

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

Online & 2 Lincoln St.  
Essex Junction, VT 0545  
Thursday, April 4<sup>th</sup> 2024,  
6:30 PM

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

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

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **PUBLIC TO BE HEARD**
  - a. Comments from Public on Items Not on Agenda
4. **MINUTES**
  - a. March 7<sup>th</sup>, 2024
5. **BUSINESS ITEMS**
  - a. Land Development Code amendments, including discussion on following topics\*:
    - Sign Regulations
    - Electric Vehicle (EV) Charging Requirements
    - Approval of Temporary Uses – Food Trucks and Trailers
    - Tandem Parking Spaces
    - Planned Unit Development (PUD) Open Spaces
    - Other changes for consistency with State Statute
6. **MEMBERS UPDATES**
  - a. Mural Grant
  - b. Vision & Strategic Planning
7. **STAFF UPDATES**
  - a. Staffing changes
8. **ADJOURN**

\*attachments included in the packet

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**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
PUBLIC HEARING  
MINUTES OF MEETING  
March 7, 2024  
DRAFT**

**MEMBERS PRESENT:** Phil Batalion, Chair; Patrick Scheld, Vice Chair; Scott McCormick.

**ADMINISTRATION:** Chris Yuen, Community Development Director; Jennifer Marbl, City Planner (via zoom).

**OTHERS PRESENT:** Cora Delucia, Lexi.

**1. CALL TO ORDER**

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

**2. AGENDA ADDITIONS/CHANGES**

Commissioner Scheld requested addition of a public art grant discussion as agenda item 5a.

Commissioner McCormick requested discussion of the rental registry conversation, and Director Yuen replied that he is prepared to give an update during the staff updates portion of the meeting.

**3. PUBLIC TO BE HEARD**

a. Comments from Public on Items Not on Agenda

None.

**4. MINUTES**

a. February 1, 2024

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to approve the minutes of February 1, 2024 as presented. VOTING: unanimous (3-0); motion carries.**

**5. BUSINESS ITEMS**

a. Public Art Grant \*new item\*

Commissioner Scheld began by noting that the Vermont Arts Council funds different art projects and he has reached out to a contact at the Council about opportunities for grant funding for art near City gateways. He spoke about potential areas for art installations at gateways to the City as an opportunity for placemaking. He said that the Council has suggested pursuing a \$5,000 design grant for public art, and that a \$15,000 grant opportunity for implementation of that design would subsequently be available both after procurement of an artist through an RFP. He said that a requirement of the grant application is a preliminary project pitch, which is due at the end of next week. He said that the area he was thinking could be suitable for this type of public gateway art would be a concrete wall located on Route 2A North as one travels into Essex Junction from Williston. He said that an outstanding question relates to the property-owner's willingness to have art or a mural on this concrete wall (which is moot if the concrete wall is in the public right-of-way). He said that grantees are not responsible for local match, but any costs above \$5,000 would be the responsibility of the grantee. Other Commissioners expressed their support for pursuing this grant, and Commissioner Scheld said that he would be willing to put together

the preliminary project pitch as well as help with grant management, if the City pursues this. He said that this grant would not preclude eligibility for other grants from the Vermont Arts Council. He said that as he sees it, they could put together a preliminary pitch and concurrently reach out to the property owner next week, and if they are invited to pursue a full application from the Council and the property owner is amenable to the use of this wall, they could issue an RFP for art design and the Planning Commission could play a role in the selection of the artist. Once that occurs, they could ask the artist to provide several design options, which the public and the Planning Commission would weigh in on and make a selection.

Director Yuen said that he will follow up with the Public Works Department to determine where the boundary line for that parcel lies and determine who owns the concrete wall in question. Commissioner Scheld said that simultaneously he will draft a letter of intent to submit to the Vermont Arts Council by March 18. He added that if they are selected to pursue an application, the full application is due June 3.

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to begin work on the animated infrastructure grant with the Vermont Arts Council. VOTING: unanimous (3-0); motion carries.**

b. Neighborhood Development Area update

Director Yuen said that the City applied for the Neighborhood Development Area expansion last month and that the Downtown Board met at the end of February and approved this application. He showed the expanded boundaries of the Neighborhood Development Area for the City, noting that it now covers the Highway Arterial District, where small and medium-sized development is now occurring.

Commissioner Scheld spoke about how this fits into the Homes For All project and toolkit being run by the Agency of Commerce and Community Development (ACCD), which is focused on more development of the “missing middle” type of housing in municipalities around Vermont.

c. Review examples of E.V. charging regulations for Land Development Code updates

City Planner Marbl said that she has researched what other municipalities are doing in terms of E.V. charging regulations and that she has found that generally, other municipalities are encouraging E.V. charging but aren't requiring developments to install E.V. chargers. She noted that South Burlington is currently looking into some kind of E.V. charging requirement, though it is in process. She reminded the Planning Commission that the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES) at the State level both require developers to attest to having met certain energy standards, through voluntary compliance. She said that Essex Junction could recommend voluntary compliance with the RBES/CBES E.V. charging requirements, that it could offer municipal incentives for installation of E.V. charging stations, or it could pursue adoption of requirements for meeting or exceeding the RBES/CBES standard for E.V. charging. Director Yuen noted that the RBES and CBES are State standards and cannot be enforced by a municipality unless it is included in the City's building code (which Essex Junction does not have). City Planner Marbl said that the City will continue to monitor South Burlington's requirements once they are released to the public, in case Essex Junction could leverage them for its own requirements.

City Planner Marbl provided a summary of potential options the City could pursue, should it decide to pursue E.V. charging requirements above the RBES/CBES. She said that these include mirroring the

2014 recommendations from the Chittenden County Regional Planning Commission (CCRPC), mirroring the 2020 version of the RBES/CBES standards, or mirroring the new 2024 version of the RBES/CBES standards. Commissioner Scheld also suggested looking at the Vermont Housing Finance Agency (VHFA) and Vermont Housing Conservation Board (VHCB) housing applications, which include requirements for developers related to E.V. charging. City Planner Marbl also noted that the City could look at LEED green/gold standards for buildings.

Commissioner McCormick noted that existing standards include incentives for developers to include E.V. charging capabilities for certain parking spots, but not the installation of chargers themselves. He asked what the incentive is for installation of charges, not just ensuring that certain parking spaces are E.V. charging capable. Commissioner Batalion said that they should also be forward-thinking and consider what a property could look like 20 years from now, which is the intent of the RBES/CBES requirements.

Commissioner Scheld said that he would be supportive of requiring 1-2 E.V. charging spots in a development. Commissioner Batalion said that it is important to think about whether the City wants to encourage adoption of E.V. charging or ensure that there is a minimum number of accessible spots, saying that he would like to explore a mix of E.V. charging capable spots and E.V. charger spots for developments. He also asked about the feasibility of including regulations if minimum parking requirements are no longer in place. He said that if the City decides to align municipal requirements with the current RBES/CBES regulations, what is the downside for including those requirements in its Land Development Code (LDC). Director Yuen replied that there is no downside as long as it is legal, given that the Vermont League of Cities and Towns (VLTC) has opined that municipal LDCs are not an appropriate place for this type of regulation, given that they deal with zoning and location of development, and that building code or ordinance are more appropriate for E.V. charging requirements. He said that he would like to follow up with the City's own municipal attorney on this point.

The Planning Commission expressed interest in pursuing RBES/CBES-aligned requirements at the local level, and will encourage voluntary compliance with the RBES/CBES standards when development applications are received by the City.

d. Land Development Code amendments to Chapter 714: Sign Regulations presentation

Director Yuen said that staff began its work on sign regulation updates by examining Burlington's regulations related to signs and testing them out in Essex Junction scenarios. He said that City staff inventoried potential signage along major commercial corridors in February and tested them against existing LDC and proposed amended LDC requirements (based on Burlington's regulations). He said that he would like the Planning Commission to review these for unintended consequences.

Director Yuen showed the following sign examples:

- A directional sign on 11 Maple Street. He noted that the 2023 LDC requirements say that directional signs cannot exceed 3 square feet, and the proposed LDC amendments have a 2 square foot limit and require the sign to be oriented toward internal use. He said that the 11 Maple Street example is out of compliance with both of these versions of LDC requirements. He noted that this example's enforcement prioritization is medium.
- An example of an advertising banner at 27 Park Street. He said that under the current LDC, this sign is not in compliance because it advertises a product, but that this LDC requirement itself is

questionable because it is not a content-neutral requirement. He said that the proposed LDC amendment would categorize this as a temporary banner, which would limit it to 30 consecutive days at a maximum with a minimum of 30 days between display periods and 2 display periods per year. He said that this sign example isn't in compliance with either set of LDC requirements, and that its enforcement prioritization is low (visible from the parking lot but not very obvious from the right-of-way). Commissioner Batalion asked whether this example should be considered temporary, given the size of it. Director Yuen replied that this could be permitted as a wall sign rather than a banner, and would count toward the total wall space allowed. Director Yuen also showed an example of a banner/wall sign at 34 Park Street, showing banners being used as wall signs (which they do not have permits for).

- An example of a banner at 110 Pearl Street. He said that the issue with this banner is that it is currently hung from a utility pole, and isn't in compliance with the 2023 LDC. He said that under the proposed LDC amendments, this would be considered a temporary sign and would be limited to 6 square feet, and would be limited to 30 consecutive days at a maximum with a minimum of 30 days between display periods and 2 display periods per year. He said that it would be in compliance as long as it adheres to the temporary requirements, and its enforcement prioritization is medium.
- An example of a banner at 110 Pearl Street. He noted that it would be categorized as a special event sign/banner in the right-of-way, and that it is in compliance with the 2023 LDC requirements, as well as the proposed LDC amendments, since the municipality would be allowed to put up any sign.
- An example of neon window signs at 94 Pearl Street. He noted that under the 2023 LDC, the signs would be considered internally illuminated window signs and would be limited to 25% maximum coverage, which are in compliance and don't require a permit. He said that under the proposed LDC amendments, this would also still be in compliance but would require a permit. He said that this leads to some policy questions, such as whether there should be quantity limits and permit requirements for internally lit window signs and whether there should be quantity limits and permit requirements for non-illuminated window signs. Commissioner Batalion said that this may depend on whether the signs are pointed at the right-of-way or at other buildings, as signs that face other buildings could be more of a nuisance. Director Yuen agreed that nuisances are a good reason to regulate, and so are aesthetics. Commissioner McCormick said that quantity limits for lit signs should be considered for certain districts (such as the Village Center district), while other districts could have higher quantities. Commissioners agreed that permit requirements for illuminated signs make sense, while permit requirements for non-illuminated signs may be more burdensome to enforce.
- Several examples that deal with complaints from Essex Junction residents. He showed an example with multiple wall signs, which doesn't comport with current requirements that limit wall signs to one per business, though this example was allowed because the second sign was treated as a directional sign. He noted that under the proposed LDC amendments, wall signs would not be limited by quantity, but by the total size based on the size of the wall, and that permits would be required. Commissioners agreed with the proposed amendments, which limit the total based on the size of the wall. Director Yuen showed an example of small wall signs, which under the current rules are limited to 1 per business and have a maximum size of the linear façade feet x 15 x 5%, or 20 square feet (whichever is bigger), and under the proposed LDC amendments would be limited to 2 square feet per linear foot of façade. He asked whether the low-end maximums make sense. Commissioner Batalion said that they seem to make sense, but

the bigger they get, the more a setback might be important to consider. Director Yuen then showed an example of a large wall sign, noting that the current requirements are 1 per business and that the maximum size is the linear feet façade x 15 x 5% or 20 square feet (whichever is bigger), and that the proposed LDC amendments would limit the size to 2 square feet per linear foot of façade and a 200 square foot absolute maximum for all wall signs combined. He asked whether the limits should consider absolute maximums or absolute minimums. He noted that South Burlington and Winooski both have absolute size limits of 100 square feet and 40 square feet respectively. Commissioner Batalion said that setbacks are important to consider, and also asked whether the requirements could be different by district.

- Examples that include multiple types of signs. He noted that the 2023 LDC has de-facto limited establishments to 2 types of signs per property, and that staff review found no actual limit in the LDC. He said that the proposed LDC amendments would ban certain combinations of sign types (i.e., no projecting sign if a freestanding sign is also used). Commissioners agreed that it makes sense to regulate the combinations of signs.
- An example related to sandwich boards. He said that this sign type is difficult to regulate under current rules. He said that the current LDC allows for a sandwich board to be a maximum of 15 feet from the door and that they are only allowed during business hours. He said that the proposed LDC amendments would mirror these requirements. He noted that sandwich boards are usually not in compliance with these requirements. He asked whether 15 feet from the door is the correct maximum distance, given that businesses are sometimes located around the back of the building from where the sandwich board is located. He noted that Winooski doesn't have a 15-foot limit, and that South Burlington treats sandwich boards as temporary signs. Commissioner Batalion said that he doesn't see an issue with sandwich boards, other than safety issues if they are blown over into the sidewalk or road. He said that he would increase the 15-foot limit to a reasonable distance and also include language to require sandwich boards to be weighted down and secured from blowing away.
- An example of multi-business freestanding signs, such as what appear at entrances to strip malls. He said that under the 2023 LDC, there is a limit of one per lot or 2 per lot if it has more than 400 feet of frontage, and that the size limit is 0.3 square feet per linear foot of street frontage, capped at 40, 50, or 60 square feet depending on the frontage length. He said that the proposed LDC amendments would limit this type of sign to 1 per primary street frontage and limit the size to 60 square feet or 0.3 square feet per linear foot of street frontage (whichever is less). He noted that businesses in malls with large setbacks or no access to freestanding sign space could resort to sandwich boards or other temporary signs. He also noted that South Burlington allows for one freestanding sign per entrance per lot, when each entrance is more than 300 square feet from one another. Commissioner Batalion suggested allowing a freestanding sign per entrance but requiring the distance be increased from 300 feet to 500 feet, and that signs should be limited to 2.

Director Yuen said that he will draft changes based on today's discussion, and encouraged Planning Commissioners to test these sign regulations for themselves, if they have time. He said that he would like to ensure that the regulations don't stifle creativity and provide a viable path for compliance. He noted that signs that are out of compliance currently will be grandfathered into the new bylaws once they go into effect. Commissioner McCormick suggested thinking about outreach to the public on what is and is not allowed, once any new LDC amendments go into effect, given that a code enforcement officer will likely not be active for some time.

## **6. COMMISSIONER UPDATES**

Commissioner McCormick provided updates on the City's strategic initiatives and community engagement. He noted that there is a meeting next week to discuss the next online survey that will go onto the City's website in the next several weeks. He said that the survey will be online for two weeks and gives more specifics about the six pillars identified for the City.

## **7. STAFF UPDATES**

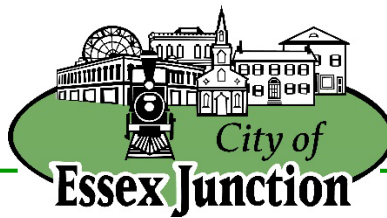
Director Yuen noted that the rental registry was on the City Council's agenda at its February 28 meeting. He said that the Council decided to take a step back and consider all possibilities for the program, including ways to make it cheaper and ways to phase in the program. He said a concern that arose was how to make it clear what the inspection criteria is, given that some of the criteria is nested within larger state requirements. He said that there were concerns about the revenues from the fees building up a reserve. He said that there is no timeline for when the City Council will discuss this again, and that this was removed from the FY25 budget. Commissioner McCormick noted that the City Council also discussed meeting with the Planning Commission on this, which he strongly supports, and said that the topics for this joint meeting should be the rental registry as well as the Comprehensive Plan. Other Commissioners concurred. Commissioner Scheld said that any reserve built up from revenues from fees related to the registry could be used to help landlords come into compliance with any findings related to inspections. Commissioner McCormick said that a portion of the fees could also be set aside for a housing trust fund.

## **8. ADJOURNMENT**

**MOTION by SCOTT McCORMICK, SECOND by PATRICK SCHELD, to adjourn the meeting.  
VOTING: unanimous (3-0); motion carries.**

The meeting was adjourned at 8:49 P.M.

*RScty: AACoonradt*



## MEMORANDUM

**To:** Planning Commission

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

**Meeting Date:** April 4, 2024

**Subject:** Land Development Code (LDC) Amendments – Sign Regulations and Other Changes

**Issue:** Draft amendments to the sign regulations in the LDC have been updated based on the Planning Commission’s feedback. Additional changes should be discussed.

### Discussion:

#### Sign Regulations

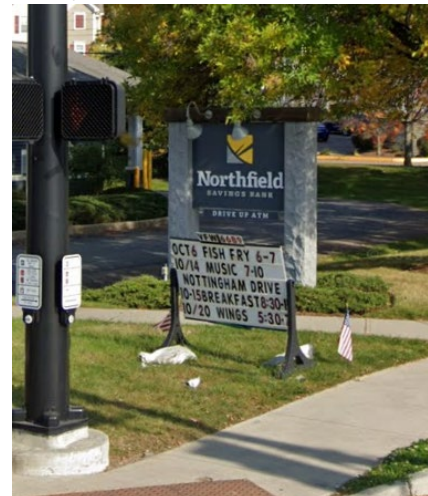
Based on the Planning Commission’s previous discussion on the topic during the March meeting, I have drafted an updated version of the LDC amendments featuring changes to the sign regulations. A word document of the draft has been sent to each Planning Commission member for review. Commissioners may find it helpful to toggle between viewing the document with the track-changes markup, and without it.

Several changes are worth nothing:

1. Section 201.G – Definitions – Sign Regulation Definitions. To match the structure of the re-written sign regulations, which were adapted from the City of Burlington’s, the definitions in Section 201.G have also been imported. Definitions that are now specified within the text of Chapter 714 itself have been removed from Section 201.G to avoid duplication and conflict.
2. Section 502.H – Development Review Procedures – Approval Procedures for Activities Requiring Review under Chapters 6 and 7. This section now references the procedures outlined in Section 714. The original text has been removed to avoid duplication and conflict.
3. Section 714 – Sign Standards - This section has been updated for technical consistency. For example, a 1-year permit expiration that currently exists in Essex Junction’s Land Development Code, but wasn’t specified in Burlington’s, has been added back. All references to the word “Article” have been updated to the appropriate Chapter or Section, as appropriate.
4. Flags - A content-neutral allowance for the display of flags on flag poles on residential and commercial properties has been added to 714.C. This is based on Burlington’s regulations, but has been adapted with Essex Junction’s zoning districts.
5. Neon Signs - A permit requirement has been added for neon Window Signs under 714.L
6. Multiple Freestanding Signs on a Large Lots- Based on the March discussions, the existing allowance for an additional freestanding sign on large lots has been added back to 714.L. The allowable size for the second sign has been increased from 20 to 30 square feet to offer a viable pathway to compliance for businesses that currently rely on the permanent display of temporary signs for visibility. An existing allowance for a menu sign at drive-through facilities has also been added back.
7. Marquee Signs- 714.L and 714.M have been modified to allow Marquee signs in more zoning districts but adds a requirement that proposed marquee signs within the Design Review Overlay District (DRO) be reviewed by the Development Review Board.
8. Sandwich Boards- Based on the March discussions, 714.L has been modified to allow sandwich boards either within 15 feet of the front door of a business, or within 15 feet from a vehicular or pedestrian entrance to the property on which the business is located. They would still be required to be removed outside of business hours.



9. Wall Sign Size Limits – Based on the March discussions, 714.L has been modified to cap the size of wall signs within 50 linear feet of the nearest public road, to 80 square feet. This is to ensure that signs at auto-oriented commercial developments set back from the road, can of sufficient size to be visible from the road, but also ensures that when and if those properties are re-developed into a more human-scale walkable form with shorter setbacks, the wall signs will be limited to reasonable sizes.
10. Sign Type Example Photographs – I have not added Essex Junction examples to the photos yet. I intend to do so prior to the final version, where possible.
11. VFW sign- While the draft LDC offers a reasonable pathway to compliance for most businesses and organizations with signs that are currently out-of-compliance, there is one notable situation that the PC should consider. Veterans of Foreign Wars Post 6689 (VFW 6689) is located at 73 Pearl Street, on a lot without direct street frontage. It currently has an un-permitted changeable message sign placed on the neighboring Northfield Savings Bank property, visible to Pearl Street. It is unclear whether they have the permission of property owner, but even if they do, the additional sign is not permissible under the existing Land Development Code, or under the draft amendments. The PC should consider whether a solution to this issue is possible, or desirable.



### Electric Vehicle (EV) Charging Requirements

As discussed in the March meeting, EV Charging is covered under the Residential Building Efficiency Standards (RBES), and the Commercial Building Efficiency Standards (CBES). Both standards require new multi-family residential building construction to feature some EV charging infrastructure under most circumstances, but the standards are self-certified by the building’s engineers. City Staff consulted the Vermont League of Cities and Town’s Municipal Assistance Program on the feasibility of adopting EV charging requirements into zoning bylaw that match or exceed the RBES and CBES and found this:

*The RBES and CBES are state level requirements that must be satisfied, but municipalities do have small role in the process. First, the administrative officer (ZA) must "provide the applicant with a copy of the applicable building energy standards under 30 V.S.A. § 51." 24 V.S.A. § 4449(a)(1). The municipality though, only has authority to ensure compliance with the standards through a certificate of occupancy permit. 30 V.S.A. § 51(f)(2)(B), "(2) Condition precedent. Provision of a certificate as required by subdivision (1) of this subsection shall be a condition precedent to: . . . (B) issuance by a municipality of a certificate of occupancy for residential construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117." So, if your bylaws so state, you can require the submission of a completed RBES or CBES certificate through the certificate of occupancy*

*permit process. If your bylaws do not require a certificate of occupancy permit, there is no authority to request a RBES or CBES certificate. Additionally, absent a building code, there is no apparent authority to condition a permit on EV charging requirements except to merely require the submission of an RBES or CBES certificate.*

Given that the City does not have a building code, I do not plan on further exploring the addition of municipal EV Charging requirements at this time. The Community Development Department has begun the practice of inquiring about the inclusion of EV chargers in relation to RBES and CBES requirements, at the time of site plan review, to encourage voluntary compliance. The effectiveness of this “soft” approach can be evaluated at a later time.

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

In the past, seasonal food trucks and trailers on private commercial properties have been issued temporary use zoning permits. These permits were issued for periods of up to six months less one day, limited to one permit per year, to stay within the LDC’s definition of “Temporary Structure”. The de-facto 6 months per 12-months period limit has not been strictly enforced in the past. For example, Nomad Coffee, operated out of trailer at 3 Main Street year-round until they moved to a brick-and-mortar location in 2022. Recent history suggests that food trucks and trailers on private properties, serve as excellent food-service business incubators, offering lower start-up costs and visibility to entrepreneurs in Essex Junction.

Given the City’s interest in enabling and encouraging economic development, it may be appropriate to amend the Land Development Code to clarify the potential for year-round food truck/trailer operations. The City’s Technical Review Committee, consisting of the Community Development Department, the Public Works Superintendent, Water Quality Superintendent, City Engineer, and the Assistant Chief of the Fire Department, has discussed this issue. The committee recommends that if the Planning Commission wishes to make year-round food trucks and trailers on private commercial properties permissible, it would be best to continue to treat these establishments as temporary uses, with the possibility of issuing a consecutive new permit every six months. This is in contrast to the alternative of treating the establishments as permanent uses, which would then be subject to stringent site plan, and sewer connection requirements, which are often impractical for food truck operators. The most relevant sections of the LDC are quoted below, along with staff recommendations that would allow for the issuance of consecutive temporary-use permits.

- Under 201 (Definitions- General Definitions)
  - o "Temporary Structure": any structure in place greater than six months in any 12-month period shall not be considered a temporary structure, unless it is associated with a valid temporary-use permit in accordance with Section 502
- Under 1101.J (Sewer Regulations – Sewer Use Rules and Regulations- Private Sewage Disposal)
  - o Off-Site - All new development shall be directly connected to a public sewer.
- Under 502.B (Approval Procedures for Activities Requiring Review under Chapters 6 and 7 – Approval of Temporary Uses)
  - o 2. Review Requirement. Activities involving those uses identified as "Temporary Uses" are subject to review under the standards applicable to such uses. Temporary Uses include: temporary activities authorized in the Planned Exposition District as specified in Section 612; activities identified as "temporary" in the land use table at Section 622; the temporary parking of a vehicle for sale in accordance with Section 703(I); the temporary parking of storage trailers and boxes in accordance with Section 703(J) and temporary outdoor commercial activities in accordance with Section 706(G); the temporary sale of personal

goods at garage or yard sales in accordance with Section 706(M).

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

- (a) Time limits may be established for any use. (b) Measures to ensure adequate parking, limit signs and traffic control. (c) The location of any proposed temporary use may be restricted for public safety purposes. (d) Conditions to ensure conformance with performance standards set forth in Section 718 and other applicable provisions of this Code.
- Under 703.J (Parking and Loading – Parking of Storage Trailers, Storage Boxes and Similar Structures)
  - Parking of Storage Trailers, Storage Boxes and Similar Structures The parking of storage trailers, storage boxes, railroad cars, or similar structures for storage of personal or business property, or use as a food service establishment is expressly prohibited in all districts unless a Temporary Use Permit has been granted.
    - 1. Temporary structures for construction purposes shall be allowed only during the time of construction. Temporary structures for storage of personal or business property shall be allowed for a period not to exceed three (3) months with a Temporary Use Permit. Temporary storage structures shall be located in a side or rear yard outside of the front setback.
    - 2. Within zoning districts where “Eating and Drinking Establishment” is a permitted use, temporary structures for use as a food service establishment shall be allowed for a period not to exceed six (6) months with a Temporary Use Permit. Consecutive renewals for temporary use permits for food service establishments shall be permissible so long as permit conditions are consistently met, and so long as there are no unresolved public health issues identified by the Town Health Officer associated with the food service establishment.
- Under 706.G (Accessory Uses and Structures – Outdoor Business Activities),
  - 3. The use of stands or tents in parking areas may be approved as part of a Temporary Use Permit if the applicant clearly demonstrates that sufficient parking will be available for the use and the outdoor activity.

### Tandem Parking Spaces

To enable compact and creative site plan layouts for multi-family housing developments, the PC should consider explicitly allowing Tandem Parking under Section 703.K. This can be done by adapting the tandem parking allowance in Williston’s Form Based Code:

*Tandem Parking a. Tandem parking is only allowed for residential uses. b. Two parking spaces in tandem must have a combined minimum dimension of 9’ in width by 34’ in length. c. Up to 50 percent of the total required off-street parking spaces provided may incorporate tandem parking. d. Tandem spaces must be assigned to the same dwelling unit. Tandem parking shall not be used to provide guest/shared parking.*

### Planned Unit Development (PUD) Open Spaces

As briefly the December 2023 PC meeting, under Section 723, Planned Unit Developments (PUDs) allow for flexibility in the application of land development regulations to encourage compact, pedestrian-oriented development, but one specific requirement for private outdoor open space currently makes it impossible to

apply towards multi-story residential buildings. The relevant section is quoted below, with some potential changes that would broaden its applicability to multi-story / multi-family residential buildings highlighted in red.

**B. Design Considerations and Associated Waivers**

*The Development Review Board may waive requirements of the underlying Zoning District for lot coverage, setbacks, and parking if needed to achieve the objectives of the PUD, Height may be waived only in accordance with sub-section 4 below. Waivers shall be based upon the following criteria and may include specific conditions.*

*1. Superior building design, lot layout and landscaping design. To be granted the flexibility permitted under these regulations, the PUD must demonstrate a level of design and amenity exceeding that typical of conventional development. The proposal shall include all the following except for (e) if not applicable:*

*(a) Landscaping. Landscape plan development by a licensed landscape architect regardless of the cost of construction; and reviewed by the Tree Advisory Committee.*

*(b) Private open space. For PUDs where every residential unit has ground-floor access, each residential unit shall include a private outdoor open space (yard, deck or similar), of not less than seven hundred and fifty (750) square feet. For PUDs where some residential units are accessed through stairs, elevators, or a hallway on the second floor or above, each residential unit on the second floor or above shall include a private outdoor space (deck, balcony, or similar) of not less than 40 square feet. Each residential unit on the ground floor shall include a private outdoor space (yard, deck or similar) of not less than 100 square feet.*

*(c) Common open space. At a minimum, up to fifteen (15) percent of the gross PUD area shall be developed with passive and active amenities.....*

Other changes for consistency with State Statute

Several LDC amendments for consistency with State Statute are still necessary. These will be included in the next version. Notable items include:

- The Multi-Family-3 (MF-3) zone's density limits should be raised to 4 to meet the requirements of the Home Act (Act 47) of 2023.
- Certain uses, such as Hospitals and Emergency Shelters, are required by statute to be permitted uses in all districts.

**Cost:**

There is no direct cost associated with amending sign regulations in the LDC.

**Recommendation:**

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

**Attachments:**

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