

MEMORANDUM

TO: Essex Junction Planning Commission

FROM: Regina Mahony

DATE: June 29, 2021

RE: Design Review & Historic Preservation Overlay District and Next Steps

Following up the last meeting's discussion on the location of design review and historic preservation overlay districts, **the location has been mapped**. You can see the red outline on this online map: [ArcGIS - Essex Junction Zoning](#). There is one question to address:

1. Do you want to include the entire Champlain Valley Expo property in the overlay?

I've attached the **draft language for the Design Review & Historic Preservation Overlay District**. There are a few discussion items to review for this:

1. The base language I used is from the Village Center District, but I tried to re-organize it so that there aren't conflicting sections on what's applicable, etc. The purpose statement has also been clarified, and Design Five Corners has been added. Please read through and see what you think.
2. I need some clarity on what you require from an applicant for historic eligibility. See Section 620.B(2) – there is a comment box there.
3. I'd like to delete, what I think is a redundant demolition section. See Section 620.B(3) – there is a comment box there.
4. I believe you want to maintain the setbacks and heights that are established in the underlying zoning districts, but I'd like to confirm this. Here are the underlying standards for reference:

Underlying Zoning Districts for the Design Review & Historic Preservation Overlay			
Zoning District	Front Setback	Side Setback	Height
Transit Oriented Development - Location - Pearl Street	no minimum; max 20'	no minimum	4 stories or 58' whichever is less
Highway-Arterial - Location: Pearl Street	20' minimum	10' minimum	4 stories or 58' whichever is less
Multi-Family/Mixed Use 1 - Location: Pearl Street	20' minimum; max 20'	10' minimum	4 stories or 58' whichever is less
Residential-Office - Locations: Main Street/Educational Drive, Pearl Street, Park Street	20' min; avg of 2 adjacent	8'	3 stories or 35' max
Residential 2 - 619. Locations - Park Street, Maple Street	15' min; avg of 2 adjacent	8'	3 stories or 35' max
Multi-Family/Mixed Use 2 - Location: Lincoln Street	20' minimum; max 20'	10' minimum	4 stories or 58' whichever is less
Multi-Family Residential 1 - Location: Maple St.	30' minimum; avg of 2 adjacent	10' minimum	3 stories or 35' max
Open Space - Location: Maple St. Park	50' minimum	50' minimum	3 stories or 35' max

5. Now that the locations have been determined, would you like to keep the Formula-Based Retail and Restaurants Standards in the overlay or take it out? Here are the definitions of these uses for your

reference:

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

Next up:

1. Stormwater management edits as recommended from Jim Jutras and Chelsea Mandigo.

2. The maximum total lot coverage shall be forty (40) percent. However, the maximum permitted lot coverage for buildings shall not exceed twenty-five (25) percent.
- C. Setback Requirements
1. The minimum front yard setback shall be fifteen (15) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:
- (a) The proposed setback does not negatively impact the character of the neighborhood; and
 - (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.
- Applicants may apply for a variance if they do not meet the criteria above but believe they cannot meet the requirements of this section.
2. The minimum side yard setback shall be eight (8) feet.
3. The minimum rear yard setback shall be twenty-five (25) feet for principal structures and fifteen (15) feet for accessory structures.
- D. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code
- E. Parking Requirements. Off-street parking requirements are as specified in Section 703 of this Code.
- F. Building Height. Building heights shall not exceed three (3) stories or thirty five (35) feet, whichever is less.

SECTION 620: DESIGN REVIEW & HISTORIC PRESERVATION OVERLAY DISTRICT

~~A. Design Review and Historic Preservation. Because of the important role the Village Center plays in the regional economy and the unique historic qualities of some of the existing buildings, the Commission is hereby authorized to undertake a special review, as part of its site plan review. Design review is required by the Planning Commission for any proposed construction, reconstruction, demolition or exterior alteration (including a change of color) of any building in the district with the exception of sign permits, which are approved administratively. Activities involving buildings listed or eligible for the state or national registers of historic places must meet additional standards as described below. All reviews shall be conducted at a public meeting.~~

~~1. Purpose. The purpose of the Design Review & Historic Preservation Overlay District is to expand the historic preservation and design review standards used in the Village Center District into the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple~~

Street as called for in the Comprehensive Plan; thereby recognizing the economic importance and unique historic qualities of the existing buildings and neighborhoods. The purpose of these standards is to:

~~1. is section is to~~ Protect those buildings listed or eligible for the State or Federal Register of Historic Places while accommodating new and appropriate infill and redevelopment supporting increased density and multi-modal development.

~~2. Enable~~ Infill and redevelopment that brings opportunities to protect existing historic resources and provide new sources of architectural and urban design for the 21st century while increasing density, activity and economic opportunity in the Village Center District.

~~3. Carryout the concepts of the Design Five Corners Plan which are to accommodate~~ infill development while calming traffic and reclaiming more space for people.

~~4. Establish a pedestrian friendly atmosphere from the surrounding neighborhoods into the Village Center. Demolition may be allowed, but only following a thorough review of the economic and structural characteristics of the building and the proposed redevelopment plan and its community benefits. A building that causes blight in the District may be considered a candidate for demolition. New buildings and modifications to existing ones shall be subject to design review.~~

B. ~~2.~~ Applicability

~~1.(a) The design review standards are applicable to any new construction, proposed additions, demolition or reconstruction of existing buildings within the Design Review and Historic Preservation Overlay District. Regular maintenance, exterior alterations and change of use are exempt~~ all development proposals within the Village Center District.

~~2. Additional~~ The historic preservation design standards are applicable to all buildings listed or eligible for the State or National Register of Historic Places with respect to alterations, additions or redevelopment of existing historic structures as defined in Section 604.E.4.B of this Code are applicable to all buildings listed or eligible for the State or National Register of Historic Places. Documentation from the State Division of Historic Preservation documenting a building's eligibility for the State or National Register of Historic Places will be required.

~~3.(b) Demolition may be allowed, but only following a thorough review of the economic and structural characteristics of the building and the proposed redevelopment plan and its community benefits. A building that causes blight in the District may be considered a candidate for demolition. Any development proposal for the existing residential structures fronting Pearl, Park, Lincoln, Maple and Main Streets in the Village Center District submitted to the Planning Commission shall be reviewed as a Planned Unit Development (PUD) and are subject to the provisions of Section 724: Planned Unit Development and Chapter 9: Subdivision Regulations.~~

~~3.~~ C. District Design Review & Historic Preservation Procedures. The Planning Commission may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Accordingly:

~~1. Within this district, no structure may be demolished, reconstructed, moved, erected, or changed in use, nor may the exterior be altered or restored without d~~ Design review approval from the Planning Commission will be conducted, issued in conjunction with subdivision or site plan approval. In the event that subdivision or site plan review is not otherwise required, design review shall be conducted in accordance with site plan review procedures under Section 502 or Section 503. All reviews shall be conducted at a public meeting.

~~2. Nothing in these design control criteria shall be construed to prevent the ordinary~~

Commented [RM6]: "...will be required." is the only thing that makes sense to me, but I'm not sure the State will actually provide this to folks. What has been the relationship with the state historic preservation office so far?

Commented [RM7]: This is redundant with the entire demolition section below. Can this be deleted?

maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.

3. The review of plans under this Section by the Planning Commission requires the submission of information listed in Section 502 or Section 503 along with building elevations, a description of materials to be used on the exterior of any structure, plans for exterior lighting, signs, drainage and snow removal, and photographs of existing structures and adjacent buildings if applicable. The Planning Commission may require additional information and documentation, as it deems necessary including 3D drawings and/or models of the proposal to assist in understanding the fundamental design elements and important spatial relationships.

4. Should the Planning Commission deem it necessary to employ an architect or other qualified individual to review any development proposal, the cost of employing such an individual shall be borne by the applicant.

D. District Design Requirements. The Planning Commission shall review all development applications in the ~~Design Review & Historic Preservation Overlay District Village Center~~ for compliance with the criteria listed below and in accordance with the character of the underlying district as defined by the Village of Essex Junction Comprehensive Plan. The Planning Commission reserves the right to require applicants to undertake their development per the Secretary of Interiors Standards. Staff will review the applicant's proposal and provide guidance as to what the Planning Commission will expect with historic structures.

1. Design Standards for the Village Center

(a) The relationship of building mass and architectural detail to open space and to the relative size of a person shall be reviewed by the Commission in this District.

(b) The predominant direction of structural shape, of placement of openings and architectural details at the front façade shall be harmonious with the core principles of a designated Village Center District.

(c) Buildings shall ~~generally follow the setbacks and height standards of the underlying zoning districts. Additional height or an adjustment to the setback have no setback from the street and be at least two stories in height~~ to create a consistent street edge and sense of enclosure may be allowed and, in some cases, encouraged. Additional building setback to provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas may be allowed and in some cases encouraged.

(d) ~~The following design elements shall be provided when not located within the streetscape already: greenspace and pocket parks, pedestrian amenities, and street trees.~~

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

(e) The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:

- (i) The relationship between the width to height of the front elevation of the building.
- (ii) The relationship of width to height of windows and doors.
- (iii) The rhythmic relationship of openings to solid areas in front façades.

Commented [RM8]: Not sure if this works as is.

- (iv) The spaces between the proposed structure or structural alteration.
 - (v) The relationship of entranceways to buildings and porches.
 - (vi) The materials, textures, and colors, including primary and accent or trim colors.
 - (vii) Proposed architectural details (such as lintels, arches, chimneys).
 - (viii) Proposed roof shapes and lines.
 - (ix) Proposed enclosures, including fences, brick walls, stone walls, evergreen hedgerows and building facades, which are also continuous and cohesive with existing walls in the district.
 - (x) Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.
 - (xi) The proposed ground cover shall be compatible with the predominant ground cover in the district.
 - (xii) Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.
2. Secretary of the Interiors Standards for the Rehabilitation of Historic Structures:
- (a) An existing property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(x) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Demolition of Historic Structures. The demolition of listed, or properties eligible for historic listing is discouraged and it is the intent of this section to limit the demolition of historic structures unless the following standards are met. The intent of this section is to provide a procedure for the review of applications for the demolition of a historic structure. The Planning Commission may require professional assistance in evaluating an application for demolition at the applicants' expense in order to determine compliance with the standards of this section. An application for demolition of a historic structure will be reviewed based on financial, structural, historic, design and community benefits of the proposed redevelopment.

(1) Application for Demolition

(a) A report from a licensed engineer qualified to assess the structural integrity of historic buildings is required. The report shall address the ability for rehabilitation and reuse of the existing building as it pertains to the buildings structural integrity and cost of rehabilitation.

(b) A report from a qualified professional (planner, economist, business consultant) on the economic feasibility to rehabilitate and/or operate the historic building or site while preserving its historic qualities. The report, at the request of the Planning Commission, may require the report to assess options for sensitive building expansions as it pertains to the economic viability of the building.

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

(d) Any building in non-compliance with the design requirements for historic structures as a result of a fire, flood or similar unforeseen event shall apply within six months of the date of the event for an application to demolish the building or approval of a plan for restoration. All of the standards in this section shall be fully considered including economic hardship, structural integrity and community benefit.

(2) Demolition Review Standards:

(a) Economic Hardship. The continued operation of the historic structure is financially infeasible based on existing and potential land uses and any costs of rehabilitation. All options for adaptive reuse, resale, or relocation shall be considered and addressed in the application.

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

(c) Community Benefit. The redevelopment plan for the site has significant state, regional or community benefits in terms of urban design, ecology, and cultural or economic benefits. The redevelopment proposal shall consider and address impacts on adjacent historic properties and the entire district. The potential of incorporating historic structures into redevelopment plans shall be considered and is encouraged.

(3) Approval for Demolition. Historic buildings that are approved for demolition require the applicant to comply with the following:

(a) Any approval for the demolition of a historic structure shall require the applicant to document the building in accordance with the Historic American Building Survey (HABS).

(b) Assurance from the applicant that the redevelopment plan as approved will be

implemented if the historic structure demolition is approved based on the community benefit of the redevelopment plan. In addition, structures approved for demolition based on the community benefit shall not be demolished until construction of the entire project has received all financial resources and regulatory permits. The Planning Commission may require a bond or letter of credit as a condition of approval for the demolition of a historic structure.

(c) The time between demolition and the commencement of construction shall not exceed 3 months unless an alternative timeline is specifically approved as part of the demolition approval from the Planning Commission.

F. **Formula-Based Retail and Restaurants.**

(1) Purpose. Formula-based retail and restaurants have the potential to negatively impact the unique character and small town atmosphere in the Village Center District, and the trunk routes leading into it, unless carefully designed to minimize negative impacts associated with standardized buildings, signs and operations that does not take into account ~~the~~ special qualities and historic features of the District as defined in the Village ~~Comprehensive Plan~~.

(2) Applicability. Formula-based retail and restaurants, as defined in Chapter 2, shall require conditional use review and approval for the establishment or expansion of such an operation in the Design Review & Historic Preservation Overlay District~~Village Center District~~.

(3) Review Standards. In addition to the conditional use review standards, the following criteria pertain to all proposed formula-based retail and restaurant establishments and the expansion of existing ones:

(a) New buildings shall be designed with attention to the existing site features and shall not consist of a standardized building type used by the formula based business on other sites and locations. Façade detailing and style shall be unique and not part of a standardized set of features used in other locations, but rather complement the historic identity of the Village Center District.

Commented [RM9]: Now that we've defined the location for the overlay. Do you want to keep this in or not?

SECTION 620621: USE CHART

A. District Abbreviations. For the purposes of this Code, and for the chart presented in this Section, the zoning districts shall have the following abbreviations:

1. Multi-Family Residential 1 District (MF1).
2. Multi-Family Residential 2 District (MF2).
3. Multi-Family Residential 3 District (MF3).
4. Village Center District (VC).
5. Highway-Arterial (HA)
6. Multi-Family/Mixed Use-1 District (MF-MU1)
7. Multi-Family/Mixed Use-2 District (MF-MU2)
8. Transit Oriented Development (TOD)
9. Residential-Office District (RO).
10. Open Space (OS)
11. Light Industrial District (LI).
12. Planned Exposition District (PE).
13. Planned Agriculture District (PA).
14. Flood Plain District (FP).
15. Mixed Commercial Use District (MCU).
16. Professional Office Overlay District