fixture shall be visible from the public way or surrounding properties.
 - c. Light fixtures used to illuminate signs shall be top mounted and shall direct the light downward toward the sign.
 - d. Ground mounted lights shall not be used unless under special circumstances where conditions of (3) above cannot be met. In such cases, the receptacle or device housing the light source shall not extend more than 12 inches above ground and shall be fully screened and housed.
 - ~~c.~~ Projecting light fixtures must be simple and unobtrusive in appearance and not obscure the Sign.
 - ~~e.~~
5. Reverse Channel Illumination (i.e. Backlit):
 - a. Backlit Signs shall light lettering and logo and other related Sign elements only, and lighting design shall be such that no excess light spill or glare results from the back lighting fixtures and/or source.
 - b. The light source shall not be visible from the public way or surrounding properties.
 - ~~a.~~ Illumination levels shall not increase the measurable vertical light level at any point 20 feet distant from the Sign in any direction.
 - ~~c.~~
6. Internal Illumination:
 - a. Internally illuminated Signs shall be designed such that light passes through the lettering, logo, and other related Sign elements only, and the background shall remain opaque and light transmission shall be blocked.
 - b. The Sign cabinet shall fully enclose the light source so that it is not visible from the exterior of the Sign.
 - c. The background must be opaque and a darker color than the message of the Sign.
7. Direct Illumination (i.e. the use of exposed lamps, such as neon tubes and LED's, that have no shielding and are visible to the eye):
 - a. Direct illumination is limited to letters, numbers, symbols, and accents.
 - b. Neon signs shall not exceed three (3) square feet in size.
8. Raceways, Conduit, Wiring, and Transformers
 - a. All electrical raceways, conduits, and wiring shall be contained completely within the Sign assembly or inside the wall and shall not be exposed.
 - b. If a raceway is necessary, it cannot extend in width or height beyond the area of the Sign.
 - c. A raceway must be finished to match the background wall or canopy or integrated into the overall design of the Sign.
 - d. Visible transformers are not allowed.
9. Electronic Changeable Message:

- a. Where permitted as provided in Secs. 714.L.1 through 714.L.12 Sign Types, Electronic Changeable Message displays shall:
- i. Not have any distracting appearance of motion including but not limited to flashing, blinking, shimmering, animation, video, or scrolling advertising.
 - ii. Limit the luminance of the display not to exceed 5,000 nits at any time.
 - iii. Have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers where readily visible to drivers of vehicles on any public way.
 - iv. Consist only of alphabetic or numeric characters on a plain background, and shall not include any graphic, pictorial, video, or photographic images.
 - v. Utilize a maximum of only one color for the message on a dark background of only one color.
 - vi. Have a minimum display time of two (2) minutes. When the message changes, it must complete the transition within 1 second or as rapidly as is technologically practicable whichever is less with no phasing, rolling, scrolling, flashing, or blending.
 - vii. Be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
 - viii. Contain a default mechanism that freezes the changeable message in one position, or shuts off the device entirely, in the event of a malfunction.
 - ix. Limit the area occupied by the electronic changeable message to no more than (50) percent of the maximum total allowable Sign area as provided in Secs. 714.L.1 through 714.L.12 Sign Types.
 - x. Be limited to a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols dedicated to the electronic changeable message.

K. Alternative Compliance

Minor variation and relief any non-numerical standard found in this Section, and any numerical standard by no more than 20% of such requirement, may be granted by the Development Review Board at a Public Hearing.

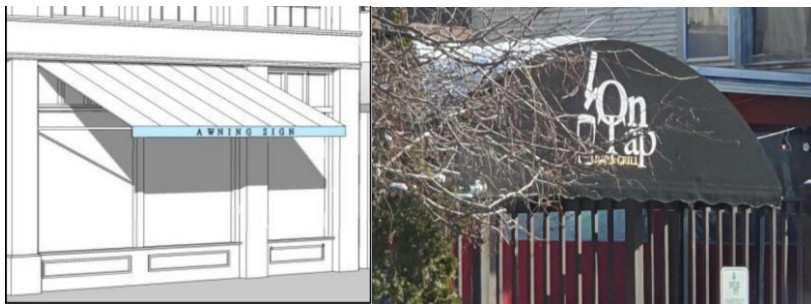
Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing, and upon affirmative findings that:

1. the relief sought is necessary in order to accommodate a unique circumstance or opportunity;
2. the relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;
3. the relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;
4. the relief, if granted, will not impose an undue adverse burden on adjacent properties; and,

5. the remainder of the Sign will otherwise be developed consistent with the purpose of this Section, and all other applicable standards.

L. Sign Types

714.L.1: Awning & Canopy Sign



Description

This Sign type consists of one or more faces and is integrated within or part of an Awning or Canopy extending over a principal entrance and/or first floor windows on a Primary or Secondary Frontage, or spanning across an individual storefront or an entire building façade. An awning with letters in the form of a sign shall be considered a wall sign.

Specifications

Location	Only Awnings and Canopies on ground floor doors or windows may contain signs.
Quantity (max)	• 1 per Awning • 3 per Canopy
Area, Lettering (max)	• 75% of the area of the Valance or Canopy face. • 25% of the area of the sloping plane of an Awning.
Height, Lettering (min/max)	• 5-in min; 10-in max on the Valance, or 18-in max on sloping plane of an Awning. • 24" max. on a Canopy • Awnings must clear the sidewalks or ground by at least eight (8) feet.

Miscellaneous

Canopy Signs may be placed on the face and sides of the Canopy or extend above or below the Canopy face provided 8-ft min. clear height above the sidewalk is maintained.

Awning Signs may only be placed on the Valance or sloping plane of the Awning, not both.

Awning Signs shall not be internally illuminated or backlit. Canopy Signs may only be backlit.

Awning or Canopy Signs in a Residential district shall not be illuminated.

The awning may extend to within one (1) foot of the vertical plane created by the curb or right-of-way line. Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

The top of the awning, where it is attached to the building, shall be no higher than fourteen (14) feet above grade.

Awnings without letters shall be allowed subject to the size and height restrictions above, but the overall number of awnings shall not be restricted.

Awnings may be non-illuminated or externally illuminated only by down directed and shielded fixtures and incandescent bulbs

714.L.2: Band Sign



Description

This Sign type consists of a single face, and is placed within a Sign Band that is architecturally integrated into the overall design of the building façade over a principal entrance and spanning across an individual storefront or the entire façade on a Primary Frontage.

Specifications

Quantity (max)	1 Band Sign per street-level storefront.
Width, Sign (max)	Length of the street-level storefront frontage.
Height, Sign (max)	3-ft
Height, Overall (max)	the lesser of the floor level of the second floor or 18-ft above the finished sidewalk.
Depth/Projection, lettering (max)	7-in from the furthest point of the face of the Sign Band.
Area, Sign (max)	75% of that portion of the Sign Band associated with the street-level use.

Miscellaneous

Band Signs shall include only characters, background, lighting, and an optional logo.

If illuminated, Band Signs may only be externally illuminated or backlit.

714.L.3: Blade Sign

**Description**

This Sign type consists of 1-2 faces, and projects perpendicular from the Building façade on a Primary or Secondary Frontage, or elevation where street frontage is not available.

Specifications

Location (max)	within 4-feet of a principal entrance.
Quantity (max)	1 per ground floor tenant.
Width, Sign (max)	3-ft
Height, Sign (max)	3-ft
Depth, Sign (max)	6-in
Offset from Building (min/max)	6-in min and 12-in max from the <u>furthest point of the</u> façade.
Projection (max)	4-ft from the façade.
Area, Sign (max)	9 sqft
Height, Clear (min)	8-ft min. above finished sidewalk (the lowest portion of the overhanging sign and/or bracket).
Height, Overall (max)	The lesser of the floor level of the second floor or 18-ft above the finished sidewalk.

Miscellaneous

The bracket must be an integral part of the Sign design.

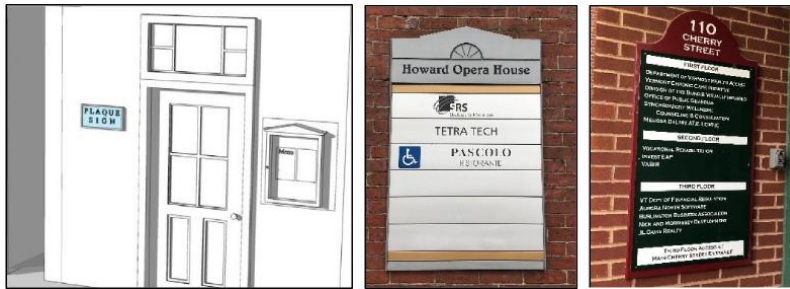
A Blade Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.

A Blade Sign may be attached to the face or underside of a canopy

If illuminated, Blade Signs shall only be externally illuminated. Blade Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

714.L.4: Directory Sign



Description

This Sign type has a single face and consists of either a panel or individual letters applied directly to a building wall, typically listing the names of building tenants.

Specifications

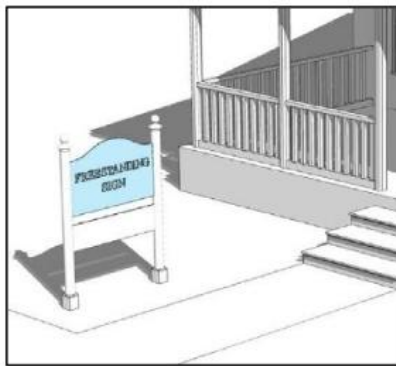
Location (max)	within 4-feet and to the side of a principal entrance.
Quantity (max)	1 per principal entrance
Width (max)	18-inches
Height (max)	36-inches
Depth/Projection (max)	3-inches from the <u>furthest point of the</u> façade

Miscellaneous

If illuminated, Directory Signs may only be backlit.

Directory Signs in any Residential, ~~RCO, or Urban Reserve~~ district shall not be illuminated.

714.L.5: Freestanding Sign

**Description**

This Sign type consists of 1 or 2 faces, is fully detached from a Building, and placed in a front yard with external support consisting of 1-2 posts.

Specifications

Quantity (max)	1 per lot, per primary street frontage except as specified below*
Width (max)	8-ft (not including supports)
Height	10-ft (not including supports)
Depth (face-to-face) (max)	1-ft
Sign Area (max)	60 sf. (not including supports) or 0.3 sf per linear foot of street facing building frontage whichever is less.
Setback (min)	The lesser of 3-ft from the front property line or in-line with the building façade, and 5-ft from any side property line
Height, Overall (max)	14-ft above the finished grade (including supports).

Miscellaneous

No part of a Freestanding Sign may encroach or overhang upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

Freestanding Signs associated with a Fuel Service Station may include an electronic changeable message only for the display of numerals.

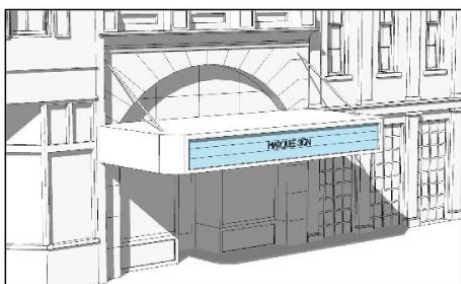
Freestanding Signs may only be internally or externally illuminated or backlit.

* No lot or group of contiguous lots used for a single development, may have more than one freestanding sign. However, lots with greater than four hundred (400) feet of frontage may

have an additional freestanding sign, not to exceed thirty (30) square feet provided the freestanding signs are at least one hundred and fifty (150) feet apart.

Business with Drive-Through Facilities may have one (1) menu board sign in addition to one (1) free-standing sign. A menu board sign shall not exceed forty-eight (48) square feet and shall be screened from the public right-of-way.

714.L.6: Marquee



Description

This Sign type consists of 1-3 faces on an iconic structural feature of a Building that projects perpendicular from the façade over a principal entrance.

Specifications

Quantity (max)	1 per primary street frontage.
Width (max)	Width of the street-level frontage associated with the principal entrance
Projection (min/max)	6-ft min.; 10-ft max. from the <u>furthest point of the</u> façade
Setback (min)	No closer than 3-ft from the back of the curb
Area, Sign (max)	75% of any face of the Marquee
Height, Clear (min)	10-ft above the finished sidewalk
Height, Overall (max)	The top of the Marquee shall be no more than the lesser of the floor level of third Story or 35-ft above the finished sidewalk

Miscellaneous

Marquees within the Design Review Overlay District (DRO) shall be subject to design review by the Development Review Board.

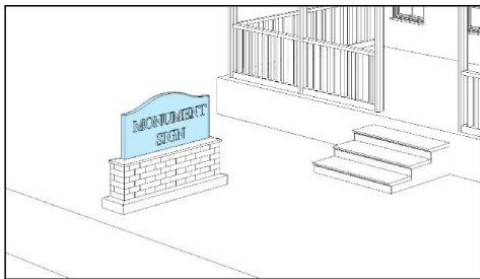
A Marquee erected on a Building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the Building.

Marquees shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

Marquees may be illuminated internally and directly, and may include manual or electronic changeable message. Marquees may include intermittent blinking and flashing lamps and borders.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

714.L.7: Monument Sign



Description

This Sign type consists of 1-2 faces, is placed in a front yard fully detached from a Building, and is supported along the entire length of its base.

Specifications

Quantity	1 per primary street frontage.
Depth (face-to-face) (max)	2.5-ft
Setback (min)	- The lesser of 3-ft from the front property line or in line with the building façade. 5-ft from any side property line.
Area (max)	60 sf (not including supports) or 0.5 sf per linear foot of street facing building frontage whichever is less.
Height, Overall (max)	6-ft from the finished grade

Miscellaneous

No part of a Monument Sign may encroach upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

If illuminated, a Monument Sign may only be internally or externally illuminated or backlit.

Monument Signs in a Residential district shall not be illuminated.

A Monument Sign associated with a public or civic use may include manual or electronic changeable message.

714.L.8: Outdoor Display Case



Description

This Sign type has a single face and consists of a metal or wood framed cabinet mounted onto a building façade on a Primary or Secondary Frontage with a transparent window and a lockable opening allowing the contents, such as menus or posters, to be kept current.

Specifications

Quantity	1 per tenant*
Width (max)	3 ft
Height (max)	4 ft
Area (max)	6 ft
Height, Overall (max)	6-ft from the finished grade
Depth/Projection (max)	3 in from the furthest point of the Façade

Miscellaneous

* Cinemas, Performing Arts Centers, and Performing Arts Studios may have up to 4 Outdoor Display Cases per street frontage, each not exceeding 12-sqft in area, not to exceed fifteen (15%) per cent of the area of the Façade associated with the tenant.

Outdoor Display Cases may only be illuminated from inside the display case, and shall not include electronic changeable messages.

714.L.9: Projecting Sign



Description

This Sign type consists of 2 faces on an iconic structural feature of a Building that projects perpendicular from the Façade.

Specifications

Quantity (max)	1 per Primary street Frontage
Width, Sign (max)	4-ft
Height, Sign (max)	10-ft
Depth, Sign (max)	6-in
Offset from Building (min & max)	6-in min and 12-in max from the Façade
Projection (max)	5-ft from the <u>furthest point of the Façade</u> (incl brackets)
Area, Sign (max)	40 sqft
Height, Clear (min)	the greater of the floor level of second Story or 15-ft above finished sidewalk
Height, Overall (max)	the lesser of the floor level of third Story or 35-ft above the finished sidewalk

Miscellaneous

All projecting signs require design review by the Development Review Board. Projecting signs in any district which would project over any public right-of-way shall require approval by the City Council.

The bracket must be an integral part of the Sign design.

A Projecting Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.

A Projecting Sign shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

A Projecting Sign may be illuminated externally, internally, and directly.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

714.L.10: Sandwich Board**Description**

This Sign type is a two-sided, portable sign that is constructed in the form of an “A” or similar tent-like shape, or attached to a heavy base in the form of an inverted “T”.

Specifications

Quantity (max)	1 per ground floor tenant; and 1 per 4 upper story or below grade tenants.
Area (max)	8 sf
Height (max)	4-ft above the finished grade; 3-ft if placed within a clear sight triangle.
Width (max)	3-ft
Location	• 15-ft max. from the front door of the business. • no closer than 10-ft from a street intersection or crosswalk. • no closer than 12-ft from another Sandwich Board.

Miscellaneous

A Sandwich Board shall not interfere with ingress and egress points and the flow of pedestrian traffic, and a minimum of 5-feet of sidewalk clearance must be maintained at all times.

A Sandwich Board shall only be displayed during business hours, and must be taken indoors when the business is closed.

A Sandwich Board must be freestanding, and shall not be attached to the ground or any other structure or object.

A Sandwich Board shall be constructed of durable, weather resistant materials and finish, and

sufficiently weighted to the ground to prevent blow-down. During high wind events all Sandwich Boards shall be taken indoors.

714.L.11: Wall Sign



Description

This Sign type has a single face and is attached, painted, or otherwise mounted parallel to a building or structure wall on a Primary or Secondary Frontage or elevation where no street Frontage is available.

Specifications

Height (max)	No higher than the floor level of the second story.
Area (max)	• 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant. • 10 sf for a second floor tenant with only a ground floor entryway. • In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached. • Any individual wall sign located fewer than 50 feet from the nearest public road from which the sign is visible, shall not exceed eighty (80) square feet in size. • A Wall Sign in any residential district shall not exceed 6-sf in area.
Depth/ Projection (max)	12-in max. from the <u>furthest point of the</u> façade

Miscellaneous

A Wall Sign may not be applied on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

A Wall Sign may not be painted on walls made of previously unpainted stone or brick.

If illuminated, Wall Signs may be externally illuminated or backlit.

714.L.12: Window Sign



Description

This Sign type has a single face, and is affixed directly onto or behind the glazing of a window and/or door on a Primary or Secondary Frontage, or elevation where no Frontage is available.

Specifications

Quantity (max)	1 per first or second floor window and/or ground floor entry.
Area (max)	20% of the area of any individual window located between 4 and 7 feet above the adjacent sidewalk or finished grade. - Total area may not exceed 30% of the total window area of all windows with Signs per façade or elevation. - Window sign may not completely obstruct a single window, unless businesses are obligated to obscure windows according to state or federal regulations.
Height, Lettering (max)	8-inches

Miscellaneous

Non-illuminated window signs do not require a permit, but must comply with the requirements of Section 714.L.12.

Neon window signs shall require approval through a sign permit.

Characters and logos shall be placed directly on the glazing or placed no more than 12" behind the glazing. Items placed more than 12" from the glazing shall not be considered a Window Sign.

Window Signs shall not be illuminated, however the use of neon as part of the Sign design is

permitted. Neon 'Open' signs shall not exceed 3 square feet.

Within the Village Center Zoning District, businesses with less than one hundred and fifty (150) feet of street frontage shall be limited to one (1) internally lit or neon window sign, unless the business is located on a corner lot, in which case it shall be allowed to have two (2) internally lit or neon window signs, one (1) facing each street frontage. A business that has over one hundred and fifty (150) feet of street frontage shall be allowed two (2) internally lit or neon window signs subject to the size restrictions.

Window Signs in any Residential district shall not be illuminated.

Window area calculations shall include only the glazing.

Window Signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.

M. Location of Sign Types

All Signs shall meet the standards set forth in this Section, and the Sign Types described in this Part in Secs. 714.M.1 through 714.M.3 below.

1. **Mixing Multiple Sign Types:** Mixing multiple sign types on a single building or site in any combination is permitted unless otherwise limited by the Sign Type or Table 714.M.1 below.
2. **Multiple signs on a façade** shall be designed and organized in a manner consistent and complementary with the overall architecture of the Building, and employ complimentary materials, colors, design, and scale of letters. The Sign Types permitted in each zoning district shall be as defined in Table 714.M.2 below.

Table 714.M.1												
	Awning & Canopy Sign	Band Sign	Blade Sign	Directory Sign	Freestanding Sign	Marquee	Monument Sign	Outdoor Display Case	Projecting Sign	Sandwich Board	Wall Sign	Window Sign
Awning & Canopy Sign		■	■	■	■	■	■	■	■	■	■	■
Band Sign	■		■	■	■	■	■	■	■	■	■	■
Blade Sign	■	■		■	■	■	■	■	■	■	■	■
Directory Sign	■	■	■		■	■	■	■	■	■	■	■
Freestanding Sign	■	■	■	■		■	■	■	■	■	■	■
Marquee	■	■	■	■	■		■	■	■	■	■	■
Monument Sign	■	■	■	■	■	■		■	■	■	■	■
Outdoor Display Case	■	■	■	■	■	■	■		■	■	■	■
Projecting Sign	■	■	■	■	■	■	■	■		■	■	■
Sandwich Board	■	■	■	■	■	■	■	■	■		■	■
Wall Sign	■	■	■	■	■	■	■	■	■	■		■
Window Sign	■	■	■	■	■	■	■	■	■	■	■	
■ - Sign Types are permitted on the same frontage or elevation. ■ - Sign Types are not permitted on the same frontage or elevation.												

Table 714.M.2		Sign Types Permitted by Zoning District							
Sign Type	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	Sign Type Standards
Awning & Canopy Sign	■	■	■	■	■	■	■	■	714.L.1
Band Sign	■	■	■	■	■	■	■	■	714.L.2
Blade Sign	■	■	■	■	■	■	■	■	714.L.3
Directory Sign	■	■	■	■	■	■	■	■	714.L.4
Freestanding Sign	■	■	■	■	■	■	■	■	714.L.5
Marquee	■	■	■	■	■	■	■	■	714.L.6
Monument Sign	■	■	■	■	■	■	■	■	714.L.7
Outdoor Display Case	■	■	■	■	■	■	■	■	714.L.8
Projecting Sign	■	■	■	■	■	■	■	■	714.L.9
Sandwich Board	■	■	■	■	■	■	■	■	714.L.10
Wall Sign	■	■	■	■	■	■	■	■	714.L.11
Window Sign	■	■	■	■	■	■	■	■	714.L.12
■ - Sign Type is permitted					■ - Sign Type is <u>not</u> permitted				

Table 714.M.2 Continued		Sign Types Permitted by Zoning District							
Sign Type	Transit Oriented Development	Residential-Office	Light Industrial	Planned Exposition	Planned Exposition	Planned Agriculture	Open Space	Floodplain	Sign Type Standards
Awning & Canopy Sign	■	■	■	■	■	■	■	■	714.L.1
Band Sign	■	■	■	■	■	■	■	■	714.L.2
Blade Sign	■	■	■	■	■	■	■	■	714.L.3
Directory Sign	■	■	■	■	■	■	■	■	714.L.4
Freestanding Sign	■	■	■	■	■	■	■	■	714.L.5
Marquee	■	■	■	■	■	■	■	■	714.L.6
Monument Sign	■	■	■	■	■	■	■	■	714.L.7
Outdoor Display Case	■	■	■	■	■	■	■	■	714.L.8
Projecting Sign	■	■	■	■	■	■	■	■	714.L.9
Sandwich Board	■	■	■	■	■	■	■	■	714.L.10
Wall Sign	■	■	■	■	■	■	■	■	714.L.11
Window Sign	■	■	■	■	■	■	■	■	714.L.12
■ - Sign Type is permitted					■ - Sign Type is <u>not</u> permitted				

N. Subdivision, Multi-Family, and School Entrance Signs.

At any entrance to a residential subdivision, multi-family development or school, there may be not more than two free-standing or wall signs identifying the entrance. A single side of any such sign may not exceed ten (10) square feet.

O. Maintenance of Signs

1. All signs and all components thereof, including but not limited to, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted or stained with a neutral color to blend with the natural environment.
2. Staff is authorized to order the repair or removal of any sign which in the judgment of the Staff is dangerous, or which is erected or maintained contrary to this Code.

P. Unlawful Cutting of Trees or Shrubs

No person may damage, trim, destroy or remove any trees, shrubs or other vegetation for the purpose of increasing or enhancing the visibility of any sign in any of the following locations:

1. Within any public right-of-way, unless the work is done pursuant to the expressed written authorization of the City or other Agency having jurisdiction over the streets.
2. On property that is not under the ownership or control of the person responsible for such work unless the work is authorized by the owner.
3. In any area where such trees or shrubs are required to remain under a permit issued by the City or any other Agency having jurisdiction to issue such permits.

SECTION 715: TELECOMMUNICATIONS

A. Balloon Test

The Development Review Board may require the applicant to fly a four (4) foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least seven (7) days in advance of the test in a newspaper with a general circulation in the City. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least fifteen (15) days in advance of the test.

1. The balloon shall be flown for at least eight (8) consecutive daylight hours on two (2) days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Development Review Board.

B. Criteria For Approval and Conditions

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Development Review Board finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Development Review Board may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
2. The Facility will not project more than twenty (20) feet above the average elevation of the tree line measured within fifty (50) feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than one hundred (100) percent of the total elevation of the tower, including antenna or equipment.
4. The Facility will not be illuminated by artificial means and will not display any

lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this Code.

5. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Development Review Board to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.

6. The applicant demonstrates that the facility will be in compliance with all Federal Communications Commission (FCC) standards and requirements regarding radio frequency radiation.

7. The applicant will maintain adequate insurance on the Facility.

8. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Development Review Board may condition a permit on the provision of appropriate fencing.

9. The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the Development Review Board shall consider the following factors:

(a) The proposed equipment would exceed the structural or spatial capacity of the existing facility, and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

(b) The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such an impact cannot be mitigated or prevented at a reasonable cost.

(c) The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.

(d) Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.

(e) Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

10. The Facility provides reasonable opportunity for collocation of other equipment.

11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

12. The Facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the Development Review Board shall consider the following factors:

(a) The results of the balloon test, if conducted.

(b) The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.

(c) The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not

open fields.

(d) The duration and frequency with which the Facility will be viewed on a public highway or from public property.

(e) The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.

(f) Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.

(g) The distance of the Facility from the point of view and the proportion of the facility that is above the skyline.

(h) The sensitivity or unique value of a particular view affected by the Facility.

(i) Any significant disruption of a viewshed that provides context to an important historic or scenic resource.

13. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

14. The Facility will not generate undue sound.

C. Continuing Obligations For Wireless Telecommunication Facilities

The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Development Review Board, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the Development Review Board, shall mean that the Facility has been abandoned.

D. Removal of Abandoned or Unused Facilities

Unless otherwise approved by the Development Review Board, an abandoned or unused Wireless Telecommunication Facility shall be removed within ninety (90) days of abandonment or cessation of use. If the Facility is not removed within ninety (90) days of abandonment or cessation of use, the Development Review Board may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner. Unused portions of a Wireless Telecommunication Facility shall be removed within one hundred and eighty (180) days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section 502.N.5-6.

SECTION 716: FIRE ACCESS

A. Purpose

To mitigate risk to life and property by providing adequate access for fire trucks or through the use of fire suppression systems.

B. General Standards

1. For all development applications requiring site plan review under Section 502.F

and for all residential development activities involving two or more principal buildings on a single lot, fire access shall be reviewed by the Essex Junction Fire Chief or their designee.

2. For residential uses, each principal building must be accessible by fire apparatus through a road, driveway or other unobstructed gravel or hard surface. For lots with four or fewer residential units, this requirement may be waived by the Fire Chief or designee if

- (a) An adequate fire sprinkler system is installed within each principal residential building that is not directly accessible by fire apparatus, or
- (b) The principal residential building not directly accessible by fire apparatus is determined by the fire chief not to present significant danger to its occupants or its surrounding structures due to its limited size, internal layout or location relative to nearby structures.

3. The provisions of this section shall not in any way impair or remove the necessity of compliance with the Vermont Fire and Building Safety Code; or any other applicable local, state, or federal laws or regulations.

SECTION 717: DAY CARE AND FAMILY CARE FACILITIES

A. Purpose

To allow for the provision of Day Care and Family Care Facilities within all Districts and to provide criteria for the review of such facilities.

B. General Standards:

1. **Parking.** Parking for Day Care and Family Care Facilities shall meet the following standards:
 - (a) Appropriate parking and unloading areas shall be provided for all facilities.
 - (b) The amount of parking and unloading areas to be provided shall be based on the number of clients served at any one time and the number of shifts to be provided.
 - (c) The location of parking and unloading areas shall be considered relative to the structure, its entrances, and the location of adjoining streets.
 - (d) The impact of required parking facilities upon adjoining properties and neighborhood characteristics shall also be considered.
2. **Operators of the Day Care or Family Care Facility shall submit a parking and circulation plan which shall include:**
 - (a) A general layout of the lot, including the location of existing structures, driveways, and abutting streets and alleys.
 - (b) The location of proposed parking and unloading areas.

C. Day Care Facility Standards:

1. **Play space of not less than thirty-five (35) square feet per child shall be provided.** Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and kitchens.

2. A fenced-in play area of not less than fifty (50) square feet per child shall be provided; said space shall not be located closer than twenty-five (25) feet to any public or private street and shall be fenced to a minimum height of forty-eight (48) inches.
3. A fenced outdoor play area shall not be required if a child care center exclusively provides preschool instruction for not more than three (3) hours per day, and children are not permitted to play outside.
4. Day care facilities shall not be located above the first story of the structure unless safety codes are met. Basements shall not be used for child care unless all usable rooms have fire escapes and rescue windows or doors, which meet all Vermont Fire Protection Codes.

D. Standards of Review

The Administrator Officer or Development Review Board shall review all applications for Family and Day Care Facilities as Site Plans. In addition, review shall include the following:

1. Proximity to major streets.
2. Proximity to schools, recreation facilities, sidewalks and bicycle paths.
3. Traffic to be generated by the facility.
4. Proposed hours of operation of the facility.
5. Maximum number of children to be served by the facility.
6. Potential impact of the proposed facility upon the surrounding neighborhood.
7. Existing or potential levels of air and sound pollution in the area.
8. Access to adjacent areas of commercial or industrial employment.
9. Type of vehicular traffic common to the area.

E. Administrator Officer or Development Review Board Actions

The Administrator Officer or Development Review Board may deny, approve, or approve with conditions based upon applicable review criteria.

F. Exemptions

Day Care Homes and Family Care Homes as defined in this Code are exempt from the provisions of this Section.

SECTION 718: PERFORMANCE STANDARDS

A. Purpose/Applicability

These performance standards are established to protect the public health, safety and general welfare. No land or building shall be used or occupied in any manner, which creates dangerous, injurious, noxious or otherwise objectionable conditions. The City may retain a qualified consultant at the expense of the applicant or owner to review any application for conformance to any of these standards. Any use authorized by this Code shall meet performance standards as specified herein. No use may be established or structure constructed which violates these performance standards without specific approval of the Development Review Board or City Council as authorized herein.

B. Sound

It shall be a violation of this Code for any property owner or occupant to create, or allow to be created, sound in excess of the following stated limits:

1. At any point where the property on which the sound emanates adjoins any property used for residential purposes sound shall not exceed the following levels of intensity:

TIME PERIOD	One hour Average dba	Instantaneous Maximum dba
12:00 Midnight to 1:00 AM	55	65
1:00 AM to 7:00 AM	50	60
7:00 AM to 12:00 Midnight	70	80
9:00 PM to 12:00 Midnight preceding official Essex Junction school days	60	70

2. At any point where the property on which the sound emanates adjoins any property used for commercial uses:

TIME PERIOD	One hour Average dba	Instantaneous Maximum dba
12:00 Midnight to 1:00 AM	70	80
1:00 AM to 7:00 AM	60	70
7:00 AM to 12:00 Midnight	80	90

3. At any point where the property on which the sound emanates adjoins any property used for industrial purposes:

TIME PERIOD	One hour Average dba	Instantaneous Maximum dba
12:00 Midnight to 1:00 AM	70	80
1:00 AM to 7:00 AM	60	70
7:00 AM to 12:00 Midnight	85	95

4. For purposes of this regulation, the following terms shall be defined as stated

below.

- (a) Decibel - a unit measure of sound level;
- (b) Sound level - in decibels measured by a sound level meter, using "A" frequency weighting (expressed in DBA)
- (c) Average sound level - a sound level during a given period of time (e.g., one hour) found by the general rule of combination of sound levels. Also called equivalent sound level.

5. Exemptions. Sounds associated with standard agricultural operations shall be exempt from this standard.

C. Odor

No use shall be located or operated which involves the emission of odorous matter which is detectable beyond the property line of the lot on which the odor is generated.

- 1. The odor threshold established herein shall be determined by observation at the property line.
- 2. Where the operator or owner disagrees with the determination that a violation exists, the City shall cause the odor to be measured by the methods and procedures established by the American Society for Testing materials. The owner, or operator, shall be responsible for all costs associated with the required testing.
- 3. Odors emanating from standard agricultural operations, municipal wastewater and pump stations are exempt.

D. Explosives

No use or structure shall be established which involves the storage or sale of explosives as a principal use. Explosive materials which are incidental to any construction activity are exempt from this requirement provided, however, that provisions are made for handling and storing such materials that meet or exceed all applicable Federal and State regulations.

E. Smoke and Particulate Matter

No use shall be established or operated which emits smoke or particulate matter beyond the property line. The smoke and particulate matter threshold shall be determined by observation at the property line.

- 1. Any application for development approval which may cause the emission of smoke or particulate matter shall produce evidence that the emissions will not exceed applicable Federal or State emission standards.
- 2. When the City asserts that a violation exists and the owner or operator disagrees the City shall cause the smoke or particulate matter to be measured by an expert at the expense of the owner or operator.
- 3. The owner or operator of any source of particulate matter shall use best available control technology to minimize emissions. All construction or land-clearing activities shall use best available control technology to minimize emissions.
- 4. Techniques used to minimize particulate emissions shall include, but are not limited to, application of dust suppressants, watering of construction sites, control of speed on unpaved drives or parking areas and the installation of pollution control

devices at any emission point source.

5. Wood stoves or fireplaces are exempt from this standard.

F. Hazardous materials

Hazardous materials as defined in applicable State and Federal regulations shall not be used, stored, or transported contrary to these regulations. Review and regulations regarding the classification of hazardous materials shall be the responsibility of applicable State and/or Federal agencies. Inspection of sites which involve the use of hazardous materials shall be the responsibility of applicable Federal and/or State agencies. The Development Review Board may place conditions on any application as recommended by an outside expert hired by the City. Furthermore, any location which stores or uses hazardous materials shall notify the Fire Department regarding the location and type of said hazardous materials on the site.

G. Visual Impact

The Development Review Board may review the visual impact of any proposed development located in any Commercial or Industrial District. The Development Review Board may place conditions on any approval or may require the alteration or relocation of any proposed structure which in its opinion would significantly alter the existing character of the area.

1. Factors for Evaluation. Visual impact shall be evaluated through analysis of the following factors and characteristics:

- (a) Conformance to all regulations and standards as specified herein.
- (b) Selection and appropriate use of materials.
- (c) Harmony and compatibility of architectural character with surrounding structures.
- (d) Exterior space utilization in regard to efficient use of site and existing significant natural or man-made features.
- (e) Circulation - vehicular and pedestrian.
- (f) Height, size and bulk of proposed and adjoining buildings.
- (g) Creativity.

Nothing in this section shall be deemed to require a specific design or architectural treatment. Evaluation of a proposal shall be based upon the specific proposal at a specific site.

2. Relationship of Buildings to Site:

- (a) The site should be designed to provide an appropriate and safe transition from the street to the building. Consideration shall be given to safe pedestrian movements, use of planting materials and placement of parking areas to provide a transition.
- (b) Consideration shall be given to screening parking areas from view from public ways through the use of design elements such as decorative screening, building wall extensions, berms and landscaping materials.
- (c) The height and scale of each building shall be compatible with the site and existing adjoining buildings:

3. Relationship of buildings and site to adjoining area.
 - (a) Adjacent buildings of different architectural styles shall be considered. To the extent possible, compatibility shall be ensured through the use of screens, sight breaks and materials. Consideration shall be given to the height, bulk and scale of the proposed structure in comparison to existing adjoining buildings.
 - (b) General architectural features including basic building and roof forms, treatment of cornices and windows, treatment of major entrances, placement of doors, fenestration patterns, and use of colors shall be reviewed for compatibility with adjoining buildings.
4. Landscape and Site Treatment:
 - (a) Where unique natural or significant man made features exist, effort should be made to preserve these features.
 - (b) Landscape treatment shall enhance architectural features and vistas.
 - (c) Landscaping and grading shall direct and encourage safe pedestrian, bicycle and vehicular access.
 - (d) Screening of service yards, dumpsters, and utilities shall be accomplished through the use of walls, fencing, plantings or courtyards.
 - (e) Exterior lighting shall be designed and installed to enhance the building design and to minimize negative impact on adjacent buildings or properties.
5. Building Design:
 - (a) Evaluation of the appearance of a project shall be based upon the quality of design and relationship to its surroundings. Generally, the following standards shall be considered:
 - (i) Architectural harmony of the building with adjoining buildings.
 - (ii) Materials shall be of durable quality and shall be architecturally harmonious. Consideration shall be given to the use of materials which are suitable for the proposed use of the building.
 - (iii) Building components, such as doors, windows, eaves and parapets, shall have good proportions and relationships to each other.
 - (iv) Colors shall be harmonious to the site and adjoining buildings.
 - (v) Lighting fixtures shall be part of the architectural concept and shall be compatible with surrounding buildings and materials.
 - (vi) Variation and creativity of detail, form and siting shall be considered to provide visual interest.
 - (vii) Scale of the proposed buildings, including number of stories, bulk, height, site location and lot coverage shall be considered to determine compatibility with adjoining buildings.

H. Gas Transmission Lines and Facilities

Every gas transmission and distribution piping system shall be constructed, operated, and maintained in compliance with current Federal and State rules and regulations. Every gas appliance and gas piping system shall be constructed, operated and maintained in compliance with the provisions of the "American Standards for the Installation of Gas Appliances and Gas Piping." Any construction, placement, or alteration of any facilities

within the public right-of-way shall be reviewed and approved as specified herein.

SECTION 719: LANDSCAPE AND TREE PLANTING REQUIREMENTS

A. Purpose and Intent

To protect and enhance the community's environmental, water, economic and aesthetic quality, thereby contributing to the overall objective of promoting public health, safety, and welfare. More specifically, it is the purpose of this Section to:

1. Reduce sound, glare, and heat.
2. Protect, preserve and improve property values.
3. Reduce conflicts between adjoining land uses and incompatible activities.
4. Promote energy conservation through the use of vegetation.
5. Protect the environment by contributing to air purification, oxygen regeneration, ground water recharge and use of green stormwater practices.
6. Enhance community appearance, identity and unique natural beauty.
7. Create an inviting pedestrian friendly streetscape.
8. Preserve and protect existing mature tree growth.
9. Channelize vehicular and pedestrian movement within off-street parking areas.
10. Delineate parking areas and adjacent right-of-way.
11. Delineate ingress and egress points.

B. Low Impact Design approaches and Green Stormwater Best Management Practices

To promote and provide incentives for use of LID/GSI practices (i.e. bioretention areas, vegetated swales, planter boxes, rainwater harvesting systems, and other vegetated practices), these practices may be used to meet landscaping, parking lot landscaping, buffering, streetscape, and tree preservation requirements of this section. These practices may be constructed in the designated landscape, buffering, streetscape and tree preservation area if they are part of an approved stormwater management plan for the site; and if they are reviewed favorably by the Tree Advisory Committee and/or the Essex Junction Tree Warden.

C. Tree Protection

Any application for development approval by the Development Review Board shall submit a plan, which indicates the location of existing mature trees, or tree groupings, and shall indicate on the plan those trees or tree groupings which are proposed to be saved. This plan shall be developed by a consulting arborist or landscape architect. The Development Review Board may grant a credit of up to fifty (50) percent of the required landscaping for the preservation of mature trees. If removal of trees or shrubs in the City right of way is necessary for the proposed development, replacement trees equal to or better than shall be planted in coordination with and approval from the City Tree Advisory Committee.

D. Shade Trees

The developer or applicant for any development approval under this Code shall plant one (1) shade tree for each forty (40) feet of frontage along a right-of-way bordering the

property, unless modifications are needed due to existing utilities or other safety factors. The species shall be approved by the Development Review Board or Administrative Officer in coordination with the City Tree Advisory Committee.

1. Existing single family and two family lots are exempt from this provision.
2. Street trees shall be planted either within the right-of-way or along the frontage of the lot, as determined by the Development Review Board or Administrative Officer in coordination with the City Tree Advisory Committee.
3. The Development Review Board or Administrative Officer may waive this requirement if substantial efforts are proposed for preserving existing mature trees along the right-of-way. In this circumstance, a tree protection plan for these mature trees must be submitted.
4. This provision shall not apply to applications for the expansion of existing commercial or industrial facilities if the expansion amounts to five hundred (500) square feet or less of enclosed floor space.
5. Any disturbance of existing landscape must be replaced or substituted with comparable landscaping in an appropriate location.

E. Landscaping

There shall be a sufficient amount of landscaping and screening, as may be reasonably determined by the Development Review Board, to ensure protection of and enhance the quality of the project in question and adjacent properties. [The Development Review Board may modify planting requirements to more fully implement the purpose and intent of this section.](#)

1. Applicability by District

[\(a\) Development within the Village Center \(VC\) District and the Transit Oriented Development \(TOD\) District shall satisfy landscaping requirements through the Landscape Performance Score system established in Sections 604.H and 608.H respectively. The minimum-cost requirements of Section 719.E.3 do not apply to development in those districts.](#)

[\(b\) All other provisions of this Section, including tree protection \(Section 719.C\), shade tree requirements \(Section 719.D\), landscape plan submission requirements \(Section 719.E.3\), and maintenance requirements \(Section 719.E.5\), continue to apply to development in the Village Center and Transit Oriented Development Districts.](#)

[\(c\) All development not subject to Section 719.E.1\(a\) shall comply with the minimum landscaping cost requirements of Section 719.E.2.](#)

2. Landscape Plan Preparation

[\(a\) The landscape plan shall be drawn by a landscape architect, landscape designer, or other competent landscape professional.](#)

[\(b\) For projects with a total construction cost above \\$1,000,000, the landscape plan shall be prepared by a landscape architect licensed by the State of Vermont's Office of Professional Regulation. This requirement may be waived in unusual circumstances.](#)

3. Minimum Landscaping Cost Requirements

(a) For new construction with a total construction cost of \$250,000 or less, landscaping expenditure shall be a minimum of three (3) percent of total construction cost. Design costs are not considered to be a component of construction costs.

(b) For new construction with a total construction cost above \$250,000, landscaping expenditure shall be a minimum of two (2) percent of total construction cost. Design costs are not considered to be a component of construction costs.

(c) With a new use on existing development or renovation of existing property, the applicant must provide landscaping adequate for screening and environmental enhancement to the satisfaction of the Development Review Board.

4. Right-of-Way Improvements- The Development Review Board may permit or require improvements to the public right-of-way in part or in lieu of on-site landscaping, to improve the pedestrian environment, including street trees, plantings, stormwater retention, and pedestrian amenities.

~~The landscape plan must be drawn by a landscape architect, landscape designer, or competent landscape professional, and the landscaping requirement will be a minimum of three (3) percent of the total construction cost for new construction up to \$250,000. For new construction projects above \$250,000, the landscape requirement shall be a minimum of two (2) percent of the total construction cost. In the case of construction projects above \$1,000,000, a landscape architect, licensed by the State of Vermont's Office of Professional Regulation, will be required to prepare a landscape plan. This may be waived in unusual circumstances. The Development Review Board may permit or require improvements to the public right of way in part or in lieu of on-site landscaping to be used to improve the pedestrian environment including street trees, plantings, stormwater retention and pedestrian amenities. With a new use on existing development or renovation on existing property, the applicant must provide landscaping adequate to provide screening and environmental enhancement to the satisfaction of the Development Review Board. The Development Review Board may modify the planting requirements to more fully implement the purpose and intent of this section.~~

15. Landscape Plan:

(a) Preliminary Site Plan

- (i) A general concept of the landscaping and GSI/LID (if applicable), in both written and graphic form.
- (ii) A list of existing vegetation, with the location, type, and size of existing trees of six (6) inches or greater in caliper.
- (iii) A written plan to preserve and protect significant existing vegetation during and after construction. Such plan will be sufficient detail that the City of Essex Junction will be able to inspect the site during construction to ensure that the existing vegetation is protected as per plan.
- (iv) The location of existing natural features, such as streams, wetlands, and rock outcroppings.

(b) Final Landscape Plan

- (i) All proposed physical improvements, such as buildings, walls, parking areas sidewalks, etc.
- (ii) Proposed landscaping materials, including vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, and treatment of the ground surface (paving, seeding, or groundcover).
- (iii) Methods of controlling erosion and protecting landscaped areas.
- (iv) A landscape phasing plan. Construction phasing shall be shown on the landscape plan with landscape and construction activities correlated.

26. Landscaping Requirements:

- (a) All required landscaping shall comply with the intent and purpose of these regulations.
- (b) If at the time of final inspection, all the requirements of these regulations have not been completed in a satisfactory manner, a certificate of occupancy shall not be issued unless the applicant has provided a monetary security guarantee. All required landscaping shall be installed as per plans submitted.

37. Applicability - New and Existing Developed Areas

- (a) The Development Review Board shall require review of proposed landscaping.
- (b) New Development or Redevelopment: All new development, construction or reconstruction shall be in full compliance with the provisions of these regulations.
- c) Existing Developed Areas. Compliance required: All property with existing development which is not in compliance with the provisions of this Section shall be considered non-conforming and allowed to continue until such time as application is made to add, enlarge or reconstruct a structure on the property. At that time a plan showing existing and new development and the proposed landscaping plan shall be submitted. The Development Review Board will consider the existing development, proposed change or alteration, and the impact of the proposed use on the site, parking and circulation. Nothing in this Section shall prevent the Development Review Board from requiring landscaping for the proposed area designated for change.

48. General Requirements

- (a) Planting Materials and Specifications: All plant materials shall be in accordance with the American Standards for Nursery Stock (ANSI Z60.1) or latest version. All installations shall follow the acceptable horticultural practices as described in the most current ANSI A300 Planting and Transplanting Standards.
- (b) Maintenance: All planting shown on an approved site plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next growing season. Trees with a caliper of less than five (5) inches may be replaced on an inch-by-inch basis with trees of at

least two and a half (2.5) inches caliper preferably of the same genus. Replacement of trees greater than 5 inches in caliper shall be done in consultation with the City Tree Warden.

(c) Failure to maintain: Failure to replace materials per approved plans shall be a violation of this Code.

59. Design Standards:

(a) Required parking areas must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk of at least twelve (12) inches in diameter. Each tree shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center and there must be sufficient trees so that using this standard, twenty (20) percent of the parking area will be shaded. The twenty (20) percent parking lot shade coverage may be waived by the Development Review Board in unusual circumstances, such as existing lots or lots which are not visible from off-site or if the shade requirements can't be met in conjunction with the incorporated LID/GSI practices.

(b) Trees used in parking lots should be placed far enough back from the curb to accommodate the overhang of an automobile.

(c) The parking lot should be screened with shrubs or other barriers to the extent possible.

(d) When planters are used in parking lot interiors, a surface area should be made available for aeration and water infiltration of at least twenty-five (25) square feet per tree. Islands may be graded and planted to serve as collection and treatment areas for stormwater management practices including LID/GSI. It is recommended that sections of curb cut be no more than five (5) feet in length.

(e) If possible, the parking lot should be located to the rear or side of the building with landscaping to the front of the structure.

(f) Fruit bearing trees should be avoided where vehicular and pedestrian traffic exists.

(g) Curbs or other physical barriers should be installed around plant material located within the parking lot unless curbs or other physical barriers prohibit proper functioning of LID/GSI stormwater treatment practices.

(h) When trees are planted to provide shade on the pavement, they should be located to the south of the pavement to maximize available shade.

(i) To the extent possible, trees should be located so that at mature height spread they will not interfere with overhead power lines.

(j) Evergreen trees should be avoided in areas where the mature trees will create hazardous interruption of views to oncoming traffic, or where they will create hazardous snow drifting on the parking area or public right-of-way.

(k) Vegetative areas should be planted with species normally found in the area.

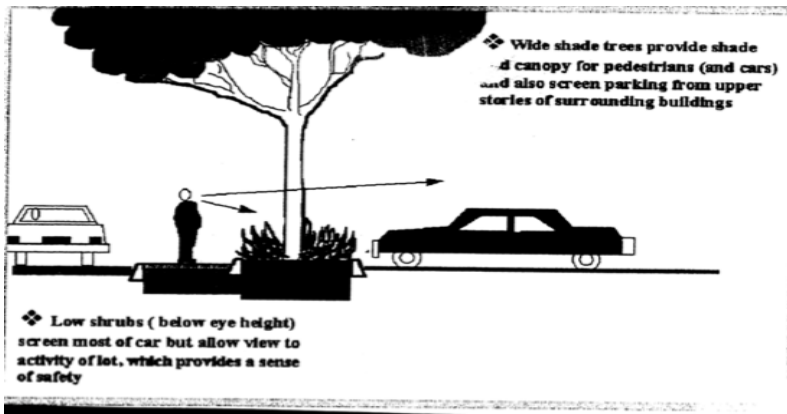
(l) The City of Essex Junction may require additional design to enhance and sustain tree growth, such as the use of Silva cells, engineered soils, or an expansion of the proposed planting area.

610. The Development Review Board shall require compliance with any Tree

Ordinance or Landscape Design Standards enacted by the City of Essex Junction, subsequent to the effective date of these regulations.

[711](#). Landscape plans for all development applications must be reviewed by the Tree Advisory Committee and/or the City of Essex Junction Tree Warden. Comments from the Tree Advisory Committee and/or the City of Essex Junction Tree Warden shall be considered by the Development Review Board.

[812](#). Example Schematics:



From Landscape Guide for Vermont Roadways & Transportation Facilities

Figure 4: Parking Area Landscaping/Screening

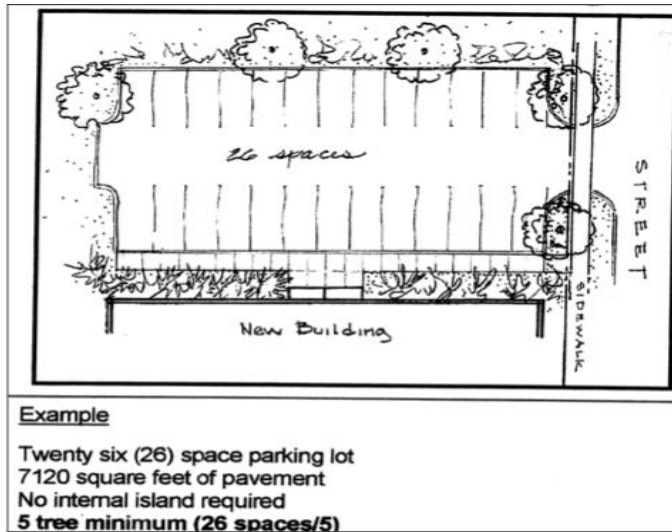


Figure 5: Perimeter Landscaping for Parking Areas

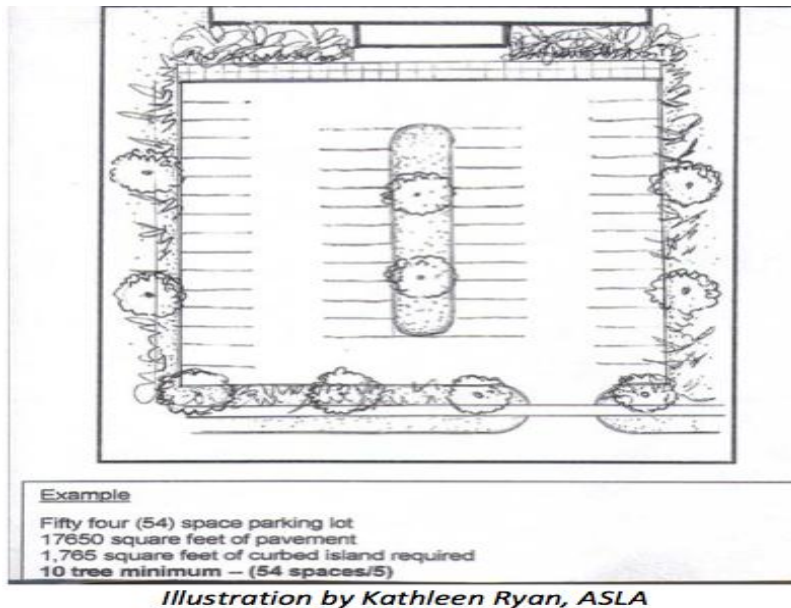


Figure 6: Internal and Perimeter Landscaping for Parking Areas

F. Approved Plant Materials

An emphasis shall be placed on selecting species hardy to Vermont and the Champlain Valley. Trees and plantings that are close to driveways, sidewalks and roads shall be salt

tolerant. Generally, plants shall be from the most current tree species list recommended by the Vermont Urban Community and Forestry Program. The Development Review Board may refer to any or all of the following publications as resources:

1. Vermont Tree Selection Guide from the Vermont Urban and Community Forestry Program:
https://vtcommunityforestry.org/sites/default/files/pictures/complete_vt_tree_selection_guide_2022.pdf.
2. Planting Sustainable Landscapes- A Guide for Plan Reviewers, prepared by Department of Forests and Parks and the Vermont Chapter of the American Society of Landscape Architects- Section-111.
3. Street Tree Fact Sheets- Published by the Municipal Tree Restoration Program with support from the USDA Forest Service, Northeastern Area State and Private Forestry.

G. Performance Bond

The applicant shall provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required by this Section, which bond or security shall also guarantee all plantings for a period of two (2) years. Following this time period, the plantings are still required to be maintained in accordance with Section E.4.b.

SECTION 720: LOT FRONTAGE

A. Lot Frontage

Within any District, a minimum frontage of sixty (60) feet is required at the street, unless specifically stated otherwise. The Development Review Board may waive this requirement in unusual circumstances, including but not limited to small lots and preexisting, non-conforming lots.

B. Required Frontage

In accordance with Section 4406 of Vermont Municipal Planning and Development Act (24 VSA, Chapter 117), no development shall be permitted on any lot which does not have either frontage on a public road or public waters or, without approval of the Development Review Board, access to such road or waters by a permanent easement or right-of-way at least twenty (20) feet in width.

SECTION 721: ACCESSORY APARTMENTS

A. Purpose

To allow the provision of small apartments within or appurtenant to an existing single family dwellings to improve the ability of households to provide housing.

B. Standards.

1. Thirty (30) percent of the existing residential floor space, or 900 square feet,

whichever is greater, may be converted, added on to the principal structure or built in a detached accessory structure to accommodate an accessory apartment.

2. No more than one accessory apartment may be allowed on any single family lot.
3. The converted dwelling shall retain the appearance of a single family dwelling.
4. An accessory apartment shall not be allowed in a residential garage, unless there is adequate separation between the residential unit and garage and is compliant with the Vermont Fire Prevention Code.
5. The parking area shall be appropriately landscaped or screened to retain the appearance of a single family dwelling.
6. An accessory apartment may be approved within an existing unattached structure or a new unattached structure which is located on the same lot, if the following conditions are met:
 - (a) All other provisions of this Section are met.
 - (b) Additional driveways or parking areas shall not be constructed on the lot except adjacent to the existing driveway or parking area.
 - (c) If an existing unattached structure is utilized as an accessory apartment, the single family dwelling shall not be eligible for an additional accessory apartment.
 - (d) New unattached accessory structures shall be a maximum of 1.5 stories.
7. Either the single family residence or the accessory apartment must be owner occupied. All permits shall be voided if this occupancy requirement is not adhered to.

SECTION 722: PROFESSIONAL OFFICE OVERLAY DISTRICT

A. Purpose

A Professional Office Development Overlay District is to allow for the development of office buildings within areas of existing offices, and as designated on the Future Land Use Map in the Comprehensive Plan.

B. Approval Process

All proposed professional office developments shall require a hearing before the Development Review Board. The Development Review Board shall consider the following criteria and may establish conditions as deemed necessary to meet the purposes of this Section.

1. Compatibility with surrounding office uses.
2. Hours of operation.
3. The proposed use will not interfere with or alter the residential uses of adjoining properties.
4. Permitted Uses. Specific uses shall be determined by the Development Review Board upon review of an application and finding that the proposal meets all the criteria of this Section. However, retail and industrial uses shall not be allowed. Residential uses shall be allowed as a Conditional Use. The residential density shall not exceed ten (10) units per acre.

C. Conditions

The Development Review Board may establish conditions as deemed necessary to mitigate impacts of a proposed professional office development.

D. Site Plan

In addition to the Site Plan Standards specified in this Code, the Development Review Board shall review the following:

1. Lighting shall not negatively impact adjoining residential properties, and the use of flood lighting is expressly prohibited.
2. Parking areas shall be screened from view from adjoining residential properties.
3. All structures shall be designed to be compatible in construction with adjoining structures.
4. Proposed signs shall be specifically approved.

SECTION 723: PLANNED UNIT DEVELOPMENT (PUD)

The objective of the Planned Unit Development (PUD) is to permit flexibility in the application of land development regulations to encourage compact, pedestrian-oriented development and redevelopment, and to implement the policies of the municipal plan, such as the provision of affordable housing. If flexibility is needed to achieve these objectives, the City may approve waivers in accordance with 723.B. In this way the City may grant the developer a desirable flexibility and at the same time not only protect, but enhance the welfare of the residents and other users of a development as well as the rest of the community. Planned Unit Developments may be used to facilitate development of areas designated for residential, mixed, or single use to achieve the objective stated herein.

A. Planned Unit Development

The Development Review Board may review any subdivision under Section 503 as a Planned Unit Development under this Section.

1. Application Requirements. Submittal of a Planned Unit Development application shall be in conformance with the submittal standards of Section 511, Planned Developments.
2. Density. A Planned Unit Development shall meet the density requirements of the Residential District in which it is located. The Development Review Board may grant density bonuses not to exceed one-hundred (100) percent in the R1 District and up to twenty-five (25) percent in the R2 District of the gross density as permitted in the District. Bonuses may be earned by the following schedule and shall be requested by the applicant. The applicant shall provide sufficient information to justify all bonus requests. The Development Review Board may, at its sole discretion, request additional information prior to approval of any bonus. Density bonuses are as follows:
 - (a) Preservation of natural resources including scenic views, mature tree stands, unique vegetation or unique rock formations not to exceed five (5) percent.
 - (b) Preservation of solar access not to exceed five (5) percent. Credit shall be given for the preservation of solar access to ten (10) homes, or ten (10) percent

of the total development, whichever is greater.

(c) Renewable Energy Generation one hundred (100) percent density bonus for projects that generate at least twenty-five (25) percent of the total project energy use through on-site renewable sources (e.g., solar photovoltaic, solar hot water, wind, geothermal, biomass, etc.). Energy use shall be based on professional estimates. The total bonus shall be equal to the percentage of the total project energy generated from on-site solar power generation. Credit may only be granted for preservation of solar access or solar power generation, not both.

(d) Preservation and donation to the City or non-profit organization of open space through the use of clustering, Zero-Lot Lines or other innovative techniques not to exceed five (5) percent.

(e) Provision of recreation facilities which are available to all City residents not to exceed five (5) percent.

(f) Construction of bicycle paths which connect neighborhoods, especially as mapped in the Comprehensive Plan on Map 6: Non-Motorized Transportation, or in conformity to a Bicycle Plan as approved by the Development Review Board not to exceed five (5) percent.

(g) Innovative design which reduces long-term maintenance costs not to exceed five (5) percent.

(h) Provision of affordable housing which is deeded to a land trust or non-profit organization or includes other mechanisms to guarantee the perpetual affordability of the units not to exceed twenty (20) percent. A minimum of ten (10) percent of the total number of units constructed shall be affordable to a family of four with eighty (80) percent of the current median family income (per Federal HUD Standards of Chittenden County).

(i) Other considerations which in the opinion of the Development Review Board provide important community services including the dedication of land for public purposes not to exceed five (5) percent.

B. Design Considerations and Associated Waivers

The Development Review Board may waive requirements of the underlying Zoning District for lot coverage, setbacks, and parking if needed to achieve the objectives of the PUD, Height may be waived only in accordance with sub-section 4 below. Waivers shall be based upon the following criteria and may include specific conditions.

1. **Superior building design, lot layout and landscaping design.** To be granted the flexibility permitted under these regulations, the PUD must demonstrate a level of design and amenity exceeding that typical of conventional development. The proposal shall include all the following except for (e) if not applicable:

(a) Landscaping. Landscape plan development by a licensed landscape architect regardless of the cost of construction; and reviewed by the Tree Advisory Committee.

(b) Private open space. For PUDs where every residential unit has ground- floor

access, each residential unit shall include a private outdoor open space (yard, deck or similar), of not less than seven hundred and fifty (750) square feet. For PUDs where some residential units are accessed through stairs, elevators, or a hallway on the second floor or above, each residential unit on the second floor or above shall include a private outdoor space (deck, balcony, or similar) of not less than 40 square feet. Each residential unit on the ground floor shall include a private outdoor space (yard, deck or similar) of not less than 100 square feet.

- (c) Common open space. At a minimum, up to fifteen (15) percent of the gross PUD area shall be developed with passive and active amenities. If public amenities exist on adjacent properties connections to those amenities shall be established. Amenities shall include at least one or more of the following, or similar amenity with approval from the Development Review Board:
 - i. Jogging/exercise track;
 - ii. Off-street bicycle paths;
 - iii. Playgrounds;
 - iv. Tennis court;
 - v. Athletic fields;
 - vi. Wooded areas; and
 - vii. Open fields that may be in active agricultural production
 - (d) Building Massing. Varied building massing or other measure to reduce monotony in design.
 - (e) Land Use Intensity Transition. If the proposed development is an increase in land use intensity from the surrounding properties the design shall minimize the intensity of the development adjacent to the less intense properties surrounding it. This may be accomplished through a reduction in building height, landscape buffer, or similar mechanism required by the Development Review Board.
- 2. Provision of public open spaces or superior bicycle and pedestrian access.** To be granted the flexibility permitted under these regulations, the PUD must demonstrate site features and design that promotes cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. Features shall include at least one or more of the following, or similar amenity with approval from the Development Review Board:
- (a) Pedestrian access directly from the building to the public sidewalk;
 - (b) Construction of bicycle paths which connect neighborhoods, especially as mapped in the Comprehensive Plan on Map 6: Non-Motorized Transportation, or in conformity to a Bicycle Plan as approved by the Development Review Board;
 - (c) Pocket park with benches or similar amenities between the public realm and the private building (see image box for examples to help clarify the intent of this requirement);
 - (d) Public art, murals or interactive games;

- (e) Covered bus shelter; and
- (f) Shade trees.

Public Realm Amenity examples for Section 604.E.4(a)(iv). These images are provided as illustrations of intent.



3. **Joint or combined vehicular access with adjoining properties.** Because a reduction in curb cuts directly onto public roads is beneficial for pedestrian

safety and can help improve access management, waivers will be granted if needed to accommodate joint or combined vehicular access with adjoining properties.

4. **Waiver of building height in Light Industrial District** only as described in Section 611.F.

C. Findings Review Requirements

The Development Review Board shall make the following findings before approving a PUD zoning request:

1. Superior Design. The final plan represents a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and that solely on this basis waivers to the use and design standards established by these regulations are warranted.
2. Meets PUD Requirements. The final plan meets the requirements for Planned Unit Developments set forth in this Code and that no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
3. Consistent with General Plan. The final plan is consistent with the Essex Junction Comprehensive Plan.
4. Circulation. The streets, sidewalks, pedestrian ways, bicycle paths, off-street parking and loading as appropriate to the planned uses are provided. That they are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, and garbage trucks without blocking traffic, creating unnecessary through traffic within the preliminary plan, or unduly interfering with the safety or capacity of adjacent thoroughfares.
5. Open Spaces and Landscaping. The quality and quantity of common open spaces and landscaping provided are consistent with the higher standards of design and amenity required in a Planned Unit Development. The size, shape, and location of a substantial portion of total common open space provided in residential areas render it usable for recreation purposes.
6. Phasing. Each proposed development phase of the PUD may, together with any phases that preceded it, exist as an independent unit that meets all the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

SECTION 724: RAISING, KEEPING, OR HARBORING LIVESTOCK

A. General Prohibition

Except as required by State law and as expressly provided in this Section, the raising, keeping, or harboring of livestock, wild animals, or other domesticated farm animals, and the conduct of agriculture or farming, for personal use or commercial purposes, is prohibited in all Zoning Districts except the PA and PE Districts. In the PA and PE Districts, such uses are permitted as provided in the Use Chart and are subject to the standards of those Districts. This Section does not apply to farming that the City is preempted from regulating under 24 V.S.A. § 4413(d), as provided in subsection B, and is subject to the exceptions for cultivation of plants and for poultry in subsections C and D.

B. State Farming Exemption

This Section does not apply to, and the City does not regulate, farming or the construction of farm structures to the extent the City is prohibited from doing so by 24 V.S.A. § 4413(d). Farming that meets the minimum threshold criteria of the RAPs Rule and is therefore required to comply with that Rule is regulated by the State and is exempt from this Code, except that the raising, feeding, or managing of livestock on a farm of less than 1.0 contiguous acre remains subject to this Code, including when the person is also engaged in other farming activities subject to the RAPs Rule.

C. Cultivation of Plants

The cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops, is not prohibited by this Section in any Zoning District, as required by 24 V.S.A. § 4413(d). This subsection does not apply to cannabis or hemp, the cultivation of which remains subject to Section 726 and all other applicable provisions of this Code. Nothing in this subsection exempts plant cultivation from generally applicable health and safety standards that apply without regard to whether the activity is farming, including the Visibility Triangle requirements of Section 710.

D. Poultry

1. The keeping of a poultry flock is regulated under Chapter 17 of the Municipal Code, subject to the limits in this subsection and 24 V.S.A. § 4412(15). As used in this Section, "poultry" has the same meaning as in 6 V.S.A. § 1459(4).
2. No provision of this Code shall prohibit, or assess a fee for, the raising, feeding, or management of a poultry flock, excluding roosters and ratites, for personal use, donation, or sale.
3. Accessory structures used to keep poultry must meet the setback and other standards of this Code and Chapter 17 of the Municipal Code.
4. The retail sale of live poultry as merchandise, where such poultry is held indoors within a principal structure pending sale and is not kept for the production of eggs or other poultry products, by a lawfully established retail establishment, is not subject to Chapter 17 of the Municipal Code or the limits of this Section.

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~~The raising, keeping, or harboring of livestock, wild animals or other domesticated farm animals for personal use or commercial purposes shall be prohibited in all Zoning Districts, except for the PA and PE Districts. The raising, keeping or harboring of livestock, wild animals or other domesticated farm animals shall require a minimum lot size of ten acres. Refer to the Municipal Code for exceptions.~~

SECTION 725: ABANDONMENT OF STRUCTURES

Within six (6) months after work on an excavation for a building has begun or within six (6) months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, and determined to be in an unsafe condition, all structural materials shall be

removed from the site, and excavation thus remaining shall be covered over or filled to the normal grade by the owner.

SECTION 726: OUTDOOR CANNABIS CULTIVATION

Effective January 1, 2025, and in accordance to 7 V.S.A. § 869, Outdoor Cannabis Cultivator Establishments shall maintain a 50 foot minimum setback distance between the cannabis plant canopy and a property boundary or edge of a highway.

SECTION 727: FOOD TRUCKS

A. Purpose

To allow for the ongoing operation of food trucks on private property in zoning districts where “eating and drinking establishment” is a permitted use.

B. General Standards:

1. Parking for staff and customers shall be provided in accordance with the requirements of Section 703.
2. A food truck itself may be located outside of designated hard-surface parking area so long as the following criteria are met:
 - (a) its placement does not impede vehicular circulation
 - (b) its placement does not block pedestrian paths
 - (c) its placement does not impede emergency access
 - (d) its placement does not interfere with stormwater management functions
 - (e) the food truck regularly in operation at that location
 - (f) the food truck is not operating as a “ghost kitchen”
3. Unless permitted as a temporary use, a food truck shall be considered as permanent principal or accessory structure and shall be approved under the requirements of Section 502.
4. A food truck shall meet the setback, lot coverage, and height requirements of the underlying zoning district.

C. Food Truck Standards:

1. A food truck shall not use a portable gasoline or diesel electric generator unless all of the following conditions are met:
 - (a) The food truck is permitted as a temporary use and is operated on a property for fewer than thirty days within any six-month period.
 - (b) The generator is not operated between the hours of 10:00pm and 7:00am.
 - (c) The noise limits in Section 718.B are met except as waived through a valid Sound Indemnification Agreement with the City.
2. Unless permitted as a temporary use, a food truck operating at a site with one or more other food trucks on the same lot, shall provide staff and customers with access to a restroom.
 - (a) If a portable restroom is provided, the structure shall meet all setback requirements of the underlying zoning district, be screened from view from the street, and shall not produce odors noticeable from adjacent sidewalks and

properties.

(b) Restroom access may be provided through a written agreement with a nearby property which has a restroom within 500 feet of the Food Truck. This agreement shall be available upon request by the Administrative Officer.

3. Adequate trash receptables shall be provided near the Food Truck.
4. Food Truck operators shall not dump or otherwise dispose of greywater, wastewater, or grease on site, in tree pits, or storm drains, on the streets, or into any natural body of water.
5. Greywater and wastewater shall be disposed of in accordance with the requirements of Chapter 11 of this Code.

CHAPTER 8: NONCONFORMITIES**SECTION 801: NON-CONFORMING USES**

Any use of land or buildings legally existing on the effective date of this Code, which has become non-conforming as a result of this Code shall be considered as a Non-Conforming Use and may be maintained subject to the provision of this Section.

A. Expansion of Non-Conforming Uses

Except as may be provided in this Section, a non-conforming use shall not be expanded or extended to occupy more land or floor area than it occupied on the effective date of this Code and shall not be expanded to displace a conforming use.

B. Change of Use

A non-conforming use may be changed to a Permitted Use or Conditional Use for the district in which it is located. A non-conforming use shall not be changed to another non-conforming use.

C. Discontinuation of a Non-Conforming Use

If a non-conforming use is discontinued or abandoned for a period of one hundred eighty (180) consecutive days, including any period of discontinuation prior to the effective date of this Code, that use shall not be renewed or re-established, and any subsequent use of the lot or structure shall be in conformance with all provisions of this Code.

1. If a non-conforming use is discontinued because the structure in which it is located is destroyed or damaged by fire, flood, windstorm or similar abnormal event, that use may be re-established in the structure when and if it is rebuilt, provided that the structure complies with all provisions of this Code and that the non-complying use occupies no more floor area than it did prior to the event.

SECTION 802: NON-COMPLYING STRUCTURES

Any structure, existing on the effective date of this Code, which does not conform to the dimensional requirements of this Code shall be considered as a non-complying structure. Such structure may continue to be occupied, subject to the following:

A. Disclaimer

Nothing in this Section shall be construed as permitting the use of a structure declared unsafe or to be a fire hazard by any appropriate governmental authority.

B. Maintenance, Repair and Expansion

1. Ordinary repairs and maintenance may be made to a non-complying structure, provided that the structure is not made more non-conforming. Staff shall determine what constitutes "ordinary repairs and maintenance". Appeals of such determinations shall be in accordance with Section 1701.
2. A non-complying structure may be enlarged or expanded provided that the following conditions are met:

- (a) The enlargement or expansion, itself, conforms to all provisions of this Code except setbacks.
- (b) The structure, as enlarged, does not diminish any required yard or setback areas except a setback line encroachment equal to the existing building line.
- (c) The expansion does not exceed any maximum density, lot coverage, intensity or height limitations.

C. Reconstruction

1. If a non-complying structure is destroyed or damaged by fire, flood, windstorm or similar abnormal event, and the cost of restoring the structure to its condition immediately prior to the event exceeds fifty (50) percent of the value of the structure immediately prior to the event, the structure may be restored or reconstructed, upon Conditional Use and Site Plan approval (when site plan approval is applicable), provided that the following conditions are met:
 - (a) The structure, as restored or reconstructed shall not be more non-complying than the original structure prior to the event.
 - (b) Except as specified in Section 801.C.1 of this Code, the uses of the restored or reconstructed structure shall conform to all provisions of this Code.
2. Non-conforming structures on properties with one single family dwelling may be rebuilt as long as the new structure is not more non-conforming than the existing structure. However, if staff determines the structure could reasonably be rebuilt in conformance with the existing regulations the applicant will be required to comply with the existing regulations. Appeal of staff decisions may be made in accordance with Section 1701.

SECTION 803: EXISTING SMALL LOTS

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw. This provision shall not exempt development on such lots from other provisions of this Code.

SECTION 804: ENFORCEMENT; LIMITATIONS

Although not subject to enforcement action pursuant to Chapter 10, uses, structures, and lots which are deemed to be controlled by the Bianchi decision, and the subsequent enactment of 24 VSA Sec. 4454, shall be considered violations that are not considered legal to any extent and shall in no event be granted the consideration or allowances of non-conforming structures, uses, and lots. Thus, no change, alteration, enlargement, and reestablishment after discontinuance for more than one hundred eighty (180) days or reconstruction after a fire, flood, windstorm or similar abnormal event as described in section 802.C, shall be permitted, except to a conforming use, structure, or lot.

CHAPTER 9: SUBDIVISIONS**SECTION 901: PURPOSE**

To provide uniform standards for the division of land within the City and to minimize public costs for the maintenance and repair of facilities installed and constructed as a requirement of this Code.

SECTION 902: REQUIRED PERMITS

Nothing in this Chapter shall waive or modify the requirement to obtain other permits as specified in this Code.

SECTION 903: APPLICABILITY

Any proposal or development, which includes the subdivision or division of land for sale or construction purposes, now or in the future, shall meet the requirements of this Chapter.

SECTION 904: GENERAL APPLICATION REQUIREMENT

All proposals for the subdivision of any property shall meet the application requirements as specified in Section 503 of this Code.

SECTION 905: GENERAL STANDARDS**A. Conformity with Other Regulations**

No land shall be subdivided except in conformity with the requirements of this Code.

B. Site Suitability

No subdivision shall be approved on any land, which is unsuitable for development due to flood hazard, poor drainage, unstable soils, rock formations, slopes, or other conditions, which may be a hazard to the public health, safety or welfare unless sufficient measures are proposed to mitigate the identified risks.

C. Public Facilities

All subdivision proposals shall demonstrate the adequacy of all public facilities and services including streets, drainage, stormwater treatment, water supply, sanitation facilities, lighting, emergency access, recreation facilities and similar services or facilities. All proposals shall include an analysis of any potential adverse impact of these services or facilities on adjacent land uses.

D. Protection of Significant Features

In all subdivisions, to the maximum extent possible, efforts shall be made to preserve historic sites, scenic views, forested lands, and unique natural physical characteristics. The Development Review Board shall consider all alternatives available to preserve these significant features, including the donation of lands for public purposes.

E. Subdivision Name

Every subdivision shall be given a unique name, which distinguishes it from other existing subdivisions within the City. Every effort shall be made not to duplicate names of subdivisions in adjoining communities.

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

G. Boundary Adjustments.

1. No additional lots shall be created.
2. No existing lot shall be made non-conforming.
3. No currently non-conforming lot shall be made more non-conforming.
4. No existing structure shall be made non-complying.
5. No currently non-complying structure shall be made more non-complying.

SECTION 906: STREETS**A. General Standards**

Streets approved as a part of any subdivision shall be constructed as specified in Appendix A.

B. Arrangement

1. All streets shall be integrated with the existing system of streets.
2. All streets shall be extended to the boundary of the proposed subdivision if the Development Review Board determines a future need for street extensions to serve adjoining property.
3. Street design shall include measures to discourage through traffic in Residential Districts.
4. Street design shall include measures to encourage improved connectivity in the

Village Center District and strike an appropriate balance between all modes of transit.

5. Access for emergency vehicles shall be considered in the layout of any street.

C. Design

1. Streets shall be designed to the extent possible to intersect at right angles. The approach to the intersection should be approximately at right angles for a distance of fifty (50) feet.
2. No intersection shall have more than four (4) approaches. Whenever possible, "T" intersections shall be used in all residential subdivisions.
3. New intersections on one side of the street shall be located immediately across the street from an existing intersection whenever possible. Street jogs with centerline offsets of less than one hundred twenty five (125) feet are prohibited, unless the Development Review Board finds that no reasonable alternative exists.
4. Curb radii shall be adequate for the design speed of any street. All streets shall have curbs on both sides unless a waiver is requested and approved by the Development Review Board for GSI runoff control discharge points. City Council approval is not needed for GSI runoff control discharge point curb cuts as they are not vehicle access points.
5. All right-of-way and pavement widths shall be as specified in the table below. No curbing shall be included in the calculation of pavement widths.
6. The centerline grade of any street shall not exceed eight (8) percent.
7. New streets should be designed to follow the natural topography of the site to the extent possible. The applicant shall provide plan and profile drawings and critical cross-sections of grading plans.
8. Roundabouts and Traffic Circles. Roundabouts and neighborhood traffic circles may be used in place of a conventional intersection where approved by the City Engineer. Where approved, the requirements of Section 906.C.1 and 906.C.2 shall not apply to that intersection, and the Development Review Board may approve additional right-of-way and pavement width at the intersection as necessary to accommodate the design. Design shall conform to the current edition of the AASHTO Policy on Geometric Design of Highways and Streets, the NACTO Urban Street Design Guide, applicable NCHRP roundabout design guidance, the Manual on Uniform Traffic Control Devices, or an equivalent standard approved by the City Engineer.

RIGHT OF WAY WIDTHS	
Major Arterials	60 feet
Local residential street	50 feet
Cul de sac	50 feet
Turn-around Diameter	100 feet
Private Street Easements	40 feet
Private Driveways	20 feet

PAVEMENT WIDTHS	
Major Arterials	32 feet
Local residential streets	28 feet
Cul de sac	28 feet
Turn-around Diameter	75 feet
Private streets	20 feet
Private Driveways	12 feet

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D. Dead-end Streets

Dead-end streets may be allowed only on a temporary basis until the street may be extended to adjacent property. The Development Review Board may require a temporary turn-around on any dead-end street. If the dead-end street 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 one thousand (1,000) feet. When a dead-end street is connected the temporary turn-around or cul de sac 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 Development Review Board 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. The Development Review Board has the right to condition or restrict access to any thru street to minimize any negative impact caused by traffic to a specific use where a special and vulnerable population is present with specific needs that would be at risk with thru traffic. Restricted access shall not negate the ability of the Development Review Board to require more than one access point for subdivisions of ten (10) or more lots or units.

Waiver. The Development Review Board may waive the requirement that a dead-end street be temporary if, in the opinion of the Development Review Board, 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 Section 905.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.

E. Dedications

Unless specifically approved otherwise, all right-of-ways, utility connections, stormwater infrastructure, and streets shall be dedicated to the City in accordance with the deed and acceptance provisions of this LDC. No private streets or drives utilities or stormwater infrastructure shall be accepted by the City until the right-of-way, pavement and construction standards of the City are met in their entirety and deeded to the City with City Council approval. All proposed subdivisions to be served by private infrastructure shall include a proposed homeowners association agreement with the final application. The association agreements shall be reviewed and approved by the City Attorney and City Engineer, Public Works Superintendent and Water Quality Superintendent prior to final plan approval by the Development Review Board.

F. Street Utilities Easements

Upon specific approval of the Development Review Board, the right-of-way width may be reduced by five (5) feet on either or both sides for a total of ten (10) feet provided that a permanent easement is granted for public use.

G. Right-of-Way Widths

For the purpose of determining right-of-way and pavement widths, the following standards shall apply.

1. Major arterial shall be any street with one or more of the following characteristics:
 - (a) The street provides a through connection to adjoining developments.
 - (b) The street provides future connections to undeveloped land.
 - (c) The street connects two state highways or connects two existing arterials.
 - (d) Traffic projections demonstrate a necessity at a future date to construct one or more additional lanes.
 - (e) Any subdivision road which facilitates through traffic.
 - (f) The street is located in a commercial or non-residential district and the Development Review Board determines a need for the right-of-way for vehicle, pedestrian and bikeway purposes, or for bus transportation purposes.
2. Local residential street shall be any street not designated major arterial, private street or private driveway.
3. Private streets shall be as defined in Section 709 of this Code.
4. Private drives shall serve no more than two (2) lots if both lots have the required sixty (60) feet of frontage on a public street.

H. Curb Cuts

Curb cuts shall be consistent with the provisions of Section 509 and 705 of this Code.

I. Street Surface

Streets shall be hard surfaced. The Development Review Board may waive this requirement for existing private streets that are not hard surfaced and for which the total

proposed number of units does not exceed five. The apron and any portion in the public right-of-way must be paved ~~twenty-five (520)~~ feet beyond the edge of the public right-of-way.

SECTION 907: EASEMENTS

Drainage and utility easements shall be specified on the plat. Easements shall be based upon standard engineering practices for the associated utility and a twenty-five (25) year design storm.

SECTION 908: RECREATIONAL OPEN SPACE

Open space provides ecological, health and social benefits to new and existing residents and must be incorporated into new developments if required by the Development Review Board based on the standards contained herein. Within any subdivision, site plan, PUD plan the Development Review Board may require the dedication of not more than fifteen (15) percent of the land for open space and recreation purposes. The Development Review Board may require that all or part of the land be developable. The designation of all open space up to and exceeding the fifteen (15) percent that may be required by the Development Review Board shall not be deducted from the total project land area for density purposes if the project is reviewed as a PUD and meets the intent of the Planned Development Standards as listed in Section 511. Under this scenario, density will be calculated on an overall project basis with preserved open space and developed land both counting towards the total land area. Developed areas may then be denser than the underlying zoning district allows in accordance with Development Review Board approval and the planned development standards. The dedicated open space must be preserved indefinitely through either donation of the land to the City or a conservation easement guaranteeing public access. If development is to occur the preservation of open space for agricultural or recreation purposes are important to the long-term environmental sustainability and quality of life in the district. Projects are reviewed on an overall project density basis to allow for the preservation of open space while achieving full build out. Open space networks and preservation of important natural resources should be integrated with new development in such a way as to allow for continued agricultural uses or emerging open space opportunities with responsible development. This dedication does not specifically preclude the use of land for environmental or stormwater purposes if deemed to be in the best interest of the community.

A. Open Space Designation

Land to be preserved shall be chosen for its physical and ecological features including significant ecological functions, access, stormwater management and open space function. Open spaces may provide for a variety of functions including but not limited to agricultural, active recreation, wildlife habitat and natural areas based on the following criteria:

1. Open space uses and functions to meet the needs of existing and future populations.
 - a) Physical and ecological functions of the land.
 - b) Agreements with other preservation or recreational organizations for the long-term management of the property.
 - c) The relationship between the open space and existing and proposed

development.

d) Funding and organization for maintenance of the open space.

SECTION 909: PEDESTRIAN AND BIKEWAY STANDARDS

A. General Standards

1. Concrete Sidewalks shall be constructed along both sides of major arterials and along one side of all other streets. The Development Review Board may waive this requirement in favor of a specific alternative, which provides equal or superior pedestrian access.
 - (a) Sidewalks shall be constructed as specified in Appendix A.
 - (b) Sidewalks shall be a minimum five (5) feet wide. The Development Review Board may require sidewalks along major arterials to be greater than five (5) feet wide if it determines that heavy usage or safety factors justify the added width.
2. The Development Review Board may require other walkways to connect with pedestrian origins or destinations, or to connect with walkways planned or existing on adjacent properties.
 - (a) Walkways may be surfaced in concrete, bituminous paving or gravel as determined by the level of usage anticipated.
 - (b) Walkways shall be a minimum five (5) feet wide and constructed to the specifications in Appendix A for the designated material.
3. All subdivisions shall be designed to include bicycle access, unless this requirement is specifically waived by the Development Review Board. The construction of a hard-surfaced bicycle path along one side of a street shall eliminate the need to construct a sidewalk along that side of the street, provided a sidewalk is constructed along the other side of the street.
 - (a) Bicycle paths shall be ten (10) feet wide.
 - (b) Bicycle paths shall be surfaced with bituminous paving which meets the specifications for such material in Appendix A.

SECTION 910: INFRASTRUCTURE IMPROVEMENTS

All infrastructure improvements shall meet the applicable standards of the Land Development Code, including but not limited to Appendix A: Public Works Specifications unless an alternate is specifically reviewed and approved by the City Engineer, Public Works Superintendent and/or Water Quality Superintendent as applicable and the Development Review Board. All construction and installation shall be reviewed by the City. The City shall have the authority to require on-site changes as deemed necessary. Infrastructure may be required to be oversized to serve future development, as determined by the Development Review Board.

SECTION 911: MONUMENTS AND LOT CORNER MARKERS

Permanent right-of-way monuments shall be set at all street intersections and at all angles and curves or other critical points in street lines. Each monument shall be a precast concrete post, four (4) inches by four (4) inches and forty-eight (48) inches long. The top shall have a center mark, which shall be the point of reference. The monuments shall be set in place after all other

street improvements are completed. Corner markers (i.e. iron rods) shall be set at all corners and angle points of all lots, plots or parcels, and shall be located in the ground below finish grade level. If monuments and lot corner markers are disturbed, they shall be replaced, and any surrounding material shall be repaired.

SECTION 912: STREET LIGHTS

Streetlights shall be located at each intersection and at approximately one hundred fifty (150) foot intervals between intersections. Streetlights shall be located at the corner to provide light at the intersection, where possible. Streetlights shall be provided at major curves and at the ends of cul-de-sacs.

1. Street light poles and fixtures shall be as approved by the Development Review Board, designed to be harmonious with their surroundings.
2. Street lighting plans shall be approved by the City.

SECTION 913: UTILITY LINES

All services for electricity, cable television, telephone, outdoor lighting, and other utilities shall be located underground. The applicant shall work with utilities to ensure suitable locations for underground installations and necessary above-ground equipment, both for the proposed subdivision and areas adjacent to the subdivision. Above-ground equipment shall not be located within the visibility triangles and shall be hidden from view in the public right-of-way.

SECTION 914: INSTALLATION/GUARANTEES

The applicant shall provide a guarantee for all improvements.

A. Performance Bond

Prior to starting land development or obtaining a zoning permit, the applicant shall furnish the City with a performance bond with appropriate surety or security (as approved by the City Attorney) in an amount to cover the full costs of all new streets and other required public improvements as determined by the City Engineer for a period of two (2) years after acceptance by the City Council. Such bond shall include a provision that the principal of the bond comply with all terms of the final plat approval and shall include, but not be limited to, the performance of all required public improvements. Such bonds shall provide for, and secure to the public, the completion of all required public improvements and the maintenance thereof for a period of two (2) years after the City Council accepts the public streets and other required public improvements.

B. Acceptance of Streets and Open Space

The approval of a Final Plat, or filing of a Final Plat, shall not constitute acceptance of any street, park or other open space shown on such plan. Acceptance shall be by resolution of the City Council.

SECTION 915: AS-BUILT PLANS.

One (1) set of mylars, two (2) paper copies and digital files of plans showing as-built conditions of streets and other infrastructure improvements shall be submitted prior to final inspections

and public acceptance of said improvements.

The as-built files shall be submitted in digital form in one of the following options in order of preference:

1. GIS geospatial data. Either a geodatabase or shapefile format. Must be in Vermont State Plane Meters, NAD83 (NSRS or most current).
 - e) If sub-part i is not possible, the plat shall be submitted as Coordinated CAD data in Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83(2011) epoch 2010.0, NAVD 88 (geoid12b).
 - f) If sub-parts i and ii are not possible, supply 3 values of State Plane Coordinates on the plan(s).

For stormwater management systems, the Vermont Department of Environmental Conservation's Best Management Practices Tracking spreadsheet with Phosphorus removal numbers shall also be submitted prior to final inspections and public acceptance of said improvements.

SECTION 916: OFF-SITE IMPROVEMENTS

The Development Review Board may require, upon recommendation of the City Engineer, the construction of off-site improvements. Said improvements may include oversize piping, drainage improvements, intersection improvements, traffic control improvements or other improvements necessitated by the proposed development. Arrangements may be made by the applicant to obtain reimbursement from future developments, which utilize the off-site improvements. The City may financially participate in off-site improvements, which improve existing deficiencies.

SECTION 917: WAIVERS/EXCEPTIONS

The Development Review Board may waive or modify the provisions of this Chapter as specified below. Waivers or modifications shall be requested in writing and must be specifically approved by the Development Review Board.

A. Standards

No waiver or modification may be granted unless:

1. The subdivision is consistent with the intent and purpose of all provisions of the Plan and this Code.
2. The waiver or modification would have no significant adverse impact on the public interest or on adjacent property.
3. A superior alternative is proposed which meets all the requirements of this Code.
4. The waiver or modification is necessary to protect or enhance significant existing natural or cultural features such as historic sites, scenic areas, or major tree groupings.
5. The strict application of the specific requirement would be technically impractical in terms of engineering, design and construction practices, due to specific characteristics of the property, which are unique and are not generally existent on other property. In no instance shall this be interpreted to allow the creation of non-conforming lots.

SECTION 9148: DEDICATIONS OF PUBLIC INFRASTRUCTURE

Unless specifically approved otherwise, all right-of-ways, utility connections, stormwater infrastructure, and streets shall be dedicated to the City in accordance with the deed and acceptance provisions of this LDC. No private streets or drives, utilities or stormwater infrastructure shall be accepted by the City until the right-of-way, pavement and construction standards of the City are met in their entirety and deeded, or easements conveyed, to the City with Council approval.

SECTION 9195: PRIVATE INFRASTRUCTURE

All proposed subdivisions to be served by private infrastructure shall include a proposed homeowners association agreement with the final application. The association agreements shall be reviewed and approved by the City Attorney and City Engineer, Public Works Superintendent and Water Quality Superintendent prior to final plan approval by the Development Review Board.

CHAPTER 10: ENFORCEMENT**SECTION 1001: VIOLATIONS**

A. It shall be a violation of this Code for any person to commence any activity for which an approval or permit is required without first obtaining such permit or approval. It shall also be a violation of this Code for any person to fail to comply with all requirements and conditions of any approval or permit granted.

B. The Administrative Officer shall issue a written "Notice of Violation" to any person believed to be in violation of this Code. Such Notice of Violation shall:

1. Describe the activity, which violates this Code;
2. Identify the provisions of this Code, which have been violated;
3. State the specific action required to cure the violation;
4. State that if the violation is not cured within seven (7) days of the Notice of Violation, the City may institute court proceedings to obtain a court order directing compliance with the Code and fines shall be awarded as established by state laws; and
5. State that the Notice of Violation may be appealed to the Development Review Board in accordance with the procedures of Section 1702 of the Code.

C. Upon failure of any person to cure a violation after receipt of a Notice of Violation, the Administrative Officer shall institute an appropriate court action on behalf of the City.

SECTION 1002: ENFORCEMENT THROUGH THE JUDICIAL BUREAU

- A. As an alternative to the procedure for enforcing violations of this code and provided for in 24 V.S.A. § 1974a (d) the administrative officer may enforce zoning violations through the Judicial Bureau against the civil offense of being in violation of the standards of this ordinance. (Copy of "Ordinance Enforcement in Judicial Bureau, a Comprehensive Guide" is located in the City Offices or at VT League of Cities and Towns website - <http://www.vlct.org>).
- B. Fines for each offense shall be one hundred (100) U.S. dollars. Each day an offense occurs constitutes a separate offense.

CHAPTER 11: SEWER REGULATIONS**SECTION 1101: SEWER USE RULES AND REGULATIONS****A. General Permit Requirements**

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Any person proposing:

- (a) A new discharge to the public sewer system; or
 - (b) A substantial change in the volume or character of wastewater shall notify the City at least forty-five (45) calendar days prior to the proposed connection or change.
2. There shall be three (3) classes of building sewer permits:
 - (a) For residential service
 - (b) For commercial service
 - (c) For service to establishments producing industrial wastes. Industrial Wastes shall mean the wastewater from industrial or commercial manufacturing processes, trade or business distinct from domestic sanitary sewage. Wastewater from the brewing of beer/ hard cider or other fermentation based beverages or products shall be considered industrial wastewater even if housed within a restaurant operation.
3. An application for a permit on a form provided by the City must be submitted. The application shall be supplemented by plans, specifications, allocation requests and other information deemed necessary by the City. Dischargers of potential high-strength commercial or industrial wastewater shall consult with the City prior to proceeding and comply with all applicable portions of the **Municipal Code Chapter 23 Sewer Use Ordinance** requirements.

B. Building Sewer Connections

1. A separate and independent building sewer shall be provided for all buildings; However, if one building is at the rear of another on an interior lot the sewer may be extended if the following conditions are met:
 - (a) No private sewer is available; and
 - (b) A private sewer cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway.
2. Existing building sewers may be used for new construction only if they are determined, upon examination and testing by the applicant and confirmed by the City, to meet all current code and ordinance requirements.
3. The property owners own and are responsible for the service line from the building to the main line, including the connection to the main line.

C. Costs and Indemnification

All expenses incidental to the installation, maintenance and connection of the building

sewer shall be borne by the owner. The owner shall release and indemnify the City from any claims, loss or damage that may be directly or indirectly caused by the installation of the building sewer.

D. Design and Construction Standards

1. The size, slope, location, alignment, and materials of construction, of a building sewer, and the methods to be used in excavating, laying pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the City's standards, building and plumbing code or other applicable rules and regulations of the City and the State. In the absence of code provisions, the materials and procedures set forth in appropriate specifications of the Vermont ANR Environmental Protection Rules Chapter 1 (as amended), The Ten State Standards-Recommended for Wastewater Facilities, TR16, the A.S.T.M., ASCE, W.P.C.F. Manual of Practice No. 9, and WEF Manuals of Practice or other applicable design standards shall be followed. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
2. If possible, the building sewer shall enter the building at an elevation below the basement floor. If the building drain is too low to permit gravity flow, sanitary sewage flow shall be lifted by an approved means and discharged to the building sewer.
3. All connections to the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the Vermont ANR Environmental Protection Rules Chapter 1 (as amended), The Ten State Standards-Recommended for Wastewater Facilities, TR16, the A.S.T.M., ASCE, W.P.C.F. Manual of Practice No. 9, and WEF Manuals of Practice. Where there are differences in standards, the more stringent standard shall apply. All connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the City.

E. Prohibited Connections

1. No person shall connect any of the following to a building sewer or building drain that discharges, directly or indirectly, to the sanitary sewer system:
 - (a) Roof downspouts;
 - (b) Exterior or interior foundation drains;
 - (c) Area drains or areaway drains;
 - (d) Basement sump pumps;
 - (e) Surface runoff;
 - (f) Groundwater, or
 - (g) Any other source of inflow or infiltration
2. Any such prohibited connections shall be removed by the owner, at the owner's expense, within thirty (30) days of written notice from the City.

F. Pump Stations

1. Pump stations shall be provided where topography, site constraints, or other conditions prevent gravity flow to the public sewer system. Pump stations shall be designed to collect and convey wastewater to a location where gravity flow can resume and continue to the public sewer system and wastewater treatment facility.
2. Unless otherwise approved by the City, all sewage pump stations shall remain privately owned, operated, and maintained by the developer, homeowners' association, or other responsible entity. The City may accept ownership of a pump station if it has been designed and constructed in accordance with City standards and specifications. Any acceptance by the City shall include all associated facilities, warranties, easements, and sureties and shall be finalized through transfer of ownership to the City by warranty deed.
3. Pump stations serving more than ten (10) residential units, or an equivalent wastewater flow, shall incorporate reliability and redundancy into their design. All pump stations and lift stations shall be designed in accordance with:
 - (a) Current Vermont Agency of Natural Resources Environmental Protection Rules Chapter 1 requirements;
 - (b) The latest edition of the Recommended Standards for Wastewater Facilities (Ten State Standards); and
 - (c) All applicable federal, state, and local regulations.
4. Emergency storage capacity, backup pumping capability, or other contingency measures shall be provided as required by applicable regulatory agencies.
5. Pump stations shall include, at a minimum:
 - (a) Pump(s) sized to accommodate projected peak flows;
 - (b) Non-clog pumps capable of passing solids commonly found in municipal wastewater;
 - (c) Corrosion-resistant materials suitable for wastewater service;
 - (d) Automatic level controls, alarms, and redundant control components necessary to ensure reliable operation;
 - (e) Monitoring and telemetry capabilities when required by the City; and
 - (f) Safe and accessible facilities for operation, inspection, and maintenance;
 - (g) Wet wells shall be designed to minimize pump cycling, maintain appropriate force main velocities, and prevent septic conditions within the collection system.
 - (h) Emergency storage shall be designed to receive flow above high level alarm per local and state requirements.
6. All pump station equipment, controls, and appurtenances shall be factory assembled where practical and shall be designed for ease of maintenance, long-term reliability, and compatibility with City operations and maintenance practices.

G. Inspection and Supervision

The applicant for the building sewer permit shall provide the City Engineer with at least two (2) business days' notice when a building sewer is ready for inspection and connection to the public sewer. No portion of the connection shall be covered or placed into service until it has been inspected and approved by the City Engineer or authorized representative. All connections to the public sewer shall be made under City supervision. The City Engineer shall inspect any private sewage disposal system or private sewers during construction, and no underground portion of the system shall be covered until the required inspection has been completed and approved.

H. Restoration of Public Property

Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the owner's expense.

I. Safety and Protections

Excavations for building sewer installations shall be guarded with barricades and lights to minimize safety hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the owner expense.

J. Excavation Permit

An excavation permit is required prior to performing work in the roadway or City right-of-way. A traffic control plan may be required for submission and review prior to the permit being issued. City staff are required to be present when connecting or working on systems that will go into any City infrastructure.

SECTION 1102: PRIVATE SEWAGE DISPOSAL SYSTEM AND PRIVATE SEWER SYSTEMS

A. Definitions

1. A private sewage disposal system shall mean a system for the collection, treatment, and disposal of wastewater from one or more buildings or structures that is not connected to, or part of, a public sewer system. The system may be located on the property served or on another property where legally authorized.
2. A private sewer system shall mean a privately owned sewer collection system, sewer main, force main, pump station, or related appurtenance that is not owned or maintained by the City and that conveys wastewater to the public sewer system. A private sewer system is one in which all abutting property owners possess equal rights through an association of owners.

B. Connection to Public Sewer Required

1. Except as expressly authorized under this Section, all new development shall connect to the City's public sanitary sewer system and discharge all wastewater to the municipal wastewater treatment facility.
2. Lots that are created as part of a major subdivision shall connect and discharge to the

public sewer system and shall not be served by private wastewater disposal systems.

3. The following uses are exempt from the requirement to connect to the public sewer system:

- (a) Existing state- and federally-approved private wastewater treatment systems located within the Light Industrial District; and
- (b) Licensed food trucks.

4. Exceptions may be granted by the City Council to allow the use of a private sewage disposal system for the development of one single-family residence, commercial or light industrial use estimated to discharge under five thousand (5,000) gallons per day per unit if the applicant meets all of the following requirements:

- (a) The property is located more than 1,000 feet from an existing public sewer with adequate capacity, or unique physical constraints severely restrict connection (e.g., Class I or II wetlands, slopes over 20%, or ledge);
- (b) The lot has a minimum of three 3 acres;
- (c) Facilities will be designed and installed as specified in all applicable City and State regulations and standards.

5. Nothing in this Section shall prohibit the use of privately owned building sewers, private sewer mains, force mains, pump stations, or other private collection facilities, provided that such facilities ultimately connect to and discharge into the public sewer system in accordance with City requirements.

6. Developers shall be responsible for providing, at their sole expense, all private infrastructure necessary to convey wastewater to the public sewer system, including but not limited to building sewers, private sewer mains, pump stations, lift stations, force mains, and appurtenant facilities.

7. Where a proposed development will significantly impact existing sanitary sewer facilities, the applicant may be required to fund improvements to the City's collection or treatment system. The City may also require the installation of oversized sewer lines, pumping facilities, or other improvements necessary to provide adequate service capacity, all at the applicant's expense.

C. Private Sewage Disposal System

If an exception was granted for a private sewage disposal system as outlined in Section B, the requirements of this section must be met.

1. Application Requirements

- (a) Complete plans and specifications showing the location, elevations, sizes, materials, appurtenances, and connections of all mains, laterals, force mains, and pumping facilities are submitted to the City.
- (b) A Vermont-licensed professional engineer certifies that the private sewer system is adequately designed and has sufficient hydraulic capacity to serve all existing and proposed users.

(c) Written consent is obtained from all property owners utilizing or proposed to utilize the private sewer system

2. Design and Construction Requirements

Prior to the construction of any private wastewater disposal system:

- (a) The owner shall obtain a City permit;
- (b) Plans, specifications, and supporting documentation shall be submitted;
- (c) Construction drawings shall show proposed connections to existing facilities or provisions for on-site disposal;
- (d) Soil evaluations and groundwater investigations shall be provided where on-site systems are proposed.
- (e) Submit a copy of the state-issued wastewater permit.
- (f) Submit copies of results for any State required tests to determine system performance.

The City shall observe and inspect construction of the system during any point of construction.

D. Private Sewer Systems

1. Eligibility: Private sewer systems must be discharged to the public sewer system and may be permitted only when:

- (a) The sewer serves buildings fronting on an approved road; or
- (b) Building elevations are too low to permit direct gravity flow to the public sewer, and a private sewer is the most economical means of providing service;
- (c) The private sewer serves no more than three (3) lots.
- (d) The private sewer system is located outside the public right-of-way unless otherwise approved by the City and is designed and constructed in accordance with City standards.

2. Application Requirements

- (a) Complete plans and specifications showing the location, elevations, sizes, materials, appurtenances, and connections of all mains, laterals, force mains, and pumping facilities are submitted to the City.
- (b) A Vermont-licensed professional engineer must certify that the private sewer system is adequately designed and has sufficient hydraulic capacity to serve all existing and proposed users.
- (c) Written consent must be obtained from all property owners utilizing or proposed to utilize the private sewer system

3. Design and Construction Requirements

Prior to construction of any private wastewater disposal system the following must be completed:

- (a) The owner shall obtain a City permit;
- (b) Plans, specifications, and supporting documentation shall be submitted;

- (c) Construction drawings shall show proposed connections to existing facilities or provisions for on-site disposal;
- (d) Soil evaluations and groundwater investigations shall be provided where on-site systems are proposed, and-
- (e) Copies of results for any State required tests shall be submitted to demonstrate system performance.

The City shall observe and inspect construction of the system during any point of construction.

No permit shall take effect until installation is completed to the satisfaction of the City Engineer. The City Engineer may inspect the system at any stage, and a final inspection shall occur within 24 hours of notification. No underground components may be covered prior to inspection approval.

4. Ownership, Maintenance, and Legal Responsibilities

- (a) The DRB shall approve and require the recording of ownership, operation, maintenance, access, and cost-sharing agreements in the land records for all properties served by the private sewer system. Such agreements shall run with the land and be binding upon all current and future owners of properties served by the private sewer system.
- (b) The DRB shall approve bylaws governing any owners' association responsible for the private sewer system. The bylaws shall be recorded with the deed of each benefiting property in perpetuity and shall establish responsibilities for ownership, operation, maintenance, repair, replacement, access, and cost-sharing among the benefited properties.
- (c) The recorded agreements and owners' association bylaws, if any, shall include provisions requiring the owners and the owners' association to release, indemnify, defend, and hold harmless the City from all claims, liabilities, operation costs, maintenance costs, repair costs, damages, and other responsibilities associated with the ownership, operation, maintenance, repair, replacement, or failure of the private sewer system.
- (d) The private sewer system shall remain privately owned, operated, maintained, repaired, and replaced at the expense of the benefited property owners unless and until the system is formally accepted by the City.

5. Future Connections

Additional connections to an approved private sewer system shall require approval from the City.

E. Maintenance, Repair, and System Failure

- 1. Property owners shall be responsible for the operation, maintenance, repair, replacement, and rehabilitation of all private sewer systems in a sanitary condition and at no expense to the City. The City retains authority to impose additional requirements as necessary to protect public health and the environment.

2. The City Engineer may require the repair, replacement, or rehabilitation of any private sewer lateral, private sewer main, pump station, force main, private wastewater system, or connection to the public sewer system when necessary to protect public health, safety, the environment, or the integrity of the municipal sewer system.
3. If a system fails, as determined by the City, the property owner shall connect to the public sewer system within ninety (90) days unless granted an exception by the City Council. An exception may only be granted if:
 - (a) The property is more than three hundred (300) feet from a public right-of-way containing an adequate sewer main, or physical constraints prohibit or severely restrict connection; and
 - (b) Any replacement system complies with all applicable City and State requirements.
4. If no exception or extension is granted, the failed system shall be abandoned, cleaned, and filled within ninety (90) days.
5. If a property owner fails to complete any required repair, replacement, rehabilitation, abandonment, or connection within the time specified by the City, the City may perform the work and recover all actual costs through the sewer billing process or by any other remedy authorized by law.

F. Connection Upon Availability of Public Sewer

When public sewer becomes available to a property served by a private system, the property shall connect to the public sewer. Any septic tanks, cesspools, or similar facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt within 90 days.

G. Powers and Authority of Inspectors

Any duly authorized employee of the City shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The City shall have no authority to inquire into any processes (including metallurgical, chemical, oil, refining, ceramic, paper, or other industries) except as the process has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

While performing the necessary work on private property referred to in this Chapter, duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

The City shall be permitted to enter all private property over which the City holds an easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said

easement. All entry and subsequent work within said easement shall be completed in accordance with the terms of the easement.

H. Penalties

Any person violating any provision of this Chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit specified, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding five hundred (500) US dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such offense.

G. Severability

If any provision, section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each provision thereof irrespective of the fact that any one or more provisions may be declared invalid.

SECTION 1102: SEWER ALLOCATION

A. Administration

Sewer Allocation Request procedure, form and fee can be found in Appendix A of the Municipal Code Chapter X Sewer Use Ordinance.

CHAPTER 12: RESERVED

CHAPTER 13: RESERVED

CHAPTER 14: WATER SYSTEM MANAGEMENT AND USE**SECTION 1401: APPLICABILITY**

Any person obtaining water from the City of Essex Junction shall agree to the following regulations and such other regulations as the City may establish to manage the water system.

SECTION 1402: APPLICATIONS

A. The applicant must state fully and truly the purposes for which the water shall be required and shall agree to conform to these regulations. No person supplied with water from the City mains will be entitled to use it for any purpose other than those stated on the application. Application for any other water use shall require a separate permit application.

B. The owner of record shall be responsible for any permit issued or work completed under the provisions of this Chapter. The owner shall keep the City advised of the address to which bills, notices, and other communications are to be delivered. The owner of the premises shall be held responsible for all water payments. A change of tenants or premises will not relieve the owners from the payment of a back bill.

SECTION 1403: METER REQUIREMENTS

Under no circumstances are plumbers or persons other than those authorized by the City permitted to turn water on or off at the meter. The water will not in any instance be turned onto any premises for use until a meter has been suitably attached as provided herein.

SECTION 1404: WATER DAMAGE

A. All persons taking water must keep the fixtures and service pipe within their own premises in good repair and fully protected from frost and must prevent unnecessary leakage of water. The City shall not be liable for leakage of hydrants, pipes or fixtures upon the premises of the consumer, nor from any obstructions therein by freezing or otherwise, nor for damages resulting from any of the foregoing causes. All leaks that are on the building side of the curb stop will be repaired at the private owners' cost.

B. The City shall not be liable for any injury, loss or damage of whatever nature occasioned by the failure to maintain a constant or uniform pressure in the water mains, or for damages occasioned by or growing out of a stoppage of said water by frost or other cause, or for damage occasioned by or growing out of an insufficient supply of the same, or for accident or damage of any kind caused by or growing out of the use or failure of said water.

SECTION 1405: DISCONTINUATION

When the owner desires to discontinue the use of water, notice must be given to the City. Water rates will be collected for all water used until the water is shut off at the curb stop.

SECTION 1406: ABATEMENT

No abatement of water rates will be allowed by reason of disuse or diminished use, or vacancy of premises, unless notice is given to the City previous to the change. No refunds or abatements shall be made for any of the reasons specified in Section 1404.

SECTION 1407: WATER USAGE

No person shall give away or use water for any purpose other than that for which payment has been made. No person shall, in any way, pollute the waters of any collecting basin, or reservoir, or in any way interfere or meddle with, or obstruct access to any stopcocks or hydrants or other appurtenances of the City water system.

SECTION 1408: FIRE HYDRANTS

The City shall, from time to time, examine City fire hydrants. Except when shut off for repairs, all hydrants shall be kept in working order, and all defective hydrants shall be repaired without unnecessary delay. No person shall open any hydrant or draw water there from except the City or persons under their direction or the officers of the Fire Department and members of the fire companies under their direction for fire purposes.

SECTION 1409: WATER METERS

All residential meters shall be furnished by the City and the meters shall be placed in a manner as may be satisfactory to the City. The type, make and size of the meters shall be as the City may prescribe and approve. The costs of any damage to the meters by frost, hot water, improper usage or neglect shall be paid by the property owners including removal and reinstallation. In no case shall the City furnish water through any meter of which they do not have exclusive control.

SECTION 1410: MULTIPLE USE OF METERS

If different parties occupy the same building or premises and are supplied from the same service pipe or meter, all the occupants will have the water cut off for the failure of any one of the consumers to pay their bill. There shall not be two or more services on one meter except where permitted by the City.

SECTION 1411: METER FAILURES

If, from any cause, a meter fails to register the amount of water passing through it, the consumer will be charged the average daily rate as shown by the meter when in working order.

SECTION 1412: WATER METER CONNECTIONS

Users of meters must connect all water-using fixtures on their premises with their meters in such a manner that all water used will be measured. All water passing through meters must be paid for, whether used or wasted. All meters must be set under the direction of the City and shall not be moved or disturbed without permission. The use of water through a meter so that the meter will not, in the opinion of the City, accurately measure water usage will not be allowed. In such cases the City shall cause the meter or meters to be placed on such service to accurately measure water usage.

SECTION 1413: PAYMENT

Payment shall be due within thirty (30) days of the mailing date.

SECTION 1414: DELINQUENT PAYMENTS

If payment is not received within thirty (30) days from the ~~due~~-mailing date, they are subject a five (5) percent penalty. Disconnections shall be pursuant to VSA Title 24 Chapter 129, Uniform Water and Sewer Disconnect.

SECTION 1415: OTHER CITY RIGHTS

The City is granted the following right:

- A. To permit water to run in exposed places at such times and in such quantities as they may direct.
- B. To shut off the water for repairs at any time.
- C. To change the regulations and rates.
- D. To adopt temporary regulations as needed for emergencies.
- E. To not apply as a co-applicant to privately funded water line extensions when it is deemed not to meet provisions of this code OR if not deemed in the best interest of the City of Essex Junction.

SECTION 1416: WATER SUPPLY**A. Off-Site**

All new development (residential, commercial and industrial) must be directly connected to a public water main. The developer is required to provide such facilities as may be necessary. The developer may be required by the Development Review Board to provide or to have installed at his/her expense, larger water lines, meters, and other facilities outside the development, if the water service would otherwise be inadequate.

B. Exception

An exception may be granted by City Council for the development of one single-family residence, commercial or light industrial use if the applicant meets all of the following requirements:

- 1. The lot to be developed is more than one thousand (1,000) feet from an existing public water line having capacity to serve those lots, or that there are unique physical conditions that prohibit or severely restrict the connection to a public sewer; for example, class one or two wetlands, steep slopes in excess of twenty (20) percent, or ledge material.
- 2. Each lot has a minimum area of three (3) acres.
- 3. Facilities will be designed and installed as specified in all applicable City and

State regulations and standards.

Whenever an existing private water supply fails, as determined by the Health Officer, the property owner(s), at their expense, will be required to connect to the public water main within ninety (90) days, unless the property owner receives an exception from the Council and complies with all of the following requirements:

1. The lot is more than three hundred (300) feet from a public right-of-way with an existing public water main having capacity to serve the use in question, or that there are unique physical conditions that prohibit or severely restrict the connection to a public sewer, for example, class one or two wetlands, steep slope in excess of twenty (20) percent, or ledge material; and
2. Facilities will be designed and installed as specified in all applicable City and State regulations and standards.

C. Private Water Lines

Private water lines may be approved and connections to existing private water lines may be approved, if the following conditions are met:

1. A private water line shall serve no more than three (3) separate users.
2. The private water line shall be located within an easement granted to the City providing access to the line and absolving the City of all maintenance responsibilities.
3. Curb stops shall be provided for each user connection.
4. A water meter shall be installed at each user structure by the City in conformance with this Chapter.
5. Written permission for the new connection is obtained from all property owners connected to the line.
6. The water line shall be designed by a professional engineer licensed to practice in Vermont.
7. The engineer shall provide plans showing the accurate location of the existing main, all laterals, and the size and type of piping. The engineer shall certify that the existing private water line can provide sufficient water at adequate pressure to all current and proposed connections to the line. After construction of the line, pressure and disinfection testing records shall be submitted to the City along with the design Engineer's certification that the work was completed in accordance with the approved plans.
8. The City will have the authority to require any necessary repairs to private water lines (including the connection to the City main). All lines from the main to the building are private. If the private owner refuses to repair the line when requested to do so by the City Engineer, the City can contract for these repairs and bill the private owner for all actual costs. These charges will become part of the water bill.

D. Construction Drawings and Technical Specifications

Details of proposed connections with the existing public system or adequate provisions for an on-site water system shall be submitted. If an on-site water system is proposed, in accordance with Section 1416.B, the locations and results of tests to ascertain subsurface

soils, rock and groundwater conditions shall be provided. All tests and design criteria shall conform to applicable State and local regulations or standards.

SECTION 1417: PENALTIES

Any person violating any of the above rules will be liable for a fine. Any person convicted of vandalism to property under this Chapter shall pay treble damage costs.

CHAPTER 15: RESERVED

CHAPTER 16: RESERVED

CHAPTER 17: APPEALS**SECTION 1701: ADMINISTRATIVE DETERMINATIONS****A. Purpose**

To provide for the timely response to requests for interpretation of provisions of this Code.

B. Filing of Application

A request for interpretation does not require a formal application. However, all requests shall be in writing and shall refer to the sections of the Code upon which the request is based.

C. Staff Review

Staff shall provide a written response to any written request. Nothing in this section authorizes Staff to approve any application unless specifically authorized.

D. Interested Persons

For the purposes of appeals, an interested person means any one of the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
4. Any ten (10) persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
5. Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

E. Appeals

A prospective applicant may appeal administrative determinations as follows:

1. A determination that a Zoning Permit is required under Section 502.A to the

Development Review Board following the procedures of Section 1702.

2. A determination that one or more approvals set forth in Section 502.A.1 are required to the Development Review Board following the procedures of Section 1702.
3. A determination that Subdivision Approval is required under Section 503 to the Development Review Board following the procedures of Section 1704.
4. A determination that a Public Sewer System Approval is required under Section 504 to the City Council following the procedures of Section 1705.
5. A determination that a Private Sewer System Approval is required under Section 505 to the City Council following the procedures of Section 1705.
6. A determination that a Noise Standard Waiver is required under Section 506 to the City Council following the procedures of Section 1705.
7. A determination that a Public Water System Approval is required under Section 507 to the City Council following the procedures of Section 1705.
8. A determination that a Private Water System Approval is required under Section 508 to the City Council following the procedures of Section 1705.
9. A determination that a Public Road Access Approval is required under Section 509 to the City Council following the procedures of Section 1705.
10. Any appeal of a Staff interpretation or determination shall be in accordance with the provisions of Section 303 except as specifically provided herein.

F. Standards of Review

Staff shall review all requests based upon provisions of this Code and the rules of interpretation as contained herein. Staff shall issue a letter of interpretation within 14 days of receipt of a written request. Determinations shall be limited as follows:

1. A 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.
2. An interpretation of any definition of any term within this Code as it affects any proposed development.
3. An interpretation of any administrative or application procedure.
4. An interpretation of any Zoning District boundary.
5. An interpretation of the completeness of materials submitted for any review.
6. An interpretation of any policies established by any Board or Commission of the City of Essex Junction.
7. A determination that an application for an amendment to an approved Planned Development requires new Conceptual Plan Approval.
8. A determination that a proposed amendment to an approved Site Plan is a major or minor amendment.

SECTION 1702: APPEALS OF STAFF DECISIONS PURSUANT TO SECTION 502

A. Purpose

To provide a mechanism by which interested parties may appeal a Staff decision under any

subsection of section 502 regarding an application.

B. Notice of Appeal

Any interested person who believes that the Administrative Officer has committed an error in making a decision or taking an action may appeal such act or decision to the Development Review Board by filing a written Notice of Appeal with the City Clerk within fifteen (15) calendar days of the subject action or decision. A copy of the notice of appeal shall be filed with the administrative officer. The Notice of Appeal must identify the decision or action appealed and state why such decision or action is erroneous.

C. Action by the Development Review Board

The Board shall conduct a duly warned Public Hearing at which it will take testimony and receive evidence from the applicant, Staff and interested parties. The Board shall then consider all relevant evidence before it and shall render its decision and issue signed findings of fact and conclusions within forty-five (45) days of the Public Hearing. Failure to act within this time shall result in granting of the Appeal.

D. Standards of Review

The Board shall review any appeal in accordance with the following:

1. Review is restricted to Staff decision appealed.
2. Any interpretation shall fully consider the intent of the provision or sections of Code upon which the Appeal is based.
3. Any interpretation shall fully consider the intent of all applicable provisions of the Comprehensive Plan.

SECTION 1703: REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF CHAPTERS 6 and 7

A. Purpose

To provide a mechanism for granting relief from a specific requirement of this Code, which when strictly applied to a specific parcel may cause undue hardship for the applicant.

B. Action by Development Review Board

The Board may approve or deny an application for a Variance. The Board may grant only the minimum relief necessary to allow the applicant reasonable use of the property in question. A use variance shall not be granted.

No Variance may grant rights to a particular piece of property, which is not allowed on other properties within the District except as necessary to allow reasonable use of the property as intended within the District.

C. Standards of Review

In accordance with Section 4469 of Title 24, Chapter 117, of Vermont Statutes Annotated, the Board may grant Variances if it finds that all of the following standards of review are met and such findings are included in its written decisions.

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. Unnecessary hardship has not been created by the appellant.
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
6. A request for a Variance that is primarily a request for a renewable energy resource structure shall meet only the following criteria:
 - (a) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
 - (b) The hardship was not created by the appellant.
 - (c) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - (d) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.
 - (e) In rendering a decision in favor of an appellant under this section, the Development Review Board may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect.

D. Effect of Approval or Denial

Approval by the Board authorizes the applicant to apply for a Zoning Permit in accord with the Findings as signed by the Board. An application which was denied may not be refiled within six (6) months of the effective date of the denial unless substantive new evidence is submitted.

SECTION 1704: APPEALS OF STAFF DECISIONS TO THE DEVELOPMENT REVIEW BOARD

A. Purpose

To provide a mechanism by which interested parties may appeal the:

1. Classification of activities at an Exposition Center PUD pursuant to Section 502.E.6; or
2. Staff decisions regarding Site Plan Approvals pursuant to Section 502.I.10; or
3. Administrative determinations of Staff regarding the applicability of subdivision review to a particular project; or
4. A decision of Staff under the provisions of Section 503.B, regarding classification of a project or a determination that an application is not complete.

B. Notice of Appeal

Any interested person who believes that Staff has committed an error in making a decision or taking an action may appeal such act or decision to the Development Review Board by filing a written Notice of Appeal with the City Clerk within fifteen (15) calendar days of the subject action or decision. A copy of the notice of appeal shall be filed with the administrative officer. The Notice of Appeal must identify the decision or action appealed and state why such decision or action is erroneous.

C. Action by the Board

The Board shall conduct a duly warned public hearing at which it will take testimony and receive evidence from the applicant, interested parties and Staff. The Board shall consider all relevant evidence before it. It shall issue its decision in writing with findings of fact and conclusions within forty-five (45) days of the final public hearing. Failure to act within this time shall result in granting the appeal.

D. Standard of Review

In an appeal under this Section, the Board shall proceed de novo but shall limit its review and decision to the specific decision or action appealed.

SECTION 1705: APPEALS TO THE CITY COUNCIL

A. Purpose

To provide a mechanism by which interested parties may appeal any decision or act of Staff under the provisions of Sections 504-509, including administrative determinations, and determinations that an application is not complete.

B. Notice of Appeal

Any interested person who believes that the Staff has committed an error in making a decision or taking an action may appeal such act or decision to the City Council by filing a written Notice of Appeal with the City Clerk within 15 calendar days of the subject action or decision. The Notice of Appeal must identify the decision or action appealed and state why such decision or action is erroneous.

C. Action by the City Council

The Council shall conduct a duly warned Public Hearing, except in those matters identified

in subsection E below, at which it will take testimony and receive evidence from the applicant, interested parties and Staff. The Council shall consider all relevant evidence before it. It shall issue its decision in writing with findings of fact and conclusions within forty-five (45) days of the final public hearing. Failure to act within this time shall result in granting of the Appeal.

D. Standard of Review

In an appeal under this Section, the Council shall proceed de novo but shall limit its review and decision to the specific decision or action appealed.

E. Matters Not Requiring a Public Hearing

The City Council shall not be required to hold a public hearing for consideration of the following matters:

1. Review of Staff determination pursuant to Section 506 that a waiver is required from the standards of Chapter 13. The identified matters may be considered by the City Council and decided at a regular or special meeting of the Council.

F. Decisions of the City Council shall be final.

SECTION 1706: APPEALS FROM DEVELOPMENT REVIEW BOARD DECISIONS

Decisions of the Development Review Board made pursuant to Sections 1702, 1703 and 1704 may be appealed to the Environmental Division in accordance with the provisions of 24 V.S.A. §4471. All appeals shall be on the record.

SECTION 1707: ON THE RECORD REVIEW

As provided for in 24 V.S.A. § 4471 (b) the use of on the record review procedures will be followed for all development applications that require review by the Development Review Board. The procedures outlined in the Municipal Administrative Procedure Act (MAPA) shall govern all Development Review Board application reviews. Evidence provided and recorded at public meetings and hearings shall follow the Vermont Rules of Evidence as outlined in 24 V.S.A. § 1206 (b).

APPENDIX A: PUBLIC WORKS SPECIFICATIONS**SECTION 101: TITLE, PURPOSE AND APPLICABILITY**

A. **Title.** This Chapter shall be entitled the "Public Works Minimum Specifications" of the City of Essex Junction.

B. **Purpose.** The City Council may adopt, and from time to time, amend, specifications for the design and construction of streets, water distribution facilities, sanitary sewer facilities, storm water facilities, and improvements and facilities appurtenant to any of these facilities. Such standards may apply to new construction and to reconstruction of existing facilities. Such standards may also apply to the construction or reconstruction of such facilities, whether publicly or privately owned, if such facilities connect to facilities which are publicly owned. Prior to the adoption of any such standards, the Council shall consider such standards at a public meeting. Following such consideration, the Council shall act to adopt, not adopt, or adopt such standards with amendments by appropriate resolution of the Council.

C. **Applicability.** The provisions of this Chapter shall be applicable to any new construction as well as to reconstruction made necessary by obsolescence or deterioration. Variations from these specifications shall not be permitted without written approval by the City Engineer. It shall be the policy that all engineering design be based on the latest methods and technologies when determining sizes, strengths and quantities.

For the purposes of this Chapter, City Engineer shall mean the person or persons appointed by the Council in accord with the City Charter to act in that capacity. The City Engineer may authorize alteration in design or materials used when construction conditions justify such changes.

SECTION 102: STREET SPECIFICATIONS

A. **Description.** This item shall consist of a sub-base course of sand as approved by the Engineer and constructed on a prepared subgrade in accordance with the sections as shown on the accepted drawings.

B. **Materials.** Sand shall consist of material reasonably free from silt, loam, clay, or organic matter. It shall conform to the Vermont Standard Specification for sand borrow, No. 703.03A. It shall be obtained from approved sources and shall meet the requirements set forth in this table:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
2"	100
1 ½ "	90-100
½ "	70-100
No. 4	60-100
No. 100	0-20
No. 200	0-8

C. Preparation of Subgrade. Objectionable and unsuitable materials shall be removed and replaced with approved material as directed by the City Engineer. Subgrade shall meet the lines and grades shown on the drawings.

1. Sand shall be deposited and spread so as to distribute the material in uniform layers, compacted to a density of ninety-five (95) percent of the maximum dry density using the Standard Proctor Test, according to ASTM D698.
2. Underdrains shall be installed where necessary to provide subgrade stabilization or to prevent the accumulation of water beneath the roadway in areas of highly frost reactive soils.
3. In areas where soil conditions are poor, the City reserves the right to require that an inert filter fabric be installed beneath the roadbed.

SECTION 103: GRAVEL BASE - BOTTOM COURSE

A. Description. This item shall consist of a base course composed of dense graded crushed stone in accordance with VAOT specification 704.06A, as approved by the Engineer and constructed on a prepared subgrade in accordance with the sections as shown on the accepted drawings.

B. Materials. All materials shall be secured from approved sources. Such gravel shall consist of hard, durable stones, which show uniform resistance to abrasion, and which are intermixed with sand or other approved binding material as directed by the Engineer. It shall meet the requirements of Vermont Standard Specification Item No. 704.06A, Dense Graded Crushed Stone for Sub-base. The gravel shall be uniformly graded from coarse to fine and shall meet the grading requirements set forth in this table:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
3 ½"	100
3"	90-100
2"	75-100
1"	50-80
½"	30-60
No. 4	15-40
No. 200	0-6

All bottom course material shall be deposited and spread so as to distribute the material in uniform layers, compacted to a density of ninety-five (95) percent of the maximum dry density using the Standard Proctor Test, according to ASTM D698.

C. Preparation of Subgrade. All boulders, organic material, soft clay, spongy material and any other objectionable and unsuitable material shall be removed and replaced with approved material as directed by the City Engineer. The subgrade shall be complete with all underdrains, sand blanket, or filter fabric in place. Approval of the City Engineer shall be necessary prior to placing of gravel bottom course.

SECTION 104: CRUSHER RUN - TOP COURSE

A. Description. This item shall consist of an upper course of crusher run gravel to be placed over the gravel base - bottom course, which will have been prepared in accordance with these specifications. This upper course shall conform to the following specifications and be placed in accordance with the lines, grades, and typical cross-sections as shown in the accepted drawings. Material shall meet Vermont Standard Specification Item No. 704.05A - Fine; crushed gravel for sub-base.

B. Materials. All materials shall be secured from approved sources. This gravel shall consist of angular and round fragments of hard durable rock of uniform quality throughout, reasonably free from thin, elongated pieces, soft or disintegrated stone, dirt or other objectionable matter. The grading requirements shall conform to the following table:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
2"	100
1 ½"	90-100
No. 4	30-60
No. 100	0-12
No. 200	0-6

This upper course of crusher run gravel shall be deposited and spread in a uniform layer and compacted to a density of 95% of the maximum dry density using the Standard Proctor Test, according to ASTM D698.

SECTION 105: BITUMINOUS CONCRETE PAVEMENT

A. **Description.** This type of pavement shall be composed of mineral aggregate, mineral filler if required, and bituminous material, plant mixed and laid hot. This pavement shall be constructed in two (2) courses on the prepared or existing base in accordance with these specifications and in conformity with the lines, grades, thickness and typical cross-sections shown on the accepted drawings. No puddles will be allowed on streets or sidewalks.

B. **Material:**

1. The course aggregate shall consist of clean, hard crushed rock or screened crushed gravel free from dirt or foreign matter. It shall be reasonably free from soft and elongated pieces.
2. The fine mineral aggregate shall consist of sand or a mixture of sand and stone screenings of which at least fifty (50) percent by weight shall be sand. The sand shall consist of clean, hard, durable grains, free from dirt, unsuitable material, and pieces, which are structurally weak.
3. The asphalt cement shall conform to all the requirements as set forth by the State of Vermont Standard Specifications for Highway Construction. (Section 702).

C. **Construction Methods.** Equipment for spreading and finishing the mixture shall be a mechanical spreading and finishing machine provided with an activated screed and heated if required. The machine shall be capable of spreading the mixture without segregation and shall be approved by the City Engineer before being used.

Application of bituminous concrete pavement shall conform in all respects to Vermont Standard Specifications Section 406. These requirements shall include but not be limited to the following:

1. Weather Conditions, unless otherwise approved by the City Engineer. The plant mixed material shall not be placed between November 1 and May 1. Bituminous wearing course shall not be applied prior to May 15 or after October 15. The material shall not be placed when the air temperature at the paving site in the shade and away from artificial heat, is forty (40) degrees Fahrenheit or lower. Placing shall not begin until the air temperature is over forty (40) degrees Fahrenheit and rising.
2. Spreading and Finishing. Immediately before placing the bituminous mixture, the existing surface shall be cleaned of all loose or unsuitable material. Contact surfaces of pavement, curbing, gutters and manholes shall be painted with a thin, uniform coat of Emulsified Asphalt Type RS-1 immediately prior to placement of the mixture against them.
3. Compaction. Immediately after the bituminous mixture has been spread, struck off and surface irregularities adjusted, it shall be thoroughly and uniformly compacted by rolling. Along forms, curbs, headers, walls and other places not accessible to the rollers, the mixture shall be thoroughly compacted with hot or lightly oiled hand tampers, smoothing irons or with mechanical tampers. On depressed areas, a trench roller may be used or cleated compression strips may be used under the roller to transmit compression to the depressed area.
4. Surface Tolerance. The base course shall be finished to within a grade tolerance of one quarter ($\frac{1}{4}$) inch, provided that this deviation is not maintained for a distance longer than fifty (50) feet, and provided that the required crown or super-elevation is maintained. The surface course will be tested by the Engineer using a sixteen (16) foot straight edge at selected locations parallel with the centerline. Any variations exceeding one eighth ($\frac{1}{8}$) of an inch between any two contacts shall be satisfactorily eliminated. A ten (10) foot straight edge may be used on a vertical curve. The straight edges shall be provided by the contractor.
5. Bituminous concrete pavement and pathways shall be constructed using a mechanical spreading and finishing machine and shall be approved by the City Engineer. After placement, the material shall be thoroughly compacted with rollers or other equipment approved by the City Engineer.

SECTION 106: CEMENT CONCRETE CURB

- A. Description. This item shall consist of a Portland Cement concrete curb constructed on a prepared subgrade in accordance with these specifications and the cross-section shown on the accepted drawings. In general, each property is allowed one curb cut. Additional curb cuts, and curb cut locations, and layout shall be as specified in Section 705 of this code.
- B. Materials. All concrete used in the construction of roadway curbs shall be Air Entrained five percent plus or minus one percent ($5.0\% \pm 1\%$) so determined by an air meter approved by the City Engineer. This concrete shall have a twenty-eight (28) day compressive strength of four thousand (4000) psi and meet State of Vermont Standard Specifications for Class A concrete, Section 541.

C. Construction Methods.

1. Preparation of subgrade - All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The concrete curbing shall be built to the required line and grade on a sub-base of gravel six (6) inches in depth, which shall be fully compacted.
2. Forms for concrete - The forms shall be of metal or of acceptable planed and matched lumber and of such construction that a smooth surface will be produced. All forms shall be oiled.
3. Placing and finishing concrete - Just prior to placing the concrete, the subgrade shall be moistened. The concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honeycombs will be eliminated and sufficient mortar will be brought to the surface. The use of vibrators or other compaction equipment to move the concrete within the forms is not approved. The curbing shall immediately upon removal of the forms, be rubbed down to a smooth and uniform finish, no plastering or patching will be allowed. After the forms have been removed, the trench shall be backfilled with approved gravel and fill as needed and thoroughly tamped, care being taken not to affect the alignment or grade of the curbing.
4. Expansion and contraction joints – One half-inch (1/2”) expansion joints shall be placed at intervals of twenty (20) feet for continuous pours. At intervals not greater than ten (10) feet nor less than five (5) feet, the concrete curbs shall be scored for a depth equal to one-third (1/3) the total depth of the concrete.
5. Curing the concrete - When completed, the concrete shall be kept moist for a period of not less than three (3) days and longer if the Engineer deems necessary and shall be protected from the elements in an approved manner. If the contractor elects, he may apply an approved curing compound according to directions of the manufacturer.
6. Seasonal Limits - No concrete shall be poured on a frost or thawing subgrade or during unseasonable weather conditions, or when the temperature is forty (40) degrees Fahrenheit or lower and falling.
7. Anti-Spalling Compound - Upon completion of the initial curing period (approximately twenty eight (28) days after placement), Anti-Spalling Compound is to be applied in two (2) coats. The first coat shall be applied at the rate of twenty-five thousandths (0.025) of a gallon per square yard and the second coat at a rate of fifteen thousandths (0.015) of a gallon per square yard. The air temperature during application shall not be lower than fifty (50) degrees Fahrenheit. All exposed surfaces shall be treated and shall be exceptionally clean prior to the time of application.

SECTION 107: GRANITE CURB

- A. Description. This item shall consist of a granite curb constructed on a prepared subgrade in accordance with these specifications and the cross-section shown on the accepted drawings.

B. Materials:

1. All curbs shall be obtained from approved sources and shall meet the requirements of Sections 707.01, Mortar, Type I and 729.01, Vertical Granite Curb of the Standard Specifications for Highway and Bridge Construction, Vermont Department of Highways.
2. Curb shall be cut from hard durable quarried granite, grey in color and free from seams, cracks or other structural defects. Curbstones shall be furnished in minimum lengths of six (6) feet and the top surface shall be sawed to true plane plus or minus one eighth ($\pm 1/8$) of an inch. The top front arias line shall be rounded to a two (2) inch radius and the front face shall be smooth quarry split. The top eight (8) inches of the front face shall have no projections greater than one (1) inch or depressions deeper than two (2) inches.
3. Curb Cuts - Same as for Cement Concrete Curb, as specified in section 705 of this Code.

C. Construction.

1. Excavation shall be made to the required depth and the base material shall be compacted to a firm true surface. A fine dirty stone such as "ShurPac" shall be used to level the bed for the curb.
2. Curb stones shall be set so that the front arias line conforms to the line and grade shown on the plan.
3. No joints larger than one (1) inch will be permitted between stones. All joints shall be completely filled with Type I Mortar and shall be neatly pointed on front and top.
4. Topsoil shall be filled against the back of curb and shall be blended to existing lawns. Fill slopes shall not exceed six to one (6:1) unless authorized by the Engineer.

SECTION 108: CEMENT CONCRETE SIDEWALK

A. Description. This item shall consist of sidewalk made of one course Portland Cement concrete not less than four (4) inches thick and with a width of not less than five (5) feet. Where physical constraints exist, and at the discretion of the City, existing sidewalks less than five (5) feet may be reconstructed with a width less than five (5) feet. Where the sidewalk crosses a driveway the depth of concrete shall not be less than six (6) inches and, in some areas not less than eight (8) inches for the full width of the driveway. The sidewalk shall be constructed in accordance with these specifications and the cross-sections as shown on the accepted drawings.

B. Materials. Same as for Cement Concrete Curb.

C. Construction Methods:

1. Preparation of Subgrade - All boulders, organic material, soft clay, spongy material, and any other objectionable material shall be removed and replaced with

approved material. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-sections and grades.

2. Base - Six (6) inches of compacted, approved gravel (704.05A-Fine) shall be constructed on the subgrade to accepted cross-sections and grades. Twelve (12) inches base is required for drive aprons.

3. Forms for Concrete - The forms for the concrete shall be made of wood or metal, well oiled, straight, free from warps or kinks and of sufficient strength. They shall be staked securely enough to resist the pressure of the concrete to be deposited, they shall not vary from the approved line and grade and shall be kept so until the concrete has set.

4. Placing and Finishing Concrete - Just prior to placing the concrete, the sub-base shall be moistened. The concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honeycombs will be eliminated and sufficient mortar will be brought to the surface. Unless otherwise approved by the City, sidewalk shall be cast in one hundred (100) foot sections with no expansion joints. Connection to existing sidewalk and between one hundred (100) foot sections shall be accomplished with steel dowels, spaced twelve (12) inches on center. Sidewalk adjacent to curb shall be separated with four (4) millimeter polyethylene. After this, the surface shall be brought to a smooth even finish by means of a wooden float. The surface shall be broom finished. All faces adjacent to the forms shall be spaded so that after the forms are stripped, the surface of the faces will be smooth, even and free of honeycombs. All edges shall be tool rounded with an edger having a quarter (0.25) inch radius.

5. Scoring Concrete - Sidewalk joints shall be saw cut at five (5) foot intervals to one third (1/3) the sidewalk depth. Struck transverse false joints shall not be utilized. Connections to existing concrete requires minimum one half (1/2) inch smooth steel dowels, spaced twelve (12) inches on center, and shall be installed by drilling.

6. Curing Concrete - All sidewalks shall be treated with Certi-Vex AC 1315, per the manufacturer's instructions.

7. Backfilling - Backfill shall be of suitable plant mixed gravel and shall be placed and tamped until firm and solid. Backfilling shall follow immediately after the concrete forms have been removed.

8. Seasonal Limits - Same as for Cement Concrete Curb.

9. Anti-Spalling Compound - Same as for Cement Concrete Curb.

D. Accessible Access. Sidewalk ramps shall be constructed as shown in these specifications and located in accordance with the approved plans at all intersections. Detectable surface shall be truncated domes constructed of cast iron. Saw cutting, exposed aggregate, or scoring sidewalk ramps is not acceptable.

SECTION 109: CEMENT CONCRETE DRIVEWAY APRONS (PRIVATE AND COMMERCIAL DRIVES)

- A. Description. This item shall consist of a Portland Cement Concrete driveway apron not less than six (6) inches thick and in some areas not less than eight (8) inches thick at the discretion of the City. The sub-base shall be constructed on the approved subgrade in accordance with these specifications and as shown on the accepted drawings.
- B. Materials. Same as for Cement Concrete Curb.
- C. Construction Methods.
1. Preparation of Subgrade - Same as for Cement Concrete Sidewalk.
 - g) Forms for Concrete - same as for Cement Concrete Curb.
 - h) Placing and Finishing Concrete - Same as for Cement Concrete Sidewalk.
 - i) Curb - Curbs shall be constructed so as to protrude one (1) inch above the roadway surface at the entrance to the driveway. This curb shall be constructed with a smooth and gradual depression transition.
 - j) Sidewalks - The section of sidewalk at the driveway shall be constructed to a thickness of not less than six (6) inches, but in some areas not less than eight (8) inches at the discretion of the City Engineer.
 - k) Curing Concrete - Same as for Cement Concrete Curb.
 - l) Seasonal Limits - Same as for Cement Concrete Curb.
 - m) Anti-Spalling Compound - Same as for Cement Concrete Curb.

SECTION 110: BITUMINOUS CONCRETE DRIVEWAY APRONS (PRIVATE AND COMMERCIAL DRIVES)

- A. Description. Same as for Bituminous Concrete pavement.
- B. Materials. Same as for Bituminous Concrete Pavement.
- C. Construction Methods
1. Preparation of Subgrade - Same as for Cement Concrete Sidewalk. Minimum of twelve (12) inches compacted gravel (704.05A-Fine).
 2. Curb - Same as for Cement Concrete Driveway Aprons.
 3. Sidewalks - Same as for Cement Concrete Sidewalks.
 4. Method of Application - To be approved by the Engineer.

SECTION 111: RIGHT OF WAY MONUMENTS

- A. Description. This item shall consist of installing Right-of-way monuments below finish grade at all street corners and all points of curvature and/or tangency as shown on the accepted plans.

B. Materials. Concrete - Concrete monuments shall be precast in one piece four (4) inches by four (4) inches by thirty-six (36) inches of Class B Concrete with four (4) reinforcing steel rods. Monuments shall meet the requirements of Title 26, Chapter 45, and Part 5 Minimum Standards for the Practice of Land Surveying.

C. Construction Methods.

1. The monuments shall be erected at locations indicated on the Plans, or as directed by the City Engineer. They shall be set vertically and to a depth so that the top of the monument is at an established grade. The monuments are to be set in place after all other street development is completed.
2. The location of monuments shall be established by a surveyor licensed to practice in the State of Vermont.

SECTION 112: WATER DISTRIBUTION SPECIFICATIONS

A. Description. This item shall consist of the excavation and backfilling required for the complete construction of the water mains, which shall include valves, tees, hydrants, elbows, reducers and all other appurtenances necessary for a complete water main system as indicated on the accepted drawings.

B. Materials.

1. Pipes - Water mains shall be double cement-lined Ductile Iron Pipe, A.W.W.A. thickness Class fifty two (52) of the size shown on the accepted plans: (Minimum diameter – eight (8) inches). PVC water mains are not acceptable.
- 2) Fittings - All fittings are to be mechanical joint cement lined Ductile Iron A.W.W.A., pressure rating three hundred and fifty (350) psi to twelve (12) inch diameter pipe, and to meet requirements of A.W.W.A. Standards C 110-77.
- 3) Other materials may be accepted on a case-by-case basis.

C. Gate Valves - Gate valves shall be A.W.W.A. C 500-80 Standard Gate Valves with mechanical joints of sizes as required on the plans. All valves shall be of cast or ductile iron body, parallel brass seats, non-rising stem, inside screw, resilient wedge construction with "O" Ring Stem Seals. All valves to be equipped with a valve box for a minimum of five (5) feet of cover material. The gate valves shall open left and be designed for a working pressure of two hundred (200) psi.

D. Construction Methods.

1. Installation - All water main installation and testing shall be made in accordance with A.W.W.A. Standard C.600. Depth of cover shall be no less than six (6) feet on all mains, valves, and fittings. In areas where deep fills occur, the fill shall be applied in six (6) inch layers and each layer shall be compacted to ninety-five (95) percent Standard Proctor Density.

2. Excavation - The trench shall be excavated to the line and grade shown on the drawings. The trench should be as narrow as possible but ample to permit the pipe to be laid and joined properly.

3. Bell Holes - Holes for the bells shall be provided at each joint but shall be no larger than necessary for joint assembly and assurance that the pipe barrel will lie flat on the trench bottom. Push-on type joints require only minimum depressions for bell holes.

4. Rock Conditions - When excavation of rock is encountered, all rock shall be removed to provide a clearance of at least six (6) inches below and on each side of all pipe, valves, and fittings. When excavation is completed, a layer of appropriate backfill material shall be placed on the bottom of the trench to the previously mentioned depths, leveled, and tamped. All temporary supports need to be removed prior to burying the pipe.

Temporary support, adequate protection, and maintenance of all underground structures, drains, sewers, and other obstructions encountered in the progress of the work shall be furnished by the contractor.

5. Unsuitable Subgrade Material - When the subgrade is found to include ashes, cinders, refuse, organic material, or other unsuitable material, such material shall be removed to a minimum of at least six (6) inches and replaced with clean, stable backfill material. When such materials are encountered, polyethylene encasement should be used. The bedding shall be consolidated and leveled in order that the pipe may be installed properly.

6. Pipe Plugs - At times when pipe laying is not in progress, the open ends of pipe shall be closed by a water-tight plug or other means approved by the Engineer. The plug shall remain in place until the trench is pumped completely dry. Care must be taken to prevent pipe flotation should the trench fill with water.

7. Joint Deflection - When it is necessary to deflect pipe from a straight line in either the horizontal or vertical plane, the amount of joint deflection shall not exceed five (5) degrees or eighteen (18) inches per eighteen (18) feet of pipe length.

8. Backfill Material - All backfill material shall be free from cinders, ashes, refuse, vegetable or organic material, boulders, rocks or stones, frozen soil, or other material that, in the opinion of the Engineer, is unsuitable.

(a) From one (1) foot above top of the pipe to the subgrade of the pavement, material containing stones up to eight (8) inches in their greatest dimension may be used, unless otherwise specified.

(b) When the type of backfill material is not indicated on the plans or is not specified, the excavated material may be used, provided that such material consists of loam, sand, gravel, clay, or other materials that, in the opinion of the Engineer, are suitable for backfilling.

(c) If excavated material is indicated on the drawings or specified for backfill, and there is a deficiency due to a rejection of part thereof, the required amount of sand, gravel or other approved material shall be provided.

9. Valve Location - Valves in water mains shall, where practical, be located within the street property lines unless shown otherwise on the plans, but not in the paved surface of the street or the sidewalks. Mains shall be drained through drainage branches or blow-offs. Drainage branches, blow-offs, air vents and appurtenances shall be provided with valves and shall be located and installed as shown on the plans. Drainage branches or blow-offs shall not be directly connected to any storm or sanitary sewer, submerged in any stream, or be installed in any other manner that will permit back-siphonage into the distribution system.

10. Valve Protection - A valve box or a vault shall be provided for every valve. All gate valve boxes, extensions and risers shall be cast iron.

11. Thrust Blocks - All plugs, caps, tees, hydrants, and bends deflecting twenty-two and a half (22 ½) degrees or more shall be provided with a thrust block bearing against undisturbed soil. At the approval of the Engineer, the contractor may, in proper soil conditions, install concrete blocks to provide thrust for water pipes.

12. Testing and Acceptance - The pipeline upon completion shall be tested for pressure and leakage by the contractor, in the presence of the Engineer, to a pressure of at least one and a half (1.5) times the working pressure in the line at the lowest point or two hundred (200) psi, whichever is greater, for two (2) hours duration and shall not vary by more than plus or minus five (±5) psi. Any defective work shown by this test will be replaced by the contractor at no extra cost to the owner. The contractor shall furnish all material, labor, and appliances for testing pipe sections as the work progresses. The contractor shall furnish all materials, labor and equipment to test for leakage in the system at one and a half (1.5) times working pressure by means of test meters or other means approved by the Engineers. The leakage shall not be greater than the determined by the following formula:

$$L = \frac{S \times D \times (P^{0.5})}{148,000}$$

in which L is the allowable leakage in gallons per hour; S equals length of pipeline tested in feet; D equals nominal pipe diameter in inches; and P equals average test pressure in psi. If leakage so measured exceeds the allowable amount the contractor shall at once locate the leaks and make the necessary repairs to bring the leakage within the acceptable limits at no extra cost to the owner. All visible leaks are to be repaired regardless of the amount of leakage.

13. Flushing - Prior to Chlorination, the contractor shall flush the mains to A.W.W.A. Standard C601 until a clear stream is obtained.

14. Chlorination - Chlorination of the water main shall be conducted only after the main has been satisfactorily pressure and leakage tested and flushed and a clean stream is obtained, as determined by the Engineer. The Contractor shall furnish all labor, equipment, materials, and tools necessary to disinfect the pipe and appurtenances in accordance with AWWA Standard for Disinfecting Water Main C651, latest revision. The

continuous feed method shall be performed under the supervision of the Engineer. The Contractor shall thoroughly flush and dechlorinate while flushing the original chlorination of the main to completely remove all the chlorinated water. The Contractor shall coordinate with the City of Essex Junction Wastewater Treatment Facility on the disposal of heavily chlorinated water flushed from the main. The disinfection process shall be deemed acceptable only after two samples of water from the flushed, disinfected main, collected twenty-four (24) hours apart, show no evidence of bacteriological contamination, as determined by the Health Department or other approved lab.

15. Protection of Water Supplies - Water mains shall be laid at least ten (10) feet horizontally from any existing or proposed sanitary sewer. This distance can be reduced to five (5) feet for storm sewers. The distance shall be measured edge of pipe to edge of pipe. Where impractical due to ledge, boulders, or other unusual conditions, to maintain ten (10) foot horizontal separation between water and sewer lines, the water line may be in a separate trench or on an undisturbed earth shelf in the sewer trench provided that the bottom of the water line is at least eighteen (18) inches above the top of the sewer. Wherever impossible or impractical to maintain eighteen (18) inches vertical separation, the sanitary sewer line shall be constructed to normal waterline standards and pressure tested to fifty (50) psi for fifteen (15) minutes prior to backfilling. No leakage shall be allowed for this test.

Sewer crossing water mains shall be laid beneath the water main with at least eighteen (18) inches vertical clearance between the top of the sewer and the bottom of the water main. When it is impossible to maintain the eighteen (18) inches vertical separation or where the sewer must be laid above the water main;

- (a) The crossing shall be arranged so that one full length of sewer is centered above or below the water line, with sewer joints as far as possible from water joints;
- (b) The sanitary sewer pipe must be constructed to water main standards for minimum distance of twenty (20) feet either side of the crossing or a total of three (3) pipe lengths, whichever is greater;
- (c) The section constructed to water main standards must be pressure tested to maintain fifty (50) psi for fifteen (15) minutes without leakage prior to backfilling beyond one (1) foot above the pipe to assure water tightness; and
- (d) Where a water main crosses under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.

No water main shall pass through, or come into contact with, any part of a sanitary sewer manhole. There shall be no physical connection between the distribution system and any pipes, pumps, hydrants, or tanks, which are supplied or may be supplied with water that is, or may be, contaminated.

SECTION 113: HYDRANTS

A. All hydrants are to be three-way, five (5) inch minimum diameter and limited to the following makes:

1. Kennedy A.W.W.A. K-81
2. Mueller A.W.W.A. Cat. No. A 243
3. Waterous A.W.W.A. Pacer

B. All threads shall be "double start" style and have:

- 1) Steamer connection: Five (5) inch STORZ Connector
- 2) Two and half (2½) inch spuds:
 - (a) Outside diameter of three and one eighth (3.125) inches plus zero (0) to two hundredths (0.02) inches;
 - (b) Inside diameter of two and a half (2½) inches six (6) threads per inch.
- 3) There shall be a minimum of twelve (12) inches between the ground and the bottom of the steamer cap.
- 4) Single family house subdivisions will require not more than three hundred and fifty (350) feet between hydrants, and a minimum water flow of not less than one thousand (1,000) gallons per minute from each hydrant. At least one hydrant shall be located at each intersection.
- 5) A ten (10) foot by ten (10) foot easement will be required around the hydrant if located on private property. Each hydrant must be a minimum of four (4) feet from the edge of the sidewalk (to the closest point of the hydrant). No structures or planting to be placed within this easement.
- 6) Color Code:

Gallons/minute	Color on cap of hydrant
more than 1000	green
500-1000	yellow
less than 500	red

The City will test the hydrants and the contractor will paint the CAPS of the hydrant in accordance with the above color code chart. The base of the hydrant shall be painted red for all hydrants by the contractor.

- 7) Thrust Blocks: Thrust blocks must be installed in accordance with the specifications given in the water system section of these specifications.
- 8) No private hydrants will be approved.

SECTION 114: SERVICE CONNECTIONS

A. Description. This item shall consist of the installation of individual services from the water main to the meter with the necessary corporations, curb stops, curb boxes, stop and drains, meter spacers with stubs and pipe as indicated on the accepted drawings.

B. Materials:

1. Pipe - Service pipes shall be three quarter (3/4) inch Type "K" Copper Tubing manufactured according to ASTM Specifications B.88-62 or approved equal.
2. Corporation Stops - All corporation stops shall be constructed of brass according to A.W.W.A. Standard C 800 and be three quarter (3/4) inch thread compression corporation stops Mueller Cat. No. H-15000 or equal.
3. Curb Stops - All curb stops shall be constructed of brass according to A.W.W.A. Standard C 800 and be three quarter (3/4) inch inverted key curb stop, Mueller Cat. No. 15200 or equal with compression fittings.
4. Curb Boxes - All curb boxes shall be Extension Type with stationary rod and arch pattern base, Mueller Cat. No. H-10334 or equal with a five (5) foot bury. Curb box couplings and extensions will be the same material as the curb box.
5. Ball Valves - Ball Valves shall be three quarter (3/4) inch.

C. Construction Methods

1. Services – One (1) curb stop and one (1) water meter shall be installed for each individual dwelling unit, condominium unit, apartment unit, commercial, or office occupancy. Exceptions will be permitted in cases where a condominium association signs a binding agreement to be responsible for all collections of water bills. In cases where condominiums are converted into separate apartments, separate curb stops and water meters shall be installed for each unit. All water meters shall be purchased through the City Water Department and shall be installed by City employees. The contractor shall make all necessary taps into the water main and for each lot, install an approved brass corporation stop, connect the three quarter (3/4) inch type "K" copper service pipe to the compression which pipe shall be connected to the three quarter (3/4) inch type Brass Curb Stop with inlet and outlet for three quarter (3/4) inch type "K" copper service pipe. Such curb stop shall be installed within the strip of Right-of-way between the sidewalk and property line. Curb stops must be located within the public Right-of-way or within a Right-of-way granted to the City of Essex Junction for access. The corporation stop shall be left open, and the curb stop closed. Such curb stop shall be located not less than five (5) feet below the ground surface and shall be accessible from the surface through an approved valve box.
2. Service Connections - The service connections shall be made by installing three quarter (3/4) inch type "K" copper pipe, or approved equal, on the end of the approved brass curb stop and proceeding through the cellar wall to an approved three quarter (3/4) inch ball valve on each side of the meter. Meter space shall be provided between the ball valve. All service connections must be installed to the curb stop for all lots in a subdivision before the streets are paved.

SECTION 115: SANITARY SEWER SPECIFICATIONS.**Sewer Mains Polyvinyl Chloride (PVC)**

A. Description. This item shall consist of the excavation and backfilling required for the complete construction of gravity sewers which shall include manholes, service connections and all other appurtenances necessary for a complete Sanitary Sewer System as indicated on the accepted drawings.

B. Installation. All pipe fittings shall be installed in accordance with Specifications herein, the Contract Drawings and the manufacturer's recommendations. Both ends of all new sewer lines must be closed (capped) during construction to prevent the entry of earth into the sewer system.

C. Materials:

1. Pipes - For gravity sewers a minimum pipe diameter of eight (8) inches shall be used. Polyvinyl Chloride (PVC) shall meet ASTM Specification D 3034-SDR 35. The nominal laying length of the pipe shall be twenty (20) feet or twelve and a half (12.5) feet.
2. Joints - The pipes and fittings shall be joined with flexible elastomeric seals meeting the requirements of ASTM D-3212.
3. Manholes - Pre-cast Reinforced Concrete manholes shall be furnished with reinforced copolymer polypropylene ladder rungs, with a five (5) inch wall thickness, and minimum inside diameter of four (4) feet of all barrel sections, and with a wall thickness varying from five (5) inches at the bottom to eight (8) inches at the top of all cone sections.
4. Bedding Material - All sewer pipe shall be laid on a six (6) inch layer of three quarter ($\frac{3}{4}$) inch crushed stone so that one hundred (100) percent will pass a three quarter ($\frac{3}{4}$) inch square opening sieve and eighty (80) to one hundred (100) percent will be retained in a No. 4 sieve.
5. Manhole Frame and Cover - Manhole frames and covers shall be of the form and dimensions shown on the accepted drawings and shall be machined to provide a good tight non-rocking fit and have a minimum weight of four hundred (400) pounds. The cover pattern shall be a diamond pattern with lift holes around the perimeter. These frames and covers shall be the same as those manufactured by C.E. Maguire by LeBaron Foundry - Catalog LC266, Wt. 400#, LC268-1 Self Sealing Frame and Cover, or an approved equal.

D. Construction Methods

1. Excavations - Excavations shall be made to a point at least six (6) inches below the pipe invert to accommodate the bedding material. All excavations are to be kept dry while pipe is being laid and until each joint and pipe has been inspected by the Engineer and approval given to commence backfilling operations.

2. Laying Sewer Pipe - The bell end of the pipe shall face upgrade at all times and be placed in such a position as to make the invert even when the next pipe section is inserted. Where required by adverse grading conditions, the contractor shall fill any gully to make a suitable bedding for the sewer pipe. The fill shall be compacted to a ninety-five (95) percent Standard proctor density upon which the six (6) inches of bedding material shall be placed. Any pipe which is not laid to grade and alignment shall be re-laid to the satisfaction of the engineer. The bedding material shall be placed and compacted on each side of the pipe to a height six (6) inches above the pipe and for the full width of the excavated trench or as shown on the accepted plans.

3. Backfill - Backfill shall consist of approved material placed in six (6) inch layers with each layer being thoroughly compacted to a density of 95% of the maximum dry density using the Standard Proctor Test, according to ASTM D698. Debris, frozen material, large clods or stones, organic matter, or other unstable materials shall not be used for backfill. No stones in excess of one and one half (1.5) inch diameter shall be placed within two (2) feet of the outside of the pipe. Particular precautions shall be taken in placement and compaction of the backfill material in order not to damage and/or break the pipe. The backfill shall be brought up evenly on both sides of the pipe for its full length. Walking or working on the completed pipeline except as may be necessary in tamping or backfilling, shall not be permitted until the trench has been backfilled to a height of at least two (2) feet over the top of the pipe. During construction all openings to the pipe lines shall be protected from contamination by earth or other materials.

4. Manholes - Manholes shall be installed at the end of each line, at all changes in grade, size or alignment of pipe, at all pipe intersections, and at distances not greater than three hundred (300) feet. Pre-cast Reinforced Concrete Manholes shall have the top section set at a grade that will place the riser a minimum of three (3) inches and a maximum of twelve (12) inches from the top of the pre-cast manhole cone. Adjustments shall be made using pre-cast concrete riser rings, expanded polypropylene riser rings, or cast-in-place concrete. Bricks shall not be used. All joints shall be grooved type and shall be fully bedded with mastic seal when setting sections. Lifting holes in all manhole sections shall be filled solid with mortar. No cracked, damaged or defective sections will be allowed in the work. Inlet and outlet pipes shall be joined to the manhole with a rubber-gasketed flexible watertight connection that allows differential settlement of the pipe and manhole wall to take place. If the elevation difference of pipe inverts is twenty-four (24) inches or more, a drop manhole shall be provided. Drop manholes shall have an external drop encased in concrete or an internal drop using a drop bowl. If an internal drop is used, the manhole inside diameter shall be increased to a minimum of five (5) feet.

5. Inverts - Inverts may be constructed of red hard burned brick set on edge, or pre-cast concrete.

6. Leakage and Testing - If inspection of the completed sewer or any part thereof shows any pipe, manhole, or joint which allows infiltration of water, the defective work, or material, shall be replaced or repaired as directed by the Engineer. After the sewer

has been completed, the contractor shall furnish all labor and materials necessary, and in general, assist the Engineer to conduct such leakage tests at such times and at such locations as the Engineer deems necessary.

(a) Air Testing Procedures:

- (i) Plug all openings in the test section.
- (ii) Add air until the internal pressure of the line is raised to approximately four (4.0) pounds/square inch (psi) greater than the average pressure of any ground water. After this pressure is reached, allow the pressure to stabilize. The pressure will normally drop as the air temperature stabilizes. This usually takes two (2) to five (5) minutes depending on the pipe size. The pressure may be reduced to three and one half (3.5) psi before starting the test.
- (iii) When the pressure has stabilized and is at or above the starting test pressure of three and one half (3.5) psi above maximum groundwater pressure, start the test. If the pressure drops more than one (1.0) psi during the test time, the line is presumed to have failed the test. If a one (1.0) psi drop does not occur within the test time, the line has passed the test.

(b) Test Time:

- (i) The following table shows the required test time, T, in minutes per one hundred (100) feet of pipe for each nominal pipe size. Test times are for a one (1.0) psi pressure drop from three and one half (3.5) to two and one half (2.5) psi.
- (ii) If the section of line to be tested includes more than one pipe size, calculate the test time for each size and add the test times to arrive at the total test time for the section.
- (iii) It is not necessary to hold the test for the whole period when it is clearly evident that the rate of air loss is less than the allowable.

MINIMUM TEST TIME FOR VARIOUS PIPE SIZES

Nominal Pipe Size (Inches)	T (time) min/100 feet
3	0.2
4	0.3
6	0.7
8	1.2
10	1.5

Nominal Pipe Size (Inches)	T (time) min/100ft
21	3.0
24	3.6
27	4.2
30	4.8
33	5.4

Nominal Pipe Size (Inches)	T (time) min/100 feet	Nominal Pipe Size (Inches)	T (time) min/100ft
12	1.8	36	6.0
15	2.1	39	6.6
18	2.4	42	7.3

(c) Manholes - All manholes shall be tested for leakage. Manholes shall be tested for leakage in accordance with one of the following:

(i) Water Test - After the manhole has been assembled in place, all lifting holes and exterior joints shall be filled and pointed with an approved non-shrinking mortar. All pipes and other openings into the manhole shall be suitably plugged and the plugs placed to prevent blowout.

(ii) Each manhole shall be checked for exfiltration by filling with water to the top of the cone section. A stabilization period of one (1) hour shall be provided to allow for absorption. At the end of this period, the manhole shall be refilled to the top of the cone, if necessary, and the measuring time of at least six (6) hours begun. At the end of the test period, the manhole shall be refilled to the top of the cone measuring the volume of water added. This amount shall be converted to a twenty-four (24) hour rate and the leakage determined on the basis of depth. The leakage for each manhole shall not exceed one (1) gallon per vertical foot for a twenty-four (24) hour period for exfiltration and there shall be no visible infiltration.

(d) Vacuum Test - Vacuum testing of manholes shall also be considered acceptable using the following guidelines: The test shall be done after assembly of the manhole. The manhole to pipe connection shall be flexible. A sixty (60) inch/lb. Torque wrench shall be used to tighten the external clamps. All lift holes shall be plugged with a non-shrink mortar, as approved by the Engineer. The seal between manhole sections shall be approved, preformed flexible mastic per ASTM C923. The completed manhole shall not be backfilled prior to testing. Manholes which have been backfilled shall be excavated to expose the entire exterior prior to vacuum testing or the manhole shall be tested for leakage by means of a hydrostatic test. Interior piping and plugs shall be adequately braced to prevent movement. A vacuum of ten (10) inches of Hg shall be drawn within the manhole. The manhole shall pass the test if the vacuum remains between ten (10) inches Hg and nine (9) inches Hg for at least two (2) minutes.

7. Deflection Testing – Deflection tests shall be performed on all flexible pipe after the final backfill has been in place for at least thirty (30) days. The deflection test shall

be run using a rigid ball or mandrel having a diameter equal to ninety-five (95) percent of the inside diameter of the pipe. No mechanical pulling devices shall be used during the deflection tests. All pipe not meeting the deflection test shall be re-excavated and replaced at the Contractor's expense.

SECTION 116: SERVICE CONNECTIONS

A. Description. This item shall consist of the installation of individual services from the sewer main to the property line as shown on the accepted drawings. There shall be Sanitary Sewer Service installed for each lot as shown on the Plan. All sewer services must be installed beyond the R.O.W. for all lots in a subdivision before the streets are paved, and before the leakage test on the sewer main is performed.

B. Materials:

1. Pipes - Sanitary sewer services shall have a minimum pipe diameter of four (4) inches and made of the same material as the main sanitary sewer system. All pipe and joints shall meet the specifications set forth for the sewer mains.
2. Bedding Material - All sewer services shall be laid on a six (6) inch layer of three quarter (¾) inch crushed stone.
3. Any tap into existing sewer main shall utilize a new "wye" fitting connected to the existing main with rigid, gasketed couplings. Saddle type connectors shall not be used.

C. Construction Methods

1. Excavation - Same as for sewer main.
2. Laying Sewer Pipe - Same as for sewer main.
3. Backfill - Same as for sewer main.
4. Markers - The end of the service shall be plugged, as recommended by the pipe manufacturer, and marked with a two (2) inch PVC Pipe with both ends capped, which shall extend above the surface of the ground. The bottom of the two (2) inch pipe shall be left at the elevation of the service invert.
5. Leakage and Testing - In conjunction with sewer mains.
6. Seasonal Limits - Same as for sewer mains.

SECTION 117: STORM SEWER SPECIFICATIONS - STORM DRAINS

A. Description. This item shall consist of catch basins, manholes, pipe and drainage outlets meeting the specifications for the diameter of pipe required and installed as indicated on the accepted drawings.

B. Materials:

1. Pipe Specifications:

(a) Polyvinyl chloride pipe:

PVC pipe shall conform in all respects to the latest revision of ASTM specification D3034 or F679 or F794, Type PSM, HDPE ADS N-12 (or equivalent) or PS Polyvinyl Chloride (PVC) Sewer Pipe and Fittings, SDR 35 or Perma-Loc Series 46. Wall thickness of all PVC pipe shall meet ASTM Specifications for SDR 35 or Perma-Loc Series 46 pipe. All pipe and fittings shall be clearly marked as follows:

Manufacturer's Name and Trademark

Nominal pipe size

Material Designation 12454C PVC

Legend "Type PSM SDR 35 PVC Sewer Pipe" or "PS 46 PVC Sewer Pipe"

Designation ASTM D3034, F794 or F679

Joints shall be push-on type using elastic gaskets, and shall conform to ASTM D3212. The gaskets shall be factory installed. The pipe shall be furnished in nominal thirteen (13) foot lengths. Sufficient numbers of short lengths and fully machined fittings shall be provided for use at manholes, chimneys, and connections. All connections will require the use of manufactured fittings. Field fabricated saddle type connections will not be considered acceptable.

Any pipe or fitting having a crack, or other defect, or which has received a severe blow shall be marked rejected and removed at once from the work site.

All field cuts are to be made with a saw, at ninety (90) degrees to the pipe centerline. The cut end is to be beveled to the same angle as the factory bevel and all interior burrs are to be removed. A homing mark will be placed on all pipes prior to assembly.

The pipe installed under this specification shall be installed so that the deflection shall be less than five (5) percent as measured a minimum of thirty (30) days after installation.

The Contractor will submit certification that the materials of construction have been sampled, tested, inspected and meet all the requirements including wall thickness in accordance with ASTM D3034 for all pipe and fittings to be included in the project work.

PVC pipe shall not be installed when the temperature drops below thirty-two (32) degrees Fahrenheit or goes above one hundred (100) degrees Fahrenheit. During cold weather, the flexibility and impact resistance of PVC pipe is reduced. Extra care is required when handling PVC pipe during cold weather.

(b) Smooth Interior and Annular Exterior Corrugated High Density Polyethylene (HDPE) Pipe:

This specification describes four (4) to sixty (60) inch (one hundred (100) to one thousand five hundred (1500) millimeters) Smooth Interior and Annular Exterior Corrugated High Density Polyethylene (HDPE) Pipe with a Silt Tight and Leak Resistant Joint for use in nonpressure gravity flow drainage applications.

(i) AASHTO M252: Standard Specification for Corrugated Polyethylene Pipe, four (4) inches to ten (10) inches (one hundred (100) to two hundred and fifty (250) millimeters), Type S.

(ii) AASHTO M294: Standard Specification for Corrugated Polyethylene Pipe, twelve (12) inches to forty-eight (48) inches (three hundred (300) to one thousand two hundred (1200) millimeters), Type S.

(iii) AASHTO MP7-97: Standard Specification for Corrugated Polyethylene Pipe, fifty-four (54) inches to sixty (60) inches (one thousand three hundred and fifty (1350) to one thousand five hundred (1500) millimeters), Type S.

(iv) ASTM D2321: Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications.

(v) ASTM D3350: Standard Specification for Polyethylene Plastic Pipe and Fittings Materials.

(vi) ASTM F477: Standard Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe.

(vii) Pipe and fitting material shall be high-density polyethylene meeting ASTM D3350 minimum cell classification 324420C for four (4) through ten (10) inch diameters or 335420C for twelve (12) through sixty (60) inch diameters.

(viii) Pipe manufactured for this specification shall comply with the requirements for test methods, dimensions, and markings found in AASHTO M252, AASHTO M294 and/or AASHTO MP7-97. The prescribed sizes of pipe are nominal inside diameters. Pipe sizes shall be no less than ninety-nine (99) percent of nominal inside diameter and have a minimum of twenty (20.0) feet laying length.

(ix) For four (4) to ten (10) inch (one hundred (100) to two hundred and fifty (250) millimeter) diameters, the pipe supplied shall be smooth Interior and Annular Exterior Corrugated High Density Polyethylene (HDPE) Pipe meeting the requirements of AASHTO M252, Type S. (x) For twelve (12) to forty-eight (48) inch (three hundred (300) to one thousand two hundred (1200) millimeter) diameters, the pipe supplied shall be smooth Interior and Annular Exterior Corrugated High Density Polyethylene (HDPE) Pipe meeting the requirements of AASHTO M294, Type S.

(xi) For fifty-four (54) to sixty (60) inch (one thousand three hundred and fifty (1350) to one thousand five hundred (1500) millimeter) diameters, the pipe supplied shall be smooth Interior and Annular Exterior Corrugated High Density Polyethylene (HDPE) Pipe meeting the

requirements of AASHTO MP7-97, Type S.

(xii) Manning's "n" value for use in design shall not be less than one hundredth (0.010).

(xiii) Fittings shall conform to AASHTO M252, M294 or MP7-97.

Fabricated fittings shall be welded on the interior and exterior at all junctions.

(xiv) Pipe shall be joined with bell-and-spigot joints meeting AASHTO M252, M294 or MP7-97. Joints shall provide silt tight and leak resistant joint.

(xv) Pipe joints shall incorporate a gasket meeting the requirements of ASTM F477 to form silt tight and leak resistant connection. Joints shall exceed the soil tight joint performance criteria of AASHTO Standard Specifications for Highway Bridges, Division II, Section 26.

(xvi) Gaskets shall be installed by the pipe manufacturer and covered with a removable wrap to ensure the gasket is free from debris.

(xvii) A joint lubricant supplied by the manufacturer shall be used on the gasket and bell during assembly.

(xviii) Smooth Interior and Annular Exterior Corrugated HDPE Pipe shall be Sure-Lok F477 as manufactured by Hancor, Inc. or a pre-approved equal. All alternate products must be submitted to the City Engineer two weeks before bid date for approval.

(xix) Minimum depth of burial shall be as per manufacturing recommendation for the diameter specified.

2. Catch Basins or Manholes: A pre-cast (or cast in place) concrete catch basin or manhole shall be installed at the end of each line, at all changes in grade, size or alignment of pipe, at all pipe intersections, and at distances not greater than three hundred (300) feet.

(a) Catch Basins - The catch basins shall conform to requirements for precast risers and base sections found in ASTM C913, latest edition. The cast iron frame and grate shall be Type D LeBaron #LF 248-2, or equal with a minimum weight of four hundred and eighty (480) pounds. For steep grades, a Type E LeBaron #LK 120A, or equal may be supplemented with a minimum weight of four hundred and thirty (430) pounds. There shall be either a manhole or a catch basin every three hundred (300) feet on normal slopes to allow for proper cleaning of the lines.

(b) Manholes - The manholes and manhole frames and covers shall conform to the specifications as set forth under Sanitary Sewer Specifications.

(c) Booted connections shall be used for thirty-six (36) inch pipe and smaller.

C. Construction Methods

1. Pipeline Trenches - The trenches and other excavations shall be of sufficient width and depth at all points to allow all pipes to be laid, joints to be formed and

structures and appurtenant construction to be built in the most thorough and workmanlike manner and to allow for sheeting and shoring, pumping and draining and for removing and replacing unsuitable material. Trenches and excavations shall be at least twelve inches wider than the outside dimensions of the structure they are to contain; trenches must not be unnecessarily wide so as to materially increase load on the pipe resulting from backfill. Bottoms of trenches and other excavations shall be carried to lines and shapes satisfactory to the Engineer. Bottoms of trenches for pipe shall be carried to a depth six inches greater than grade of pipeline, refilled to grade and bedded in the specified bedding method as detailed on the Detail Plans.

Wherever boulders or ledge rock are encountered in excavations for pipelines or structures, such boulders or ledge rock shall be removed to a depth of six inches below grade and space occupied by them shall be refilled to grade with the specified bedding material. Trenches shall be opened at such times and to such extent only as may be permitted by the Engineer. All driveways, crosswalks, sod, shrubs, trees and any other surface material affected by the work shall be carefully taken up and kept separate from the other excavated material. If suitable, excavated material shall be used for embankments, backfill and fill. Side slopes of excavations shall be less than the angle of repose of material excavated and shall be flat enough to prevent slides or cave-ins. Any excavation required as a result of slides or cave-ins shall be done by the Contractor at his own expense.

Placement of bedding material shall not be done until the ground has been thoroughly dewatered and the Contractor is ready to install pipe or to construct foundations of various structures.

The total running length of trench allowed to be open shall be kept as short as is practical. Only that length of trench which can be protected by means of barricades, fences, and the like shall be allowed to remain open overnight. All trench excavations shall be backfilled prior to work shutdown for each weekend.

2. Pipe Laying - Storm drains and culverts shall be constructed on a trench bottom prepared and bedded as shown on the Detail Plans. Each pipe shall be checked just prior to laying to ensure that it is clear of all dirt and debris and shall be laid true to line and grade. All joints shall be tight, and inverts shall be continuous. When pipe is to be laid within the State Highway Right-of-way it shall also be installed in accordance with requirements of Section 601 of the Vermont Highway Department Specifications. Metal pipe shall be firmly joined with coupling bands, concrete and PVC and HDPE pipe joints shall be rubber gasket type. PVC and HDPE pipe shall be bedded from the trench bottom, six (6) inches below the invert of the pipe, to six (6) inches above the crown of the pipe with approved granular pipe bedding.

3. Backfilling Trenches - Frozen material shall not be placed in backfills and backfills shall not be placed on frozen material. No stones in excess of three (3) inches diameter shall be placed within two (2) feet of the pipe. Larger stones may be used in the backfill

provided care is taken that stones do not become nested and that all voids between stones are completely filled with fine materials. The size and quantities of stone used in backfill will be subject to approval by the Engineer. No backfill shall be dropped from a height of more than three (3) feet from the top of the pipe.

The backfill shall consist of two separate zones:

(a) The first zone shall extend from the top of the bedding material to a height of twenty-four (24) inches above the crown of the pipe. Select excavated material with stones no larger than three (3) inch diameter shall be placed in six (6) inch lifts and compacted to a density of ninety-five (95) percent of the maximum dry density using the Standard Proctor Test, according to ASTM D698 or AASHTO T99 (latest version). The materials shall be placed carefully so as not to disturb the pipe or cause it to break or misalign.

(b) The second zone shall extend from the top of the first zone to within four (4) inches of finished grade or to road subgrade. Material in this zone shall be select excavated material, placed in six (6) inch lifts and compacted to a density of ninety five (95) percent of maximum dry density using the Standard Proctor Test, according to ASTM D698 or AASHTO T99 (latest version). Suitable cohesive soil can be backfilled in this zone and compacted using impact type equipment, pneumatic tampers, engine or self-propelled, sheepfoot rollers on wide trenches or other suitable equipment, providing the ninety-five (95) percent compaction requirement is met. In cohesionless soils, vibratory plates in confined areas and vibratory rollers in unconfined areas can be utilized, providing the specified degree of compaction is met. Granular cohesionless material may, in some cases and upon approval of the Engineer, be compacted using water jetting or immersion type vibrators with flooding and pooling.

4. Installing Catch Basins and Manholes - All construction of sewer manholes must be carried out to ensure watertight work. Any leaks in manholes shall be completely repaired to the satisfaction of the City Engineer or the entire structure shall be removed and rebuilt. All manhole lift holes shall be grouted inside and out with expandable grout. The pipe opening in the precast manhole riser shall have a cast-in-place flexible gasket or an equivalent system for pipe installation, as approved by the City Engineer. Joints between manhole risers shall be soft butyl joint sealer (rope form). Joints between pipes and catch basin base sections shall be sealed with boots for pipes thirty-six (36) inch diameter or smaller and with cement mortar for pipes larger than thirty-six (36) inch diameter, smoothed on the inside and built up with a heavy bed of excess mortar on the outside. Frames shall be brought to grade with precast concrete riser rings, expanded polypropylene riser rings, or cast-in-place concrete, and shall be set in a full bed of mortar. In roadways, the frames shall be set to final grade only after the base course paving has been completed.

5. Drainage outlets - Drainage outlets of the stormwater system being conveyed to the City along roadways must comply with the Vermont General Permit 3-9040 for Stormwater Discharges from Municipal Roads requirements and specifications.

SECTION 118: RESTRICTIONS AND CONDITIONS OF RIGHT-OF-WAY

All work relating to the City of Essex Junction Rights-of-way shall be approved by an authorized official before any construction commences.

A. Laying of Pipes, Conduits:

1. After any pipes, conduits, drains or other underground structures are laid, or any excavation is made in the roadway, the trenches or openings shall be properly backfilled with suitable material; the backfill shall be thoroughly tamped, and the surface of the road over said structures shall be left even with the adjoining ground. If the work is done in cold weather, no frozen material shall be used for backfilling.
2. Whenever the hardened surface of the roadway, gutters or any part of the surface of the highway is disturbed it shall be replaced in as good condition as before it was disturbed, and if new materials are required, they shall correspond with those already in place on the road.
3. Where service pipes are to cross the highway, the connections shall be made without disturbing the hardened surface of the roadway, fabric or underdrain, by driving the pipes under the roadway, or the service pipes shall be carried under and across the road in a large pipe, unless otherwise ordered by the Engineer.
4. All repairs to City facilities within the Right-of-way will be provided with a one (1) year warranty.

B. Poles, Wires, Overhead Structures, and Cutting and Trimming of Trees:

1. No trees, fences, phone booths, or other structures shall be erected in the Right-of-way unless authorized by the City. All mailboxes, telephone, and electric utility boxes shall be located at least three (3) feet outside the edge of the sidewalk. All above ground utility boxes shall be landscaped with evergreen shrubs that will not exceed the height of the utility box by more than one (1) foot when mature.
2. No structure except for the streetlights shall be erected in the Right-of-way within fifty (50) feet of an intersection. This includes above ground utility boxes.

C. General Conditions:

1. During the progress of the work all structures underground and above ground shall be properly protected from damage or injury; such barrier shall be erected and maintained as may be necessary for the protection of the traveling public; the same shall be properly lighted at night; and the party or parties shall be responsible for all damages to persons or property due to or resulting from any work done.
2. All utilities in new subdivisions shall be underground, including electric, cable TV, telephone, and other wires. All utilities, including gas and electric, shall be installed in the Right-of-way prior to the installation of underdrain, fabric, sub-base or paving of the street.

- D. Street Lights. Streetlights shall be located as specified in Section 704 of this Code.

SECTION 119: INSPECTION

These inspections shall be required of the Developer and work shall not proceed until each check has been made with work reviewed by the City Engineer. The developer pays for the cost of all of these inspections.

A. Streets, Curbs and Sidewalks:

- n) Stake out
- o) Completion of subgrade
- p) Completion of base courses

8. Completion of Surface

Storm Drainage Systems:

- a) Stake out
- b) Pipe laid - prior to any backfilling
- c) Connections to structures
- d) Completion of backfill to within two (2) feet of subgrade
- e) Completion of backfilling

9. Sewer System:

- a) Stake out
- b) Pipe laid - prior to any backfill
- c) Connections to structure or piping
- d) Completion of backfill to within two (2) feet of subgrade
- e) Completion of backfilling
- f) Lamping of pipe runs
- g) Testing
- h) Mandrel testing
- i) Initial operation
- j) Completion of appurtenances

10. Water Mains

- a) Stake out
- b) Connection to existing mains
- c) Pipe laid and thrust blocks cast - prior to any backfill
- d) Completion of backfill to within two (2) feet of subgrade
- e) Completion of backfilling
- f) Pressure and leakage tests
- g) Disinfection
- h) Initial operation
- i) Completion of appurtenances

SECTION 120: FINAL INSPECTION CHECK LIST**A. Streets, Curbs, and Sidewalks:**

- j) Settlement, depression or imperfections in finish surface
- k) All required monuments and front boundary line markers installed.
- l) Seeding and erosion control on cut and fill slopes
- m) Surface drainage (during rainstorm)
- n) General appearance
- o) Material testing results, lab reports and record drawings complete and on file

11. Storm Drainage Systems:

- a) Catch basins, manholes and pipe lines clean
- b) Ditches and outlets clean
- c) Erosion control measures completed
- d) General appearance
- e) Material testing results, lab reports, manufacturer's certificates, and record drawings complete and on file

12. Sewer System:

- a) Manholes, pipe lines and appurtenances clean
- b) Inverts and shelves completed to plans with smooth transitions
- c) Manhole frames and covers set at proper elevation
- d) General appearance
- e) Material testing results, lab reports, manufacturer's certificate, leakage test results for pipe and manholes, and mandrel deflection tests complete and on file

13. Water System:

- a) Valves, hydrants and curb stops operating properly
- b) Valve box covers and curb boxes set at proper elevations
- c) General appearance
- d) Tie information and record drawing complete
- e) Material testing results, lab reports, manufacturer's certificates, pressures and leakage test results and disinfection test results are complete and on file

14. As-built Plans:

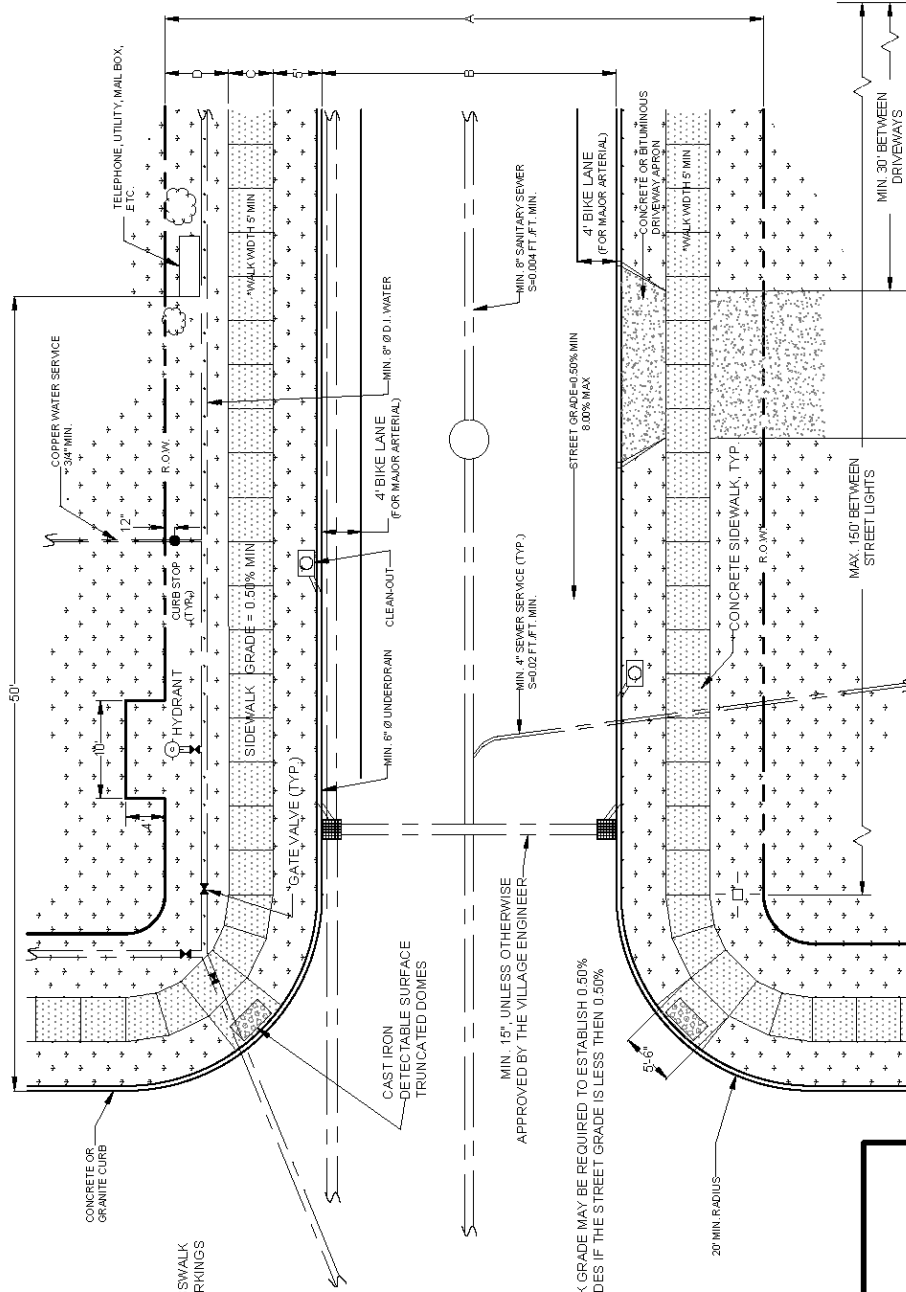
One set of mylars and two paper copies of plans showing all as-built utilities, and water and sewer house connections must be submitted to the City Engineer by the developer in accordance with Chapter 9. In addition, the developer shall provide to the City the record drawings in an AutoCAD™ compatible electronic format; as well as a complete set of the record drawings in PDF format.

SECTION 121: VARIATIONS AND WAIVERS

Requests for waivers of any provisions of this Chapter, or for approval of variations to those provisions, shall be submitted to the City Engineer in writing, along with technical information supporting the request. The City Engineer must approve, modify, or deny such requests, and all decisions by the City Engineer shall be in writing.

SECTION 122: TOWN ROAD AND BRIDGE STANDARDS

In addition to the aforementioned Public Works Specifications, the City of Essex Junction has formerly adopted the VTrans Town Road and Bridge Standards, which shall apply to all construction, repair, and maintenance work performed on City-owned roads and bridges. In the event of a conflict between the LDC requirements, the Public Works Specifications, or the Town Road and Bridge Standards, latest version adopted by the City Council, the more stringent requirements shall apply.

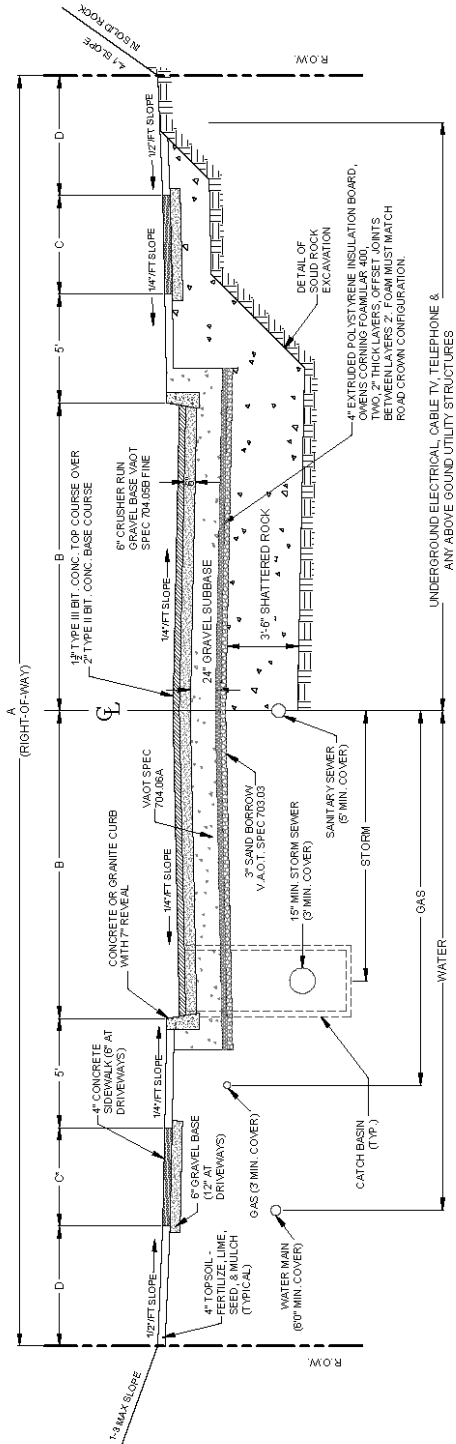


	A	B	C	D
MAJOR ARTERIAL	60'	32'	5'	4'
LOCAL RESIDENTIAL STREET	50'	28'	5'	1'

STREET DETAIL

NOT TO SCALE
TYPICAL PLAN

	A	B	C	D
MAJOR ARTERIAL	60'	16'	5'	4'
LOCAL RESIDENTIAL STREET	50'	14'	5'	1'



1. MINIMUM SLOPE OF DRAINAGE PIPES SHALL BE 0.2%.
2. ALL MATERIAL AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF ESSEX JUNCTION PUBLIC WORKS SPECIFICATIONS.
3. MATCH EXISTING SLOPES AT PROPERTY LINES. MAXIMUM SLOPE 1 VERTICAL/3 HORIZONTAL.
4. SOME AREAS MAY REQUIRE WALKS OF GREATER WIDTH AT THE DISCRETION OF THE CITY.
5. SOIL BORINGS AND TEST PITS MAY BE REQUIRED BY THE CITY TO VERIFY PROPOSED DESIGN.
6. YELLOW OR ORANGE WARNING TAPE SHALL BE BURIED 15" ABOVE ALL GAS AND ELECTRIC LINES.
7. 26' MINIMUM WIDTH OF PAVEMENT MAY BE APPROVED BY THE CITY FOR STREETS SERVING SINGLE FAMILY UNITS IF THE DESIGN AVERAGE DAILY TRAFFIC (ADT) IS LESS THAN 250 VEHICLES.

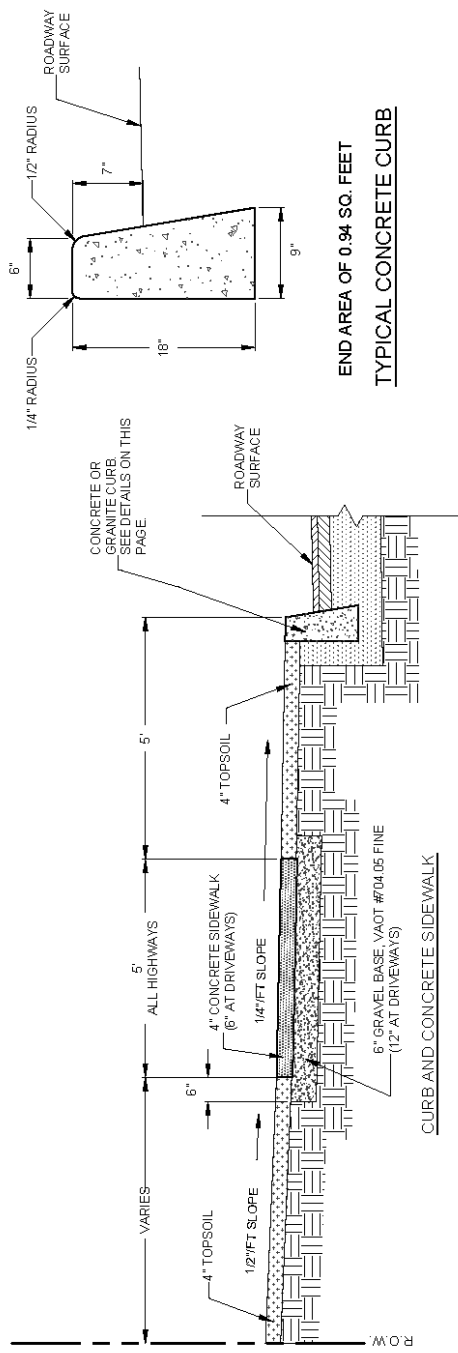
INSULATION REQUIREMENTS:
INSULATION SHALL BE OWENS CORNING RIGID FOAM INSULATION, FOAMULAR 400. INSULATION SHALL BE 2" THICK, SUPPLIED IN 2'x 8' PIECES WITH SQUARE EDGES. COMPRESSIVE STRENGTH SHALL BE A MINIMUM OF 40 POUNDS PER SQUARE INCH.

INSULATION INSTALLATION: THE CONTRACTOR MUST PREPARE THE SAND BED SO THAT ALL PROJECTIONS THAT INTERFERE WITH PLACEMENT OF INSULATION BOARDS ARE TO BE REMOVED, FORMED TO FIT AROUND OR AS SPECIFIED BY THE ENGINEER. THE CONTRACTOR MAY NOT MOVE EQUIPMENT ONTO FOAM UNTIL THE FIRST 12" (MINIMUM) OF GRAVEL HAS BEEN PLACED.

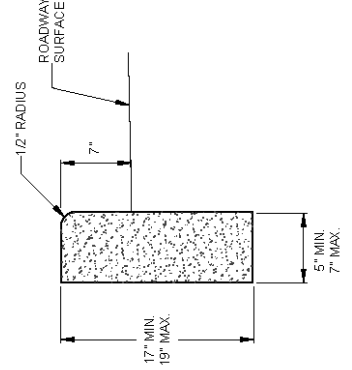
STREET DETAIL

NOT TO SCALE

TYPICAL SECTION
WITH FOAM INSULATION



END AREA OF 0.94 SQ. FEET
TYPICAL CONCRETE CURB

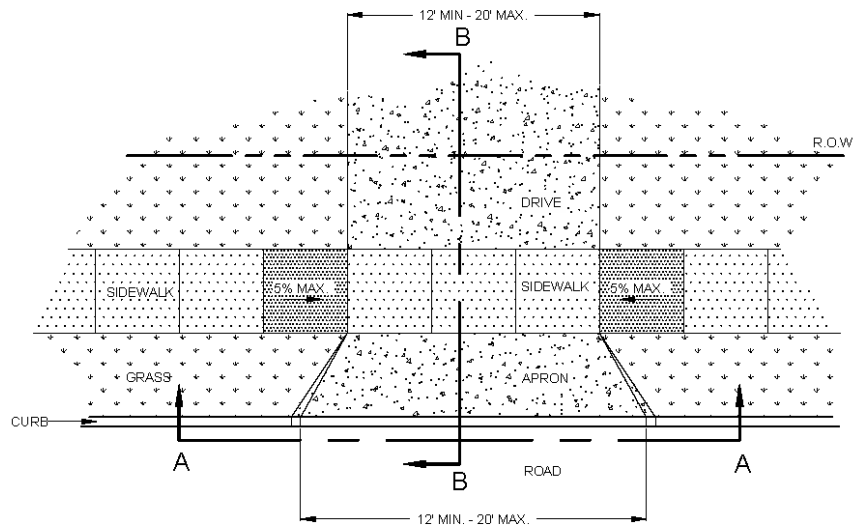


TYPICAL GRANITE CURB

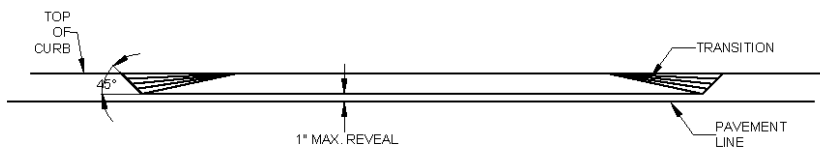
1. ALL CURB RADIUS LESS THEN 200' SHALL BE FORMED USING FLEXIBLE FORMS.
2. CURB REVEAL AT DRIVEWAYS SHALL BE 1" MAX. AND 1/4" MAX. AT HANDICAP ACCESS RAMPS.
3. CURBING SHALL BE CONSTRUCTED IN 10 FOOT SECTIONS WITH 1/8" JOINTS BETWEEN SECTIONS.
4. SIDEWALK SHALL BE CAST IN 100' SECTIONS WITH NO EXPANSION JOINTS. CONNECTION TO EXISTING SIDEWALK AND BETWEEN 100 FOOT SECTIONS SHALL BE ACCOMPLISHED WITH STEEL DOWELS, SPACED 12" ON CENTER. SIDEWALK ADJACENT TO CURB SHALL BE SEPARATED BY 4 MIL POLYETHYLENE. SIDEWALK JOINTS SHALL BE SAW CUT AT 5' INTERVALS TO 1/3 THE SIDEWALK DEPTH. STRUCK TRANSVERSE FALSE JOINTS SHALL NOT BE UTILIZED.
5. ALL MATERIALS AND CONSTRUCTION TO BE ACCORDING TO SPECIFICATIONS.
6. SOME AREAS REQUIRE WALKS OF GREATER WIDTH OF THE DISCRETION OF THE CITY.
7. CONCRETE WALKS SHALL BE 6" THICKNESS ACROSS DRIVES.
8. CONCRETE FOR CURB AND SIDEWALK SHALL BE 4,000 PSI.
9. ALL SIDEWALKS SHALL BE TREATED WITH CERTI-VEX AC 1315, PER THE MANUFACTURER'S INSTRUCTIONS.

STREET DETAIL

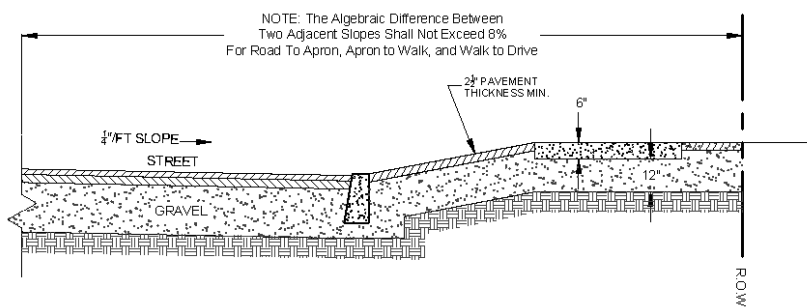
NOT TO SCALE
CURB AND
CONCRETE SIDEWALK



PLAN



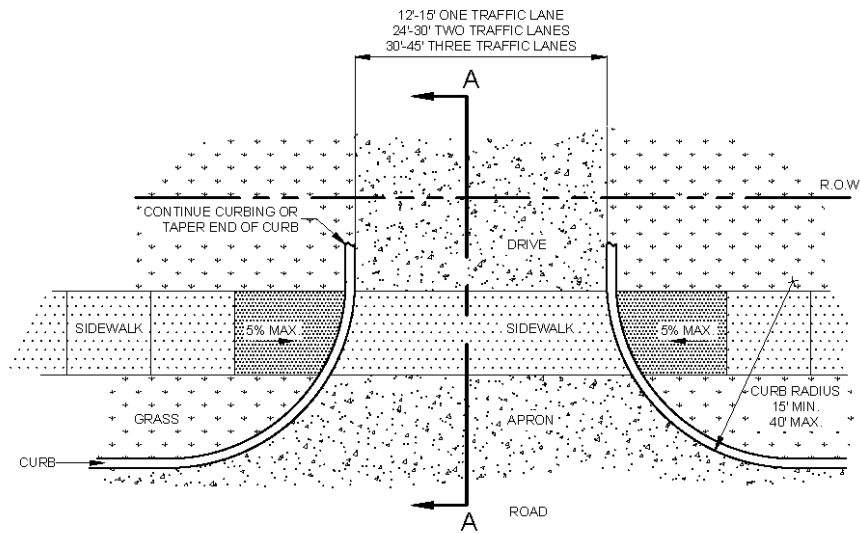
SECTION A-A



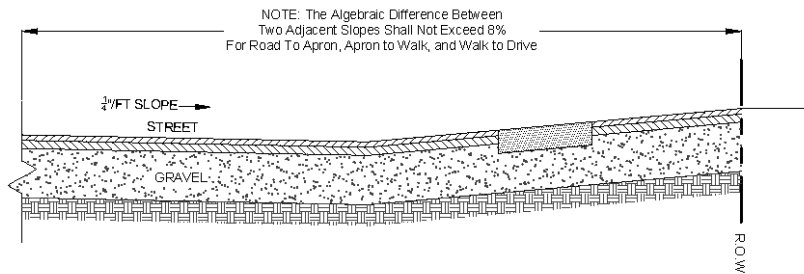
SECTION B-B

STREET DETAIL

**NOT TO SCALE
RESIDENTIAL
DRIVEWAY APRON**



PLAN

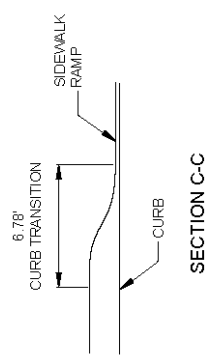
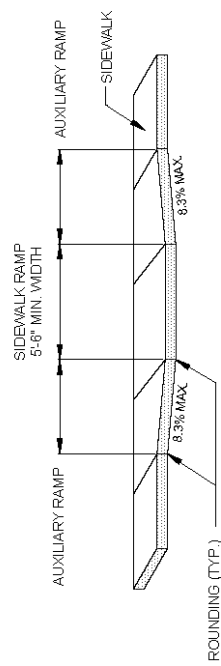
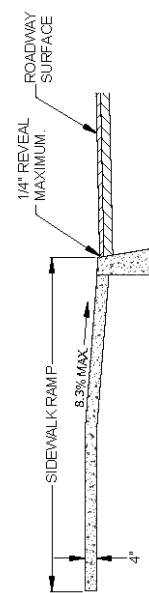
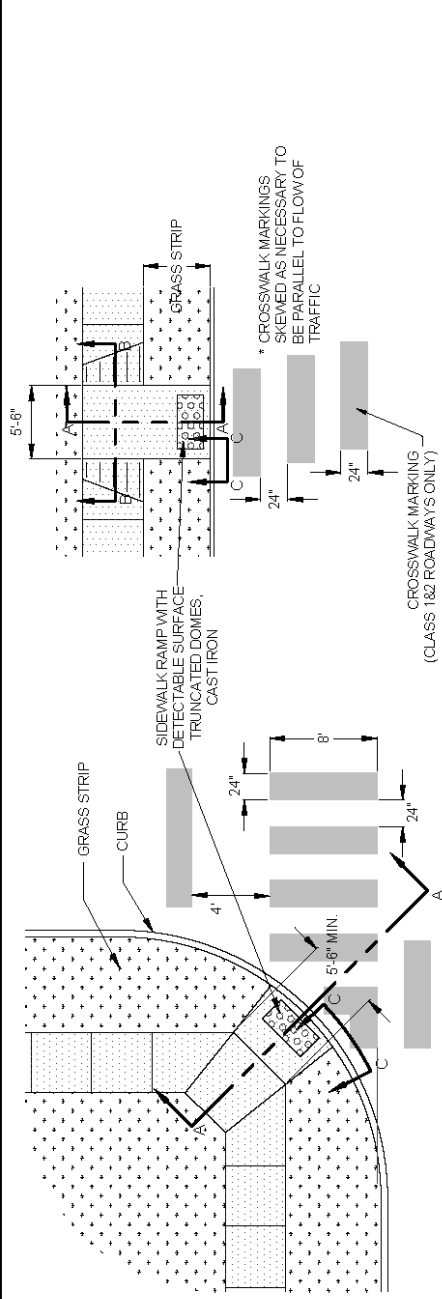


SECTION A-A

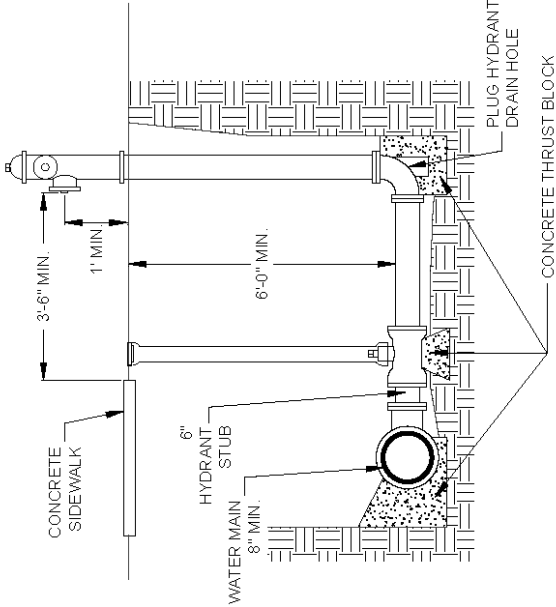
STREET DETAIL

NOT TO SCALE

**COMMERCIAL/INDUSTRIAL
DRIVEWAY APRON**



STREET DETAIL
 NOT TO SCALE
SIDEWALK RAMP



HYDRANT SHALL BE ONE OF THE FOLLOWING:
KENNEDY K-81, MUELLER A-243, OR WATEROUS PACER

STEAMER CONNECTION SHALL BE A 5" STORZ CONNECTOR.

2-1/2" SPUD CONNECTION THREADS SHALL BE "DOUBLE START" STYLE.

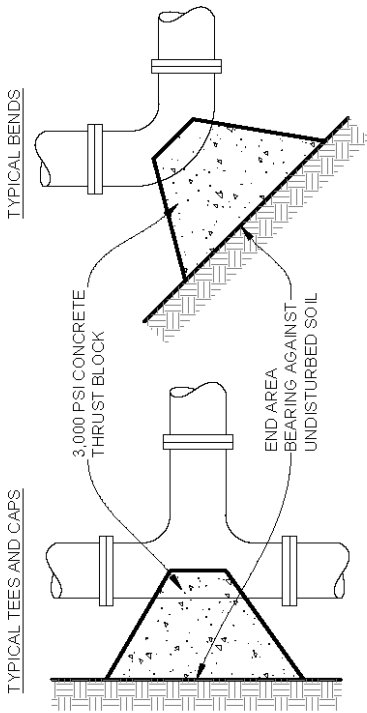
ALL JOINTS BETWEEN MAIN AND HYDRANTS SHALL BE RESTRAINED WITH D.I. "GRIP-RING" TYPE CONNECTORS OR APPROVED EQUAL.

**WATER
DISTRIBUTION
DETAILS**

NOT TO SCALE

MAINS & HYDRANTS

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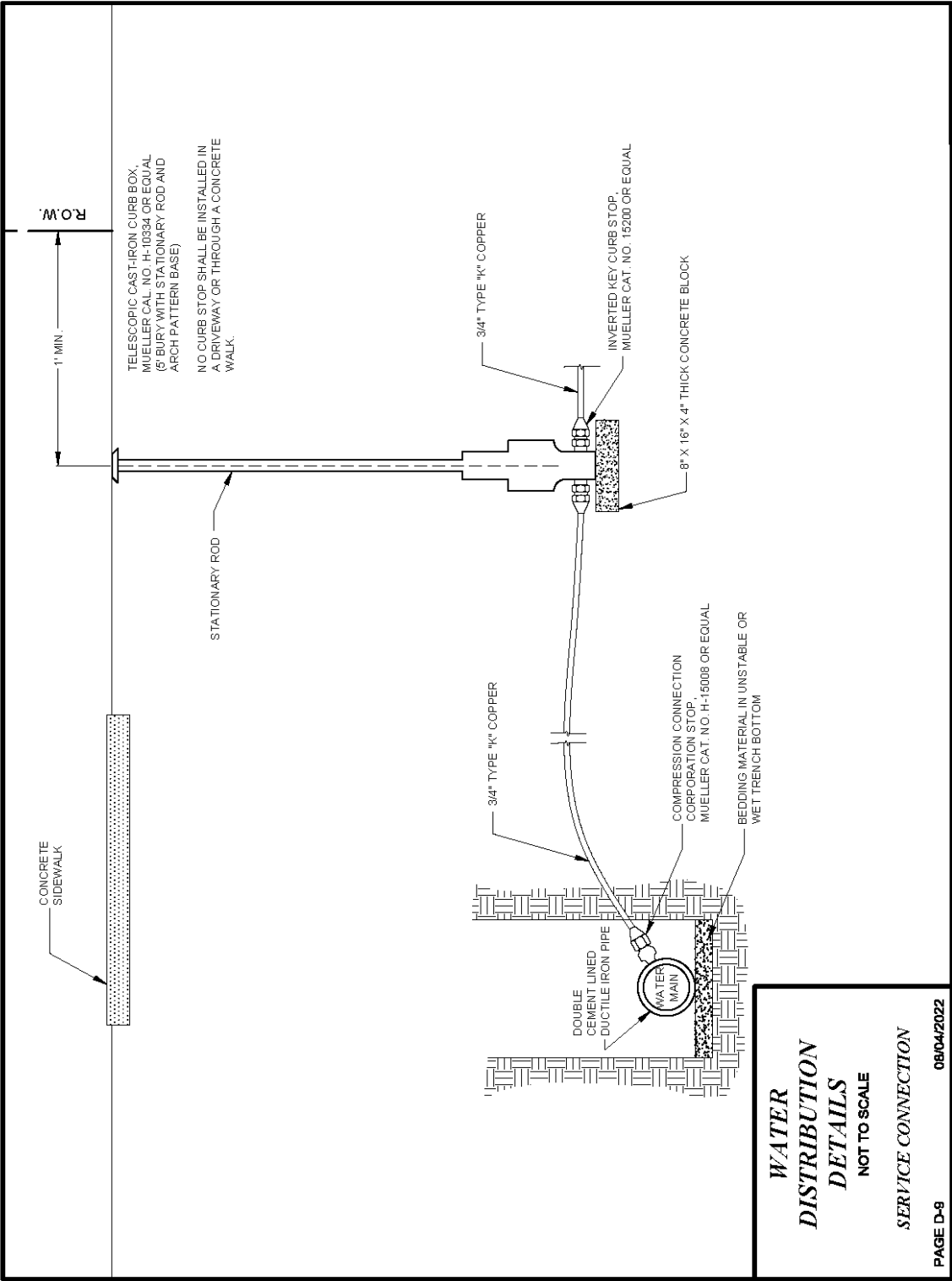
- NOTES:
- 1) ALL BOLTS AND NUTS TO REMAIN ACCESSIBLE AND ARE TO BE COVERED WITH PLASTIC TO PREVENT CONCRETE FROM ADHERING TO THEM.
 - 2) ALL FITTINGS ARE TO HAVE "GRIP-RING" RETAINER GLANDS OR APPROVED EQUAL.
 - 3) ALL PIPE SHALL BE INSTALLED WITHIN DEFLECTION LIMITS PER MANUFACTURER'S SPECIFICATIONS.

6"		8"		12"		16"		SOIL CONDITIONS	SAFE BEARING LOAD (PSF)
ENDS	TEES	ENDS	TEES	ENDS	TEES	ENDS	TEES		
40" ELB	22.5" ELB	30" ELB	22.5" ELB	40" ELB	22.5" ELB	30" ELB	22.5" ELB	MUCK	0
11	16	9	5	19	27	15	8	SOFT CLAY	1,000
8	11	6	3	13	18	10	5	SILT	1,500
4	6	3	2	7	9	5	3	SANDY SILT	3,000
3	4	3	2	5	7	4	2	SAND	4,000
2	3	2	1	4	5	3	2	SANDY CLAY	6,000
2	2	1	1	3	3	2	1	HARD CLAY	9,000

MAXIMUM WATER PRESSURE = 250 PSI
APPLY SAFETY FACTOR OF 1.5

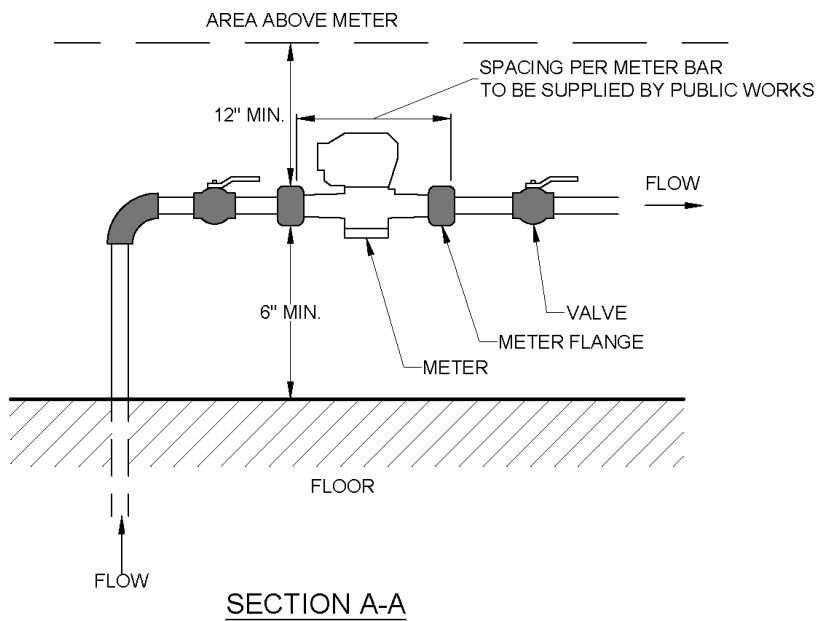
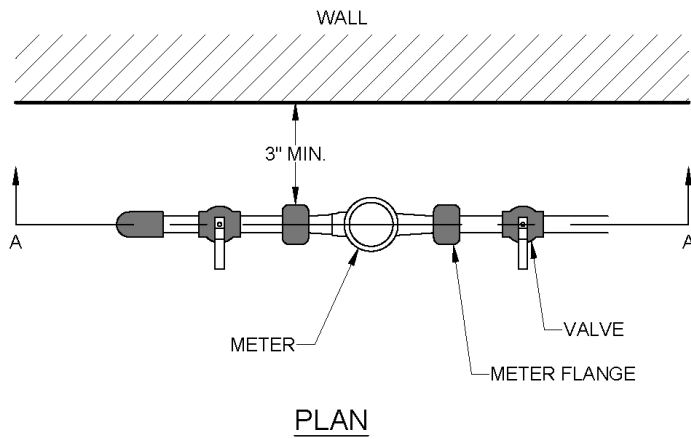
NOTE: REDUCER BEARING AREA = 45" BEND, LARGER PIPE

THRUST BLOCK END AREA
(SQ. FT. BEARING AREA)



**WATER
DISTRIBUTION
DETAILS
NOT TO SCALE**

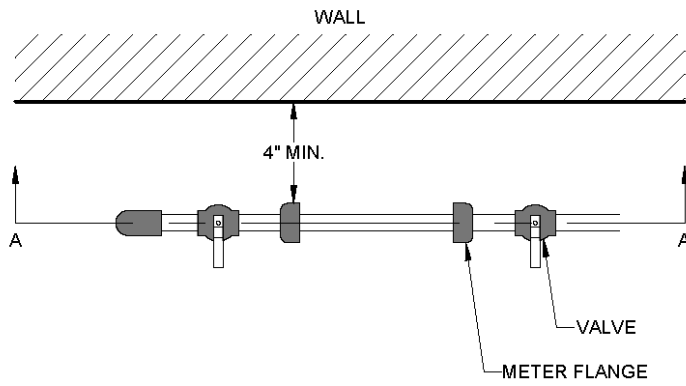
SERVICE CONNECTION



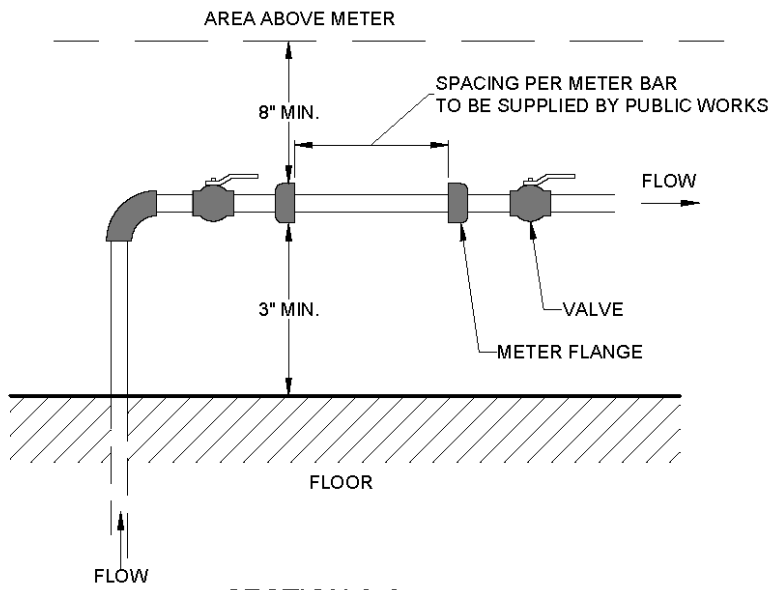
**WATER METER
MIN. CLEARANCES**

NOT TO SCALE

3/4" METER



PLAN

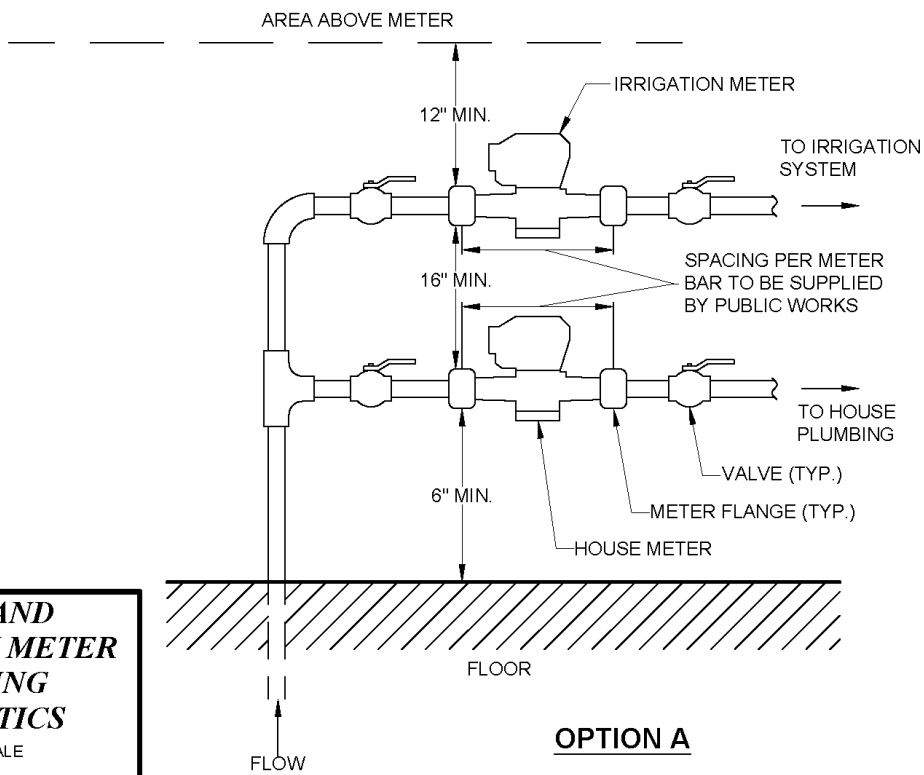
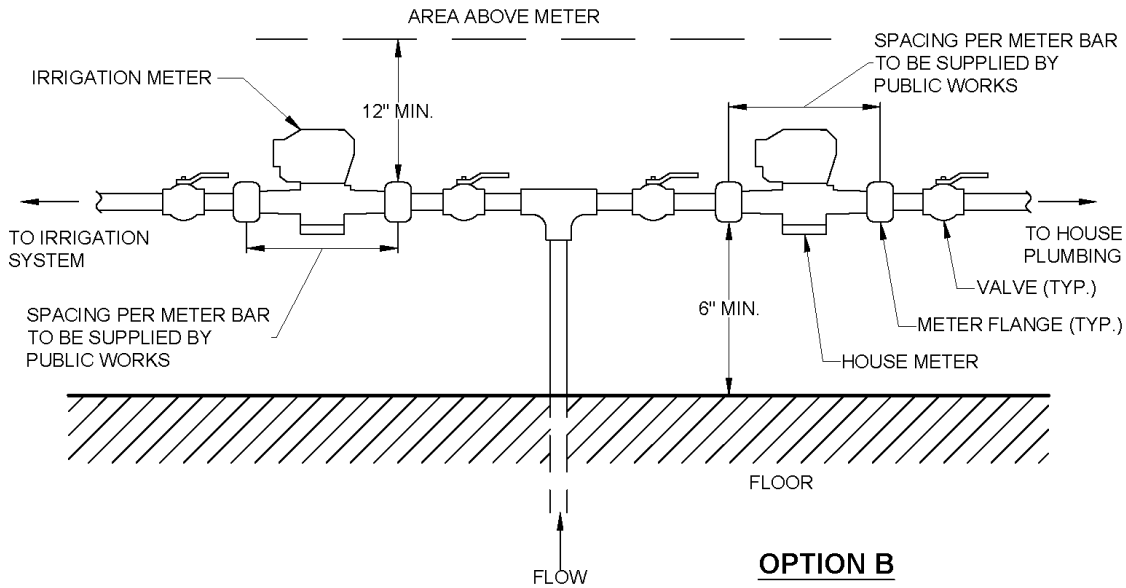


SECTION A-A

***WATER METER
MIN. CLEARANCES***

NOT TO SCALE

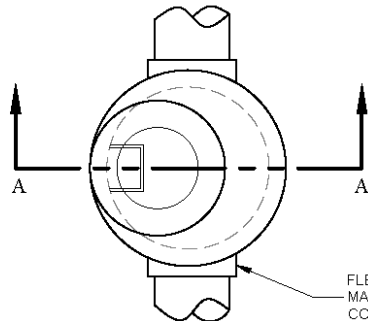
1", 1-1/2", & 2" METERS



**WATER AND
IRRIGATION METER
PLUMBING
SCHEMATICS**

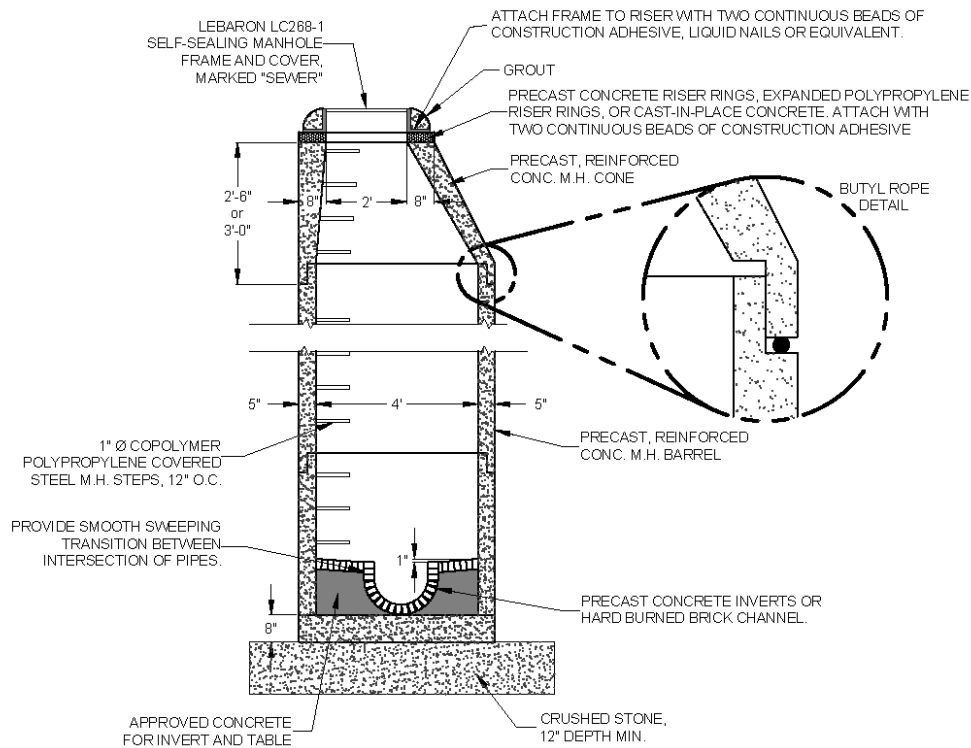
NOT TO SCALE

3/4" METER



PLAN
PRECAST M.H.

FLEXIBLE WATERTIGHT
MANHOLE BOOT AT PIPE
CONNECTION, TYPICAL



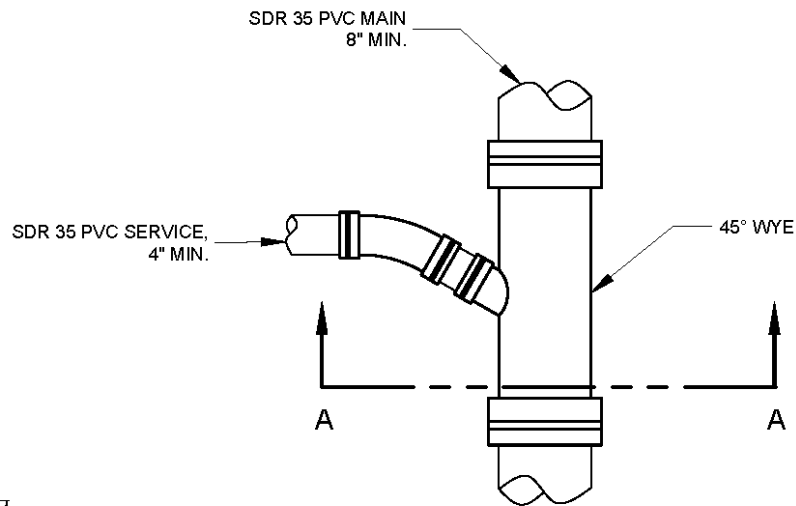
SECTION A-A

SANITARY SEWER DETAILS

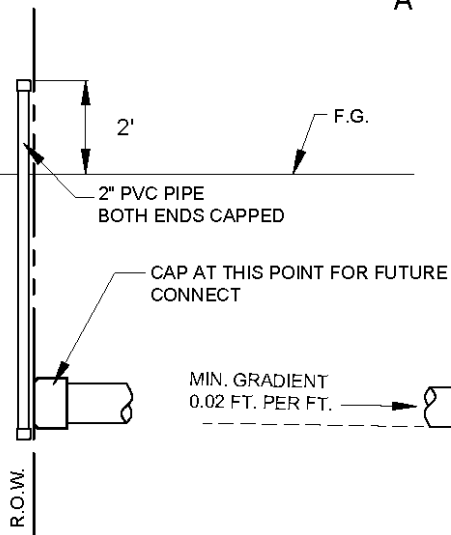
NOT TO SCALE

MANHOLES

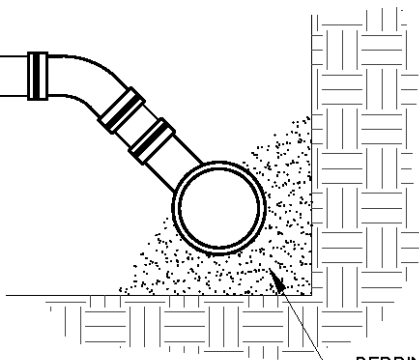
1. PRECAST MANHOLE SECTIONS PER A.S.T.M. C478
2. STEEL REINFORCED TO A.S.T.M. SPECS
3. 5,000 PSI CONCRETE
4. MONOLITHIC (58" Ø) BASE SECTION
5. MANHOLE STEPS SHALL BE COPOLYMER POLYPROPYLENE COVERED STEEL



PLAN



MIN. GRADIENT
0.02 FT. PER FT.



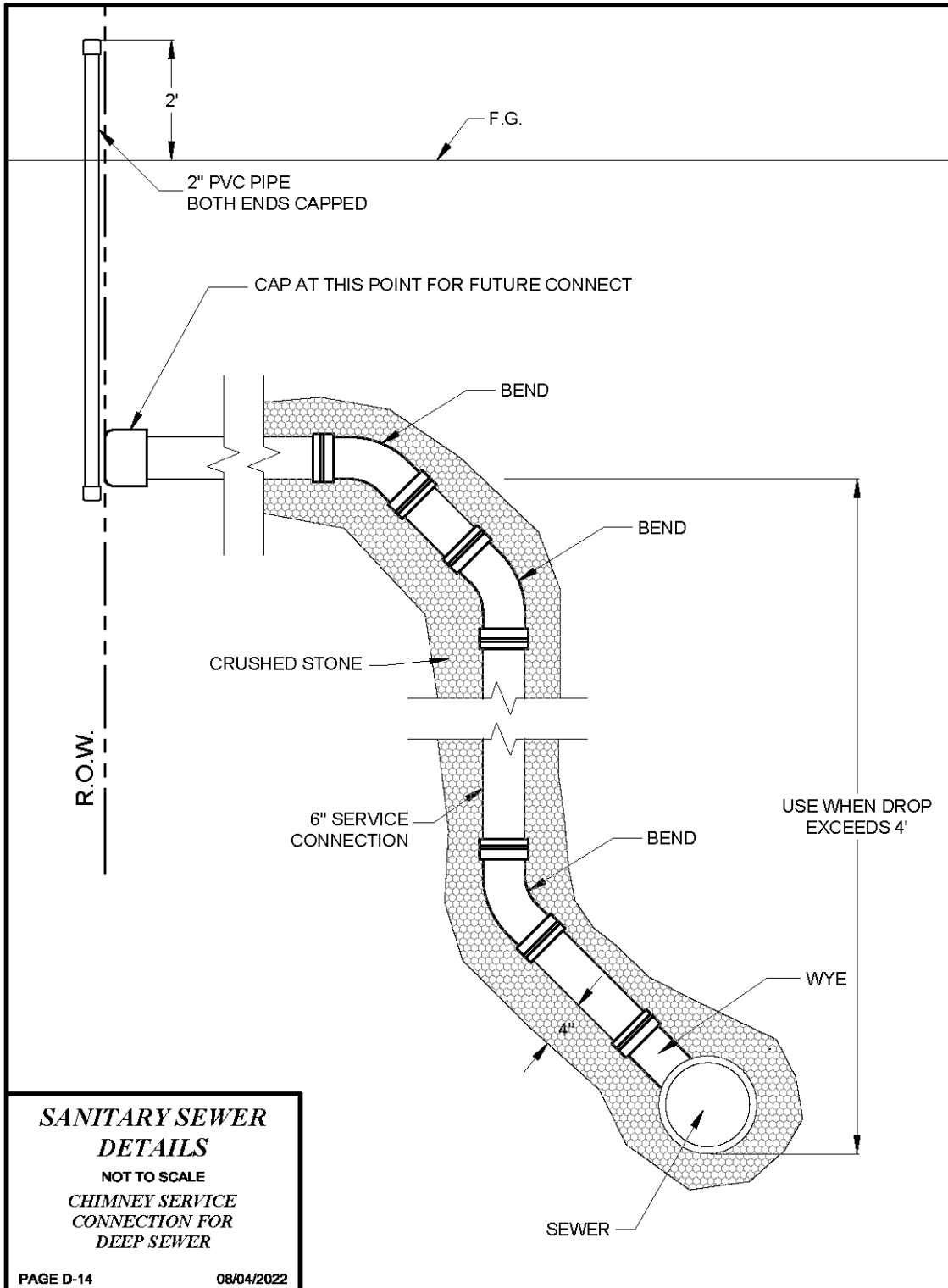
NOTE: WHERE WYE IS TO BE INSTALLED
INTO EXISTING SEWER, INSTALLATION
SHALL BE DONE WITH RIGID, GASKETED
PIPE COUPLINGS. SADDLE
CONNECTIONS OR FERNCO
COUPLINGS, ARE NOT ACCEPTABLE.

SECTION A-A

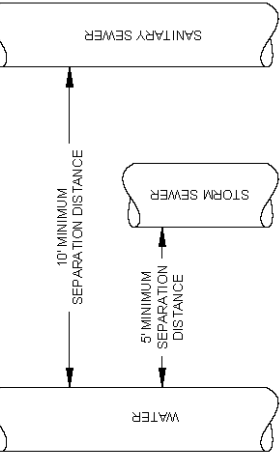
***SANITARY SEWER
DETAILS***

NOT TO SCALE

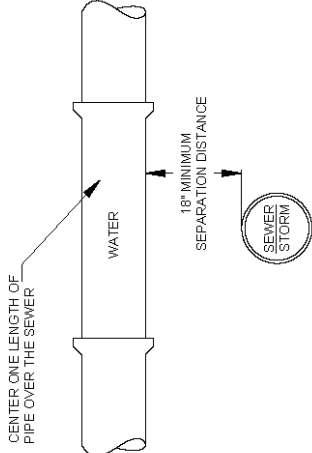
SERVICE CONNECTION



SEPARATION OF SANITARY SEWER FROM WATER



PARALLEL INSTALLATION



CROSSINGS

**WATER & SANITARY
SEWER**
NOT TO SCALE
SEPARATION AND
CROSSING DETAIL & NOTES

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08/04/2022

- Horizontal Isolation Distances from Water Mains, Water Service Lines, and Water Service Pipes
- (1) All portions of a sanitary sewer collection line and sanitary sewer service line shall be at least 10 feet horizontally from all portions of a proposed, existing, or permitted water mains, except where site conditions prevent obtaining the 10-foot separation and one of the following requirements is met:
- (A) The sanitary sewer collection line or sanitary sewer service line shall be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and pressure tested to 50 pounds per square inch to assure watertightness.
- (B) The bottom of the water main shall be at least 18 inches above the top of the sanitary sewer collection line or sanitary sewer service line and the water main is in a separate trench or on an undisturbed soil shelf in the sewer trench.
- (2) All portions of a sanitary sewer collection line and sanitary sewer service line shall be at least 10 feet horizontally from all portions of a proposed, existing, or permitted water service line or water service pipe, except when one of the following requirements is met:
- (A) The water service line or water service pipe shall be sleeved with pipe materials approved by the Vermont Plumbing Rules, and:
- (i) if the sleeves terminate below ground, the ends of the sleeve are sealed to be watertight; or
- (ii) if the sleeves terminate above finished slab or in a basement, the ends of the sleeve are sealed to be watertight or left open.
- (B) The water service line or water service pipe shall be in a separate trench or an undisturbed soil shelf in the sewer trench and one of the following requirements is met:
- (i) the bottom of the water service line or water service pipe shall be at least 18 inches above the top of the sanitary sewer collection line or sanitary sewer service line; or
- (ii) the sanitary sewer collection line or sanitary sewer service line shall be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and pressure tested to 50 pounds per square inch to assure watertightness.
- Vertical Separation and Crossings for Water Mains, Water Service Lines, and Water Service Pipes
- (1) Sanitary sewer collection lines and sanitary sewer service lines crossing above proposed, existing, or permitted water mains shall be laid so the bottom of the collection line or service line is 18 inches above the top of the water main with the joints of the collection line or service line equal distance from the crossing, except where site conditions prevent obtaining the 18-inch separation and one of the following requirements is met:
- (A) The sanitary sewer collection line or sanitary sewer service line shall be sleeved to a point 10 horizontal feet from the center line of the crossing.
- (B) The sanitary sewer collection lines and sanitary sewer service lines shall:
- (i) be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and be pressure tested to 50 pounds per square inch to assure watertightness; and
- (ii) the sanitary sewer collection line shall be provided structural support, such as sleeving of the sanitary sewer, that will extend beyond the trench excavation for the water service line or water service pipe.
- (2) Sanitary sewer collection lines and sanitary sewer service lines crossing below proposed, existing, or permitted water mains shall be laid so the top of the collection line or service line is 18 inches below the bottom of the water main, except when one of the following requirements are met:
- (A) The sanitary sewer collection lines and sanitary sewer service lines shall be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and pressure tested to 50 pounds per square inch to assure watertightness.
- (B) The sanitary sewer collection line or sanitary sewer service line shall be sleeved to a point 10 horizontal feet from the center line of the crossing.

SEPARATION OF WATER FROM SANITARY SEWER AND STORM

- Horizontal Isolation Distances from Sanitary Sewer Collection Lines, Sanitary Sewer Service Lines, and Storm Sewers
- (1) All portions of a water service line and water service pipe shall be at least 10 feet horizontally from all portions of the proposed, existing, or permitted sanitary sewer collection lines and sanitary sewer service lines, including sewer manholes, except when the water service line or water service pipe is:
- (A) sleeved with pipe materials approved by the Vermont Plumbing Rules and the sleeves terminate below ground, the ends of the sleeve are sealed to be watertight, or
- (i) if the sleeves terminate above finished slab or in a basement, the ends of the sleeve are sealed to be watertight or left open, or
- (B) in a separate trench or an undisturbed soil shelf in the sewer trench and one of the following requirements is met:
- (i) the bottom of the water service line or water service pipe shall be at least 18 inches above the top of the sanitary sewer collection line or sanitary sewer service line, or
- (ii) the sanitary sewer collection line or sanitary sewer service line shall be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and pressure tested to 50 pounds per square inch to assure watertightness.
- (2) All portions of water service lines and water service pipes shall be laid at least 5 horizontal feet from all portions of a proposed, existing, or permitted storm sewer.

Vertical Separation and Crossings for Sanitary Sewer Collection Lines, Sanitary Sewer Service Lines, and Storm Sewers

- (1) Water service lines and water service pipes crossing above proposed, existing, or permitted sanitary sewer collection lines or sanitary sewer service lines shall meet one of the following requirements:
- (A) The bottom of the water service lines and water service pipes shall be laid 18 inches above the top of the sanitary sewer collection line or sanitary sewer service line.
- (B) The water service lines and water service pipes shall be sleeved with pipe materials approved by the Vermont Plumbing Rules to a point 10-horizontal feet from the sanitary sewer collection line or sanitary sewer service line and:
- (i) if the sleeves terminate below ground surface, have the ends of the sleeve sealed to be watertight, or
- (ii) if the sleeves terminate above finished slab or in a basement, have the ends of the sleeve sealed to be watertight or left open.

- (C) The water service lines and water service pipes shall be centered at the crossing, so the water joints will be as far as possible from the sanitary sewer joints and one of the following requirements shall be met:
- (i) The water service lines and water service pipes shall be laid to provide a minimum vertical distance of 18 inches between the bottom of the water service line or water service pipe and the top of the sanitary sewer collection line or sanitary sewer service line.
- (ii) The sanitary sewer collection lines and sanitary sewer service lines shall be water works grade 150 pounds per square inch pressure rated pipe meeting AWWA standard C-900 or equivalent pipe and pressure tested to 50 pounds per square inch to assure watertightness.
- (2) Water service lines and water service pipes crossing below proposed, existing, or permitted sanitary sewer collection lines or sanitary sewer service lines shall meet one of the following requirements:
- (A) The water service line or water service pipe shall be sleeved with pipe materials approved by the Vermont Plumbing Rules to a point 10-horizontal feet from the sanitary sewer collection line or sanitary sewer service line and:
- (i) if the sleeves terminate below ground surface, have the ends of the sleeve sealed to be watertight, or
- (ii) if the sleeves terminate above finished slab or in a basement, have the ends of the sleeve sealed to be watertight or left open.
- (B) The water service line or water service pipe meets the following requirements:
- (i) The top of the water service lines and water service pipes shall be laid 18 inches below the bottom of the sanitary sewer collection line or sanitary sewer service line.
- (ii) Water service lines and water service pipes shall be centered at the crossing, so the joints in the water line or water pipe will be a minimum of 10 feet from the center line of the crossing.
- (3) Water service lines and water service pipes crossing above or below proposed, existing, or permitted storm sewers shall meet the following requirements:
- (A) If the water service line or water service pipe is crossing above, the water service lines and water service pipes shall be laid to provide a minimum vertical distance of 18 inches between the bottom of the water service line or water service pipe and the top of the storm drain.
- (B) If the water service line or water service pipe is crossing below, the water service lines and water service pipes shall be laid to provide a minimum vertical distance of 18 inches between the top of the water service line or water service pipe and the bottom of the storm drain.
- (C) Water service lines and water service pipes crossing less than 18 inches over a storm drain shall be centered at the crossing so the joints in the line or pipe will be as far as possible from the storm sewer joints.
- (D) Water service lines and water service pipes crossing less than 18 inches under a storm sewer, the lines or pipes shall have the joints in the line or pipe a minimum of 10 feet from the center line of the storm drain.

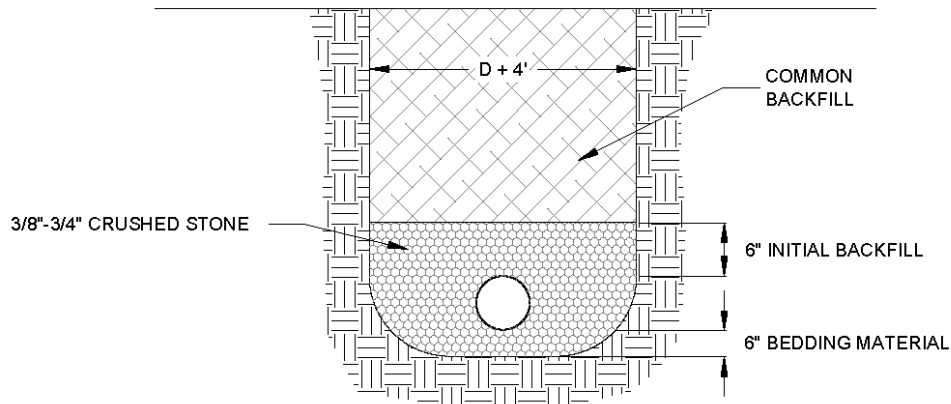
WATER & SANITARY SEWER

NOT TO SCALE

SEPARATION AND CROSSING DETAIL & NOTES

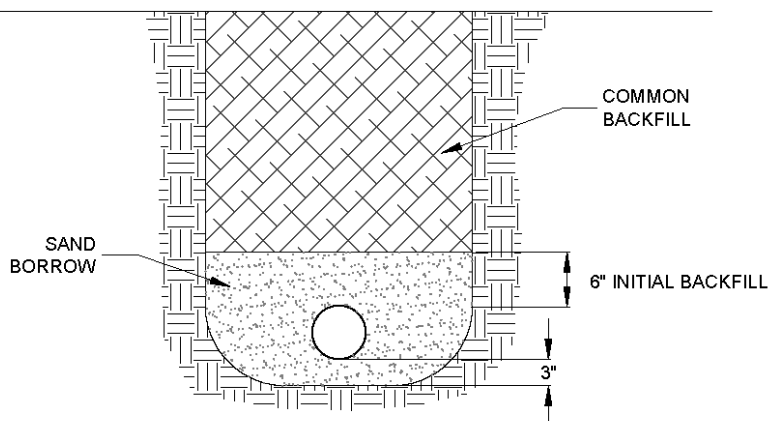
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08/04/2022



A. FLEXIBLE PIPE (PVC, HDPE, ETC)

ALL BACKFILL SHALL BE COMPACTED TO
95% OF THE MAXIMUM DRY DENSITY
USING THE STANDARD PROCTOR TEST,
ACCORDING TO ASTM D698



B. RIGID PIPE (DI, RCP)

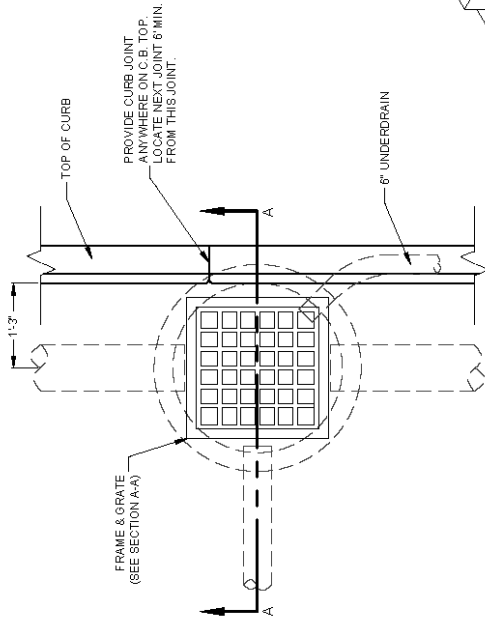
RIGID PIPE NOTES:

1. DUCTILE IRON PIPE AND FITTINGS SHALL BE WRAPPED IN V-BIO ENHANCED POLYETHYLENE PIPE ENCASEMENT.
2. IF TRENCH BOTTOM IS FORMED BY CLAY SOILS, PROVIDE 6" (MIN.) BEDDING UNDER PIPE.

TRENCH DETAIL

NOT TO SCALE

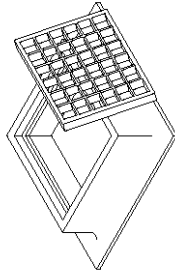
FLEXIBLE & RIGID PIPE



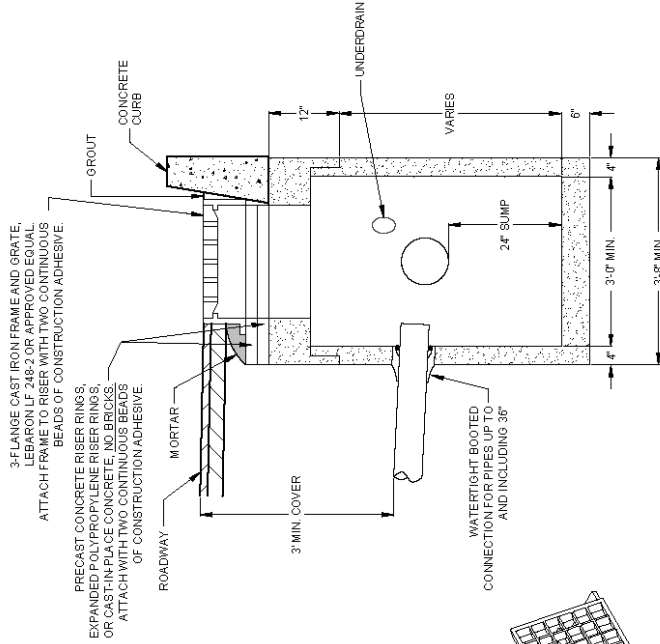
PLAN



CASCADE CATCH BASIN
LEGARON LK 400



SQUARE FRAME AND GRATE
LEGARON LF248-2



SECTION A-A

STRUCTURE DIAMETER	0°-45° DEFLECTION THROUGH STRUCTURE	45°-90° DEFLECTION THROUGH STRUCTURE	MAXIMUM PIPE DIAMETER*
36"	18"	12"	
48"	24"	18"	
60"	36"	27"	
72"	42"	30"	
84"	48"	36"	
96"	60"	42"	

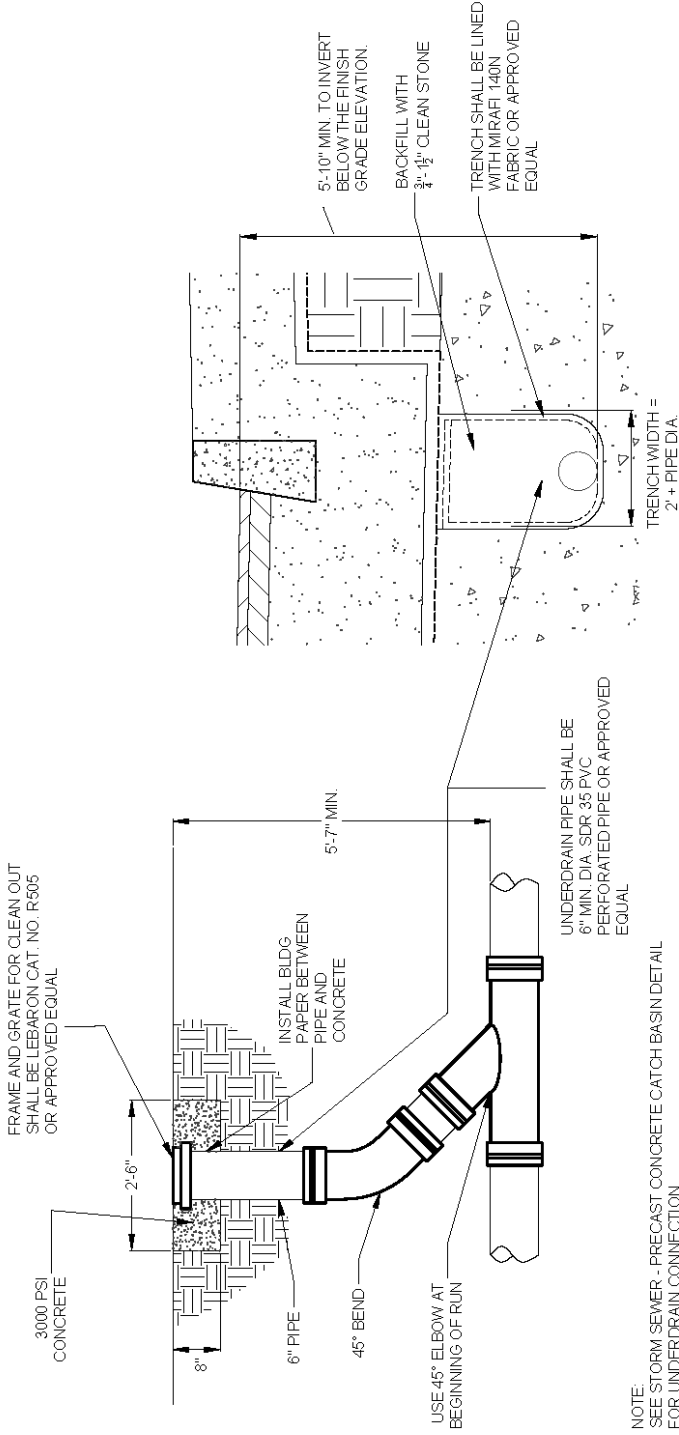
* IN NO CASE SHALL MORE THAN 50% OF THE STRUCTURE CIRCUMFERENCE BE REMOVED BY PIPE PENETRATIONS, AND THERE SHALL BE AT LEAST 6" OF WALL BETWEEN PENETRATIONS, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.

1. MINIMUM SIZE SQUARE SHAPED CATCH BASIN OR DROP INLET IS 2' x 2'.
2. MINIMUM SIZE ROUND CATCH BASIN IS 3' DIAMETER.
3. WHERE MANHOLE COVER USED INSTEAD OF GRATES, COVER SHALL BE MARKED WITH "STORM".
4. USE CASCADE GRATES WHERE ROAD SLOPE EXCEEDS 5% OR AS DIRECTED BY THE CITY ENGINEER.

STORM SEWER
DETAIL

NOT TO SCALE

PRECAST CONCRETE
CATCH BASIN



NOTE:
SEE STORM SEWER - PRECAST CONCRETE CATCH BASIN DETAIL
FOR UNDERDRAIN CONNECTION.

UNDERDRAIN CLEAN OUT DETAIL

UNDERDRAIN TRENCH DETAIL

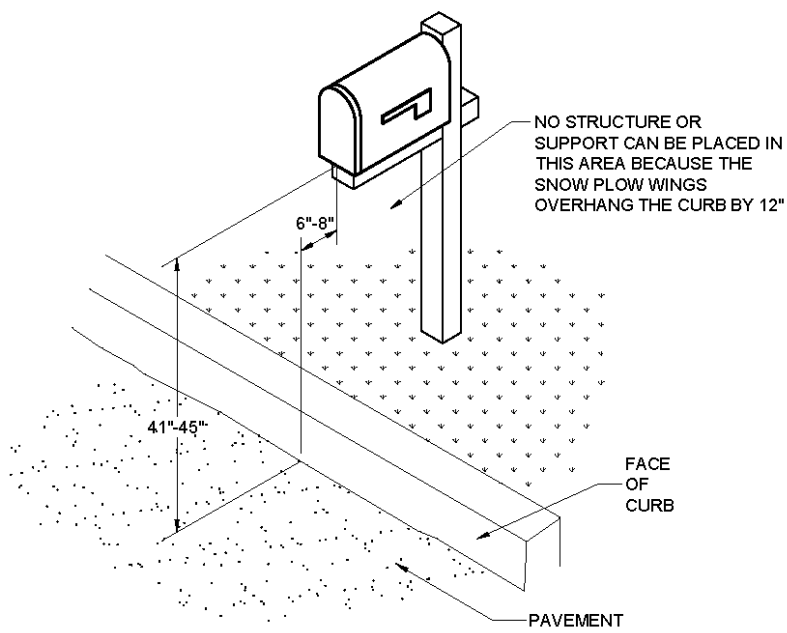
GENERAL NOTES:

1. GRADE FOR UNDERDRAIN SHALL BE PARALLEL WITH THE ROAD GRADE UNLESS OTHERWISE APPROVED BY THE CITY. MINIMUM GRADE IS EQUAL TO 0.005 FT./FT.
2. CLEAN OUTS SHALL BE LOCATED IN THE GRASS STRIP BETWEEN THE CURB AND THE SIDEWALK. CLEAN OUTS SHALL BE LOCATED AT THE BEGINNING OF EACH RUN OF UNDERDRAIN. THE MAXIMUM DISTANCE BETWEEN CLEAN OUTS SHALL BE 500'.
3. UNDERDRAINS SHALL OUTLET INTO STORM CATCH BASINS OR AT OTHER SUITABLE FREE OUTLET. THE CROWN OF THE UNDERDRAIN PIPE ENTERING A CATCH BASIN SHALL NOT BE LOWER THAN THE CROWN OF THE OUTLET PIPE.

**STORM SEWER
DETAIL**

NOT TO SCALE

UNDERDRAIN DETAIL



***MAILBOX POST
DETAIL***

**NOT TO SCALE
MAILBOX**

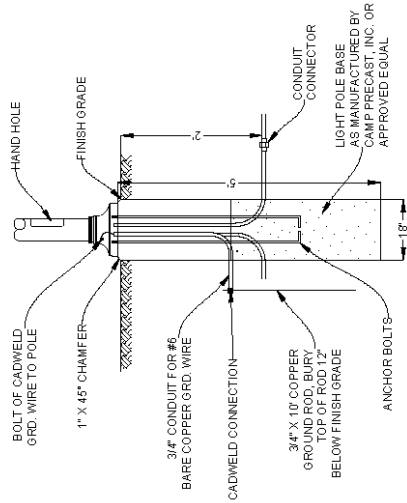
A. THESE LIGHTS SHALL BE THE STANDARD FOR THE FOLLOWING STREETScape CORRIDORS:

1. PEARL STREET
2. HANCOCK STREET
3. MAPLE STREET
4. MAIN STREET
5. PARK STREET

B. THESE LIGHTS SHALL BE THE STANDARD FOR A DOWNTOWN AREA WHICH IS ENCOMPASSED BY THE ABOVE NOTED CORRIDORS AND THE FOLLOWING STREETS:

1. RAILROAD AVENUE
2. RAILROAD STREET
3. THE CRESCENT CONNECTOR
4. PARK PLACE
5. SCHOOL STREET
6. LINCOLN PLACE
7. CENTRAL STREET
8. IVY LANE

C. STREET LIGHTING FOR ALL OTHER LOCATIONS SHALL BE AS DESCRIBED IN SECTION 70M1P OF THE LAND DEVELOPMENT CODE, OR APPROVED BY THE PLANNING COMMISSION.



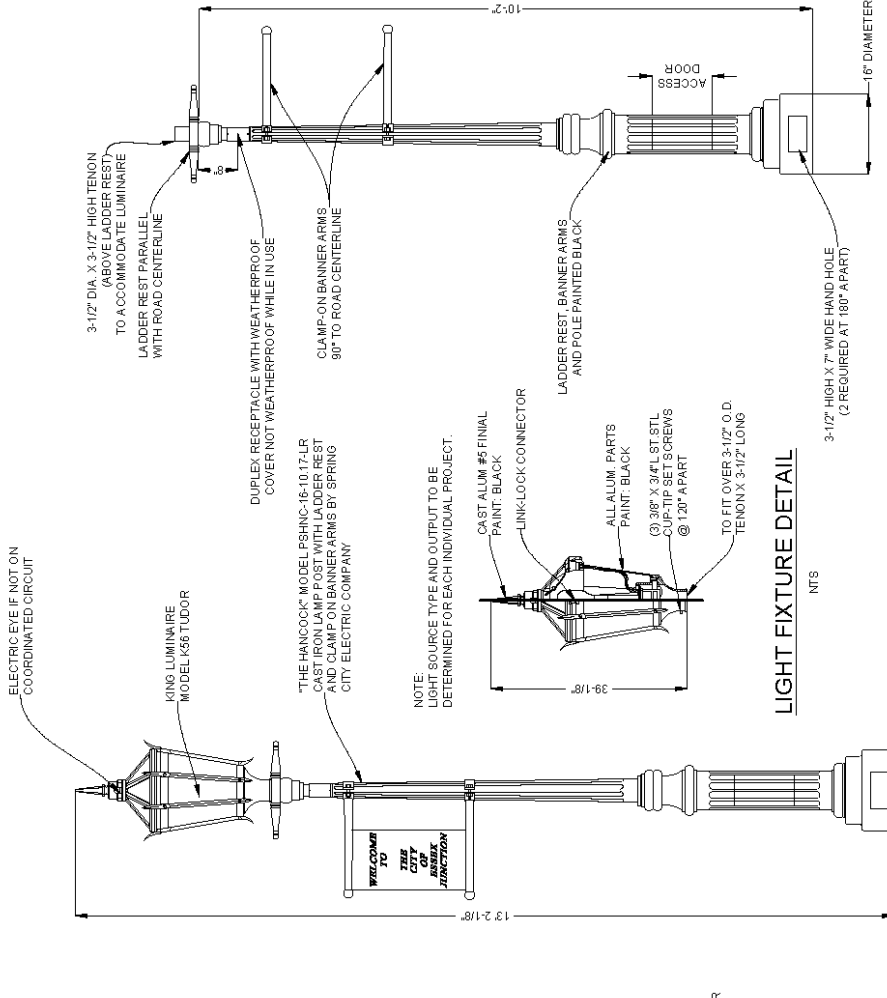
TYPICAL LIGHT POLE BASE DETAIL

NTS

STREET LIGHTING DETAILS
NOT TO SCALE
LIGHT POLE, LIGHT BASE & LIGHT FIXTURE

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08/04/2022



LIGHT ASSEMBLY DETAIL

NTS

LIGHT FIXTURE DETAIL

NTS

LIGHT POST DETAIL

NTS

APPENDIX B: CITY COUNCIL'S POLICY FOR FUNDING ENGINEER PLAN REVIEW AND INSPECTIONS**Engineering Plan Review and Inspections Policy**

Upon adoption of this policy applicants will now be required to pay the actual cost for engineering plan review and inspections. The City Engineer will bill the municipality for services rendered and the municipality will then bill the applicant based on the actual cost of providing engineering plan review and construction inspection.

Plan Review

All bills for plan review are due prior to the issuance of the first zoning permit for a project. A zoning permit will not be issued until all costs for engineering plan review have been paid. The City reserves the right to deny issuance of a zoning permit until the fees for engineering plan review have been paid. The applicant must also pay for engineering review for any site plan amendments that require engineering review. A zoning permit will not be issued for a site plan amendment until all engineering bills have been paid. The municipality will provide the applicant with a bill for engineer plan review including the number of hours spent on review.

Inspections

The applicant must pay for all costs for construction inspection by the City Engineer. All current bills must be paid before a certificate of occupancy can be issued. For projects that involve residential units being constructed over time, no certificate of occupancy will be issued unless all current bills for construction inspection have been paid. The City Engineer, at his/her discretion, may allow applicants to use their own project engineer to conduct construction testing upon determination the project engineer is qualified to do so. The applicant will be required to provide all testing data to the City Engineer for review and approval and shall pay for all costs of the City Engineer's time to review the testing data.

The City of Essex Junction reserves the right to deny issuance of a certificate of occupancy until all current engineering bills have been paid. The City engineer will provide the applicant with a bill including the number of hours spent on inspection and what was inspected.

Summary

The following is a summary of the policy for funding engineering plan review and construction inspections:

- The applicant is responsible for payment of all costs for engineering plan review
- All bills for engineering review must be paid prior to the issuance of the first zoning permit

- The applicant is responsible for the payment of all costs for construction inspection
- The ~~Village City~~ will provide applicants with an engineering bill including the costs and hours spent on review
- All current bills for construction inspection must be paid prior to the issuance of a certificate of occupancy. All bills for construction inspection must be paid prior to the issuance of the last certificate of occupancy
- The City of Essex Junction reserves the right to withhold issuance of a zoning permit of certificate of occupancy if there are outstanding bills for engineering services
- The City Engineer, at his/her discretion, may allow applicants to use their own project engineer to conduct construction testing upon determination the project engineer is qualified to so. The applicant shall pay for the cost for the City Engineer to review and approve the testing data

APPENDIX C: CITY COUNCIL'S POLICY FOR FUNDING DEVELOPMENT REVIEW BY THE CITY ATTORNEY**City Attorney Development Review**

Upon adoption of this policy applicants will now be required to pay the actual cost for review of development proposals by the City Attorney including, but not limited to homeowners association documents, condominium documents, easements and street dedications. The City Attorney will bill the municipality for services rendered and the municipality will then bill the applicant based on the actual cost of providing legal review.

Plan and Document Review

All bills for plan and document review are due prior to the issuance of the first zoning permit for a project. A zoning permit will not be issued until all costs for legal plan review have been paid. The City reserves the right to deny issuance of a zoning permit until the fees for legal review have been paid. The applicant must also pay for legal review for any site plan amendments that require legal review. A zoning permit will not be issued for a site plan amendment until all bills have been paid. The municipality will provide the applicant with a bill for legal review including the number of hours spent on review.

The City of Essex Junction reserves the right to deny issuance of a certificate of occupancy until all current legal bills have been paid. The City Attorney will provide the applicant with a bill including the number of hours spent on review of the legal documents.

Summary

The following is a summary of the policy for funding legal plan and document review:

- The applicant is responsible for payment of all costs for legal plan review.
- All bills for legal review must be paid prior to the issuance of the first zoning permit.
- The City will provide applicants with a legal bill including the costs and hours spent on review.
- The City of Essex Junction reserves the right to withhold issuance of a zoning permit or certificate of occupancy if there are outstanding bills for legal services.

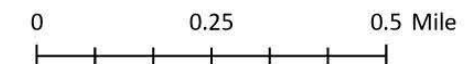
City of Essex Junction Zoning Legend

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
- Current Tax Parcel Boundary



1:15,000



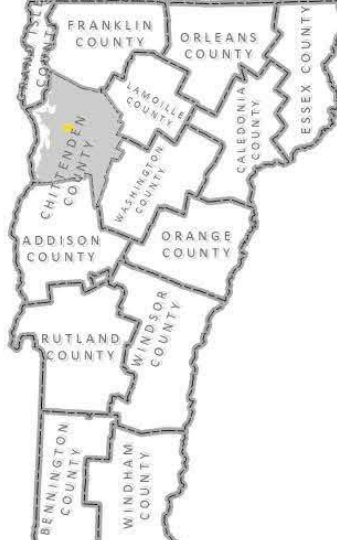
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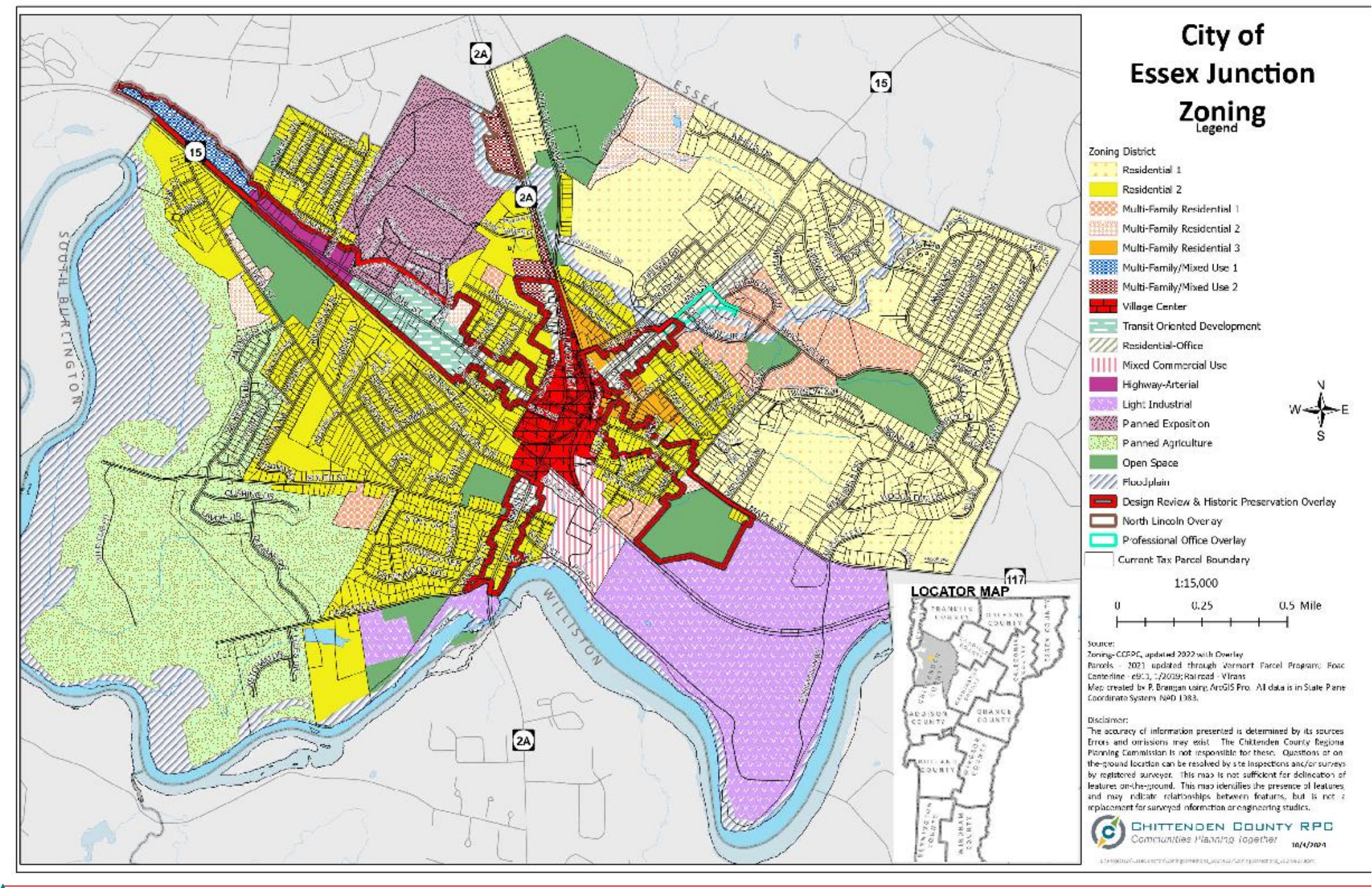
Zoning - CCRPC, updated 2022 with Overlay
 Parcels - 2021 updated through Vermont Parcel Program; Road
 Centerline - e911, 1/2019; Railroad - VTTrans
 Map created by P. Brangan using ArcGIS Pro. All data is in State Plane
 Coordinate System, NAD 1983.

Disclaimer:

The accuracy of information presented is determined by its sources.
 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.

LOCATOR MAP





Field Code Changed

