



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

Online & 2 Lincoln St.
Essex Junction, VT 0545
Thursday, February 1st 2024,
6:30 PM

E-mail: cyuen@essexjunction.org

www.essexjunction.org

Phone: 802-878-6944, ext. 1607

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

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

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
4. **MINUTES**
 - a. January 4th, 2023
5. **BUSINESS ITEMS**
 - a. Land Development Code amendments to Chapter 714: Sign regulations*
 - b. Review examples of E.V. charging regulations for Land Development Code amendments*
6. **MEMBERS UPDATES**
7. **STAFF UPDATES**
8. **ADJOURN**

*attachments included in the packet

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**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
JANUARY 4, 2024
DRAFT**

MEMBERS PRESENT: Philip Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Scott McCormick

ADMINISTRATION: Chris Yuen, Community Development Director

OTHERS PRESENT: Carlton Houghton, Geo M. (virtual)

1. CALL TO ORDER

Mr. Batalion called the meeting to order at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES

None.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None.

4. MINUTES

a. December 6, 2023

MOTION by DIANE CLEMENS, seconded by SCOTT MCCORMICK, to approve the minutes of December 6, 2023, with changes. Motion passed 4-0.

Changes:

-Ms. Clemens requested that Item 6, paragraph 2 be edited to reflect that the 18% tax increase refers to statewide school taxes, not municipal or other taxes.

5. BUSINESS ITEMS

a. Land Development Code amendments to Chapter 714: Sign regulation

The PC reviewed the changes made in each section. Mr. Yuen said that the Land Development Code (LDC) signage updates need to be updated to be content neutral. He said that staff have gone through the existing LDC and have edited and have used the current Burlington regulations as a template. Comparisons between the current Essex Junction and Burlington regulations are detailed below.

714.J. Sign Lighting

Mr. Yuen discussed sign lighting, noting that language regarding Christmas lighting was taken out to be more neutral. Ms. Clemens asked if this would bar string lighting year-round, noting that it is something that many businesses and residences do so. The PC discussed whether string lighting should be allowed year-round, with Mr. Yuen stating that he was comfortable with allowing some flexibility with this. The PC discussed the visibility of these lights, and the importance of ensuring that they are dark sky compliant. Mr. Scheld said that this regulation will provide a good way for neighbors to be able to address abrasive lighting, however it is not something that he believes staff will be driving around looking for. A time-of-day limit for string lighting was discussed, and Mr. Yuen said that staff will investigate this suggestion.

714.L1: Awnings & Canopy Sign

Mr. Yuen said that Essex Junction currently regulates all awnings, regardless of the presence of text/logos.

714.L.5: Freestanding Sign

Mr. Yuen said that, unlike Burlington, Essex Junction only has one category for freestanding signs. Mr. Yuen said that, under the new updates, different types of businesses will no longer be allowed different numbers of signs. Mr. Battalion requested more information on Burlington's current freestanding sign regulations, and how the LDC would change should these changes be implemented.

714.L.10: Projecting Sign

Mr. Yuen said that Essex Junction does not currently allow projecting signs, however Burlington does. He suggested allowing blade signs but not projecting signs if the PC would like to stay closest to the current regulations. Mr. Scheld suggested allowing projecting signs with Development Review Board approval, all agreed.

714.L.12: Wall Sign

Mr. Yuen noted that lit neon "open" signs are only allowed in the Village Center district currently, however this could be expanded to other districts. He suggested that murals be allowed as well. The possibility of painting a sign on a wall was discussed, with the PC in favor of such being allowable.

714.L.12: Window Sign

Mr. Yuen said that, should Essex Junction adopt Burlington's regulations, it would be a slight increase from 25% to 30% in total allowable window space to be covered by signage. Ms. Clemens said that some businesses have pieces of paper in the window that have essentially become a part of the signage, such as a menu or store hours. Mr. Scheld asked about the "quantity max," and how this should be interpreted. Mr. Yuen said that the current interpretation is that all signage can be concentrated in one window. Ms. Clemens said that businesses should not be able to fill up a window with signage so that the inside of the establishment cannot be seen by the public or safety personnel. All agreed that total coverage of any window should not be permitted. Ms. Clemens brought up the potential of using shelving behind the window to possibly obfuscate this regulation. Mr. McCormick said that cannabis retailers are required to have their windows covered, and Mr. Yuen said that an exemption would be included for these and other businesses that are required by law to have their windows covered. Mr. Battalion suggested that neon signage not be regulated in this section, noting that 20% coverage by a neon sign seems excessive. Mr. Yuen said that the current regulations state that neon signs cannot exceed three square feet, and all PC members were in favor of continuing this. Signage is not allowed above the second floor, or on roofs.

Table 714.M.2

Mr. Yuen said that this table shows where each type of sign is allowed, based on zoning district. Mr. Battalion asked why some signage is excluded in the planned exposition and transit orientated development (TOD) districts. After some discussion, the PC decided to change this to allow more types of signage in these districts, with the possibility of a waiver to be granted for marquee signs. The PC discussed monument signs in the TOD district and decided to allow these in the TOD and other districts due to their existing prevalence.

Mr. Yuen said that staff will edit the draft based on today's discussion and review for technical issues or other conflicts.

b. Updated boundary for the Neighborhood Development Area application

Mr. Yuen said that the City is ready to apply for an expansion of the Neighborhood Development Area and requested that the PC make a formal motion endorsing it. He detailed recent staff changes to this document and showed the requested expansions to the area.

Motion by PATRICK SCHELD, seconded by SCOTT MCCORMICK to approve the boundary as presented. Motion passed 4-0.

c. Selection of consultants for Transit Oriented Development study

Mr. Yuen provided a background for this study, discussing the four phases, and noting the PC will be most involved in the Master Planning and Municipal Zoning Updates sections. The goal of this project is to update the municipal zoning to encourage dense development in the most transit-friendly places, which may or may not result in form-based code. Mr. Yuen spoke of the importance of increased frequency for public transit users as the key to encouraging more people to use it. He discussed focusing increased public transportation on areas where there is more walkability. Mr. Yuen said that it is important to not have any preconceived notions about whether to use form-based code and allow the community to decide. He suggested that the PC review the list of potential consultants and set up interviews if desired.

Mr. McCormick asked what Essex Junction will get out of this process, as it is a regional effort. He asked if the consultants would work for all municipalities, Mr. Yuen said that they would work for Essex Junction but would accept other work for other participating municipalities and will work with the regional planning commission on the RAISE grant. He said that this grant was issued to the regional planning commission and is the overarching project to this study.

Mr. Yuen presented his scoring on each of the consultants, noting that it is a review of qualifications rather than a project plan. Each member of the PC discussed the reasons that they liked and did not like each one of the potential consultants. Mr. Battalion suggested sending a ranking to the CCRPC, and all were amenable to this. The PC chose Toole as their first choice, and Framework as their second choice.

6. MEMBERS UPDATES

Mr. McCormick said that he had attended a Community Vision and Strategic Action plan meeting, and an open house and community dinner will be scheduled in the future. Focus groups are planned for the end of January.

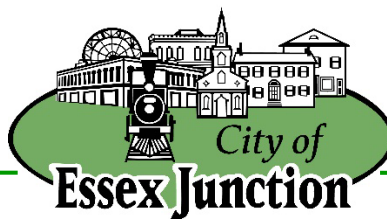
7. STAFF UPDATES

Mr. Yuen said that the City Council will hold a public hearing on the Rental Registry Ordinance on January 24. The Amtrak redesign project is proceeding to an RFQ for the 30% design stage. The Main Street Park project has been put on hold for the time being. A grant request for an update to the scoping study for Pearl Street (between West Street Extension and Susie Wilson Road) has been submitted to the Regional Planning Commission.

8. ADJOURN

MOTION by SCOTT MCCORMICK, SECOND by DIANE CLEMENS, to adjourn the meeting at 8:55 PM. Motion passed 4-0.

Respectfully submitted,
Darby Mayville



MEMORANDUM

To: Planning Commission

From: Jennifer Marbl, City Planner

Meeting Date: February 1st, 2024

Subject: Restructuring Chapter 714 (Sign Regulations) of the Land Development Code

Issue: Draft amendments to the sign regulations in the Land Development Code are now available for review. These amendments are meant to meet content-neutrality requirements as previously outlined in the December 6 memorandum to the Planning Commission.

Discussion:

At the January 4th meeting, the Planning Commission directed staff to further revise the proposed draft of sign regulations in the Land Development Code, using the City of Burlington's zoning bylaw as a starting place. This memorandum summarizes the areas where the proposed regulations have been changed since the last iteration. It should be noted that there are some inconsistencies with page numbering (appearing on sections 704 and 712) in these sections. This is a known issue with the working document and will be addressed when all changes are finalized.

- Section 704.B has been updated to include a range of dates into January for holiday lighting.
- The Planning Commission directed staff to loosen restrictions around string lighting. This change was made to section 704 to specify a limit to times during which these lights may be illuminated.
- In the previous revision, links to cited regulations were added to Section 712.D.2 and 712.D.4 This was unintentionally omitted from the previous memo and is restated here.
- Staff adjusted the requirements of the Freestanding Sign regulations into closer alignment with existing Essex Junction sign regulations for this category.
- Clarification was added to section 714.L.12 for window signs, including a limitation for area of open signs and not allowing a single window to be completely obscured, unless otherwise exempt.
- References to "Church Street" have been removed.
- The dots in Table 714.M.2 have been corrected for consistency.
- All sign types are now allowed in the Planned Exposition district, as determined by table 714.M.2 to allow more flexibility.
- Conditions for Design Review by the Development Review Board have been added for Marquee and Projecting signs.
- Multiple levels under section 714.O have been reorganized into two subsections.

Next Steps:

The Community Development Department will make the changes recommended by the Planning Commission and conduct another detailed review for potential technical inconsistencies and conflicts. If necessary, any additional changes to the sign regulations can be discussed during the March Planning Commission meeting.

Changes to the sign regulations, along with other amendments to the LDC developed by the Planning Commission over the upcoming months, will be advanced to public hearing, forwarded to the City Council, and adopted as per statutory requirements.

Number of protected long term bicycle parking spaces	Changing facility	Unisex Showers	Clothes Lockers
1-3	none	none	1
4 - 9	1 ₂	1 ₂	3
For every 10	1 ₂	1 ₂	40% of LTB parking

₂ if unisex, units available to any gender; otherwise provide one per gender

SECTION 704: LIGHTING

A. Purpose

To provide appropriate outdoor lighting adjacent to buildings, streets, sidewalks, and within parking areas for public safety and to minimize glare on streets and adjoining properties while minimizing energy use through the use of efficient fixtures and minimizing the use of lighting during non-business hours or when activity is not occurring on-site.

B. General Standards

Lighting is allowed in required yards and shall be subject to the following regulations:

1. Lights shall be used for the purpose of illumination, including security lighting, and not for advertising purposes.
2. The operation of searchlights is prohibited except for public safety purposes.
3. All light fixtures shall be hooded or shielded and directed downward at sixty (60) degrees to horizontal, unless otherwise approved, and shall have concealed light sources.
4. Light sources shall not be visible at property lines.
5. Intermittent lighting, except for holiday lighting, may not be used.
~~(a) Displays, including lighting, erected in connection with the observance of holidays shall not be illuminated after ten (10) days following the holidays. Temporary lighting for holiday decorations from November 15 to January 15 are exempt.~~
6. Lighting devices may not produce direct or reflected glare on adjoining properties or streets.
7. All private residential exterior light sources shall be Dark Sky Compliant.
8. Lighting for emergency purposes or lighting required on any structure for public safety purposes shall be exempt from the provisions of this section as approved by the Development Review Board.
9. Lighting shall only be used as necessary for the operation of a business or activity. Lights shall be placed on a timer; an operations plan must be approved as part of a development application for the project site. Lighting plans may include the use of some, but not all, of on-site lighting during non-hours of operation.

Commented [JM1]: Moved from temporary sign section to here.

7. All parking lot and pathway lighting fixtures shall be cut-off fixtures as defined by the Illuminating Engineers Society of North America (IESNA)
8. Alternatives: The design for an area may suggest the use of parking lot and pathway lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above.
9. Lighting shall conform to the Chittenden County Regional Planning Commission “Outdoor Lighting Manual for Vermont Municipalities” or as otherwise approved by the City Engineer. The minimum lighting level shall be at least two tenths (0.2) foot candles, but not exceed four tenths (0.4) foot candles and the uniformity ratio (average to minimum shall be 10:1, unless otherwise approved by the City Engineer.
10. Light fixtures shall be mounted in accordance with the table below or as otherwise approved by the City Engineer.

	LI District	HC District	VC District	MF District	All Other Districts
Max Mounting Height	30ft.	20ft.	15ft.	15ft.	16ft.

*Notes: For parking areas of fifty (50) or more spaces, light fixtures may be allowed to be mounted up to thirty (30) feet above grade if all fixtures are a minimum of one hundred (100) feet from a residential district.

E. Illumination of Building Facades and Landscaping:

With the exception of structures in the Light Industrial District and structures having symbolic or historic significance, facade lighting for safety and pedestrian access may be approved by the Development Review Board as long as it is not visible from off-site. Building facades having symbolic or historic significance shall be approved by the Development Review Board and the following provisions shall be met:

1. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot candles.
2. When allowed lighting fixtures shall be located and shielded so the light is directed only on to the building facade. Lighting fixtures shall not be directed towards adjacent streets or properties.
3. [Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign. It shall not shine directly into a public right-of-way or residential property.](#)
4. [String lights may be used in connection with commercial premises except as specifically prohibited within this Section. Illuminated tubing or strings of lights are not to be illuminated between 9:00pm and 6:00am to minimize light disturbance.](#)

(d) No person shall deposit or cause to be deposited in a public right-of-way used for conveyance of stormwater any trash, yard debris or any other material that would pollute or significantly alter the watercourse. This prohibition addresses yard waste or other organic/inorganic material left within the roadway or sidewalk of the City of Essex Junction.

5. Suspension of MS4 Access.

The City may, without notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present danger to the environment, health or welfare, or to the MS4. The City of Essex Junction maintains a right to access properties for the purpose of evaluating private property compliance with the State mandated provisions of this regulation.

D. Construction Site Stormwater Runoff Control

1. Applicability. This subsection shall apply as follows:

- (a) New Development or Redevelopment: All new development, construction or reconstruction shall be in full compliance with the provisions of these regulations.
- (b) Existing Developed Areas. Compliance required: All property with existing development, which is not in compliance with the provisions of this Section shall be considered nonconforming, and allowed to continue until such time as application is made to add, enlarge or reconstruct a structure on the property. At that time a plan showing existing and new development and the proposed plan shall be submitted.
- (c) Agricultural operations shall be regulated by the Agricultural Department best management practices.

2. State Permits.

- (a) The City shall accept a State of Vermont General Permit for construction site runoff as evidence of meeting City erosion and sediment control permit requirements for those projects that fall under the jurisdiction of the State requirements. General requirements may be waived by the Public Works Superintendent or Water Quality Superintendent or their designee if the applicant conforms to the State of Vermont Best Site Management practices as outlined in: "The Low Risk Site Handbook for Erosion Prevention and Sediment Control" (as amended) or in the "Vermont Erosion Prevention and Sediment Control Field Guide" (as amended) [the state guidelines are available at: http://www.anr.state.vt.us/dec/waterq/stormwater/hm/swcgp.htm](http://www.anr.state.vt.us/dec/waterq/stormwater/hm/swcgp.htm)
- (b) For all development reviewed and approved under the zoning permit approval process or site plan process, the City hereby incorporates by reference the permit application requirements covered under the Vermont General Permit 3-9020 for stormwater runoff from large construction sites to waters within the jurisdictional area of this Code, which are not principally impaired by collected stormwater runoff.
- (c) For all development reviewed, the City hereby incorporates by reference the permit application requirements covered under the Vermont Individual Construction Permit for stormwater runoff from large construction sites to waters within the jurisdictional area of this Code, which are impaired by stormwater runoff. The City also

incorporates by reference any applicable requirements in a TMDL issued for impaired receiving waters located within the jurisdictional area of this Code.

3. Erosion and Sediment Control Performance Standards. All construction sites are expected to maintain erosion control to prevent migration of stormwater or stormwater flow containing sediment to adjacent private property or to the City right-of-way. Authorized City employees may enter at reasonable times upon any property to conduct on-site inspections. Such inspections shall take place before, during and after any soil is disturbed. If upon inspection, the site is not in compliance with erosion standards and a TMDL has been issued for the stormwater impaired receiving water located within the jurisdictional area of this Code, the zoning permit will be deemed invalid until appropriate erosion and sediment control practices are implemented.
4. Stormwater Management Performance Standards: Stormwater conveyance systems designed for the infiltration of stormwater, are required providing that underlying soil conditions allow for infiltration without negative impact on adjacent roads, structures, etc. The use of Low Impact Design site design approaches and Green Stormwater Infrastructure best management practices that reduce runoff rates, volumes and pollutant load should be maximized to the extent possible.
 - (a) Site designs for both new development and redevelopment shall maximize stormwater volume reduction through infiltration, recharge, reuse, and/or evapotranspiration and utilize pervious areas for stormwater treatment. Site designs shall accommodate the peak flow rates of stormwater discharge associated with specified design storms, flood control and soil quality standards as specified in the *Vermont Stormwater Management Manual Rule and Design Guidance (as most recently amended)*. When directed by staff applicants shall use the STP calculator <https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/ms4-permit/ms4tracking> to ensure these standards are met.
 - (b) Before proposing to use gray stormwater infrastructure practices, applicant must demonstrate why the use of Low Impact Design approaches and Green Stormwater Infrastructure best management practices are not possible.
 - d
 - (c) For new development, structural stormwater treatment practices (STPs) shall be designed to maximize removal of annual post development total suspended solids load (TSS) and total phosphorous, unless a TMDL has been established requiring a more stringent criteria in the receiving water. Site designs shall be in accordance with criteria outlined in the *Vermont Stormwater Management Manual Rule and Design Guidance (as most recently amended)*; constructed properly, and maintained regularly.
 - (d) For new development and redevelopment that trigger a stormwater permit under this code a stormwater management plan is required showing documentation of the phosphorus loading and reduction calculations. The *Vermont Department of Environmental Conservation Best Management Plan Tracking Spreadsheet* which includes phosphorus loading and reduction (pre- and post development) shall be submitted.

located within any right of way, and may not exceed ten (10) feet in height. Such signs may include an Electronic Message Board not exceeding ten (10) square feet on each side of the sign, which may only be used between the hours of 7:00 A.M. and midnight. Information may be displayed on the message board on an intermittent basis, provided each display is at least five (5) minutes in duration. Each department shall be limited to one (1) sign.

A. Authority and Intent

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all Signs and advertising features:

1. Effectively maintain a safe and orderly pedestrian and vehicular environment by being legible and not distracting to motorists, cyclists, and pedestrians;
2. Reduce potentially hazardous conflicts between Signs and traffic control devices;
3. Compliment their surroundings, and protect and promote neighborhood and community character;
4. Effectively optimize communication that support the community's sustained economic development, and reduce visual clutter within or directed upon the public realm; and,
5. Are an enhancement to the city's built environment, and are harmonious in size, design, color, material, and lighting with the building to which it relates, without removing, obscuring or detracting from the community's character, history, and architecture.

B. Permit Required

All Signs shall require the issuance of a zoning permit subject to the standards of this Article before public erection and display unless otherwise specifically exempt by this Article. All Signs must be maintained in a condition or state of equivalent quality to which it was approved or required by the City.

C. Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit. The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

1. Highway and Official Signs. Signs within the public right-of-way or along a public thoroughfare designed and placed in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) published by the US Dept. of Transportation, and other public information, traffic control, identification, special event, directional, public notice, and other such Signs erected by or at the direction of a government agency, court, or public utility in the performance of their public duty.
2. Street Address Identification. Numerals that identify the street address of the property so that it can be easily identified from a public thoroughfare by patrons, guests, and emergency responders provided such numerals are a minimum of 3- inches and maximum of 10-inches in height, and the area of the numerals does not exceed two (2) square feet. In cases where the building is not located within view of the public street, the numerals shall be located on a

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mailbox or other suitable device such that it is visible from a public thoroughfare.

3. Flags:

- a. In all Residential zones: up to 2 flags which may or may not be attached to 1 freestanding pole per lot. Each flag may be up to 15 square feet in area with no single dimension exceeding 5-feet. Any freestanding flag pole shall meet the maximum height and minimum setback requirements per the district-specific dimensional requirements of Article 4.
- b. In all other Zoning: 1 flag per 25 feet of a lot’s road frontage, up to a maximum of 6 flags which may or may not be attached to up to 6 freestanding poles are permitted. Each flag may be up to 24 square feet in area with no single dimension exceeding 6-feet. The height of any freestanding flag pole shall not exceed the highest point of the Principal building on the lot or 50-feet whichever is lower, and shall meet the minimum setback requirements per the district-specific dimensional requirements of Article 4 or 14 or 10-feet whichever is more restrictive.

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4. Property Management, Information, and Directional Signs. Non-illuminated Signs two (2) square feet or less in size controlling access to a property and/or oriented to and intended primarily for use internal to the property. Examples may include those announcing no trespassing or solicitation; warning of hidden dangers; the private nature of a road or driveway; directional and parking; and, regulating fishing or hunting.

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5. Signs Inside Buildings. Any Sign which is located completely within an enclosed building and 12-inches or more behind a window or door provided they do not obscure more than 40% of the total window area between 4 and 7 feet above the adjacent sidewalk and otherwise preclude an unobstructed view into the establishment from the sidewalk.

6. Vending Machines and Gas Pumps: Signs incorporated into or upon vending machines or fuel pumps. Internally illuminated vending machines shall not be allowed outside of buildings except in Commercial Districts.

7. Signs Within an Athletic Field or Complex: Any Signs facing inward to the field of play and associated spectators such as those affixed to a wall, window, fence, or scoreboard.

8. Historic Marker: A non-illuminated Wall Sign two (2) square feet or less in size commemorating the historic significance of a building or site.

9. Temporary Signs: Temporary Signs are permitted subject to the standards found in Sec. 714.E Temporary Signs below.

10. Sandwich Boards: Sandwich Boards Signs are permitted subject to the standards found in Sec. 714.L.10 Sandwich Boards Signs below.

11. Directional Signs: In all Districts, any legal business or recreational use, except a Home Occupation, that is not readily visible from a street, may be allowed to erect one (1) off-premise directional sign. This sign may not exceed four (4) square feet, and must be on an adjacent lot or on a right-of-way owned or leased by the business in question. This directional sign must be set back at least five (5) feet from the edge of the right-of-way. Staff may deny an application for a directional sign in any residential district which in Staff’s judgment alters the character of the area.

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12. Murals: Non-commercial artistic expression in the form of a unique hand- produced work of visual art which is tiled, painted directly upon, or otherwise affixed or placed directly onto an

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exterior wall of a building or structure provided that the Mural:

- a. does not contain any advertising copy, symbols, lettering, logos or other such recognized branding related to products or services provided on the premises where the mural is located except where otherwise permitted and incorporated into a permitted Sign Type as provided in Secs. 714.B through 714.M Sign Types;
 - i. is placed on a Secondary Frontage or non-street-facing side or rear elevation of a Building or Structure; and,
 - ii. is not illuminated.

D. Prohibited Signs

The following types and characteristics of Signs shall be prohibited in all parts of the city:

1. No person shall paint, paste, brand, stamp, or in any other manner hang, place on or over, or attach to any tree, rocks, or other natural feature; and any utility pole, street light, transformer, hydrant, bench, or any similar object or surface any advertisement, bill, notice, card, Sign, or poster for any purpose unless as permitted by this Article or otherwise installed by or at the direction of the Department of Public Works.
2. Signs that may obstruct the view of approaching or intersecting traffic, or otherwise interfere with the clear and unobstructed view of a highway or official Sign and/or the safe movement of vehicles, bicycles, or pedestrians operating within, entering, leaving, or crossing a public right-of-way, sidewalk, path, or Thoroughfare including those located within a clear sight triangle;
3. Any Sign and/or Sign structure that obstructs the view of, imitates, or otherwise may be may be confused with a governmental, traffic or safety Sign;
4. Any Sign and copy that mimics the City's E-911 street naming and addressing system by using a fictitious, or "vanity," address consisting of a combination of a number, name, and/or place type (e.g. "1 City Square") that has not been assigned by the City and thus may interfere with the timely and accurate response by emergency services.
5. Signs that interfere with free passage from or obstructs any fire escape, downspout, window, door, stairways, ladder, or Building opening or appurtenance intended as a means of ingress or egress, or providing light or air.
6. Signs located on any property without prior authorization granted by the Property Owner;
7. Any Sign which advertises goods, products, or services which are not sold, manufactured, stored, or distributed on or from the property on which the Sign is located,
8. Signs located on the roofs of Buildings or Structures, or that project above the roof or parapet line;
9. Signs mounted, attached, or painted on a trailer, boat, motor vehicle, or other mobile conveyance when parked, stored, or displayed conspicuously close to or within the public right-of-way in a manner intended to attract the attention of the public for advertising purposes, except where the motor vehicle or trailer is regularly and consistently used and moved to conduct normal business activities; and,
10. Signs of any of the following types or with any of the following features or characteristics:
 - a. Any Sign, portion of a Sign, or other advertising device with;
 - i. visibly moving or movable parts; or,
 - ii. flashing, animated, or intermittent illumination except for those specifically

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allowed in Sec. 714.I or Sec. 714.G; or,
iii. fluorescent paint or tape, mirrors, disks, reflectors, or similar devices which has the effect of intensifying reflected light.

- b. Inflatable Signs, such as but not limited to balloons, gas inflated Signs, blimps, or similar inflated Signs;
c. Portable Signs, except for Sandwich Board Signs as permitted under Sec. 714.L.10 below or by the Department of Public Works for placement in the public right-of-way;
d. Windblown devices such as but not limited to, streamers, spinners, banners, feather signs, pennants, and Flags other than those specifically allowed in Sec. 714.C.3; and,
e. Searchlights, outdoor image projections, or any other similar displays projected from an external light source into the sky or onto any Building, Structure, right-of-way, or Thoroughfare, except as may be allowed on a limited basis for special events by Public Works, Parks Recreation, or City Council.

E. Temporary Signs

The following types of Temporary Signs are allowed in all Districts without the requirement of a zoning permit provided they meet the standards found in Table 714.E – Temporary Signs below:

Table 714.E Temporary Signs

Table with 2 columns: Category and Standard. Rows include Temporary Banner (Number of Signs, Types Allowed, Sign Area, Sign Height, Illumination, Duration/Frequency) and Temporary Sign (Number of Signs, Types Allowed, Sign Area, Sign Height, Illumination).

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<u>Duration/ Frequency</u>	<u>Shall not exceed 30 consecutive days and a maximum of 2 display periods per calendar year separated by a minimum of 30 days between display periods.</u>
Real Estate Sign	
<u>Number of Signs</u>	<u>1 on a primary street frontage of a property offered for rent or sale</u>
<u>Types Allowed</u>	<u>Freestanding, Wall, or Window</u>
<u>Sign Area</u>	<u>6 sf max.</u>
<u>Sign Height</u>	<u>Freestanding: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle</u> <u>Wall or Window: No higher than the floor level of the 2nd story.</u>
<u>Illumination</u>	<u>None</u>
<u>Duration/ Frequency</u>	<u>Shall not be erected prior to the property being offered for sale or rent, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred.</u>

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Election Period Sign	
<u>Number of Signs</u>	<u>6 Signs max. per property</u>
<u>Types Allowed</u>	<u>Freestanding, Wall, and/or Window including Banners</u>
<u>Sign Area</u>	<u>6 sf max. for any individual Sign</u>
<u>Sign Height</u>	<ul style="list-style-type: none"> <u>Freestanding: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle</u> <u>Wall or Window (including Banners): No higher than the floor level of the 2nd story.</u>
<u>Illumination</u>	<u>None</u>
<u>Duration/ Frequency</u>	<u>Shall not be erected earlier than 60 days prior to an election, and shall be removed within 3 days afterwards.</u>

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Construction Site Sign	
<u>Number of Signs</u>	<u>1 per street frontage max.</u>
<u>Sign Types Allowed</u>	<u>Freestanding or Wall</u>
<u>Total Sign Face Area</u>	<u>32 sf max in a Residential district; or, 64 sf max in all other districts.</u>
<u>Sign Height</u>	<u>8' max.</u>
<u>Illumination</u>	<u>None</u>
<u>Location</u>	<u>Installed on the premises of a project under construction</u>

<u>Duration/ Frequency</u>	<u>Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.</u>
--------------------------------	--

Construction Site Wrap

<u>Number of Signs</u>	<u>1 per street frontage max.</u>
<u>Sign Height</u>	<u>12' max.</u>
<u>Illumination</u>	<u>None</u>
<u>Location</u>	<u>Installed along the perimeter of the premises of a project under construction. Must not be located within any public street right-of-way unless permitted by the Department of Public Works</u>
<u>Duration/ Frequency</u>	<u>Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.</u>

Construction/Real Estate Window Wrap

<u>Number of Signs</u>	<u>1 per window and door max.</u>
<u>Sign Area</u>	<u>May fill the entire glazed portion of the window and/or door.</u>
<u>Sign Height</u>	<u>No higher than the ceiling level of the 1st story</u>
<u>Illumination</u>	<u>None</u>
<u>Location</u>	<u>Installed on the premises of a project under construction.</u>
<u>Duration/ Frequency</u>	<u>Shall not be erected prior to the property being offered for sale or rent, or one week prior to the commencement of construction, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred or within 24 hours of completion of construction.</u>

F. Non-Conforming Signs

Any legally pre-existing Sign or other advertising device which does not conform to the current provisions of this Article shall be deemed a non-conforming Sign. Non-conforming Signs may remain in use at the same location, and ordinary maintenance and repair of such Signs shall be permitted. A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article. Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.

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G. Discontinuance and Removal

Any Sign advertising an activity, business, service, or product must be removed, or the Sign face replaced with a blank face, within 60 days of the activity, business, or service promoted by the Sign being discontinued on the premises where the Sign is displayed. If the use is not reestablished, or a new use is not established, within one (1) year, then the entire Sign Structure and mounting hardware shall be removed.

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H. Sign Permit Applications, Submission Requirements, Review and Decision-making

An application is necessary for those requests pertaining to all Signs covered by the requirements of this Article. Submission requirements shall also include all the following as applicable:

1. A completed application form, and signed by the property owner, along with the applicable fee;
2. A scaled rendering of the proposed Sign indicating its dimensions in square inches or feet (length, width, height), and all materials and colors used;
3. Applications involving Freestanding, and Monument Signs shall include a scaled site plan indicating the location of all existing and proposed Signs on the lot, all setbacks in feet from the property lines and/or rights-of-way, and the location of any Clear Sight Triangle;
4. Applications involving Awning, Blade, Canopy, Marquee, Nameplate, Outdoor Display Case, Projecting, Window, and/or Wall Signs shall include scaled building elevations indicating the location of all existing and proposed Signs on the building façade and the frontage dedicated to the establishment in linear feet;
5. Where applicable, the type and method of illumination (i.e. external, internal, or backlit), including the fixture style, placement, and bulb wattage and type. Applications involving an Electronic Changeable Message must also provide written certification from the sign manufacturer that the luminance of the display has been factory pre-set so that it will not exceed 5,000 nits;
6. The total square footage of all existing Signs for the establishment; and
7. Photographs of the building or site where the Sign is proposed.

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I. Calculation of Sign Area and Height

1. The following shall govern the calculation of a Sign's area:
 - a. The area of a Sign shall include all numerals, lettering, designs, logos, or symbols, together with the background, whether open or enclosed, upon which they are displayed. Not included are any supporting framework incidental to the display itself unless under Secs. 714.L.1 through 714.L.12 Sign Types.
 - b. Where a Sign consists of only individual numerals, letters, logos, or symbols attached, painted, or applied directly to a door, wall, or window, the area shall be considered the smallest polygon which would enclose the sign encompassing all the letters and symbols. (See Figure 714.I.1)



Figure 714.I.1 Area of a Sign affixed directly on a wall or window.

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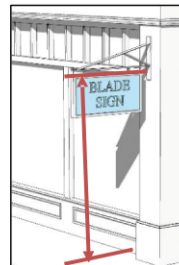
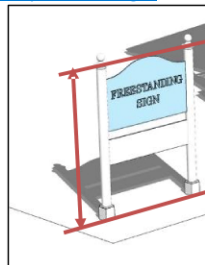
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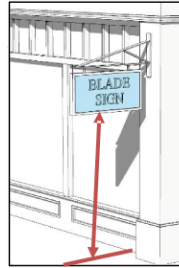
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- c. If a Sign has two or more faces, the area of all faces is included in determining the maximum area of the Sign, unless the two faces are identical and placed back to back or are no more than two feet apart. In such case, the Sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate Sign area.
- d. The Sign area of a three-dimensional, free-form, or sculptural (non-planar) Sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the Sign.
- e. The maximum allowable area of a Sign shall include all permanent Signs attached, painted, or applied to a building façade. If an establishment has walls fronting on two (2) or more streets, the Sign area for each street shall be computed separately.
- f. Limitations on the height of lettering shall pertain only to the height of individual characters.



2. Unless described otherwise under Secs. 714.L.1 through 714.L.12 Sign Types, the following shall govern the calculation of a Sign's height:

- a. Sign height overall is measured as the vertical distance from the finished grade at the base of a freestanding Sign, or of a building or structure for an attached Sign, to the highest point of the Sign.
- b. For Signs attached to and projecting from a building or structure, vertical clearance is measured as the vertical distance from the finished sidewalk level to the lowest point of the Sign or Sign structure.



J. Sign Lighting

The following requirements shall pertain to the lighting of all Signs:

- 1. The eligibility of lighting for any Sign shall be as indicated under Secs. 714.L.1 through 714.L.12 Sign Types.
- 2. All Signs shall be illuminated such that the illumination is steady and stationary, directed solely at the Sign or internal to it, and does not create glare or unduly illuminate the surrounding area.
- 3. The luminance of any Sign shall not exceed 250 nits between dusk and dawn, as measured from the brightest element of the Sign's face. Dusk and dawn are defined as, respectively, the time starting at one-half hour before sunset and one-half hour after sunrise, as determined by the National Weather Service (actual time).
- 4. External Illumination:
 - a. Light fixtures shall be located, shielded, and directed such that the light source is directed only onto the Sign face.
 - b. Neither the light source or reflective surfaces of the fixture shall be visible from the public way or surrounding properties.

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- c. Light fixtures used to illuminate signs shall be top mounted and shall direct the light downward toward the sign.
- d. Ground mounted lights shall not be used unless under special circumstances where conditions of (3) above cannot be met. In such cases, the receptacle or device housing the light source shall not extend more than 12 inches above ground, and shall be fully screened and housed.
- e. Projecting light fixtures must be simple and unobtrusive in appearance and not obscure the Sign.
 - i. Reverse Channel Illumination (i.e. Backlit):
 - 1. Backlit Signs shall light lettering and logo and other related Sign elements only, and lighting design shall be such that no excess light spill or glare results from the back lighting fixtures and/or source.
 - 2. The light source shall not be visible from the public way or surrounding properties.
 - 3. Illumination levels shall not increase the measurable vertical light level at any point 20 feet distant from the Sign in any direction.
 - ii. Internal Illumination:
 - 1. Internally illuminated Signs shall be designed such that light passes through the lettering, logo, and other related Sign elements only, and the background shall remain opaque and light transmission shall be blocked.
 - 2. The Sign cabinet shall fully enclose the light source so that it is not visible from the exterior of the Sign.
 - 3. The background must be opaque and a darker color than the message of the Sign.
 - iii. Direct Illumination (i.e. the use of exposed lamps, such as neon tubes and LED's, that have no shielding and are visible to the eye):
 - 1. Direct illumination is limited to letters, numbers, symbols, and accents.
 - 2. Neon signs shall not exceed two (2) square feet in size.
 - iv. Raceways, Conduit, Wiring, and Transformers
 - 1. All electrical raceways, conduits, and wiring shall be contained completely within the Sign assembly or inside the wall and shall not be exposed.
 - 2. If a raceway is necessary, it cannot extend in width or height beyond the area of the Sign.
 - 3. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the Sign.
 - 4. Visible transformers are not allowed.
 - v. Electronic Changeable Message:
- 5. Where permitted as provided in Secs. 714.L.1 through 714.L.12 Sign Types, Electronic Changeable Message displays shall:
 - a. Not have any distracting appearance of motion including but not limited to flashing, blinking, shimmering, animation, video, or scrolling advertising.
 - b. Limit the luminance of the display not to exceed 5,000 nits at any time.

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Commented [JM2]: EJ version includes the additional: illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or temperature and barber pole signs.

String lights may be used in connection with commercial premises except as specifically prohibited within this Section.

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Commented [JM3]: EJ version: Externally illuminated signs shall meet the following standards: (a) The average level of illumination on the vertical surface of the sign shall not exceed three (3.0) foot-candles, and the uniformity ratio (ratio of average to minimum illumination) shall not exceed two to one (2:1). (b) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets or properties.

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- c. Have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers where readily visible to drivers of vehicles on any public way.
 - d. Consist only of alphabetic or numeric characters on a plain background, and shall not include any graphic, pictorial, video, or photographic images.
 - e. Utilize a maximum of only one color for the message on a dark background of only one color.
 - f. Have a minimum display time of two (2) minutes. When the message changes, it must complete the transition within 1 second or as rapidly as is technologically practicable whichever is less with no phasing, rolling, scrolling, flashing, or blending.
 - g. Be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
 - h. Contain a default mechanism that freezes the changeable message in one position, or shuts off the device entirely, in the event of a malfunction.
 - i. Limit the area occupied by the electronic changeable message to no more than
6. (50) percent of the maximum total allowable Sign area as provided in Secs. 714.L.1 through 714.L.12 Sign Types.
- a. Be limited to a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols dedicated to the electronic changeable message.

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K. Alternative Compliance

Minor variation and relief any non-numerical standard found in this Article, and any numerical standard by no more than 20% of such requirement, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing, and upon affirmative findings that:

- 1. the relief sought is necessary in order to accommodate a unique circumstance or opportunity;
- 2. the relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;
- 3. the relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;
- 4. the relief, if granted, will not impose an undue adverse burden on adjacent properties; and,
- 5. the remainder of the Sign will otherwise be developed consistent the purpose of this Article, and all other applicable standards.

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L. Sign Types

714.L.1: Awning & Canopy Sign

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Description

This Sign type consists of one or more faces, and is integrated within or part of an Awning or Canopy extending over a principal entrance and/or first floor windows on a Primary or Secondary Frontage, or spanning across an individual storefront or an entire building façade. An awning with letters in the form of a sign shall be considered a wall sign.

Specifications

- Location Only Awnings and Canopies on ground floor doors or windows may contain signs.
- Quantity (max) • 1 per Awning
 • 3 per Canopy
- Area, Lettering (max) • 75% of the area of the Valance or Canopy face
 • 25% of the area of the sloping plane of an Awning
- Height, Lettering (min/max) • 5-in min; 10-in max on the Valance, or 18-in max on sloping plane of an Awning
 • 24" max. on a Canopy
 • Awnings must clear the sidewalks or ground by at least eight (8) feet.

Miscellaneous

Canopy Signs may be placed on the face and sides of the Canopy, or extend above or below the Canopy face provided 8-ft min. clear height above the sidewalk is maintained.

Awning Signs may only be placed on the Valance or sloping plane of the Awning, not both.

Awning Signs shall not be internally illuminated or backlit. Canopy Signs may only be backlit.

Awning or Canopy Signs in a Residential district shall not be illuminated.

The awning may extend to within one (1) foot of the vertical plane created by the curb or right-of-way line. Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

The top of the awning, where it is attached to the building, shall be no higher than fourteen (14) feet above grade.

Awnings without letters shall be allowed subject to the size and height restrictions above.

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but the overall number of awnings shall not be restricted.
Awnings may be non-illuminated or externally illuminated only by downdirected and shielded fixtures and incandescent bulb

714.L.2: Band Sign



Description

This Sign type consists of a single face, and is placed within a Sign Band that is architecturally integrated into the overall design of the building façade over a principal entrance and spanning across an individual storefront or the entire façade on a Primary Frontage.

Specifications

<u>Quantity (max)</u>	<u>1 Band Sign per street-level storefront</u>
<u>Width, Sign (max)</u>	<u>Length of the street-level storefront frontage</u>
<u>Height, Sign (max)</u>	<u>3-ft</u>
<u>Height, Overall (max)</u>	<u>the lesser of the floor level of the second floor or 18-ft above the finished sidewalk.</u>
<u>Depth/Projection, lettering (max)</u>	<u>7-in from the face of the Sign Band</u>
<u>Area, Sign (max)</u>	<u>75% of that portion of the Sign Band associated with the street-level use</u>

Miscellaneous

Band Signs shall include only characters, background, lighting, and an optional logo.
If illuminated, Band Signs may only be externally illuminated or backlit.

714.L.3: Blade Sign

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Description

This Sign type consists of 1-2 faces, and projects perpendicular from the Building façade on a Primary or Secondary Frontage, or elevation where street frontage is not available.

Specifications

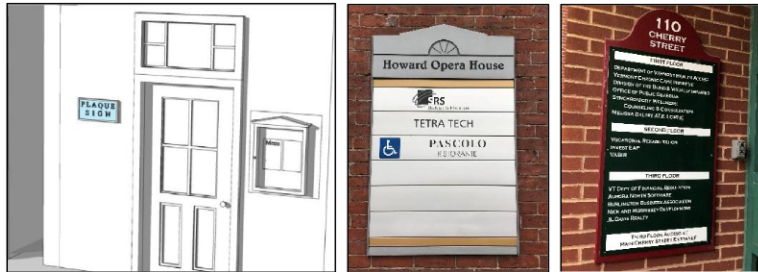
<u>Location (max)</u>	<u>within 4-feet of a principal entrance.</u>
<u>Quantity (max)</u>	<u>1 per ground floor tenant</u>
<u>Width, Sign (max)</u>	<u>3-ft</u>
<u>Height, Sign (max)</u>	<u>3-ft</u>
<u>Depth, Sign (max)</u>	<u>6-in</u>
<u>Offset from Building (min/max)</u>	<u>6-in min and 12-in max from the façade</u>
<u>Projection (max)</u>	<u>4-ft from the façade</u>
<u>Area, Sign (max)</u>	<u>9 sqft</u>
<u>Height, Clear (min)</u>	<u>8-ft min. above finished sidewalk (the lowest portion of the overhanging sign and/or bracket)</u>
<u>Height, Overall (max)</u>	<u>The lesser of the floor level of the second floor or 18-ft above the finished sidewalk.</u>

Miscellaneous

- The bracket must be an integral part of the Sign design.
- A Blade Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.
- A Blade Sign may be attached to the face or underside of a canopy
- If illuminated, Blade Signs shall only be externally illuminated. Blade Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.
- Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

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714.L.4: Directory Sign



Description

This Sign type has a single face and consists of either a panel or individual letters applied directly to a building wall, typically listing the names of building tenants.

Specifications

- Location (max) within 4-feet and to the side of a principal entrance.
- Quantity (max) 1 per principal entrance
- Width (max) 18-inches
- Height (max) 36-inches
- Depth/Projection (max) 3-inches from the façade

Miscellaneous

- If illuminated, Directory Signs may only be backlit.
- Directory Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

714.L.5: Freestanding Sign



Description

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This Sign type consists of 1 or 2 faces, is fully detached from a Building, and placed in a front yard with external support consisting of 1-2 posts.

Specifications

Quantity (max) 1 per primary street frontage

Width (max) 8-ft (not including supports)

Height 10-ft (not including supports)

Depth (face-to-face) (max) 1-ft

Sign Area (max) 60 sf. (not including supports) or 0.3 sf per linear foot of street facing building frontage whichever is less.

Setback (min) The lesser of 3-ft from the front property line or in-line with the building facade, and 5-ft from any side property line

Height, Overall (max) 14-ft above the finished grade (including supports).

Miscellaneous

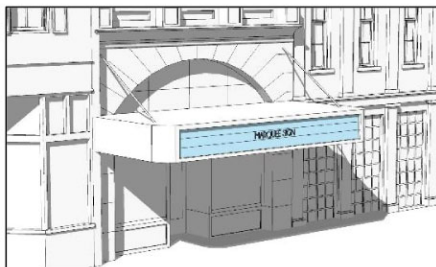
No part of a Freestanding Sign may encroach or overhang upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

Freestanding Signs associated with a Fuel Service Station may include an electronic changeable message only for the display of numerals.

Freestanding Signs may only be internally or externally illuminated or backlit.

Commented [JM6]: EJ version: In Commercial and Industrial Districts, a single side of a freestanding sign may not exceed three tenths (0.3) of a square foot in surface area for every one (1) linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a free standing sign exceed forty (40) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, fifty (50) square feet on lots with two hundred (200) or more but less than four hundred (400) feet of frontage, and sixty (60) square feet on lots with four hundred (400) feet or more of frontage.

714.L.6: Marquee



Description

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This Sign type consists of 1-3 faces on an iconic structural feature of a Building that projects perpendicular from the façade over a principal entrance.

Specifications

<u>Quantity (max)</u>	<u>1 per primary street frontage.</u>
<u>Width (max)</u>	<u>Width of the street-level frontage associated with the principal entrance</u>
<u>Projection (min/max)</u>	<u>6-ft min.; 10-ft max. from the facade</u>
<u>Setback (min)</u>	<u>No closer than 3-ft from the back of the curb</u>
<u>Area, Sign (max)</u>	<u>75% of any face of the Marquee</u>
<u>Height, Clear (min)</u>	<u>10-ft above the finished sidewalk</u>
<u>Height, Overall (max)</u>	<u>The top of the Marquee shall be no more than the lesser of the floor level of third Story or 35-ft above the finished sidewalk</u>

Miscellaneous

Marquees shall be allowed only for the following uses: Cinemas, Conference/ Convention Centers, Performing Arts Centers, and Recreation Facility – Indoor. Marquees within the Transit Oriented Development District shall be subject to design review by the Development Review Board.

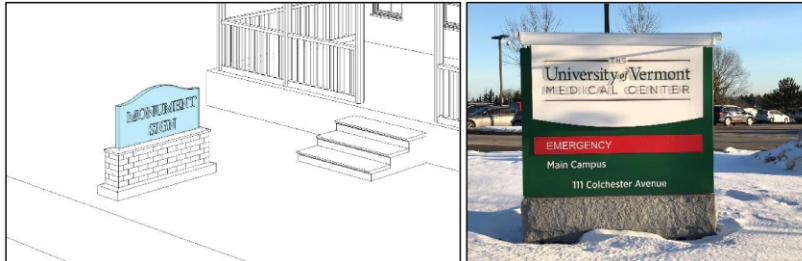
A Marquee erected on a Building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the Building.

Marquees shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

Marquees may be illuminated internally and directly, and may include manual or electronic changeable message. Marquees may include intermittent blinking and flashing lamps and borders.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

714.L.7: Monument Sign



Description

This Sign type consists of 1-2 faces, is placed in a front yard fully detached from a Building, and is supported along the entire length of its base.

Specifications

<u>Quantity</u>	<u>1 per primary street frontage.</u>
<u>Depth (face-to-face) (max)</u>	<u>2.5-ft</u>
<u>Setback (min)</u>	<ul style="list-style-type: none"> • <u>The lesser of 3-ft from the front property line or in line with the building façade.</u> • <u>5-ft from any side property line.</u>
<u>Area (max)</u>	<u>60 sf (not including supports) or 0.5 sf per linear foot of street facing building frontage whichever is less.</u>
<u>Height, Overall (max)</u>	<u>6-ft from the finished grade</u>

Miscellaneous

No part of a Monument Sign may encroach upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

If illuminated, a Monument Sign may only be internally or externally illuminated or backlit.

Monument Signs in a Residential district shall not be illuminated.

A Monument Sign associated with a public or civic use may include manual or electronic changeable message.

714.L.8: Outdoor Display Case



Description

This Sign type has a single face and consists of a metal or wood framed cabinet mounted onto a building façade on a Primary or Secondary Frontage with a transparent window and a lockable opening allowing the contents, such as menus or posters, to be kept current.

Specifications

Quantity	1 per tenant*
Width (max)	3 ft
Height (max)	4 ft
Area (max)	6 ft
Height, Overall (max)	6-ft from the finished grade
Depth/Projection (max)	3 in from the Façade

Miscellaneous

* Cinemas, Performing Arts Centers, and Performing Arts Studios may have up to 4 Outdoor Display Cases per street frontage, each not exceeding 12-sqft in area, not to exceed fifteen (15%) per cent of the area of the Façade associated with the tenant.

Outdoor Display Cases may only be illuminated from inside the display case, and shall not include electronic changeable messages.

714.L.9: Projecting Sign



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Description

This Sign type consists of 2 faces on an iconic structural feature of a Building that projects perpendicular from the Façade.

Specifications

<u>Quantity (max)</u>	<u>1 per Primary street Frontage</u>
<u>Width, Sign (max)</u>	<u>4-ft</u>
<u>Height, Sign (max)</u>	<u>10-ft</u>
<u>Depth, Sign (max)</u>	<u>6-in</u>
<u>Offset from Building (min & max)</u>	<u>6-in min and 12-in max from the Façade</u>
<u>Projection (max)</u>	<u>5-ft from the Façade (incl brackets)</u>
<u>Area, Sign (max)</u>	<u>40 sqft</u>
<u>Height, Clear (min)</u>	<u>the greater of the floor level of second Story or 15-ft above finished sidewalk</u>
<u>Height, Overall (max)</u>	<u>the lesser of the floor level of third Story or 35-ft above the finished sidewalk</u>

Miscellaneous

All projecting signs require design review by the Development Review Board. Projecting signs in any district which would project over any public right-of-way shall require approval by the City Council.

The bracket must be an integral part of the Sign design.

A Projecting Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.

A Projecting Sign shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

A Projecting Sign may be illuminated externally, internally, and directly.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

714.L.10: Sandwich Board

Commented [JM7]: EJ version: The projecting sign shall not be more than two (2) feet tall.

Commented [JM8]: EJ version: The projecting sign may not project more than three (3) feet from the wall on which it is mounted.

Commented [JM9]: The projecting sign may not project more than three (3) feet from the wall on which it is mounted.

Commented [JM10]: Significantly different from the Essex Junction equivalent.

The projecting sign shall be mounted so that no part is less than eight (8) feet above ground level.

Commented [JM11]: This is a EJ requirement.



Description

This Sign type is a two-sided, portable sign that is constructed in the form of an “A” or similar tent-like shape, or attached to a heavy base in the form of an inverted “T”.

Specifications

- Quantity (max) 1 per ground floor tenant; and 1 per 4 upper story or below grade tenants
- Area (max) 8 sf
- Height (max) 4-ft above the finished grade; 3-ft if placed within a clear sight triangle
- Width (max) 3-ft
- Location
 - 15-ft max. from a principal entrance
 - no closer than 10-ft from a street intersection or crosswalk
 - no closer than 12-ft from another Sandwich Board

Miscellaneous

A Sandwich Board shall not interfere with ingress and egress points and the flow of pedestrian traffic, and a minimum of 5-feet of sidewalk clearance must be maintained at all times.

A Sandwich Board shall only be displayed during business hours, and must be taken indoors when the business is closed.

A Sandwich Board must be freestanding, and shall not be attached to the ground or any other structure or object.

A Sandwich Board shall not be illuminated.

A Sandwich Board shall be constructed of durable, weather resistant materials and finish, and sufficiently weighted to the ground to prevent blow-down. During high wind events all Sandwich Boards shall be taken indoors. The requirements of this Sign Type do not apply to Sandwich Boards placed within the public right-of-way which must be approved by the Dept. of Public Works as may be applicable.

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714.L.11: Wall Sign



Description

This Sign type has a single face and is attached, painted, or otherwise mounted parallel to a building or structure wall on a Primary or Secondary Frontage or elevation where no street Frontage is available.

Specifications

- Height (max) No higher than the floor level of the second story.
- Area (max) • 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant.
- 10 sf for a second floor tenant with only a ground floor entryway.
- In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached.
- A Wall Sign in any residential district shall not exceed 6-sf in area.
- A Wall Sign in a commercial district shall not exceed 20-sf in area.

Depth/ Projection (max) 12-in max. from the façade

Miscellaneous

A Wall Sign may not be applied on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

A Wall Sign may not be painted on walls made of previously unpainted stone or brick.

Commented [JM12]: EJ version: The size shall be computed as the length of wall multiplied by fifteen (15) feet, or twenty (20) square feet, whichever is greater. If a structure has multiple stories with different business establishments, the facade area shall be calculated by multiplying the length of wall used by each business establishment by vertical floor to ceiling height of each story.

Commented [JM13]: EJ version: No wall sign shall project more than eight (8) inches from the wall to which it is attached, extend beyond the building face on a street or parking lot, or exceed the lowest of the following height limitations: (a) Twenty (20) feet above grade; (b) The cornice line of the building at the building line.

If illuminated, Wall Signs may be externally illuminated or backlit.

714.L.12: Window Sign



Description

This Sign type has a single face, and is affixed directly onto or behind the glazing of a window and/or door on a Primary or Secondary Frontage, or elevation where no Frontage is available.

Specifications

- Quantity (max) 1 per first or second floor window and/or ground floor entry.
- Area (max)
 - 20% of the area of any individual window located between 4 and 7 feet above the adjacent sidewalk or finished grade.
 - Total area may not exceed 30% of the total window area of all windows with Signs per façade or elevation.
 - Window sign may not completely obstruct a single window, unless businesses are obligated to obscure windows according to state or federal regulations.

Height, Lettering (max) 8-inches

Miscellaneous

Characters and logos shall be placed directly on the glazing or placed no more than 12” behind the glazing. Items placed more than 12” from the glazing shall not be considered a Window Sign.

Window Signs shall not be illuminated, however the use of neon as part of the Sign design is permitted.

Window Signs in any Residential district shall not be illuminated.

Window area calculations shall include only the glazing.

Window Signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.

M. Location of Sign Types

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Commented [JM14]: EJ version: In Commercial and Industrial Districts businesses are allowed temporary and permanent window signage not to exceed twenty five (25) percent of the total window area. Each separate window pane shall not have a sign greater than twenty five (25) percent of the window. The Development Review Board may waive the twenty five (25) percent limit on window signage upon determination that the waiver request is consistent with the intent and purpose of the sign regulations as outlined in Section 502.K.

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All Signs shall meet the standards set forth in this Article, and the Sign Types described in this Part in Secs. 714.M.1 through 714.M.3 below.

1. Mixing Multiple Sign Types: Mixing multiple Signs types on a single building or site in any combination is permitted unless otherwise limited by the Sign Type or Table 714.M.1 below.
2. Multiple signs on a façade shall be designed and organized in a manner consistent and complementary with the overall architecture of the Building, and employ complimentary materials, colors, design, and scale of letters. The Sign Types permitted in each zoning district shall be as defined in Table 714.M.2 below.

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Table 714.M.1

	<u>Awning & Canopy Sign</u>	<u>Band Sign</u>	<u>Blade Sign</u>	<u>Directory Sign</u>	<u>Freestanding Sign</u>	<u>Marquee</u>	<u>Monument Sign</u>	<u>Outdoor Display Case</u>	<u>Projecting Sign</u>	<u>Sandwich Board</u>	<u>Wall Sign</u>	<u>Window Sign</u>
<u>Awning & Canopy Sign</u>		○	○	○	○	●	○	○	○	○	○	○
<u>Band Sign</u>	○		○	○	○	○	○	○	○	○	○	○
<u>Blade Sign</u>	○	○		○	○	●	●	○	●	○	○	○
<u>Directory Sign</u>	○	○	○		○	○	○	○	○	○	○	○
<u>Freestanding Sign</u>	○	○	○	○		●	●	○	●	○	○	○
<u>Marquee</u>	●	○	●	○	●		●	○	●	○	○	○
<u>Monument Sign</u>	○	○	●	○	●	●		○	●	○	○	○
<u>Outdoor Display Case</u>	○	○	○	○	○	○	○		○	○	○	○
<u>Projecting Sign</u>	○	○	●	○	●	●	●	○		○	○	○
<u>Sandwich Board</u>	○	○	○	○	○	○	○	○	○		○	○
<u>Wall Sign</u>	○	○	○	○	○	○	○	○	○	○		○
<u>Window Sign</u>	○	○	○	○	○	○	○	○	○	○	○	

○ - Sign Types are permitted on the same frontage or elevation.
 ● - Sign Types are **not** permitted on the same frontage or elevation.

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Table 714.M.2									
Sign Types Permitted by Zoning District									
Sign Type	Residential 1	Residential 2	Multi-Family Residential 1	Multi-Family Residential 2	Multi-Family Residential 3	Multi-Family/Mixed Use 1	Multi-Family/Mixed Use 2	Village Center	Sign Type Standards
Awning & Canopy Sign	●	●	●	●	●	●	●	○	714.L.1
Band Sign	●	●	●	●	●	●	●	○	714.L.2
Blade Sign	●	●	○	○	○	○	○	○	714.L.3
Directory Sign	●	●	○	○	○	○	○	○	714.L.4
Freestanding Sign	●	●	○	○	○	○	○	○	714.L.5
Marquee	●	●	●	●	●	●	●	○	714.L.6
Monument Sign	●	●	○	○	○	○	○	●	714.L.7
Outdoor Display Case	●	●	○	○	○	○	○	○	714.L.8
Projecting Sign	●	●	○	○	○	○	○	○	714.L.9
Sandwich Board	●	●	○	○	○	○	○	○	714.L.10
Wall Sign	●	●	○	○	○	○	○	○	714.L.11
Window Sign	●	●	○	○	○	○	○	○	714.L.12
○ - Sign Type is permitted					● - Sign Type is not permitted				

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<u>Table 714.M.2 Continued</u>	<u>Sign Types Permitted by Zoning District</u>								
<u>Sign Type</u>	<u>Transit Oriented Development</u>	<u>Residential-Office</u>	<u>Light Industrial</u>	<u>Planned Exposition</u>	<u>Planned Agriculture</u>	<u>Planned Agriculture</u>	<u>Open Space</u>	<u>Floodplain</u>	<u>Sign Type Standards</u>
<u>Awning & Canopy Sign</u>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.1</u>
<u>Band Sign</u>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.2</u>
<u>Blade Sign</u>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.3</u>
<u>Directory Sign</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.4</u>
<u>Freestanding Sign</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<u>714.L.5</u>
<u>Marquee</u>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.6</u>
<u>Monument Sign</u>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<u>714.L.7</u>
<u>Outdoor Display Case</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.8</u>
<u>Projecting Sign</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.9</u>
<u>Sandwich Board</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.10</u>
<u>Wall Sign</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.11</u>
<u>Window Sign</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<u>714.L.12</u>
<input type="radio"/> - Sign Type is permitted					<input checked="" type="radio"/> - Sign Type is not permitted				

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N. Subdivision, Multi-Family, and School Entrance Signs.
At any entrance to a residential subdivision, multi-family development or school, there may be not more than two free-standing or wall signs identifying the entrance. A single side of any such sign may not exceed ten (10) square feet.

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O. Maintenance of Signs
 1. All signs and all components thereof, including but not limited to, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted or stained with a neutral color to blend with the natural environment.
 2. Staff is authorized to order the repair or removal of any sign which in the judgment of the Staff is dangerous, or which is erected or maintained contrary to this Code.

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P. Unlawful Cutting of Trees or Shrubs

No person may damage, trim, destroy or remove any trees, shrubs or other vegetation for the purpose of increasing or enhancing the visibility of any sign in any of the following locations:

1. Within any public right-of-way unless the work is done pursuant to the expressed written authorization of the City or other Agency having jurisdiction over the streets,
2. On property that is not under the ownership or control of the person responsible for such work unless the work is authorized by the owner,
3. In any area where such trees or shrubs are required to remain under a permit issued by the City or any other Agency having jurisdiction to issue such permits.

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SECTION 715: TELECOMMUNICATIONS

A. Balloon Test

The Development Review Board may require the applicant to fly a four (4) foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least seven (7) days in advance of the test in a newspaper with a general circulation in the City. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least fifteen (15) days in advance of the test.

1. The balloon shall be flown for at least eight (8) consecutive daylight hours on two (2) days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Development Review Board.

B. Criteria For Approval and Conditions

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Development Review Board finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Development Review Board may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
2. The Facility will not project more than twenty (20) feet above the average elevation of the tree line measured within fifty (50) feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than one hundred (100) percent the total elevation of the tower, including antenna or equipment.

This Sign type has a single face, and is affixed directly onto or behind the glazing of a window and/or door on a Primary or Secondary Frontage, or elevation where no Frontage is available.

Specifications

- Quantity (max) 1 per first or second floor window and/or ground floor entry.
- Area (max)
 - 20% of the area of any individual window located between 4 and 7 feet above the adjacent sidewalk or finished grade.
 - Total area may not exceed 30% of the total window area of all windows with Signs per façade or elevation.
 - Window sign may not completely obstruct a single window, unless businesses are obligated to obscure windows according to state or federal regulations.

Height, Lettering (max) 8-inches

Miscellaneous

Characters and logos shall be placed directly on the glazing or placed no more than 12" behind the glazing. Items placed more than 12" from the glazing shall not be considered a Window Sign.

Window Signs shall not be illuminated, however the use of neon as part of the Sign design is permitted. Neon 'Open' signs shall not exceed 3 square feet.

Window Signs in any Residential district shall not be illuminated.

Window area calculations shall include only the glazing.

Window Signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.

M. Location of Sign Types

All Signs shall meet the standards set forth in this Article, and the Sign Types described in this Part in Secs. 714.M.1 through 714.M.3 below.

1. Mixing Multiple Sign Types: Mixing multiple Signs types on a single building or site in any combination is permitted unless otherwise limited by the Sign Type or Table 714.M.1 below.
2. Multiple signs on a façade shall be designed and organized in a manner consistent and complementary with the overall architecture of the Building, and employ complimentary materials, colors, design, and scale of letters. The Sign Types permitted in each zoning district shall be as defined in Table 714.M.2 below.

Commented [JM12]: EJ version: In Commercial and Industrial Districts businesses are allowed temporary and permanent window signage not to exceed twenty five (25) percent of the total window area. Each separate window pane shall not have a sign greater than twenty five (25) percent of the window. The Development Review Board may waive the twenty five (25) percent limit on window signage upon determination that the waiver request is consistent with the intent and purpose of the sign regulations as outlined in Section 502.K.

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- (a) The enlargement or expansion, itself, conforms to all provisions of this Code except setbacks.
- (b) The structure, as enlarged, does not diminish any required yard or setback areas except a setback line encroachment equal to the existing building line.
- (c) The expansion does not exceed any maximum density, lot coverage, intensity or height limitations.

C. Reconstruction

1. If a non-complying structure is destroyed or damaged by fire, flood, windstorm or similar abnormal event, and the cost of restoring the structure to its condition immediately prior to the event exceeds fifty (50) percent of the value of the structure immediately prior to the event, the structure may be restored or reconstructed, upon Conditional Use and Site Plan approval (when site plan approval is applicable), provided that the following conditions are met:
 - (a) The structure, as restored or reconstructed shall not be more non-complying than the original structure prior to the event.
 - (b) Except as specified in Section 801.C.1 of this Code, the uses of the restored or reconstructed structure shall conform to all provisions of this Code.
2. Non-conforming structures on properties with one single family dwelling may be rebuilt as long as the new structure is not more non-conforming than the existing structure. However, if staff determines the structure could reasonably be rebuilt in conformance with the existing regulations the applicant will be required to comply with the existing regulations. Appeal of staff decisions may be made in accordance with Section 1701.

SECTION 803: EXISTING SMALL LOTS

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

SECTION 804: NON CONFORMING SIGNS

1. ~~Subject to the remaining restrictions of this Section, non-conforming signs that were otherwise lawful on the effective date of this Code may be continued until they are required to be removed under Section 714 of this Code.~~
2. ~~No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign.~~
3. ~~A non-conforming sign may not be moved, replaced, enlarged, redesigned or altered in any way, (except repainting), without bringing the sign into complete conformity with this Code. Illumination shall not be added to any nonconforming sign.~~
4. ~~If a non-conforming sign is destroyed by fire or other natural causes, it may not thereafter be repaired, replaced or reconstructed, except in conformity with all the provisions of this Code, and the remnants of the former sign structure shall be removed.~~

A non-conforming sign shall be considered "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature, or replacing it with an equivalent sign, would exceed thirty five (35) percent of the value of the sign prior to the destruction.

5. The message of a non-conforming sign may be changed if it does not create any new non-conformities.

SECTION 805: REMOVAL OF NON-CONFORMING SIGNS

1. If a non-conforming sign advertises a business, service, commodity, accommodation, attraction, or activity that is no longer operating or being offered or conducted on the premises, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment.

2. The following types of non-conforming signs shall be altered to comply with the provisions of this article or removed within ninety (90) days after the effective date of this Code:

(a) Portable signs and temporary signs.

(b) Signs that are in violation of Section 714.N.

3. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign (or the supporting braces, anchors, or similar components) the owner of record shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 805.1, above which restricts the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

Commented [JM17]: These sections are made redundant by the new sections of 714.F and 714.G

Cost:

There is no cost to these changes.

Recommendation:

Staff recommends that the Planning Commission review the regulations to suggest any further changes or confirm the revision if no further changes are needed.

Attachments:

1. Draft of Land Development Code with suggested amendments.

Recommended Bylaw Updates for Electric Vehicle Charging

CCRPC Electric Vehicle Planning Study – Phase II

June 2014

Municipal development regulations should include language to clarify permitting requirements for new electric vehicle charging installations and support the ongoing development of this infrastructure.

Recommendations below cover the following areas:

- A. **Accessory Uses** – treating EV charging as an accessory use is generally the simplest permit procedure for development of new installations.
- B. **Parking** – spaces set aside for EV charging should be included in the calculation of parking requirements.
- C. **Signage** – wayfinding and parking restriction signage should be treated similar to other small traffic control device permit procedures, such as signage on Americans with Disabilities (ADA) required spaces.
- D. **Fee collection** – charging station owners should be free to set pricing for charging services as market conditions warrant without affecting the land use classification of the property.
- E. **Definitions** – unified definitions of EV-related issues will help property owners and municipal staff apply the recommended language consistently.

Each area includes sample reference language as well as potential use cases based on the South Burlington Land Development Regulations and the Williston Unified Development Bylaw.

A. Accessory Use

While specific language and requirements will vary by municipality, the goal of defining EV Charging Stations as Accessory Uses is to streamline the permitting process. In some municipalities, this classification may not require a permit; in others, it will enable permits to be issued administratively. If Accessory Uses require significant review, municipalities may wish to consider other less restrictive classifications which may be available under their local bylaws. For example, they could be listed as an exemption in which no review or permit would be needed.

Recommended Accessory Use Language:

All EVSE Charging Stations shall be considered an ACCESSORY USE and allowed and encouraged in all districts, subject to the provisions listed in [Section number for Accessory Uses].

Residential v. Non-Residential

In some cases, Accessory Uses may be addressed in Residential and Non-Residential sections of the Bylaws separately. In these cases, it will be beneficial to explicitly state that EV Charging Stations are allowed Accessory Uses in each section.

Example and Potential Language for the City of South Burlington Land Development Regulations

Chapter 3.10 General Provisions, Accessory Structures and Uses (p. 3-19)

- A. General Requirements. Customary accessory structures and uses are allowed in all districts, as specifically regulated in that district, under the provisions that follow below.
- B. Poolhouse.
- ...
- G. Electric Vehicle Charging Stations [proposed additions in red text]. EV Charging Stations shall be considered accessory structures and allowed and encouraged in all districts, subject to the requirements of this chapter.

Example and Potential Language for the Town of Williston Unified Development Bylaw:

Chapter 17 Accessory Uses and Structures, Temporary Uses and Structures (p. 93):

Customary accessory structures and uses are permitted in all zoning districts. This chapter clarifies the meaning of those terms by providing standards for some common nonresidential accessory uses. Residential accessory uses are addressed in Chapter 20.

17.1 Accessory Dwellings

...

17.16 Electric Vehicle Charging Stations

All EVSE Charging Stations are permitted as accessory uses and structures in all zoning districts.

17.16.1 Is a permit required to install EV charging stations? An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1.

17.16.2 Do EV Charging Stations impact the minimum required parking spaces? No, EV Charging Stations do not impact the number of minimum or maximum vehicle spaces required, as provided by WDB 14.2.

17.16.3 Do other requirements of this bylaw apply to EV Charging Stations? Yes. EV Charging Stations must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

17.16.3.1 Signs/Public Art. Chapter 25 of this bylaw sets standards for signs and public art that apply to EV Charging Stations.

17.16.3.2. Outdoor Lighting. Chapter 24 of this bylaw sets standards for outdoor lighting that apply to EV Charging Stations.

Chapter 20 Residential Improvements (p. 113):

20.2 Accessory Structures. For the purposes of this chapter, an accessory structure is located on the same lot or parcel as a dwelling and serves a purpose that supports and is clearly subordinate to the residential use of the property. Accessory structures that are permitted for dwellings include detached garages, play structures, ~~and~~ sheds, and EV Charging Stations.

B. Parking

To provide clarity on the impact on parking levels, EV Charging Stations should also be addressed in the parking section of the Bylaws.

Recommended Parking Language:

EV Charging Stations are to be included in the calculation for both the number of minimum and maximum vehicle spaces required, as provided by [Section number for Parking Requirements].

It is strongly encouraged, but not required under these bylaws, that a minimum of one accessible EV Charging Station be provided. Accessible EV Charging Stations should have a barrier-free route of travel and be in close proximity to the building. It is not necessary to designate the accessible EV Charging Station exclusively for disabled users. Separate from these regulations, the Americans with Disabilities Act (ADA) may require EV Charging Stations to meet accessibility requirements.

The Parking Requirements of Bylaws can also be used to encourage or require EV Charging Station readiness or installations.

[Optional Language for] Required Charging Station Installations:

Development of each of the land uses identified in Table 1 - EV Charging Requirements for Development Projects, shall be required to install EV charging equipment and provide capacity for future charging station installations at the time of development. The requirements in Table 1 will apply when one of the following conditions is met:

- 1) the development includes a new off-street parking facility with more than 10 spaces; or*
- 2) the parking capacity of an existing building, site, or parking facility with 20 or more total spaces is increased by 30 percent or more (expressed as $[\text{number of additional spaces}]/[\text{number of existing spaces}] \times 100$).*

The number of EV charging ports required to be installed at the time of development is stated as a percentage of the total number of new or additional parking spaces in Column A of Table 1 below. Requirements will be rounded to closest whole number, but will always be a value of at least one EV charging port to be available at the time of development occupancy.

To meet anticipated demand for EV charging stations as the technology becomes more widespread Column B of Table 1 specifies the required electrical capacity to enable future EV charging station installations by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 120V, 208/240V or higher voltage AC electrical service for the suitable for the number of ports identified. Capacity requirements will be rounded to the closest whole number.

Table 1 - EV Charging Requirements for Development Projects

Land Use Type	A. Number of Charging Ports Required at the Time of Development (Expressed as a minimum % of New or Added Parking Spaces)	B. Electrical Capacity for Future Charging Ports (Expressed as a minimum % of New or Added Parking Spaces)	C. Total Percent of EV Ready Parking
Multi-household residential	2%	8%	10%
Lodging	2%	3%	5%
Retail, eating and drinking establishment	2%	2%	4%
General office, medical	2%	2%	4%
Industrial	1%	1%	2%

C. Signage

Because EV Charging Stations will include signage and pavement markings, this section of the Bylaws should also address EV Charging Stations. It should be clarified that EV Charging Station signage be considered and handled in the same manner as small regulation signs (e.g. No Parking).

In some cases, Signage may be addressed in a separate ordinance. In these cases, language exempting EV Charging Station signage from additional permitting requirements should be included in this ordinance.

Recommended Signage Language:

Each electric vehicle charging station should include guide signage identifying spaces as restricted parking “EXCEPT FOR ELECTRIC VEHICLE CHARGING”. For purposes of this section, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the electric vehicle supply equipment port. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from the electric vehicle charging station.

Example and Potential Language for City of South Burlington:

Chapter 13.19 Signs of the Land Development Regulations.

A. *General Requirements. No signs shall be erected or maintained except in conformance with the Sign Ordinance of the City of South Burlington.*

[Sign Ordinance of South Burlington](#)

Section 12. Incidental and Directional Signs

...

(b) Directional Signs.

(1) Directional signs shall generally be exempt from the provisions of this Ordinance, in accordance with Section 23.

Section 23. Exemptions

(a) Memorial signs or tablets

...

(v) Informational signs for EV Charging Stations

Example and Potential Language for Town of Williston Bylaw:

Chapter 25 Signs, Public Art (p. 157)

*25.7.9 (p. 166) Directional signs may be of any permitted type. They convey direction (e.g. Restrooms ->), regulations (e.g. No Parking, **EV Only Parking**), and similar information. No permit is required for the placement or posting of up to four directional signs that have an area of less than two square feet and do not include a logo larger than one-half SF or a commercial message.*

D. Electric Vehicle Charging Station Fees

EV Charging Station owners should have the option to charge a fee to users to cover their capital and operating costs and potentially profit from providing this service. The following sample language is recommended to ensure property land use classifications will not change as a result of instituting a fee structure.

Recommended Fee Collection Language:

The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to residents, employees and visitors to the property. Collection of charging station fees shall not affect the zoning land use classification of properties where EV charging stations are installed as accessory uses.

E. Definitions

Electric Vehicle Supply Equipment (EVSE)

The protective system which communicates with electric vehicles and monitors electrical activity to ensure safe charging, inclusive of all of the components: the conductors; the ungrounded, grounded, and equipment grounding conductors; electric vehicle connectors; attachment plugs, and all other fittings devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the grid to an electric vehicle.

There are three types, or levels, of EVSE:

Alternating Current (AC) Level 1 EVSE

EVSE which uses a 120V AC connection to a standard residential/commercial electrical outlet typically supplying 15 amps of current, for a power draw around 1.4 – 1.8 kW when charging. All EVs come equipped with Level 1 chargers from auto manufacturers.

Alternating Current (AC) Level 2 EVSE

EVSE which uses a 208/240V AC connection to supply increased power to EVs, reducing the amount of time required to charge the EV battery. Level 2 EVSE can provide up to 80 amps of current and 19.2 kW of power, although most current EVs use only 3.3 to 6.6 kW as determined by the vehicle's onboard charger. Current Level 2 EVSE equipment typically uses 208/240V 40-50 amp supply circuits.

Direct Current (DC) Fast Charging EVSE

EVSE which delivers high voltage (typically 200-450V) DC power directly into the EV's battery system, enabling rapid charging. Typically, an 80% charge can be provided in 30 minutes or less for many all electric vehicles, compared to several hours for Level 2 charging. There are three available standards for DC fast charging, the CHAdeMO format used by Nissan and Mitsubishi vehicles, the SAE Combined Charging System (CCS) format used by several United States and European automakers and the Supercharger proprietary system used by Tesla electric vehicles. As of early 2014, the majority of vehicles equipped for DC fast charging in the USA are CHAdeMO compatible, but SAE models are starting to become available. DC fast charging equipment may include ports for one or more of these standards depending on the model.

Electric Vehicle Charging Station

The public or private parking space(s) served by EVSE, including all signs, information, pavement surfaces, surface markings, fee collection systems, and protective equipment, in which a vehicle is recharged.

Charging

Occurs when the connector from the EVSE (or standard outlet) is inserted into the EV inlet, and electrical power is being transferred for the purpose of recharging the battery on board the EV.

Charging Levels

Standardized indicators of electrical force, or voltage, at which an EV's battery is recharged. EVSE is classified into categories by the rate at which batteries are charged: AC Level 1; AC Level 2; and DC Fast Charging.

Electric Vehicle Charging Port

The EVSE component which connects to vehicle charging inlets. One EVSE unit may contain multiple charging ports, which are also referred to as "plug connectors" or "heads". Level 1 ports include connectors supplied by level 1 EVSE as well as any standard 120V outlets able to supply 15 or more amps of current to be used with the level 1 EVSE supplied by vehicle manufacturers.

Electric Vehicle (EV)

A class of automobiles that use electric motors powered by energy drawn for the grid or off-grid electric sources into a battery system for propulsion.

All Electric Vehicles (AEVs) also known as Battery Electric Vehicles (BEVs)

Electric vehicles powered solely by energy stored in the vehicle's battery system. There is no gasoline or backup power generation in the vehicle, so when the battery runs out of charge it requires recharging before operating again.

Plug-in Hybrid Electric Vehicles (PHEVs)

Electric vehicles capable of operating solely on electric energy for a certain distance after which an auxiliary internal combustion engine is engaged to offer additional range. PHEV's are often categorized according to their range in electric mode. For example, the battery system of a PHEV-10 has approximately a 10 mile electric range. Certain models of PHEVs are sometimes referred to as Extended Range Electric Vehicles (EREV) if the internal combustion engine is used primarily as a generator for the battery system.

Neighborhood Electric Vehicle (NEV)

Electric vehicles which are designed to be, and are, operated at speeds of up to 25 miles per hour (mph) and conform to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard Number 500, Low Speed Vehicles (49 C.F.R. 571, 500). NEVs may only be used on roads that have a posted speed limit of 35 mph or less. (Reference Vermont Statutes Title 23, Chapter 1, Section 4, and Chapter 13, Sections 1007a and 1043).

- iii. Distances will be measured from the proposed development site to the public parking spaces along the ADA accessible public sidewalk or similar publicly accessible walkway as described in Section 4.12.D.4.d.i or Section 4.12.D.4.d.ii.
- iv. If there are no unencumbered public parking spaces available in the facility that meet these requirements, this provision cannot be utilized.

5. The adjustments outlined in Section 4.12.D may be combined or used individually.

E. **Incentives for Reduced Parking.** Minimum parking requirements may be further reduced if a project complies with the requirements for either of the incentives listed herein.

1. **Underground Parking.** Any project in the Gateway Zoning District or Central Business District (C-1) that includes 50% or more of the required parking in an underground facility as identified in Section 402.G.14 of Appendix B (Form Based Code), or completely below the average fronting sidewalk elevation for the C-1 Zoning District, shall be eligible for the following reductions:

- a. Each space that is included in an on-site underground parking structure or facility will count as 1.25 spaces.
- b. An additional 5% private open area will be required.
- c. Only the required parking for residential uses may be counted towards this incentive.

2. **Electric Vehicle Charging.** Projects that incorporate electric vehicle charging stations will be eligible for the following parking reductions:

- a. Each parking space with a dedicated Level 2 electric vehicle charging station that is available for public use will count as 1.5 spaces.
- b. Each parking space with a dedicated Level 3 or higher electric vehicle charging station that is available for public use will count as 2.0 spaces.
- c. Electric vehicle charging stations shall not be assigned to an individual dwelling unit or units; or any non-residential space.
- d. Any electric vehicle charging station(s) incorporated to meet the Vermont Residential or Commercial Building Energy Standards cannot be counted towards parking reductions except for level 3 or higher charging stations.
- e. Reductions to minimum parking requirements for electric vehicle charging stations shall not exceed 20% of the required minimum parking based on the uses proposed.

3. The number of parking spaces calculated through these incentives shall be rounded down to the nearest whole space.

4. The adjustments outlined in Section 4.12.E cannot be combined and must be used individually.

F. **Accessible Parking Spaces.** Accessible parking spaces shall be provided for all uses as applicable. The size, number, and location of spaces shall comply with the ADA Standards for Accessible Design.

G. **Required Bicycle Parking.** The following standards shall be used to determine the number of bicycle parking spaces required for proposed developments.

1. For all uses, at least one bicycle rack with a minimum two-bicycle capacity to accommodate short-term parking; and one long-term bicycle parking space shall be included, regardless of the size of the proposed use.
2. The required number of bicycle parking spaces calculated in this section shall be rounded up to the nearest whole space.

**Town of Williston, Vermont
7900 Williston Road
Williston, VT 05495**

**Planning Commission Reporting Form
for Municipal Bylaw Amendments**

The Town of Williston, Vermont is proposing changes to the town’s development regulations contained in the *Williston Unified Development Bylaw*. This report summarizes the proposed changes to the chapters of the *Unified Development Bylaw* being considered.

This report is in accordance with Title 24 of Chapter 117 of V.S.A. §4441 (c), which states:

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

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

The Town of Williston is considering revising portions of its development regulations related to permit thresholds and definitions, temporary events, inclusionary zoning, growth management, accessory limited service eating places, mobile vendors, site safety during demolition, residential improvements, density provisions and significant wildlife habitat areas. The purpose of these amendments is to 1) support increasing the supply of housing in general and to support the development of projects that include affordable homes, 2) make the bylaw consistent with the town’s recently adopted Form Based Code, 3) support energy conservation measures by providing incentives and reducing permitting requirements, 4) support low-impact accessory uses for commercial and residential sites, and 5) clarify language where needed. These changes will:

- Amend the number of members and name of the Historic and Architectural Advisory Committee (WDB 3)
- Amend the permit thresholds and exemptions (WDB 4) to provide clearer statements on permit types and thresholds. Add emergency shelters to the list of partially exempted development.
- Add provisions for inclusionary zoning (WDB 11):
 - Establish an alternative path to growth management for inclusionary projects.
 - Require minimum percentage of affordable units for inclusionary zoning.
 - Establish fee-in-lieu provisions.
 - Establish requirements for affordable units.
 - Establish incentives for inclusionary projects.
- Add exemptions from growth management for low-impact projects (4 or less dwelling units on a parcel, adaptive reuse from commercial to residential).
- Amend growth management criteria to encourage applicants to commit to energy conservation measures in residential development.
- Encourage solar canopies in parking lots (WDB 14).
- Amend non-residential accessory uses and temporary uses (WDB 17) as follows:

- Increase the spatial area limit on limited service eating places that are accessory to non-residential uses.
- Allow electric vehicle charging infrastructure with an administrative permit.
- Temporary events are no longer regulated by the bylaw and are instead regulated by the town's Temporary Event Ordinance.
- Require demolition sites to be secured (also included under WDB 18) and erosion control measures.
- Allow mobile vendors to be established in non-residential parking lots with those that occupy less than 1,000 square feet being approved administratively.
- Amend density provisions (WDB 19)
 - Adaptive reuse projects are exempt from residential density requirements.
 - Residential projects in mixed-use districts that include >30% of affordable dwellings qualify for a density bonus.
 - Clarify that Transfer of Development Rights applies only to receiving areas within the Growth Center outside of the Taft Corners Form Based Code District.
- Amend residential improvements (WDB 20) to allow dog kennels without administrative approval, allow EV charging infrastructure, allow poultry on all residential parcels, allow automated swimming pool covers.
- Amend signage requirements (WDB 25) to allow signage for temporary events approved under the Temporary Event Ordinance without administrative zoning approval.
- Amend the requirements for Habitat Disturbance Assessments (WDB 27) at discretionary review to be contracted by the town at the developer's expense.
- Amend definition of affordable housing to be consistent with Inclusionary Zoning provisions (WDB 46).
- Amend definition of dwelling.
- Add definition of emergency shelter.
- Correct errors and citations contained in the above WDB chapters.

b) and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing, and sections 4412, 4413, and 4414 of Act No. 47. An act relating to housing opportunities made for everyone:

The proposed amendments further the goals of the Williston Comprehensive Plan:

- Industrial Lands - The Town of Williston will continue in its role as an industrial center and the site of the proposed regional landfill. The policies adopted here facilitate continuing industrial use with bylaw amendments and permitting of the landfill (Objective 3.3)
- Affordable Housing – The town will consider using Inclusionary Zoning to guarantee provision of affordable housing in appropriate locations, if it is determined that the incentive in the residential growth management system is not strong enough (Objective 5.2.2). The town will consider adding provisions to its development regulations to allow for the conversion of existing industrial and commercial buildings into affordable housing where appropriate (Objective 5.2.5). The town will implement the recommendations of the Affordable Housing Task Force. The town should continue to implement the recommendations of the task force and should explore the adoption of additional incentives to build additional affordable housing (Objective 5.2.7).

- Implement the Town’s Land Use Plan – Chapter 3 Land Use identifies several land use objectives aimed at supporting the town’s economic development. These include: 3.3 Industrial Lands. This objective maintaining the supply of industrially zoned land also calls for changes and refinement in the standards applied to uses of industrial lands to address the needs of an evolving economy (Objective 7.1)
- Renewable Energy Resources - The Town of Williston will encourage the development of renewable energy resources to support the diversification of Vermont’s electric resources portfolio, as well as local and regional energy stability and independence (Objective 11.1.)
- Provide Electric Vehicle (E.V.) Charging Stations. The town shall develop standards for allowing and encouraging E.V. charging stations is both newly proposed and existing development (Objective 11.1.).
- Update Energy Efficiency Incentives in the town’s Residential Growth Management System (Objective 11.1.6)
- Ensure that the Town Bylaws Permit a Reasonable Range of Uses in Working Landscapes. The town will periodically review its bylaws to ensure promotion of the development of diverse, innovative agricultural activities, including farm stands; cottage industries like cheese making or other value-added enterprises; farm waste recovery for energy generation; and fee-based recreation, hospitality, and educational activities (Objective 13.3.4)
- Protect Significant Wildlife Habitat Conservation Areas (Objective 13.1.6).

The proposed amendments conform with Sections 4412, 4413, and 4414 of Act No. 47. An act relating to housing opportunities made for everyone:

- The Williston Unified Development Bylaw currently conforms to section 4412, related to allowance of duplexes everywhere single-family dwellings are allowed, allowance of up to 4 dwellings in a single structure everywhere that is served by municipal water and wastewater, and equal treatment of accessory dwelling units. The proposed amendments further support section 4412 by streamlining the permitting process for small, low-impact residential projects.
- Amendments to WDB 4 *Permit Thresholds and Exemptions* conform with section 4413 by adding emergency shelters to the list of partially exempted development.
- Amendments to WDB 14 *Parking and Loading* conform with section 4414 as pertains to the number of required parking spaces for residential and nonresidential uses.

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

The proposed changes do not alter any of the allowed land uses or densities of the municipal plan. The limited service eating places and mobile vendors are accessory to principal uses.

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

This is not applicable, as these bylaw sections do not call for the construction of any community facilities.