

## **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 Village. Where applicable, design review standards are also included.

### **SECTION 600: OFFICIAL ZONING MAP**

All land in Essex Junction is divided into Districts as shown on the Official Zoning Map filed with the Village 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 Village.

#### **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 Village of Essex Junction Board of Trustees. Any changes or amendments to the Official Zoning Map shall be made by the Trustees 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 Zoning 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 Village Clerk shall be consulted to determine intent in the establishment of any Zoning District boundary.

### **SECTION 601: MULTI-FAMILY RESIDENTIAL 1 (M-F1)**

**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 7,500 square feet for the first dwelling unit plus 5,000 square feet for each additional dwelling unit in the same structure or within an accessory structure existing on the effective date of this code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require 7,500 square feet of lot size for the first dwelling and 5,000 for each additional dwelling in the same structure. Each new structure requires 7,500 square feet for the first unit and 5,000 square feet for each additional unit in the structure. One single family home is allowed per lot unless reviewed as a planned development.

2. The maximum total lot coverage shall be fifty (50) percent.

C. Setback Requirements.

1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood.
- (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 620 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 stories or thirty-five (35) feet, which ever is less.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a Multi-Family and/or Single-Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 1 District. Any application for proposed development in the Multi-Family Residential 1 District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 1 District which contains more than five (5) units shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
- (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

## **SECTION 602: MULTI-FAMILY RESIDENTIAL 2 (M-F2)**

- 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 7,500 square feet for the first dwelling unit plus 2,500 square feet for each additional dwelling in the same structure or within an accessory structure existing on the effective date of this code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require 7,500 square feet of lot size for the first dwelling and 2,500 square feet for each additional dwelling in the same structure. Each new structure requires 7,500 square feet for the first unit and 2,500 square feet for each additional unit in the structure. One single family home is allowed per lot unless reviewed as a planned development.
  2. The maximum lot coverage shall be fifty (50) percent.
- C. Setback Requirements
1. The minimum front yard setback shall be (15) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood.
- (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 620 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 stories or thirty-five (35) feet, whichever is less. The commission may grant a waiver of up to four stories or 48 feet, whichever is less under either of the following conditions:

1. The property is located along a major arterial street and no adverse impacts on the character of the neighborhood would result
2. 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.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a Multi-Family and/or Single Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 2 District. Any application for proposed development in the Multi-Family Residential 2 District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 2 District which contains more than five (5) units of housing shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
- (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

### **SECTION 603. MULTI-FAMILY RESIDENTIAL 3 (M-F3)**

- 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 contain 7,500 square feet for the first dwelling unit plus 3,000 square feet for each additional dwelling unit in the same structure or within an accessory structure existing on the effective date of this code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require 7,500 square feet of lot size. Each new structure requires 7,500 square feet for the first unit and 3,000 square feet for each additional unit in the same structure. One principal structure is allowed per lot. One single family home is allowed per lot unless reviewed as a Planned Development.
  - 2. The maximum total lot coverage shall be forty (40) percent.
- C. Setback Requirements
- 1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood.
- (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. Maximum number of dwelling units. The maximum number of dwelling units on any individual lot shall be three (3).

E. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 of this Code.

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 stories or thirty-five (35) feet, whichever is less.

H. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a Multi-Family and/or Single Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 3 District. Any application for proposed development in the Multi-Family Residential 3 District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 3 District, which contains more than five (5) units shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.

2. Specific Review Standards
  - (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

#### **SECTION 604: VILLAGE CENTER (VC)**

A. Purpose. To provide for a compact commercial center, having a mix of commercial, governmental, cultural and residential uses, and which reflects and reinforces the existing architecture, design and layout. It is the intent of this district to allow as new structures only those structures which are designed and constructed to be visually compatible with the historic character of the Village Center and similar to existing structures.

B. Lot Size/Lot Coverage.

1. The minimum lot size shall be 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. The maximum total lot coverage shall be determined by the Commission as part of Site Plan Review.

C. Setback Requirements. No requirements for commercial buildings. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

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

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

D. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.

E. Design Review and Historic Preservation. Because of the unique and historic qualities of the Village Center District and the special role that it plays in the over-all Village, the Commission is hereby authorized to undertake a special review, as part of its site plan review. Design review is required by the Planning Commission 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 the historic character of the Village Center District including 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 while increasing density, activity and economic opportunity in the Village Center District. Demolition may be allowed, but only following a thorough review of the economic and structural characteristics of the building and the proposed redevelopment plan and its community benefits. New buildings and modifications to existing ones shall be compatible with the historic character of the Village Center District as represented by the design review standards listed in Section 604.E.4.

2. Applicability.

(a) The design review standards are applicable to all development proposals within the Village Center District. 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 all buildings listed or eligible for the State or National Register of Historic Places. Documentation from the State Division of Historic Preservation documenting a building's eligibility for the State or National Register of Historic Places.

(b) Any development proposal for the existing residential structures fronting Pearl, Park, Lincoln, Maple and Main Streets in the Village Center District submitted to the Planning Commission shall be reviewed as a Planned Residential Development (PRD) or Planned Unit Development (PUD) are subject to the provisions of Section 724: Planned Residential Development & Planned Unit Development and Chapter 9: Subdivision Regulations.

3. District Design Review Procedures. The Planning Commission 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 Planning Commission, 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 Planning Commission 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 Planning Commission 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 Planning Commission 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 Planning Commission 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 Village of Essex Junction Comprehensive Plan. The Planning Commission 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 Planning Commission will expect with historic structures.

(a) Design Standards for the Village Center

(1) The relationship of building mass and architectural detail to open space and to the relative size of a person shall be compatible with such established relationships in the district.

(2) The predominant direction of structural shape, of placement of openings and architectural details at the front facade shall be consistent with such established conditions in the district

(3) Buildings shall generally have no setback from the street and be at least two stories in height 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.

(4) The proposed height of structures may be limited to within ten percent (10%) of the average height of existing adjacent buildings where necessary to protect the residential character of adjacent residential structures. The height limit shall not apply in predominantly commercial and mixed-use areas.

(5) The following architectural elements or features shall be compatible 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.

(b) Secretary of the Interiors Standards for the Rehabilitation of Historic Structures:

(1) A 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.

5. Demolition of Historic Structures. The demolition of historic structures 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 Planning Commission 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

(1) 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.

(2) 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 Planning Commission, may require the report to assess options for sensitive building expansions as it pertains to the economic viability of the building.

(3) A statement from the applicant regarding compliance with the standards for demolition of a historic structure.

(4) 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 demolition of 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:

(1) 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.

(2) Structural Integrity. The structure is beyond repair or the cost of repairing and operating the building is not financially feasible or reasonable; or

(3) 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:
- (1) 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)
  - (2) 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 been received all financial resources and regulatory permits. The Planning Commission may require a bond or letter of credit as a condition of approval for the demolition of a historic structure.
  - (3) 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 Planning Commission.

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 Village of 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:
- (1) 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. 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
  - (2) Signage shall be original and not used at other locations of the formula based business.
  - (3) Two or more formula based businesses shall not locate on the same lot or parcel.

F. Parking. Due to the unique characteristics of this District no minimum parking requirements are established. However, the Planning Commission may require parking as a part of any Site Plan approval. The Commission shall use the parking standards of Chapter Seven as a guide to determine reasonable parking. 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 30% of the linear frontage of the lot. The Planning Commission may waive this requirement due to site constraints. Below grade parking or structured parking may also be approved by the Planning Commission. Municipal parking lots are exempt from the side, rear and 30% limit on linear frontage requirements for parking areas.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a Planned Unit Development in the Village Center District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Village Center District. Any application for proposed development in the Village Center District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Section.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
  - (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

H. Building Height. Building heights shall not exceed four stories or 58 feet, whichever is less.

1. Building Height Waiver – The Planning Commission may grant a height waiver up to 6 stories or eighty-four feet (84'), whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver

to ensure that the proposed project does not adversely affect the surrounding neighborhood.

- I. Drive - Through's. Drive - Through's in the Village Center must provide enough stacking room for three cars, not six cars as required in Section 703.D.2.

### **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 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.

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 Planning Commission using the same criteria outlined in Section 605.G.3.

C. Setback Requirements. Overhangs or eaves on buildings may encroach into the setback up to 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 620 of this Code.

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

F. Building Height. Building height shall not exceed four stories or 58 feet, six stories or seventy-two (72) feet, whichever is less.

1. Building Height Waiver – The Planning Commission may grant a height waiver up to 6 stories or eighty-four feet (84'), whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development Highway Arterial District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Highway Arterial District. Any application for proposed development in the Highway Arterial District may, at the applicant's request, be

reviewed as a Planned Unit Development under the provisions of this Section.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
  - (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

### **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/MU 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 Village.

B. Density/Lot Coverage.

1. The minimum lot size in the MF-MU1 District shall be 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 Planning Commission using the same criteria outlined in Section 605.G.3.

C. Setback Requirements. The Planning Commission 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 2 feet.

1. Side: The side yard setback shall be 10 feet.
2. Front: The minimum front yard setback shall be 20', the maximum front yard setback shall be 30' for the principal structure. At least 30% of the front of the principal structure shall be within the minimum and maximum setback.
3. Rear: The required rear setback shall be 10 feet.

D. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 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. Building Height shall not exceed four stories or 58 feet, whichever is less.

1. Building Height Waiver – The Planning Commission may grant a height waiver up to 6 stories or eighty-four feet (84'), whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a MF-MU1 District. In connection with such PUD approval, the Planning Commission 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 under the provisions of this Section.

1. General Review Standards.
  - (a) Physical characteristics of the site and relation to surrounding properties.
  - (b) Relationship to major transportation facilities, including public 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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
- (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

### **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-MU-2 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 Village.

B. Density/Lot Coverage.

1. The minimum lot size in the MF-MU-2 District shall be 15,000 square feet. The maximum permitted density shall be 15 units per acre.
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 Planning Commission using the same criteria outlined in Section 605.G.3.

C. Setback Requirements. The Planning Commission 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 2 feet.

1. Side: The side yard setback shall be 10 feet.
2. Front: The minimum front yard setback shall be 20'; the maximum front yard setback shall be 30' for the principal structure. At least 30% of the front of the principal structure shall be within the minimum and maximum setback.
3. Rear: The required rear setback shall be 10 feet.

D. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 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. Building Height shall not exceed four stories or 58 feet, whichever is less.

1. Building Height Waiver – The Planning Commission may grant a height waiver up to 6 stories or eighty-four feet (84'), whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a MF/MU-2 District. In connection with such PUD approval, the Planning Commission 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 under the provisions of this Section.

1. General Review Standards.

- (a) Physical characteristics of the site and relation to surrounding properties.
- (b) Relationship to major transportation facilities, including public 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.
- (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.

2. Specific Review Standards

- (a) Proposed traffic flow and circulation design.
- (b) Structural design and compatibility with adjoining developed properties.
- (c) Scale and design of proposed structures.
- (d) Location and setbacks of all proposed structures.
- (e) Unique physical characteristics of the proposed use.
- (f) Unique characteristics of the proposed use.

3. Waivers. The Commission may waive requirements for setbacks, parking and lot

coverage, based upon the merits of the specific proposal. 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.

### **SECTION 608: TRANSIT ORIENTED DEVELOPMENT (TOD)**

A. Purpose. The purpose of the Transit Oriented Development District (TOD) is to encourage development that supports a variety of transportation options including public transit (bus, rail), walking, biking and the automobile.

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.

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.

The specific objectives of the TOD District are:

- Create an environment that is conducive to using public transit, walking and riding a bike
- Accommodate a mix of uses in a form that attracts pedestrians
- Integrate commercial, institutional and residential development into a compact development pattern arranged around a street grid
- Provide pedestrian amenities and open spaces to create a comfortable and attractive environment
- Provide public and/or shared parking to accommodate automobiles, but will not detract from the pedestrian environment
- High Density Residential development
- First Floor Retail
- Encourage the use of Tax Increment Financing to support public improvements in the district.

B. Applicability. Development proposals that involve more than 30% 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 30% of the existing floor space on the effective date of this ordinance unless a waiver is granted by the Planning Commission 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 620 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 commission shall not approve any project which does not comply with the regulations established for the TOD District.

3. 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. Density/Lot Coverage.

1. The minimum lot size in the TOD District is 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.

2. The maximum total lot coverage shall be 100%.

D. Setback Requirements.

1. There shall be no minimum required setbacks.

2. The maximum front yard setback shall be 20'.

E. Building Frontage, Façade and Entry.

1. All buildings shall have a minimum building frontage on a public street of 75% of the frontage of the lot. The commission 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 50% of the building façade along the street from 3 feet to 6 feet 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. The maximum allowable building height shall be 6 stories or eighty-four feet (84'), whichever is less.

G. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 of this Code.

H. Access to Public Streets. Curb cuts onto major arterial streets shall be minimized shared curb cuts and joint access is strongly encouraged. Each property shall be allowed a single curb cut in accordance with the width requirements of Section 705 unless waived by the Planning Commission upon determination that an additional curb cut is necessary to provide adequate access to the site.

**I. Parking Requirements and Location.**

1. The parking requirements are as follows:

<b>Land Use</b>	<b>Parking Requirement</b>
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 Planning Commission based on anticipated need. The commission shall use the requirements of Chapter 7 and other national parking standards as a guide.

2. Parking shall be provided along the rear of the lot, unless a waiver is granted in accordance with Section 608.E.1.

3. At the discretion of the Village Trustees, parking lots created as part of a development project may be accepted by the village as municipal public parking.

4. Shared parking and connections between parking lots are encouraged to provide better access, traffic flow, and ample parking.

**J. Street and Sidewalk Regulations.** For the redevelopment of large (over 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:

1. 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 600 feet.

c) Sidewalks within the TOD District shall have a minimum of 8' of unobstructed width.

d) Major redevelopment projects within the TOD District shall include bike lanes at least 5' 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 40' 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 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 15'. Pedestrian street lamps shall be of a decorative architectural style and approved by the Planning Commission.
- i) All new streets shall incorporate bus stops and shall be coordinated with the Chittenden County Transportation Authority. The applicant shall be required to provide written comments from CCTA on the proposed bus stops and facilities.
- j) New streets with parallel parking on both sides of the street shall have two 11' travel lanes
- k) New streets with 45 degree angled parking shall have two 12' travel lanes.

K. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a Mixed Use Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the TOD District. Any application for proposed development in the TOD District may, at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Section.

1. General Review Standards.
  - a) Physical characteristics of the site and relation to surrounding properties.
  - b) Relationship to major transportation facilities, including public 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.
  - h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards.
  - (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive any of the requirements in the land development code, based upon the merits of the specific proposal, site specific conditions, and as necessary to meet the intent of the TOD District. 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.

L. Special Uses. Uses identified with an “S” in the use chart in 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. Density/lot coverage

1. The minimum lot size shall be 7,500 square feet for the first dwelling unit plus 500 square feet for each additional dwelling unit up to a maximum of four (4) dwelling units. One principal structure shall be allowed per lot.
2. The maximum total lot coverage shall be forty (40) percent.

C. Setback Requirements

1. The minimum front yard setback shall be twenty (20) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:
  - (a) The proposed setback does not negatively impact the character of the neighborhood.
  - (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.

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

D. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.

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

F. Building Height. Building height shall not exceed three stories or thirty-five (35) feet, which ever is less.

G. 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 Commission 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 Commission may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

H. 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 Commission shall review the following special standards:

1. The proposed use shall not cause significant noise 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 Commission 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 Commission that there will be no increase in employees without notice. Upon receipt of such notification the Commission 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 Commission should determine that the daily number of customers is significantly greater than estimated, the Commission 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 Commission may restrict hours, employees and customers, and may specify other conditions necessary to protect the residential character of the neighborhood.

8. The Commission 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 Commission may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

I. 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 Village 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.

E. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.

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

F. Building Height. Building heights shall not exceed three stories or 35' 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 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 620 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 seventy-two (72) feet. The Commission may waive this requirement 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 (P-E)**

A. Purpose. To provide an area for special events and exposition facilities while minimizing adverse traffic, noise 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 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 620 of this Code.

E. Parking Requirements. Off-street parking requirements shall be specifically approved by the Commission. 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. 1 space per 3 seats in principal seating area or 5 per 1,000 SFGFA
2. Outdoor events - 1 space per 10 visitors

F. Building Heights. The height of any structure shall not exceed thirty-five (35) feet; provided that the Commission may waive this requirement for facilities constructed a minimum of (100) feet from any property line with Conceptual Plan and Site Plan review.

G. Exposition Center PUD. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as an Exposition Center. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the planned Exposition District.

1. Standards for 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.
  - (h) Other criteria, as deemed necessary by the Commission, to evaluate the merits of a specific proposal.
2. 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.

**SECTION 613: PLANNED AGRICULTURE (P-A)**

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 Village. Property used for agricultural purposes shall be deemed the predominant use of land and shall be protected from the adverse affects 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 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 front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:
  - (a) The proposed setback does not negatively impact the character of the neighborhood.
  - (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 620.

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

F. Building Height. Building height for residential structures and accessory residential structures shall not exceed three stories. Structures utilized for normal agricultural activities shall have no height limitation.

G. Agriculture PUD. Pursuant to 24 V.S.A. §4407(12), the Planning Commission 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. Review Standards - The Commission shall consider the following:

(a) General Review Standards

- (1) Physical characteristics of the site and relation to surrounding properties.
- (2) Relationship to major transportation facilities, including mass transit, walkways and bike paths.
- (3) Design characteristics of the proposal and compatibility to adjoining developed land.
- (4) Unique design and land planning.
- (5) 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.
- (6) The preservation of unique natural physical characteristics.
- (7) Building design compatibility with adjoining structures.
- (8) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.

(b) Specific Review Standards

- (1) Amount of land to be preserved for agricultural purposes.
- (2) Location and type of all proposed uses.
- (3) The proposed design concept, including location and access to any non-agricultural open space.
- (4) 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.
- (5) Proposed densities and location of any proposed multi-family dwelling units.

2. Density Bonuses. The Commission 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 Commission shall consider the standards as specified below.

- (1) The proposed density guarantees the preservation of agricultural lands.
- (2) 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.
- (3) 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 solar energy.

(4) The provision of elderly housing.

(5) 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:

(1) Total density bonus may not exceed an additional 100% of the base density on all developable land.

(2) 25% density bonus for all preserved developable land, to be applied elsewhere on the site.

(3) 1 additional residential unit per unit that is perpetually affordable to households earning no more than 80% of median income as allowed per district.

Any proposed development under Section 610(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:

(1) Specific agricultural uses which are approved by the Commission as part of a Planned Unit Development Conceptual Plan shall be allowed.

(2) Barbed wire fencing may be used to separate the agricultural activities from the boundaries of any residential subdivision.

(3) Horse trails may be allowed as part of the proposed development.

(4) 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.

#### **SECTION 614: FLOOD PLAIN (F-P)**

The purpose of this district is to promote the public health, safety and general welfare, to prevent increases in flooding caused by excessive development of land in flood hazard areas, and to minimize losses due to floods. Uses within these areas should be restricted to agricultural, outdoor recreational and conservation uses not involving structural improvements. The flood plain district is as indicated on the official Zoning Map and as identified by the Department of Housing and Urban Development, Federal Insurance Administration (FIA) Flood Insurance Rate Maps (FIRM) dated January 2, 1981.

**FLOOD PLAIN REGULATIONS.** These regulations shall apply to all areas included in the F-P Flood Plain District, or all lands identified as areas of special flood hazard on the most recently available Flood Insurance Rate Maps, at time of submittal of application.

Permitted Uses: Agriculture, Accessory Uses.

Conditional Uses: Recreational facilities not involving the use of structures, Flood control works, structures other than dwellings and/or commercial buildings.

A. 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.

B. 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, i.e., Zone A 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.

C. Development Standards.

1. All development shall be designed to (i) minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
2. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with material resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) 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. New and replacement manufactured homes shall be 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.
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 or 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.

10. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection or (2) 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. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit 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 quipped 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 (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) 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).

D. 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.

E. Variances to the Development Standards. Variances shall be granted by the Board of Adjustment only:

1. In accordance with the provision of 24 V.S.A. Section 4468.
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 damages during the base flood and create no additional threats to public safety.

### **SECTION 615: MIXED COMMERCIAL USE DISTRICT**

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 Planning Commission using the same criteria outlined in Section 615.G.3.

C. Setback Requirements.

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 620 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 six stories or seventy-two (72) feet, whichever is less.

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), the Planning Commission may approve a planned unit development for use as a Commercial or Multi-Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Mixed Commercial District. 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 this Section. Any application for proposed development in the Mixed Commercial District which contains more than 2,500 sq. ft. of commercial space shall be reviewed as a Planned Unit Development or Multi-Family Residential Development unless this requirement is specifically waived by the Commission.

1. General Review Standards.
  - (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.
  - (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.
2. Specific Review Standards
  - (a) Proposed traffic flow and circulation design.
  - (b) Structural design and compatibility with adjoining developed properties.
  - (c) Scale and design of proposed structures.
  - (d) Location and setbacks of all proposed structures.
  - (e) Unique physical characteristics of the proposed use.
  - (f) Unique characteristics of the proposed use.
3. Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. 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.

## **SECTION 616: PROFESSIONAL OFFICE OVERLAY DISTRICT**

A. 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 Village Comprehensive Plan.

B. All proposed professional office developments shall require a hearing before the Commission. The Commission 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 Commission 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 10 units per acre.

C. The Commission 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 Commission 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 617: NORTH LINCOLN STREET OVERLAY DISTRICT**

A. **Purpose.** The North Lincoln 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 NLOD shall be those uses identified in Section 620 Use Chart, including all uses identified in both the NLOD and the underlying zoning district.

C. **Dimensional Standards.** Development within the NLOD 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 NLOD shall be established by the underlying zoning district.

### **SECTION 618: RESIDENTIAL 1 (R-1)**

A. **Purpose.** To provide areas for large lot single family residential dwellings and accessory uses.

B. **Lot Size/Lot Coverage.**

1. The minimum lot size shall be 15,000 square feet. No more than one (1) principle structure shall be allowed per lot, unless approved as part of a Planned Development.
2. The maximum total lot coverage shall be forty (40) percent. However, the maximum permitted lot coverage for buildings shall not exceed 25%.

C. **Setback Requirements.**

1. The minimum front yard setback shall be twenty (20) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood.
- (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 (25) twenty-five feet.

D. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 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 stories or thirty five (35) feet, whichever is less.

## **SECTION 619: RESIDENTIAL 2 (R-2)**

A. Purpose. To provide areas for high-density single family residential development and accessory uses.

B. Lot Size/Lot Coverage.

1. The minimum lot size shall be 7,500 square feet. No more than one (1) principle structure shall be allowed per lot unless approved as part of a Planned Development.
2. The maximum total lot coverage shall be forty (40) percent. However, the maximum permitted lot coverage for buildings shall not exceed 25%.

C. Setback Requirements.

1. The minimum front yard setback shall be fifteen (15) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. 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 Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood.
- (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 twenty-five (25) feet for principal structures and fifteen (15) feet for accessory structures.

D. Permitted and Conditional Uses. Permitted and conditional uses are as indicated on the Use Chart in Section 620 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 stories or thirty five (35) feet, which ever is less.

## **SECTION 620: 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 (M-F1).
2. Multi-Family Residential 2 District (M-F2).
3. Multi-Family Residential 3 District (M-F3).
4. Village Center District (VC).
5. Highway-Arterial (HA)
6. Multi-Family/Mixed Use-1 District (MF-MU-1)
7. Multi-Family/Mixed Use-2 District (MF-MU-2)
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). For information on uses, see Section 611 Flood Plain District.
15. Mixed Commercial Use District (MCU).
16. Professional Office Overlay District For information on uses, see Section 502 .G Professional Office Overlay District
17. North Lincoln Street Overlay District
18. Residential 1 District (R1).
19. Residential 2 District (R2).

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 Commission to determine applicability at a specific location are marked with a "S".

E. 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.