



Planning Commission Public Hearing

November 7, 2024

2024 Land Development Code Amendments

Background

#1: Transit-Oriented Development Master Plan



~2026
Comprehensive
Plan Update



~2027
LDC
Amendments

#2: Technical adjustments and minor fixes

2024 LDC
Amendments

What topics are included?

1. Re-write of Sign Regulations
2. Adjustment of residential density limits to meet statutory requirements and to reduce barriers to small-scale housing construction
3. Adjustment of site, dimensional and design standards for small-scale development
4. Changes to stormwater regulations
5. Regulation of food trucks
6. Correction of technical inconsistencies

1. Sign regulations

- US Supreme Court says municipal sign regulations must be content neutral

Reed v. Town of Gilbert, 576 U.S. 155 (2015) and City of Austin, Texas, v. Reagan National Advertising of Austin LLC, et al, 596 US (2022)

- Sign regulations are limited to time, place, or manner restrictions

Before

714.L.3: Blade Sign

- 1. Unless otherwise provided in this article, the total surface area devoted to all wall signs on any lot shall not exceed the limitations set forth in this section.
- 2. In the Commercial and Industrial Districts, one (1) wall sign per business establishment is allowed, not exceeding five (5) percent of the following area:
 - (a) 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.
- 3. 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.
- 4. In Commercial and Industrial Districts, one (1) business directory wall sign is allowed per principal structure. It must be attached to the principal structure and may not exceed thirty-two (32) square feet or two (2) square feet per business, whichever is less.

Number of Wall Signs

- 1. In Commercial and Industrial Districts, the overall number of wall signs shall not be restricted as long as the total square footage of all wall signs does not exceed the size limitation as listed in Section 714.D.2.
- 2. In lieu of a freestanding sign an additional twenty (20) square feet of wall signage shall be allowed. However, in no case may a single wall sign exceed the size limitations in Section 714.D.2.
- 3. In Commercial Districts, if a business is on a corner lot having frontage on two (2) streets, two (2) wall signs shall be allowed. one (1) on the facade facing each street.

After

714.L.3: Blade Sign



Description

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

Specifications

Location (max)	within 4-feet of a principal entrance.
Quantity (max)	1 per ground floor tenant
Width, Sign (max)	3-ft
Height, Sign (max)	3-ft
Depth, Sign (max)	6-in
Offset from Building (min/max)	6-in min and 12-in max from the façade

Notable Changes

- Signs regulated based on time, place, and manner only
 - “Election period signs”
 - “Construction Site Sign:
 - “Real Estate Sign”
- Sandwich Boards – still allowed, with restrictions
- Wall sign and freestanding sign size slightly increased

What are the implications on enforcement?

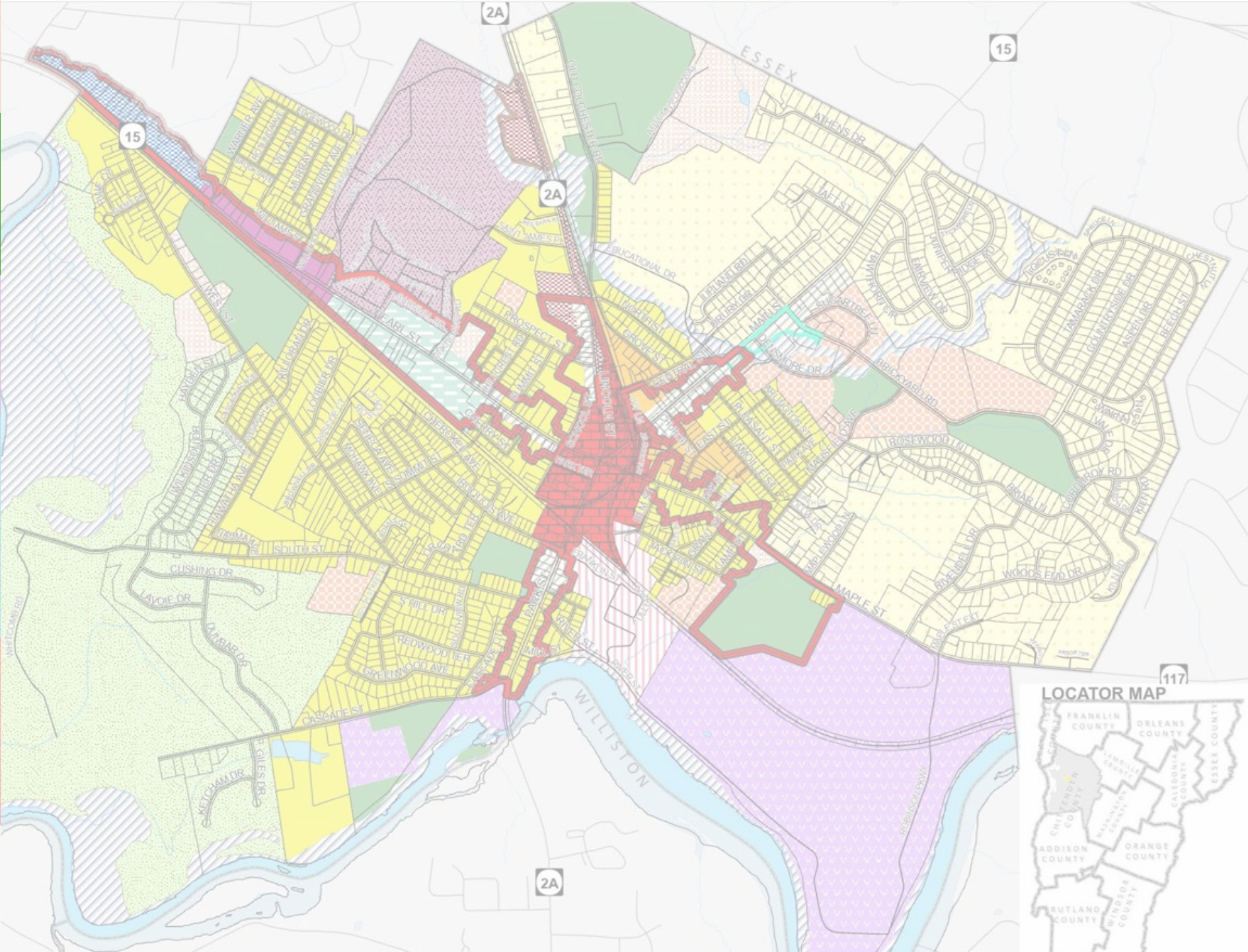
2. Residential Density Limits

Changes to:

- meet statutory requirements
- to reduce barriers to small-scale housing construction
- enable a smooth density transition between city center and Residential 1 / 2 Zones

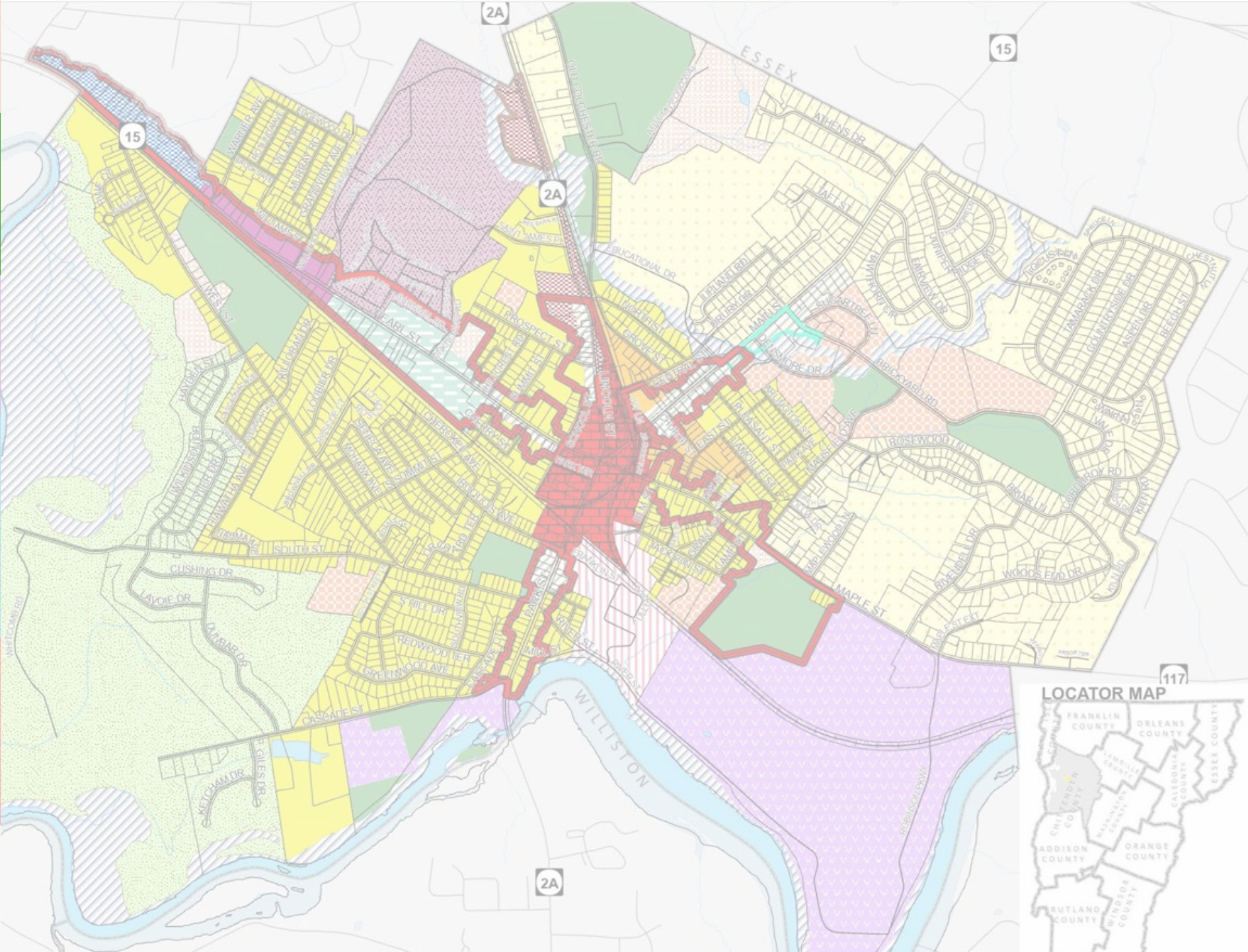
2023 HOME Act

- *“In areas served by municipal sewer and water, municipalities must allow multiunit dwellings with three or four units to be a permitted use.”*
- Most required changes already implemented during July 2023 LDC Amendments
- MF3 was overlooked- but will be corrected



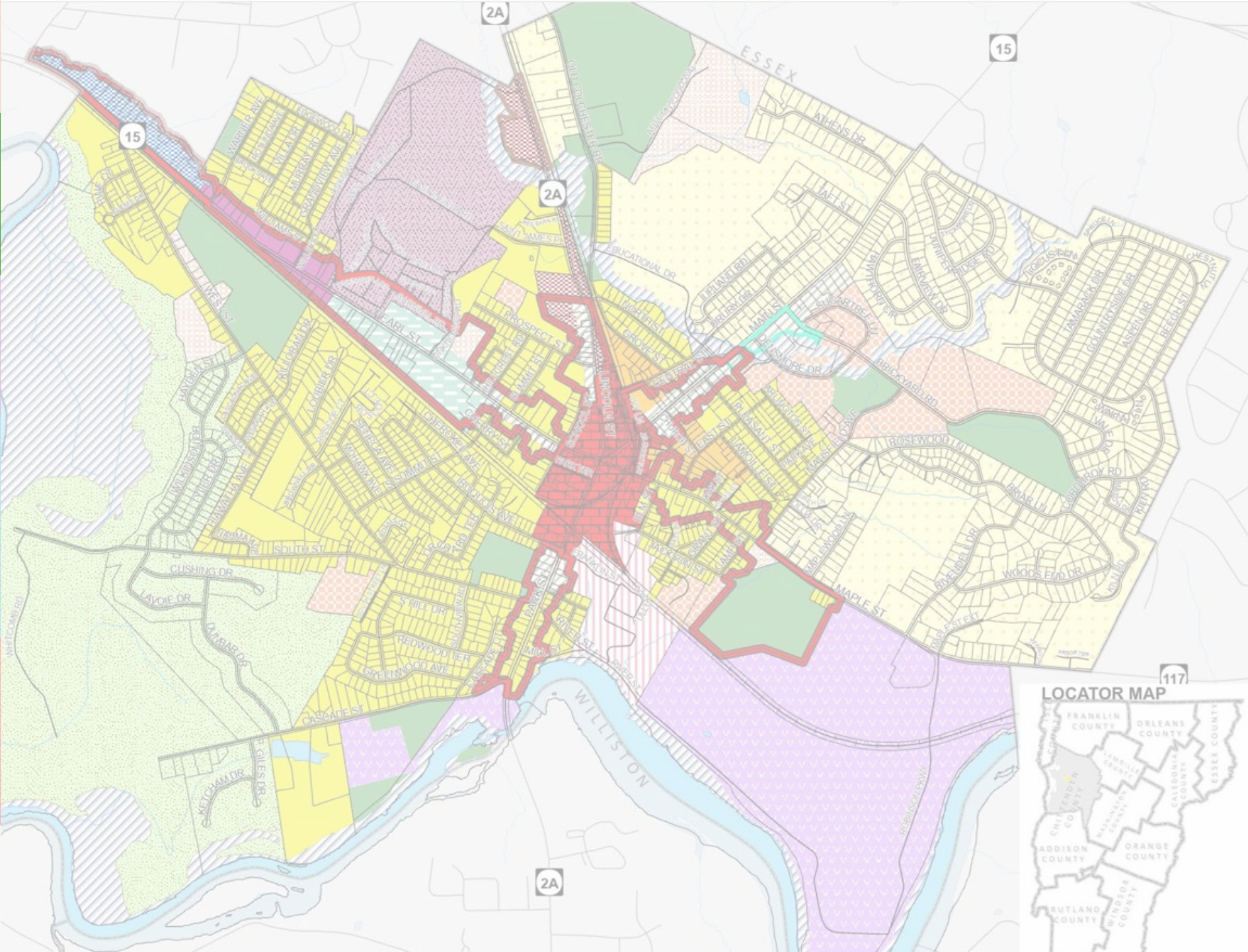
High Density Zones

- **VC**
- MF1
- MF2
- MF/MU1
- MF/MU2
- MCU
- TOD
- HA



Medium Density Zones

- R-O
- MF3



Low Density Zones

- R1
- R2
- PA

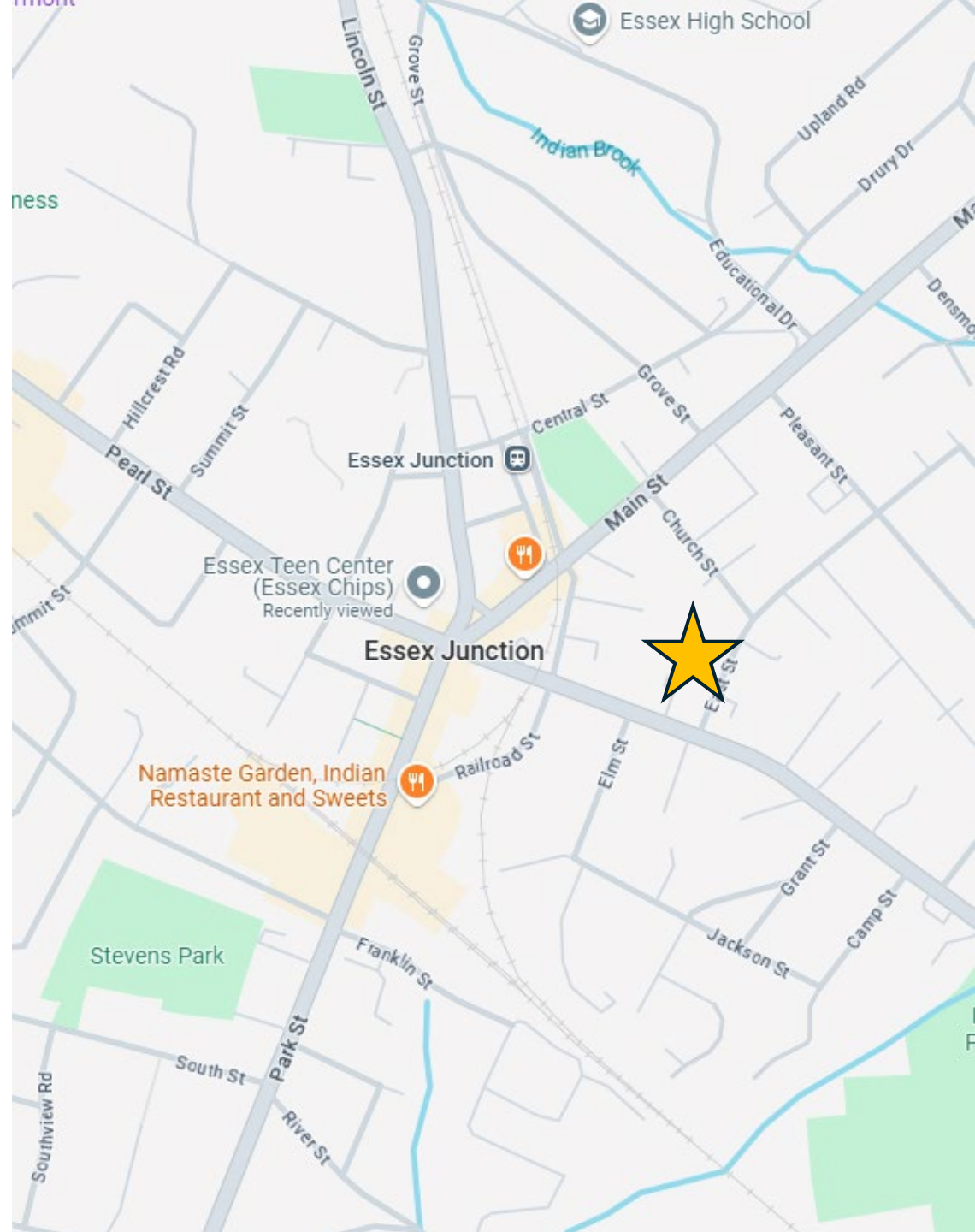
MF3 and R-O district currently have incremental lot size requirements

- E.g. “The minimum lot size shall be 7,500 square feet for the first dwelling unit plus 3,000 square feet for each additional dwelling unit”
- For a typical 10,000 square foot lot, you are currently only allowed to have two residential units
- LDC amendments would remove this requirement

Many properties already exceed this limit

Example A:

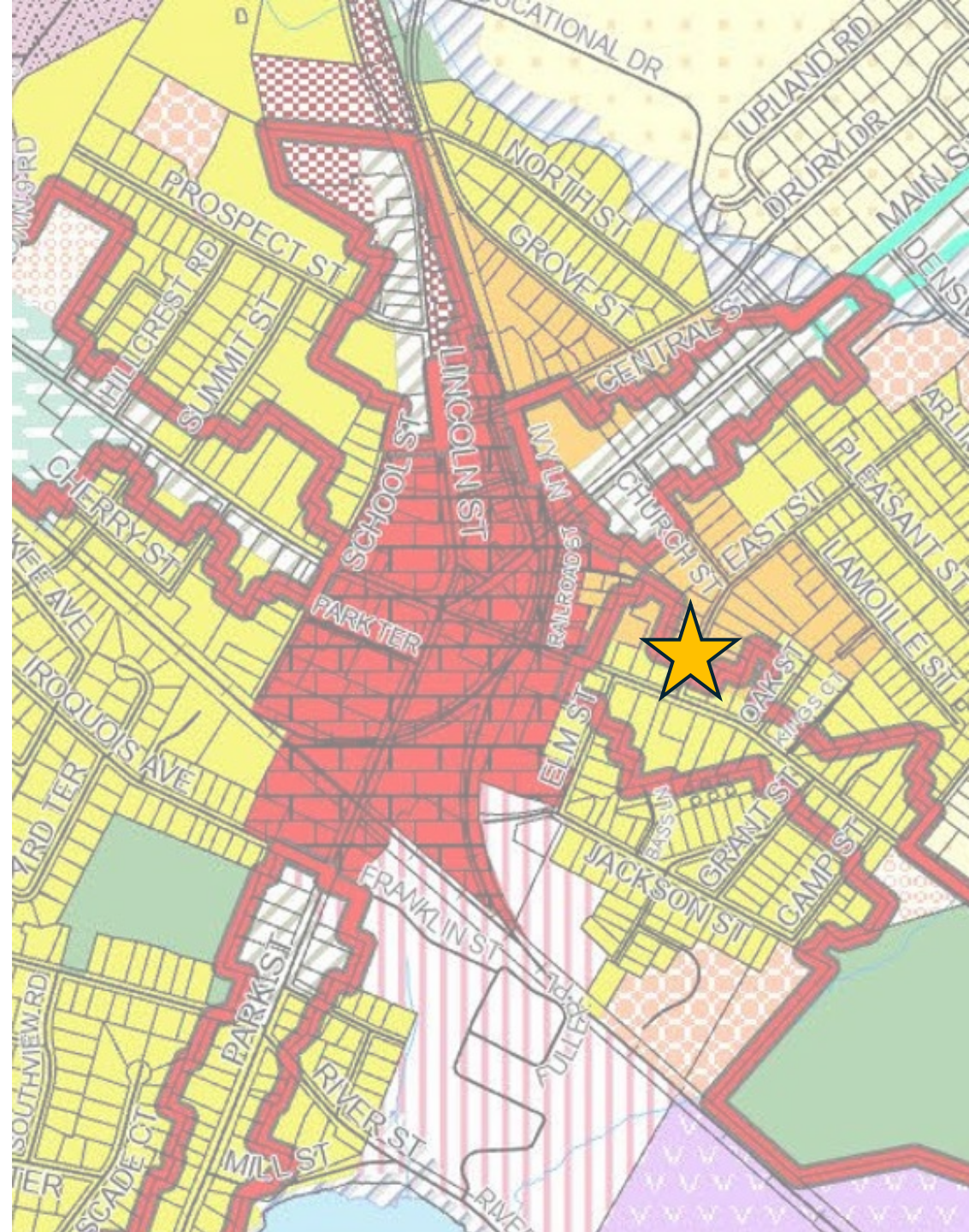
- 4 East Street



Many properties already exceed this limit

Example A:

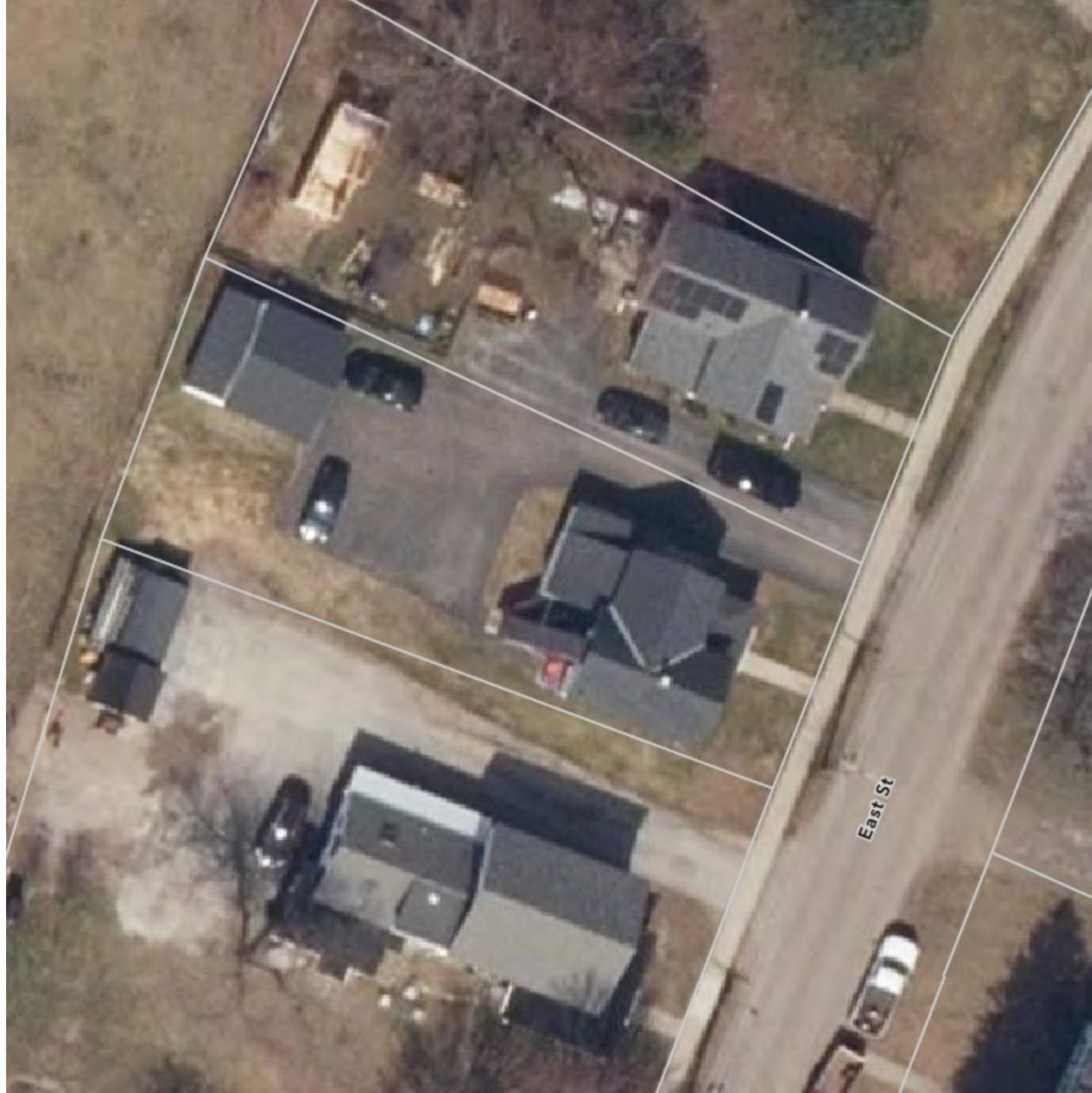
- 4 East Street



Many properties already exceed this limit

Example A:

- 4 East Street
- Lot size: 6530 sq ft



Many properties already exceed this limit

Example A:

- 4 East Street
- Lot size: 6530 sq ft
- Has **two** units (grandfathered)
- Current regs would only allow **one** unit



Many properties already exceed this limit

Example B:

- 6 Grove Street
- Lot size: ~9,150 sq ft



Many properties already exceed this limit

Example B:

- 6 Grove Street
- Lot size: ~9,150 sq ft
- Has **two** units (grandfathered)
- Current regs would only allow **one** units



Many properties already exceed this limit

Example C:

- 5 Grove Street
- Lot size: ~11,300 sq ft



Many properties already exceed this limit

Example C:

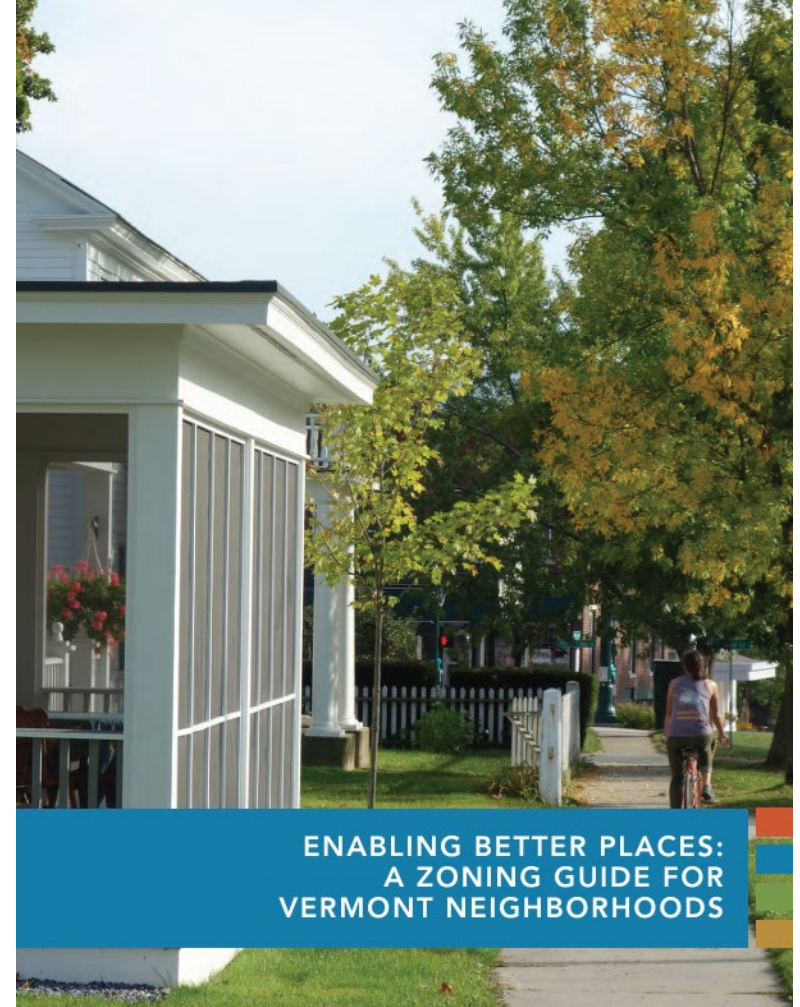
- 5 Grove Street
- Lot size: ~11,300 sq ft
- Has **eight** units (grandfathered)
- Current regs would only allow **two** units



3. Adjustment of site, dimensional and design standards for small-scale development

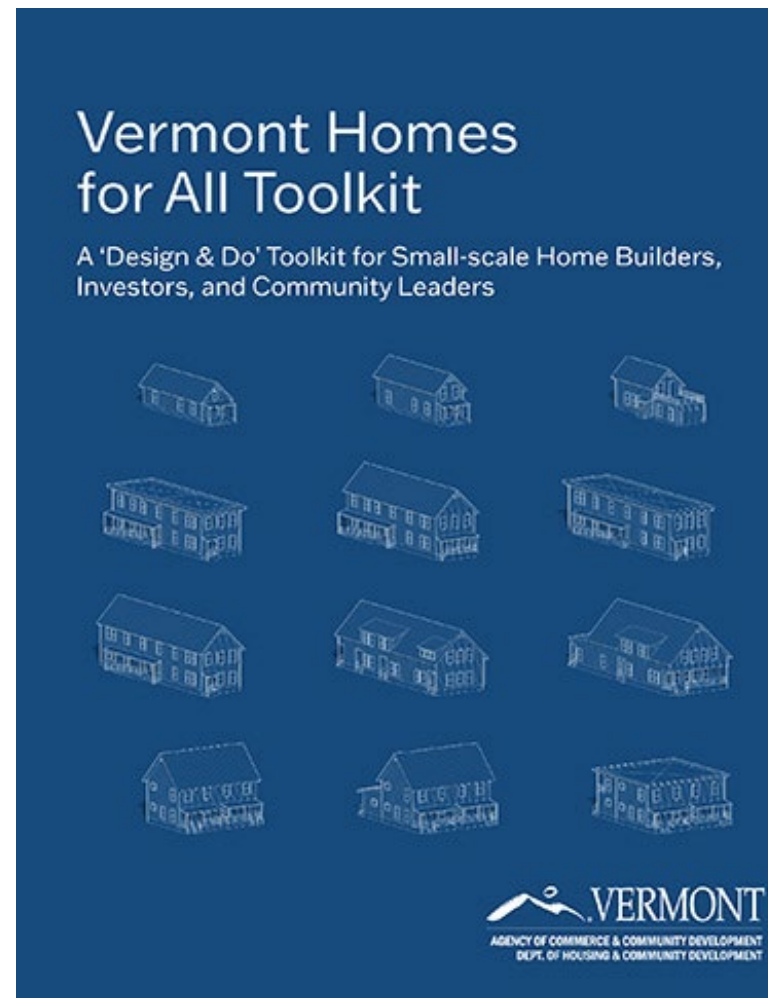
Enabling Better Places (2020)

- ***Guide for municipalities to support local bylaw updates for homes in walkable places.***
- Recommends incremental changes to bylaws ; sample language



Vermont Homes for All Toolkit

- Provides prototype unit design for 2, 3, and 4 unit homes
- Examples fits Vermont architectural norms



Missing Middle Homes Design Guide

Discovered Typologies

Starting with existing Vermont typologies observed during our initial site walks, we developed idealized versions.



Age-In-Place



Narrow Lot



Village



Side-by-Side

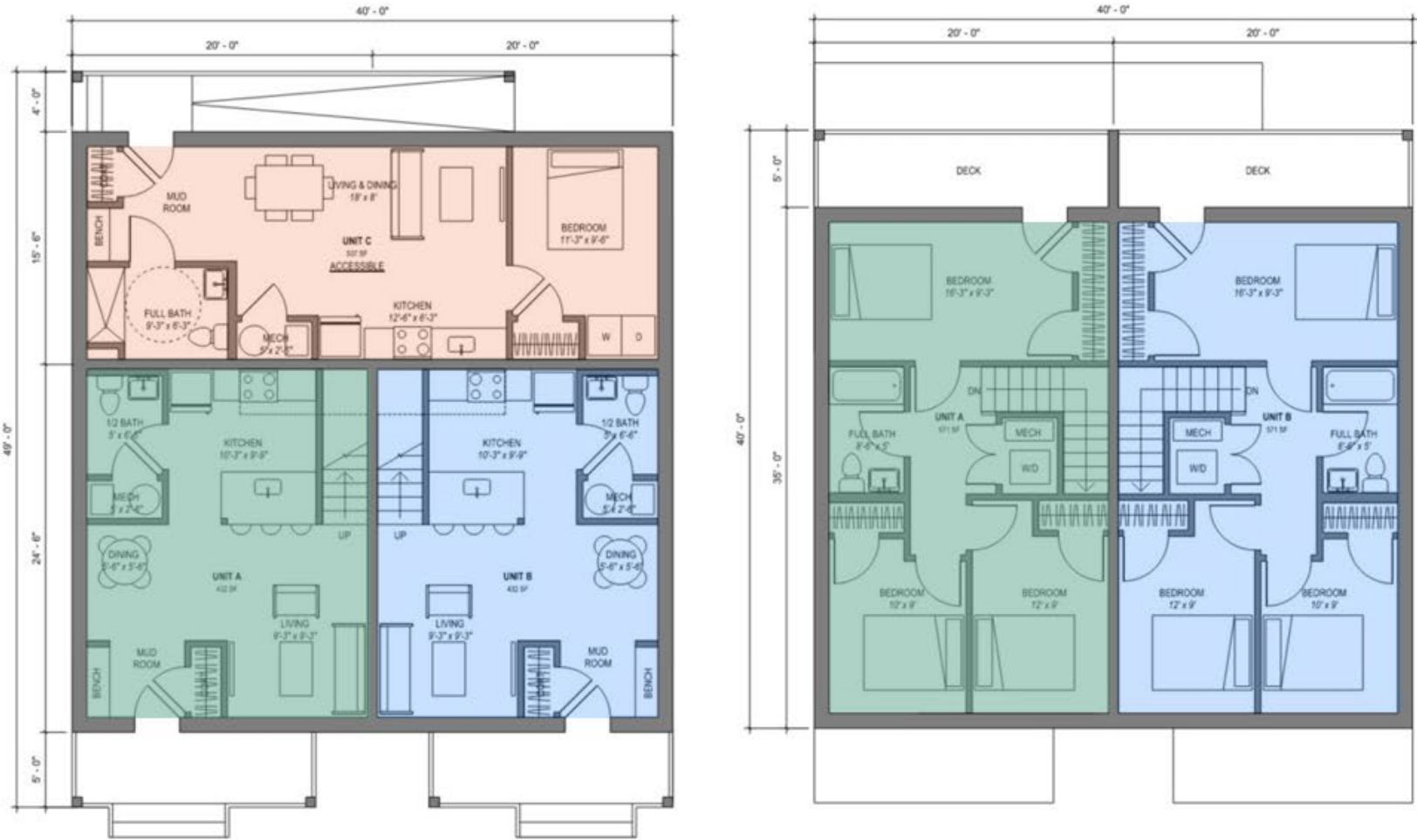


"Telescoping Home"
Aggregation Pattern



Example of Prototype Unit Design

Side-by-Side Plus One Plus Prototype



Neighborhood Infill Case Studies

Rutland City

Vermont Agency of Commerce & Development

Rutland City Case Study Parcel

Parcel Address: 104 South Street

Context & Goals

This vacant corner site is walking distance to Rutland's train station and bike path, shopping center, and downtown commercial center. This gridded neighborhood is highly walkable with many existing small multi-unit dwellings ranging from one to two and a half stories. The owner of this site is already engaged in a gut rehab of a property a few blocks away and is interested in developing this site to maximize its potential as a rental property for one and two-bedroom units.

Siting Considerations

The site is flat and relatively unobstructed for a denser neighborhood like this one. South Street is the primary frontage and has an existing sidewalk and parking pad. Primary siting considerations are reinforcing and activating South Street as the primary frontage, preserving existing historic trees to the extent possible, and arranging the parking to allow for the permeation of some yard space while ensuring convenient and accessible access to the rear unit.

Home Typology Considerations

For Side by Side Plus One, with its square footprint and naturally efficient exterior layout, was chosen for this site for three reasons:

1. Its dimensions fit the development lot area well.
2. The unit types and sizes are a good fit for local housing need.
3. It works well with a corner lot that can accommodate efficient side parking, preserving more usable open space.

Development Metrics

Number of Units	3 Units
Number of Bedrooms per Unit	1/1 Bedroom, 0/2 Bedroom
Unit Types (Access/Denage/Friend)	1/1 Accessible, 0/2 Conventional
Gross Square Footage per Unit	824 sf / 1,000 sf / 1,000 sf
Building Footprint	40' x 40'

Infrastructure & Regulatory Constraints

Water Access	Municipal
Wastewater Access	Municipal
Max # of Dwelling Units Allowed	4 units
# Parking Spaces Per Unit	1/0 parking minimum
Setbacks (Front / Side / Rear)	30' / 10' / 30' - 50' (50% of lot depth)
Minimum Lot Size	0.21 ac / 9,347 sf

Site Plan

The site plan anticipates the building sitting close to the street to activate the South Street sidewalk and anchor the James Street corner in this walkable neighborhood. This position on the parcel also helps preserve an efficient side parking layout with an integrated ramp to the rear accessible unit and ample usable open space associated with each unit. Additionally, by siting the building to the northern side of the site we increase the chance of preserving south-facing kitchen garden opportunities.

Buildout Visualization

A gabled roof form has been selected to align with the norms of nearby homes. The typology could be further tailored to its context by adding deeper front porches to support a more social neighborhood front porch culture. This typology also allows for the integration of rear-facing second floor outdoor decks extending over the rear unit on the first floor if desired at a future point.

Disclaimer: In most cases, the infill parcel case studies shown in this Toolkit would not be possible under the by-right zoning in their communities. However, the infill case studies have all been developed to match the zoning, development patterns and allowances, as well as require the level of development that would be possible with sensible zoning reforms.

Vermont Department of Housing & Community Development




Part 3: Community Infill Design



Site Plan & Buildout Visualization

- The building matches front setback norms along South Street
- Efficient side parking layout has an integrated ramp to the rear accessible unit and ample usable open space for each unit with potential for south-facing kitchen gardens.
- Other potential customizations: (1) deeper front porches to support a more social neighborhood front porch culture and/or (2) rear-facing second floor outdoor decks extending over the rear unit on the first floor.

3. Adjustment of site, dimensional and design standards for small-scale development

- Reduced minimum front yard setback to 15 feet in the MF1, MF3, R-0, and MCU districts.
- Clarify and adjust design requirements for triplexes and fourplexes in R1 and R2 zones
- Allow up to two principal residential structures per lot

Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

“Neighborhood” Zone Recommendations from Enabling Better Places

Setbacks	
Front	8' min., 12' max.
Side	5' min.
Rear	3' min. with rear lanes or 12' min.

Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

Some setback requirements in Essex Junction:

	Transition				Neighborhood	
	MF1	MF2	MF3	R-O	R2	R1
Front	30'	15'	30'	20'	15'	20'
Side	10'	10'	10'	10'	8'	8'
Back	10'	10'	10'	10'	25' (principal) 15' (accessory)	25'

Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

Residential-Office (R-O) District

	R-O
Front	20'
Side	10'
Back	10'



Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

Residential-Office (R-O) District

	R-O
Front	20'
Side	10'
Back	10'



Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

Multi-Family 3 (MF3) District

	MF3
Front	30'
Side	10'
Back	10'



Reduced minimum front yard setback in the MF1, MF3, R-0, and MCU districts.

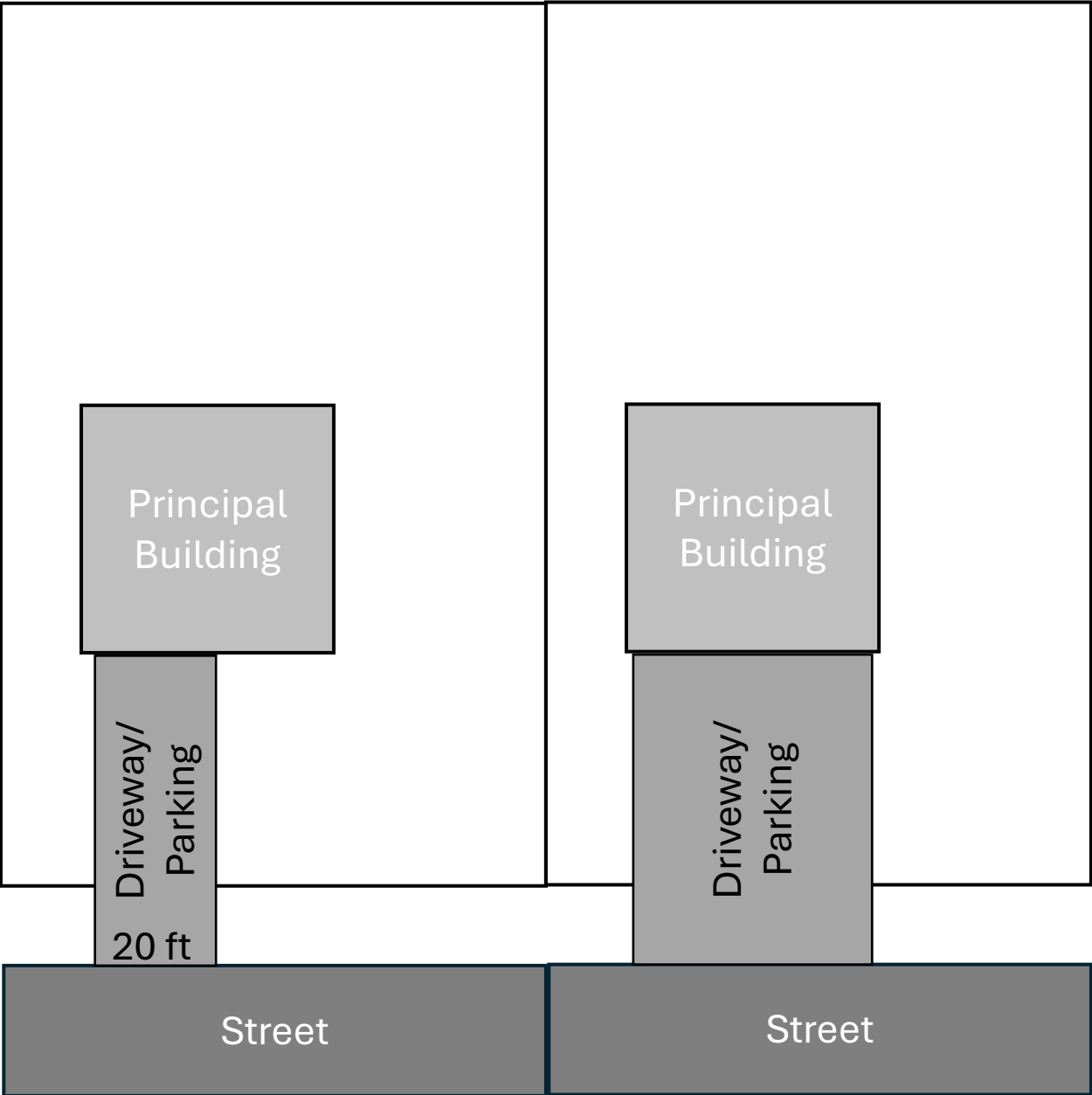
Multi-Family 3 (MF3) District

	MF3
Front	30'
Side	10'
Back	10'



Proposed amendments would
standardize front yard setback to 15 ft.

Special Design Standards in R1 / R2



From existing LDC:
Parking shall not take up more than thirty (30) percent or 20 (twenty) feet of the linear frontage of the lot, whichever is less.

Special Design Standards in R1 / R2

Area C: < 30%
Parking unless
screened
from view

Area B: <30%
Parking

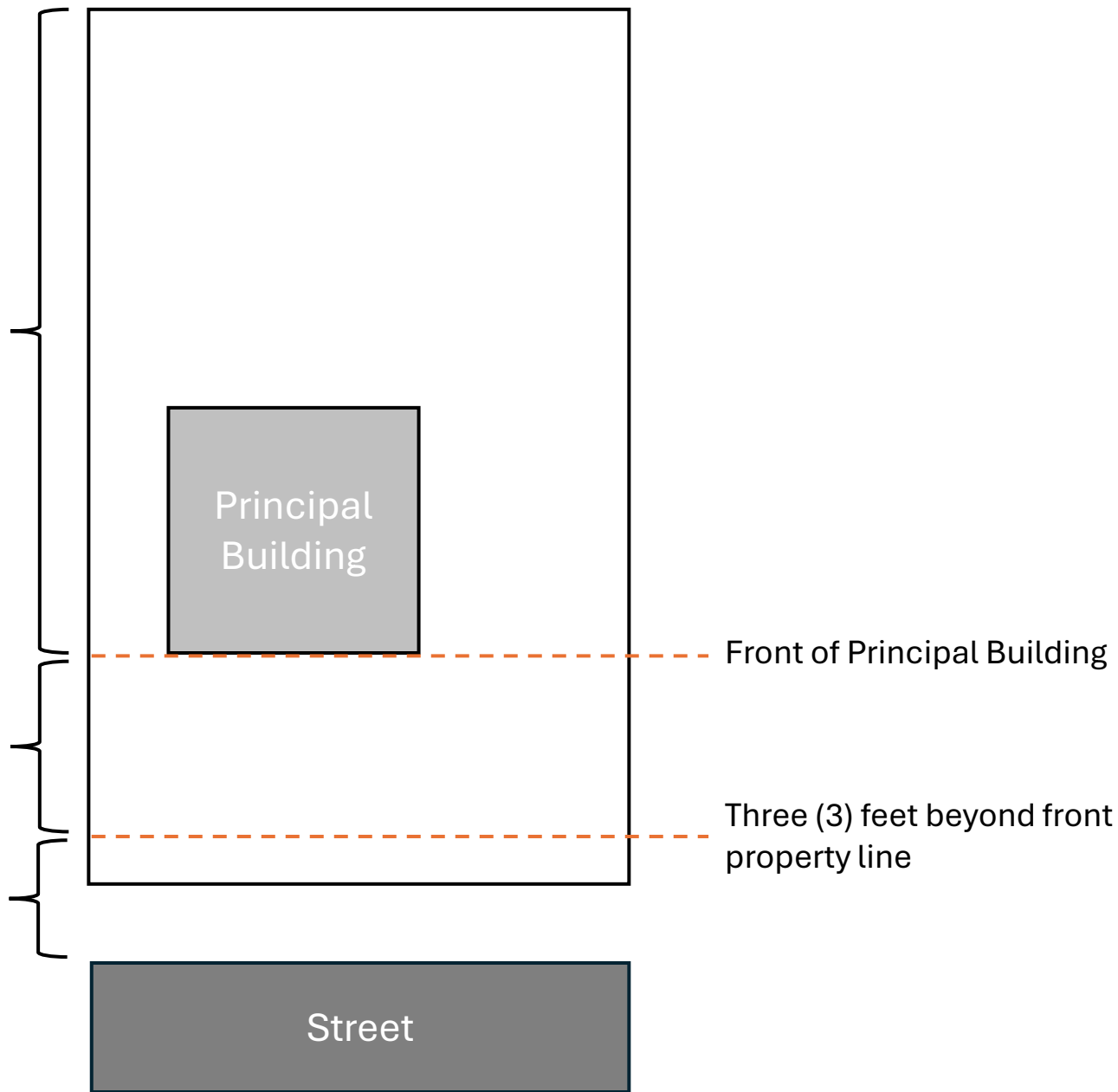
Area A: 20'
Driveway Max*

Principal
Building

Front of Principal Building

Three (3) feet beyond front
property line

Street

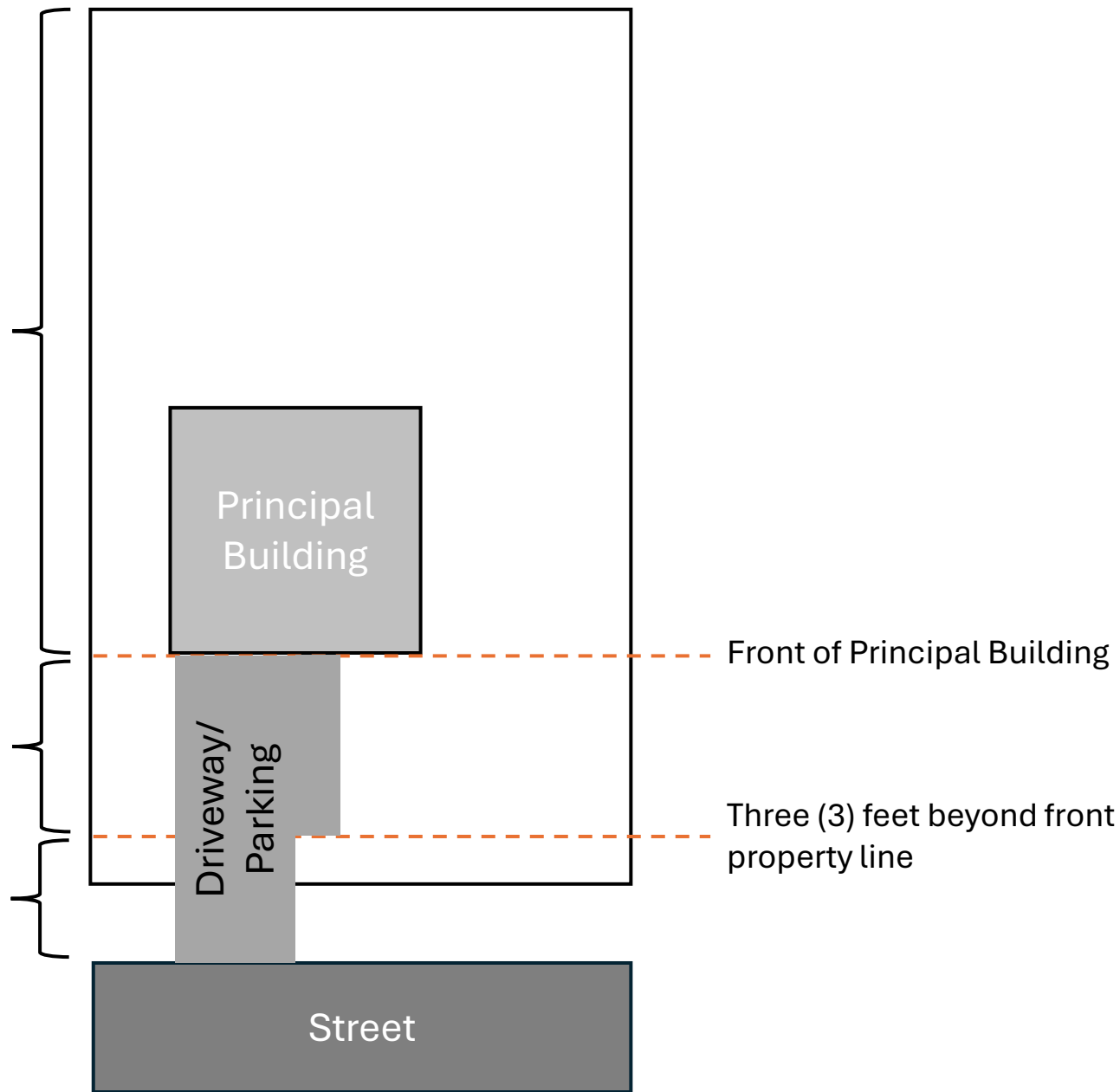


Special Design Standards in R1 / R2

Area C: < 30%
Parking unless
screened
from view

Area B: <30%
Parking

Area A: 20'
Driveway Max*

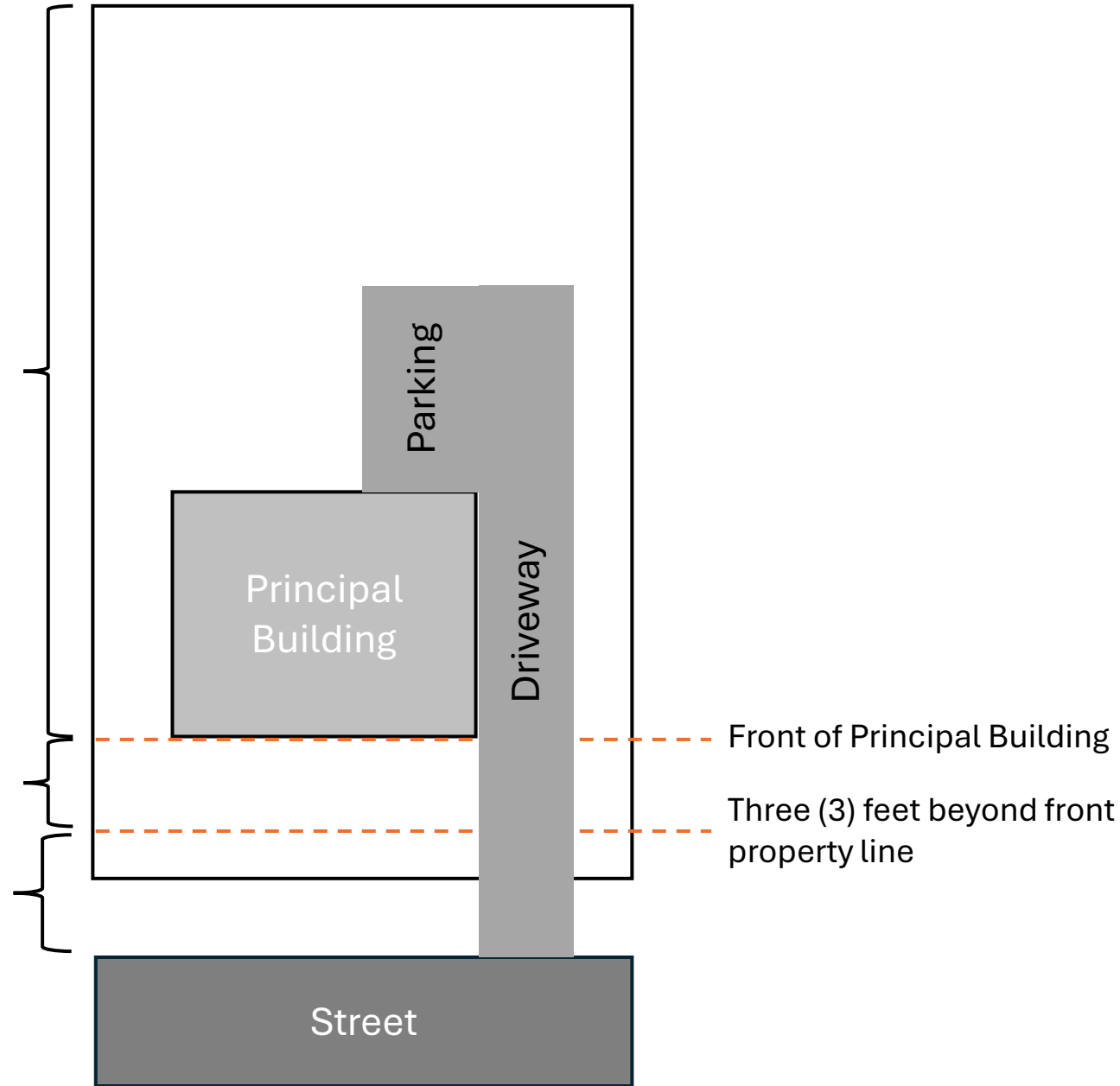


Special Design Standards in R1 / R2

Area C: < 30%
Parking unless
screened
from view

Area B: <30%
Parking

Area A: 20'
Driveway Max*



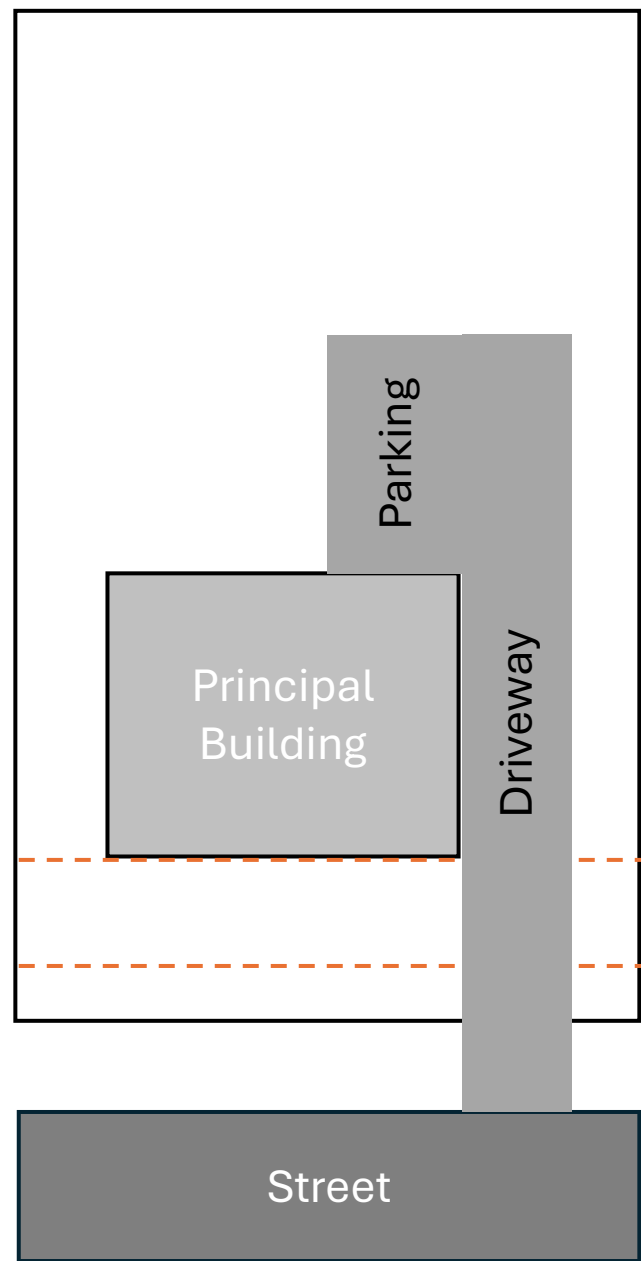
Special Design Standards in R1 / R2

Signs
Density
Design
Stormwater
Food Trucks
Other

Area C: < 30%
Parking unless
screened
from view

Area B: <30%
Parking

Area A: 20'
Driveway Max*



Front of Principal Building
Three (3) feet beyond front
property line

Test Case: Fourplex conversion In R2 district



Signs

Density

Design

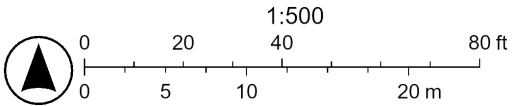
Stormwater

Food Trucks

Other

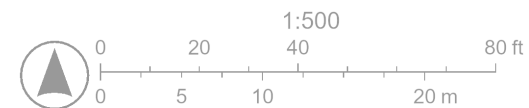


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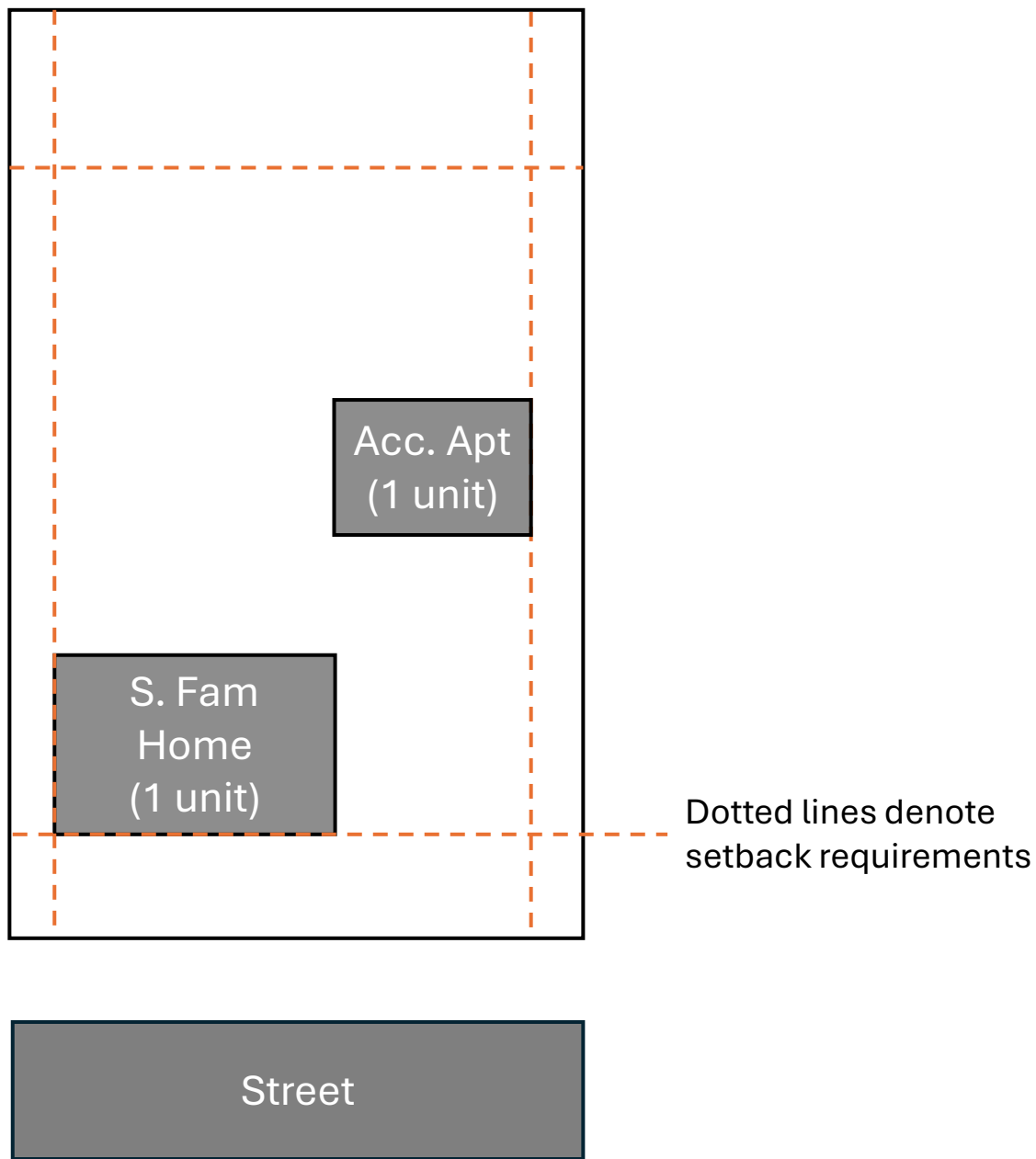


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Allowing up to 2 Principal Residential Structures per Lot



Signs

Density

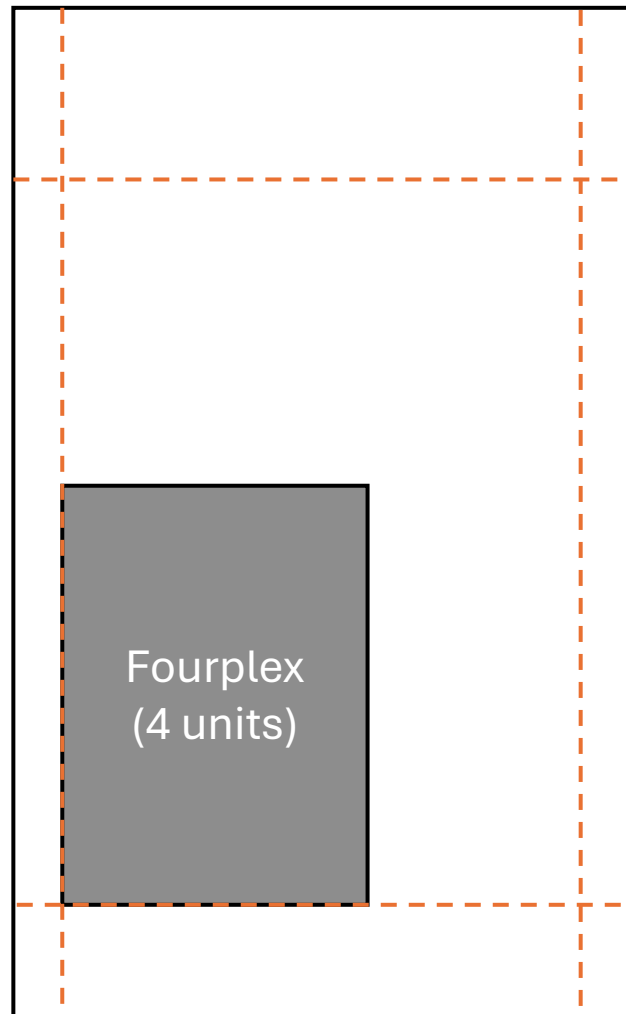
Design

Stormwater

Food Trucks

Other

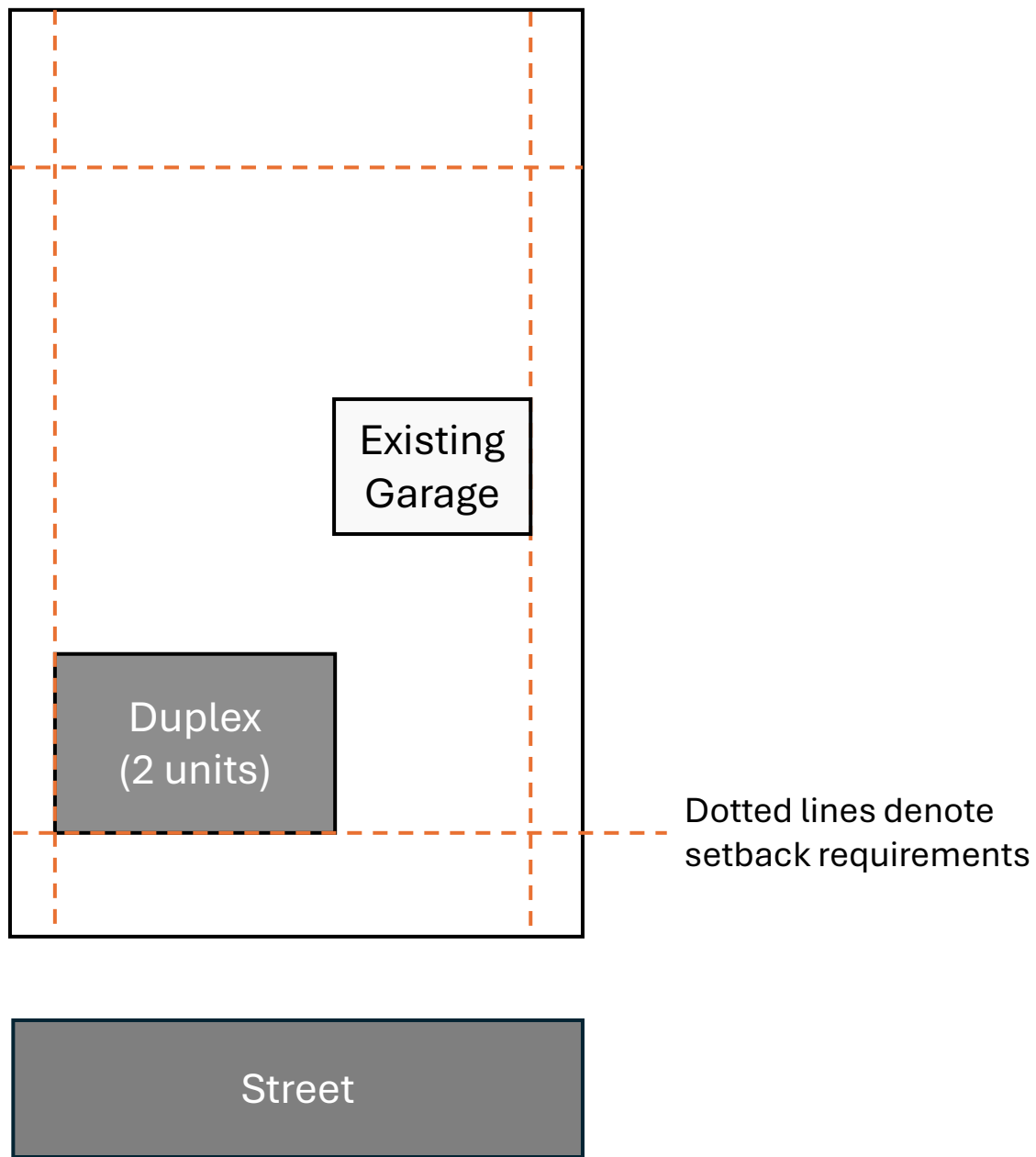
Allowing up to 2 Principal Residential Structures per Lot



Since 2023 HOME Act / LDC amendments, up to 4 units are allowed on one lot in Residential Zones

Dotted lines denote setback requirements

Allowing up to 2 Principal Residential Structures per Lot



Signs

Density

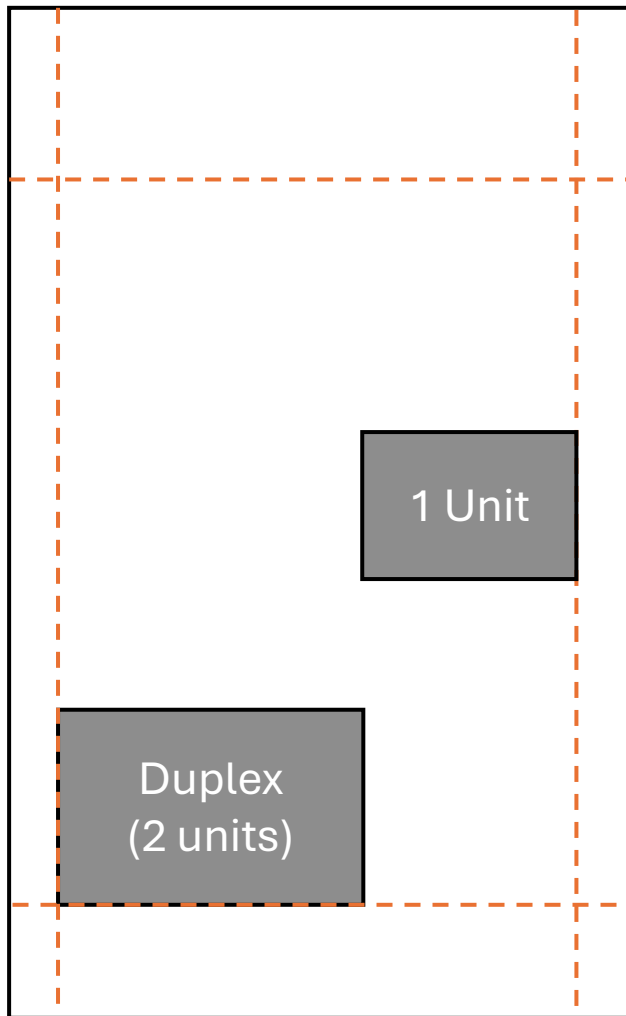
Design

Stormwater

Food Trucks

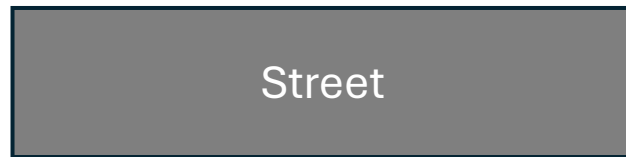
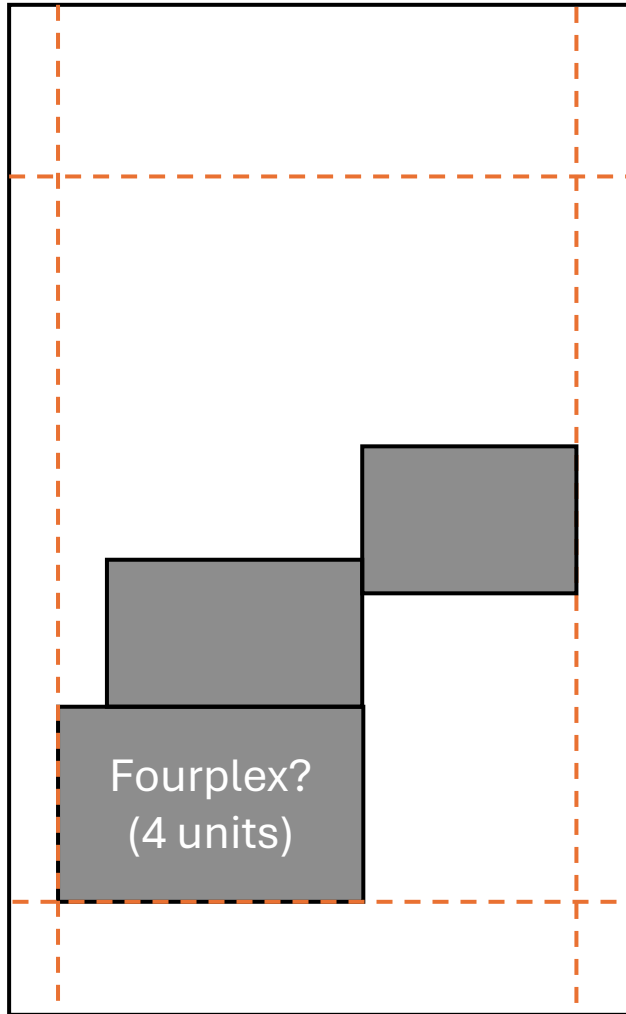
Other

Allowing up to 2 Principal Residential Structures per Lot



- Detached Accessory Apartment has to be **appurtenant** to Single Family Home
- Additional unit would have to be considered principal structure
- Currently only 1 Principal Structure allowed per lot

Allowing up to 2 Principal Residential Structures per Lot



Signs

Density

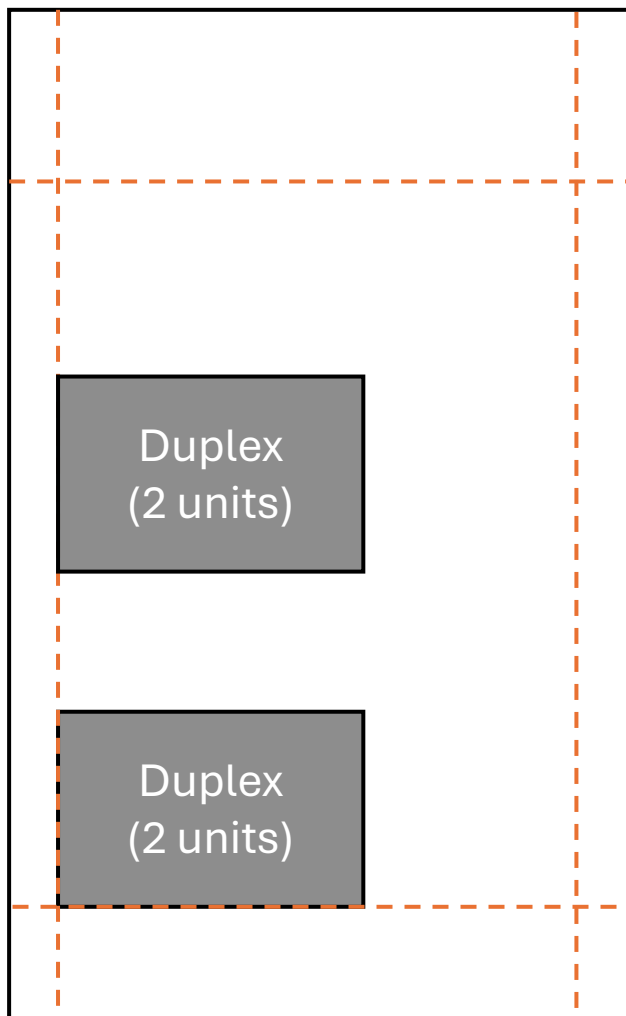
Design

Stormwater

Food Trucks

Other

Allowing up to 2 Principal Residential Structures per Lot



- Proposed: allow 2 Principal structures per lot
- Max of 4 units per lot
- Lot Coverage, Setback, Height limits would still apply

4. Changes to Stormwater Regulations

- Most stormwater regulations in the LDC are being moved to a separate stormwater ordinance

5. Food Trucks on Private Property

Currently:

- Only allowed where restaurants in zones where restaurants are allowed
- Currently permitted as “Temporary Uses” on private property
- Cannot be at the same place for >6 mo. per year
- City has not been strict on this limit since COVID

5. Food Trucks on Private Property

Proposed:

- Officially allow for the year-round operation
- No long-term use of gasoline / diesel generators

6. Correction of technical Inconsistencies / Other Changes

- Specified how uses not defined in the Use Chart are to reviewed.
- Allow for administrative review of triplexes / fourplexes
- Added provision to enable the use of Planned Unit Development (PUD) review process so for proposals involving multi-family structures

6. Correction of technical Inconsistencies / Other Changes

- Definition of “lot coverage” has been clarified to exclude stormwater permeable driveways
- Removed limits on unrelated persons living together in the same dwelling unit
- Zoning map correction
- 50-foot setback for outdoor cannabis cultivations, as enabled by Act 166 of 2024 (H.612), starting on January 1, 2025.

Additional Issues to consider

- Definition of “hard surface” for parking
- Shade Street tree requirement for Triplex and Fourplex
- Requirement for professional land survey
- Footprint Lots
- Reconsideration of Special Standards for in R1 and R2 districts
- Fire Access

** These are not in the mark-up version of the LDC Amendments**



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November 7, 2024

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