

CHAPTER 6: ZONING DISTRICTS REGULATIONS

This section sets forth regulations regarding the use, density, lot size, lot coverage and setbacks on properties in all Zoning Districts within the Village. Where applicable, design review standards are also included.

SECTION 600: OFFICIAL ZONING MAP

All land in Essex Junction is divided into Districts as shown on the Official Zoning Map filed with the Village Clerk, a copy of which is attached to this Code. Said Official Zoning Map shall be the official record of the zoning status of all land areas within the Village.

A. Map Changes

No changes of any nature affecting property shall be made on the Official Zoning Map. It shall be unlawful for any person to alter or change the map upon adoption by the Village of Essex Junction Board of Trustees. Any changes or amendments to the Official Zoning Map shall be made by the Trustees after Public Hearings pursuant to Title 24, Chapter 117, Section 4404 of Vermont Statutes.

B. Map Interpretation

Staff shall interpret zoning district boundaries as specified below. Appeals to staff decisions may be made to the Zoning Board.

1. District boundaries adjacent to a street, highway, stream or power line shall be construed to follow the centerline.
2. District boundaries adjacent to railroad tracks, or rights of ways shall be construed to follow the centerline.
3. District boundaries, which approximately follow property lines shall be constructed to follow property lines.
4. Where a District splits a parcel or lot, the regulations applying to either portion of the lot may be extended onto the other portion for distance not exceeding fifty (50) feet.
5. The Future Land Use Map as filed with the Village Clerk shall be consulted to determine intent in the establishment of any Zoning District boundary.

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

A. Purpose. To provide areas for multi-family residential development and accessory uses.

B. Lot Size/Lot Coverage

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

Commented [RM1]: PC review: I'd like to suggest up to three units on 7,500 sq.ft. however it looks like this entire zoning district is already built with multi-family dwellings based on a certain acreage and open space set aside. Changing this would open those up for more development.

Commented [RM2]: PC review: suggest deleting this as it requires PUD approval for more than 1 unit unnecessarily.

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

C. Setback Requirements

1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
- (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.

- 2. The minimum side yard setback shall be ten (10) feet.
- 3. The minimum rear yard setback shall be ten (10) feet.

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

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

F. Building Height. Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

G. Planned Unit Development. ~~The Planning Commission may approve a Planned Unit Development for use as a Multi-Family and/or Single Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 1 District. Any application for proposed development in the Multi-Family Residential 1 District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Sections 511 and 723. Any application for proposed development in the Multi-Family Residential 1 District which contains more than five (5) units shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission.~~

1. ~~General Review Standards~~

- ~~(a) Physical characteristics of the site and relation to surrounding properties.~~
- ~~(b) Relationship to major transportation facilities, including mass transit, walkways and bike paths.~~
- ~~(c) Design characteristics of the proposal and compatibility to adjoining developed land.~~
- ~~(d) Unique design or land planning characteristics.~~
- ~~(e) Methods used to provide a transition between adjoining uses and proposed uses including,~~

Commented [RM3]: PC Discussion: I recommend deleting this section. PUDs are required in MF1, MF2, MF3, for relatively small multifamily projects (5 units or more). All of the MF districts are in transition areas, but I'm still not sure forcing them to be reviewed as a PUD adds any value. Would it be okay if the multi-family developments in those districts are just reviewed under Site Plan or Subdivision? They can always request PUD review if they want to for a bonus density or for waivers. Also the specific "standards" in the zoning district sections aren't really standards and just mimic the old 511.B. I would keep the PUD requirement in the PA district b/c that's unique to agriculture conservation. Lastly, MCU requires a PUD if the development requires more than 2,500 sq.ft. of commercial space or multi-family development. This is a larger area adjacent to the Village. Is PUD approval necessary for any reason here? Mixed use developments can be approved just as a site plan, right?

Commented [RM4R3]: I suggest we leave the option to apply for a PUD; but not require it. And delete the redundant standards (that really aren't standards anyway). I also think this might help balance the additional requirements of the design overlay district.

Commented [RM5R3]: PC meeting come in as something other than PUD unless asking for a particular purpose. Make change.

Formatted: Indent: Left: 0"

~~but not limited to, setbacks, screening, fencing, building design and parking design.~~

~~(f) The preservation of unique natural physical characteristics.~~

~~(g) Building design compatibility with adjoining structures.~~

~~(h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.~~

~~2. Specific Review Standards~~

~~(a) Proposed traffic flow and circulation design.~~

~~(b) Design compatibility with adjoining developed properties.~~

~~(c) Scale and design of proposed structures.~~

~~(d) Location and setbacks of all proposed structures.~~

~~(e) Unique physical characteristics of the proposed use.~~

~~(f) Unique characteristics of the proposed use.~~

~~(g) Use of innovative techniques, including but not limited to, clustering, Zero Lot Lines development, purchase/leaseback arrangements, and the provision of amenities including biking and hiking trails.~~

Formatted: No bullets or numbering, Tab stops: Not at 1.25"

~~3. Waivers. The Commission may waive requirements for lot coverage, setbacks, parking and height based upon the merits of the specific proposal. Waivers shall be based upon the following criteria and may include specific conditions:~~

Formatted: Indent: Left: 0"

~~(a) Unique physical characteristics of the site proposed for development.~~

~~(b) Superior building design, lot layout and landscaping design.~~

~~(c) Provision of public open spaces or superior bicycle and pedestrian access.~~

~~(d) Joint or combined vehicular access with adjoining properties.~~

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

A. Purpose. To provide areas for the construction of new multi-family dwellings and accessory residential uses.

B. Lot Size/Lot Coverage

1. The minimum lot size shall contain seven thousand five hundred (7,500) square feet for the first dwelling unit plus two thousand five hundred (2,500) square feet for each additional dwelling in the same structure or within an accessory structure existing on the effective date of this Code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require seven thousand five hundred (7,500) square feet of lot size for the first dwelling and two thousand five hundred (2,500) square feet for each additional dwelling in the same structure. Each new structure requires seven thousand five hundred (7,500) square feet for the first unit and two thousand five hundred (2,500) square feet for each additional unit in the structure. ~~One single family home is allowed per lot unless reviewed as a planned development.~~

Commented [RM6]: PC review: suggest deleting this as it requires PUD approval for more than 1 unit unnecessarily.

2. The maximum lot coverage shall be fifty (50) 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.
2. The minimum side yard setback shall be ten (10) feet.
 3. The minimum rear yard setback shall be ten (10) feet.

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

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

F. **Building Height.** Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less. The Commission may grant a waiver of up to four (4) stories or forty-eight (48) feet, whichever is less under either of the following conditions:

1. The property is located along a major arterial street and no adverse impacts on the character of the neighborhood would result; or
2. The project is not located on a major arterial street, but adequate buffering is proposed that would cause no adverse impacts on the character of the neighborhood.

G. **Planned Unit Development.** ~~The Planning Commission may approve a Planned Unit Development for use as a Multi-Family and/or Single Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 2 District. Any application for proposed development in the Multi-Family Residential 2 District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of this Sections 511 and 723Section. Any application for proposed development in the Multi-Family Residential 2 District which contains more than five (5) units shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission. Refer to Section 601.G.1-3 for general and specific review standards in addition to waiver information for a PUD.~~

Commented [RM7]: PC Discussion: I recommend deleting this section. PUDs are required in MF1, MF2, MF3, for relatively small multifamily projects (5 units or more). All of the MF districts are in transition areas, but I'm still not sure forcing them to be reviewed as a PUD adds any value. Would it be okay if the multi-family developments in those districts are just reviewed under Site Plan or Subdivision? They can always request PUD review if they want to for a bonus density or for waivers. Also the specific "standards" in the zoning district sections aren't really standards and just mimic the old 511.B.

Commented [RM8R7]: I suggest we leave the option to apply for a PUD; but not require it. And delete the redundant standards (that really aren't standards anyway). I also think this might help balance the additional requirements of the design overlay district.

Commented [RM9R7]: Make change

SECTION 603: MULTI-FAMILY RESIDENTIAL 3 (M-F3)

A. **Purpose.** To provide areas for low density multi-family dwellings and accessory residential uses.

B. **Lot Size/Lot Coverage**

1. The minimum lot size shall contain seven thousand five hundred (7,500) square feet for the first dwelling unit plus three thousand (3,000) square feet for each additional dwelling unit in the same structure or within an accessory structure existing on the

effective date of this Code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require seven thousand five hundred (7,500) square feet of lot size. Each new structure requires seven thousand five hundred (7,500) square feet for the first unit and three thousand (3,000) square feet for each additional unit in the same structure. ~~One principal structure is allowed per lot. One single family home is allowed per lot unless reviewed as a Planned Development.~~

2. The maximum total lot coverage shall be forty (40) percent.

Commented [RM10]: PC review: suggest deleting this as it requires PUD approval for more than 1 unit unnecessarily.

C. Setback Requirements

1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; and
- (b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.

- 2. The minimum side yard setback shall be ten (10) feet.
- 3. The minimum rear yard setback shall be ten (10) feet.

D. Maximum Number of Dwelling Units. The maximum number of dwelling units on any individual lot shall be three (3).

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

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

G. Building Height. Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

H. Planned Unit Development. ~~The Planning Commission may approve a Planned Unit Development for use as a Multi-Family and/or Single-Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Residential 3-District. Any application for proposed development in the Multi-Family Residential 2-District may, if needed and at the applicant's request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723. Any application for proposed development in the Multi-Family Residential 3-District may, at the applicant's request, be~~

Commented [RM11]: PC Discussion: I recommend deleting PUD requirements for the mixed used districts of MF1, MF2. I think MF3 is a different situation b/c it is mostly a residential area. Perhaps keeping the requirement for a PUD for more than 5 units would make sense in this district?

Commented [RM12R11]: Make change MF3 also

~~reviewed as a Planned Unit Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 3 District which contains more than five (5) units shall be reviewed as a Planned Unit Development unless this requirement is specifically waived by the Commission. Refer to Section 601.G.1-3 for general and specific review standards in addition to waiver information for a PUD.~~

SECTION 604: VILLAGE CENTER (VC)

A. **Purpose.** To provide a compact commercial center having a mix of commercial, governmental, cultural and mixed use buildings that are consistent with the purpose of a designated Village Center District, and a neighborhood development area as both are defined by the State of Vermont. The Village Center shall be the core for an ongoing revitalization that will improve the community's vitality and livability and the goal of having a Center that accommodates growth. Due to the historic nature of the residential neighborhoods surrounding the Five Corners area the design and layout of any new developments or infill projects shall acknowledge the importance of the existing streetscape and enhance the area through an architectural design and site layout that enhances pedestrian connectivity to adjacent properties. It is the intent of this district to allow as new structures only those structures which are designed and constructed to enhance the streetscape and add value aesthetically, economically and socially to the Village Center.

B. **Lot Size/Lot Coverage**

1. The minimum lot size shall be five thousand (5,000) square feet. The Village Center District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.
2. The maximum total lot coverage shall be determined by the Commission as part of Site Plan Review.

C. **Setback Requirements.** No requirements for commercial or mixed use buildings. For single family buildings the front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

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

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

E. Design Review and Historic Preservation. Because of the 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 this 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. Infill and redevelopment 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. In addition, the purpose is to carry out the concepts of the Design Five Corners Plan (https://www.ccrpcvt.org/wp-content/uploads/2019/03/D5C-Implementation-Plan_Final-Report.pdf) which are to accommodate infill development while calming traffic and reclaiming more space for people; and to establish a pedestrian friendly atmosphere.

Formatted: Indent: Left: 0", Tab stops: Not at 1"

Commented [RM13]: Include the url...

~~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.~~

Commented [RM14]: Deleting this because it's redundant.

2. Applicability

(a) ~~(a)~~ The design review standards are applicable to all development proposals within the Village Center District.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

(b) The historic preservation design standards with respect to alterations, additions or redevelopment of existing historic structures as defined in Section 604.E.4.B of this Code are applicable to ~~all~~ buildings listed or eligible for the State or National Register of Historic Places or listed on Map 2 in the Comprehensive Plan (https://www.essexjunction.org/fileadmin/files/Planning_Zoning/Map2_Historic_Sites_20190130.pdf). Documentation from the State Division of Historic Preservation documenting a building's eligibility for the State or National Register of Historic Places. ~~The following buildings are exempt:~~

Commented [RM15]: Link to this.

Commented [RM16R15]: done

i. ~~Buildings that have been de-listed, or determined by the Vermont Division for Historic Preservation for state and federal regulatory program purposes to not meet the State Register Criteria for Evaluation and are not eligible for listing in the State Register of Historic Places.~~

Commented [RM17]: Based on previous discussions about this incomplete sentence; I've tried to better address what should be applicable here. This is how I've also described it in the new overlay.

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1" + Indent at: 1.25"

ii. ~~Buildings where the historical significance has been compromised and is no longer relevant. A letter must be provided by a qualified Historic Preservation consultant stating this case.~~

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

Commented [RM18]: 3.a below covers the approval process well; and a subdivision shouldn't be required unless they are subdividing land.

3. District Design Review Procedures. The Planning Commission may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Accordingly:
- (a) Within this district, no structure may be demolished, reconstructed, moved, erected, or changed in use, nor may the exterior be altered or restored without design approval from the Planning Commission, issued in conjunction with subdivision or site plan approval. In the event that subdivision or site plan review is not otherwise required, design review shall be conducted in accordance with site plan review procedures under Section 502 or Section 503.
 - (b) Nothing in these design control criteria shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.
 - (c) The review of plans under this Section by the Planning Commission requires the submission of information listed in Section 502 or Section 503 along with building elevations, a description of materials to be used on the exterior of any structure, plans for exterior lighting, signs, drainage and snow removal, and photographs of existing structures and adjacent buildings if applicable. The Planning Commission may require additional information and documentation, as it deems necessary including 3D drawings and/or models of the proposal to assist in understanding the fundamental design elements and important spatial relationships.
 - (d) Should the Planning Commission deem it necessary to employ an architect or other qualified individual to review any development proposal, the cost of employing such an individual shall be borne by the applicant.
4. District Design Requirements. The Planning Commission shall review all development applications in the Village Center for compliance with the criteria listed below and in accordance with the character of the district as defined by the Village of Essex Junction Comprehensive Plan. The Planning Commission reserves the right to require applicants to undertake their development per the Secretary of Interiors Standards. Staff will review the applicant's proposal and provide guidance as to what the Planning Commission will expect with historic structures.
- (a) Design Standards for the Village Center
 - (i) 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.
 - (ii) 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.
 - (iii) Buildings shall generally have no setback from the street and be at least two stories in height and maximum four stories to create a consistent street edge and sense of enclosure. Additional building setback to provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas may be allowed and in some cases encouraged.
 - ~~(iv) 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.~~

(iv) Site features and design shall promote cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. As appropriate to the location of the application, features shall include at least two or more of the following, or similar amenity with approval from the Planning Commission (see image box for examples to help clarify the intent of this requirement):

- (a) Pedestrian access directly from the building to the public sidewalk;
- (b) Pocket park with benches or similar amenities between the public realm and the private building;
- (c) Public art, murals or interactive games;
- (d) Covered bus shelter; and
- (e) Shade trees.

Commented [RM19]: Deleting as discussed previously.

Formatted: No bullets or numbering

Commented [RM20]: PC discussion: This is what we said in the PUD section. Do you want to require more of these features in the Village?

Commented [RM21R20]: A should happen for all. Require at least two amenities, but need other amenities: Art feature, or community asset/feature...add more options to (b) b/c e and d may not always make sense.

Commented [RM22]: PC discussion – does this work? Also added “As appropriate to the location of the application...”; and added a new (c)

Public Realm Amenity examples for Section 604.E.4(a)(iv). These images are provided as illustrations of intent.



All images herein are from *Seven Catalytic Placemaking Strategies: A Discussion about the Future of Vermont Downtowns* by Fred Kent, Kathy Madden and Amy Tomasso.
url: <https://www.sociallifeproject.org/rural-placemaking-vermont-downtowns/>

Formatted: No bullets or numbering

- (v) The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:
 - (aa) The relationship between the width to height of the front

- elevation of the building.
- (bb) The relationship of width to height of windows and doors.
- (cc) The rhythmic relationship of openings to solid areas in front façades.
- (dd) The spaces between the proposed structure or structural alteration.
- (ee) The relationship of entranceways to buildings and porches.
- (ff) The materials, textures, and colors, including primary and accent or trim colors.
- (gg) Proposed architectural details (such as lintels, arches, chimneys).
- (hh) Proposed roof shapes and lines.
- (ii) 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.
- (jj) Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.
- (kk) The proposed ground cover shall be compatible with the predominant ground cover in the district.
- (ll) Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.

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

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (v) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (vi) 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.
- (vii) 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.

(viii) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(ix) 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.

5. 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.

(a) Application for Demolition

(i) 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.

(ii) 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.

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

(iv) 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.

(b) Demolition Review Standards:

(i) 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.

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

reasonable; or

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

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

(i) 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).

(ii) 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.

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

6. Formula-Based Retail and Restaurants.

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

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

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

(i) 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.

F. Parking. Due to the unique characteristics of this District no minimum parking requirements are established. However, the Planning Commission may require parking as a part of any Site Plan approval. The Commission shall use the parking standards of Chapter Seven as a guide to determine reasonable parking. If on-site parking is required, it shall be placed on the

side or rear of the building, not in front. If parking is placed on the side, it shall not take up more than thirty (30) percent of the linear frontage of the lot. The Planning Commission may waive this requirement due to site constraints. Below grade parking or structured parking may also be approved by the Planning Commission. Municipal parking lots are exempt from the side, rear and thirty (30) percent limit on linear frontage requirements for parking areas.

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

Commented [RM23]: I recommend deleting this. A mixed use building without subdivision should be reviewed as a Site Plan. A person can always request PUD approval if they want to. And the distinction between types of PUDs ("commercial") was removed from statute quite some time ago. Lastly this doesn't add anything. There are no actual standards listed here.

~~1. Commercial PUD.~~

~~(a) Activities involving a Commercial PUD shall be reviewed in accordance with the procedures of this Section. Commercial PUD's are authorized in the Village Center District pursuant to Section 604.G.~~

~~(b) Application Requirements. An application for a Commercial PUD shall be submitted and reviewed in accordance with the procedures of Section 511.~~

~~(c) Review Standards. An application for a Commercial PUD shall be reviewed under the applicable standards of Section 511.B.1-3.~~

~~(d) Expiration of Approval. An approval for a Commercial PUD shall expire in accordance with terms set forth in the approval.~~

~~(e) Appeals. Any interested person may appeal a decision of the Commission regarding a Commercial PUD in accordance with the procedures set forth in Section 1707.~~

H. Building Height. Building heights shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

I. Drive - Through's. Drive - Through's in the Village Center must provide enough stacking room for three (3) cars, not six (6) cars as required in Section 703.D.2.

SECTION 605: HIGHWAY-ARTERIAL DISTRICT (HA)

A. Purpose. To provide areas for retail, wholesale, commercial, residential, service and professional businesses while minimizing negative impacts due to increased traffic.

B. Density/Lot Coverage.

1. The minimum lot size shall be ten thousand (10,000) square feet. The Highway Arterial District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.

2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Planning Commission using the same criteria outlined in Section 601.G.3.

- C. Setback Requirements. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.
 - 1. The minimum front yard setback shall be twenty (20) feet.
 - 2. The minimum side yard setback shall be ten (10) feet.
 - 3. The minimum rear yard setback shall be ten (10) feet.

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

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

- F. Building Height. Building height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

~~G. Planned Unit Development. The Planning Commission may approve a Planned Unit Development in the Highway Arterial District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Highway Arterial District. Any application for proposed development in the Highway Arterial District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.~~

- ~~1. Commercial PUD.
 - (a) Activities involving a Commercial PUD shall be reviewed in accordance with the procedures of this Section. Commercial PUD's are authorized in the Highway Arterial District pursuant to Section 605.G.
 - (b) Application Requirements. An application for a Commercial PUD shall be submitted and reviewed in accordance with the procedures of Section 511.
 - (c) Review Standards. An application for a Commercial PUD shall be reviewed under the applicable standards of Section 511.B.1-3.
 - (d) Expiration of Approval. An approval for a Commercial PUD shall expire in accordance with terms set forth in the approval.
 - (e) Appeals. Any interested person may appeal a decision of the Commission regarding a Commercial PUD in accordance with the procedures set forth in Section 1707.~~

Commented [RM24]: I recommend deleting this. A mixed use building without subdivision should be reviewed as a Site Plan. A person can always request PUD approval if they want to. And the distinction between types of PUDs ("commercial") was removed from statute quite some time ago. Lastly this doesn't add anything. There are no actual standards listed here.

SECTION 606: MULTI-FAMILY/MIXED-USE-1 DISTRICT (MF-MU1)

- A. Purpose. The Multi-Family/Mixed-Use-1 District is intended to allow high density multi-family development along low intensity commercial uses along major transportation and public transit corridors. High Density, Mixed Use developments and affordable housing with parking below grade or on the first floor of the building are encouraged. Development in the MF-MU1 District should support alternative modes of transportation, while accommodating the automobile.

- B. Density/Lot Coverage.
 - 1. The minimum lot size in the MF-MU1 District shall be fifteen thousand (15,000) square feet. The MF-MU1 District shall not have a maximum allowable density. The

maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.

2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Planning Commission using the same criteria outlined in Section 601.G.3.

C. Setback Requirements. The Planning Commission may waive the screening and buffering requirements for new developments upon determining that the development will not adversely impact neighboring properties. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.

1. Side: The side yard setback shall be ten (10) feet.

2. Front: The minimum front yard setback shall be twenty (20) feet, the maximum front yard setback shall be thirty (30) feet for the principal structure. At least thirty (30) percent of the front of the principal structure shall be within the minimum and maximum setback.

3. Rear: The required rear setback shall be ten (10) feet.

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

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

1. At Grade Parking on First Floor of Building: The building façade for parking on the first floor of the principal structure shall have a residential appearance and shall blend with the upper floors of the building.

F. Building Height. Building Height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

G. Planned Unit Development. The Planning Commission may approve a Planned Unit Development for use as a MF-MU1 District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family Mixed-Use-1 District. Any application for proposed development in the Multi-Family Mixed-Use-1 District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

SECTION 607: MULTI-FAMILY/MIXED-USE-2 DISTRICT (MF-MU2)

A. Purpose. The Multi-Family/Mixed-Use-2 District is intended to allow high density multi-family development along low intensity commercial uses along major transportation and public transit corridors. High Density, Mixed Use developments and affordable housing with parking below grade or on the first floor of the building are encouraged. Development in the MF-MU2 District should support alternative modes of transportation, while accommodating the automobile. Developments within this district should be designed in such a way as to build upon the village character found in the core areas of the Village.

B. Density/Lot Coverage

1. The minimum lot size in the MF-MU2 District shall be fifteen thousand (15,000) square feet. The maximum permitted density shall be fifteen (15) units per acre.
2. The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Planning Commission using the same criteria outlined in Section 601.G.3.

C. Setback Requirements. The Planning Commission may waive the screening and buffering requirements for new developments upon determining that the development will not adversely impact neighboring properties. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.

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

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

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

1. At Grade Parking on First Floor of Building: The building façade for parking on the first floor of the principal structure shall have a residential appearance and shall blend with the upper floors of the building.

F. Building Height. Building Height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

G. Planned Unit Development. The Planning Commission may approve a Planned Unit Development for use as a MF-MU2 District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Multi-Family/Mixed-Use-2 District. Any application for proposed development in the Multi-Family/Mixed-Use-2 District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

SECTION 608: TRANSIT ORIENTED DEVELOPMENT (TOD)

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

1. In order to achieve the desired goal of providing greater transportation options, development within the district shall embody the characteristics of compact urban development and pedestrian oriented design. Mixed use buildings with first floor retail,

Commented [RM25]: Note to PC: we talked about potentially making some edits to this section; but then more recently decided the addition of the design overlay in this area would be a good first step to addressing issues that you've had here.

wide sidewalks, interconnected streets, on-street parking, high density residential development, pedestrian amenities, transit stations and stops, open spaces, and public or shared parking are strongly encouraged and in many cases required as a part of the standards within the TOD District.

2. The area within the TOD District is currently served by public bus transportation. In addition, the TOD District is adjacent to an active rail corridor, which may be used for light rail service in the future. A bike path is also planned for the rail corridor.

Therefore, the TOD District is in an ideal location to provide greater transportation options.

3. The specific objectives of the TOD District are:

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

B. Applicability. Development proposals that involve more than thirty (30) percent or more of the existing building(s) square footage on the effective date of this ordinance shall be in full compliance with the standards of the TOD District. It is the intent of the TOD District regulations to prohibit the expansion of existing non-conforming structures beyond thirty (30) percent of the existing floor space on the effective date of this ordinance unless a waiver is granted by the Planning Commission upon determination that the expansion would not significantly detract from the goals and intent of the TOD District. Any expansion of existing non-conforming structures shall comply with the provisions of Chapter 8.

1. The use chart in Section 620 identifies the allowed uses in the TOD District, which shall apply on effective date of this code. Non-conforming uses shall comply with the standards in Chapter 8 regarding non-conforming uses.

2. The standards within the TOD District in some cases conflict with other standards established in the Land Development Code. The standards contained within this district shall override and take precedent over other standards when in conflict with the standards of the TOD District.

C. Density/Lot Coverage

1. The minimum lot size in the TOD District is five thousand (5,000) square feet. There shall be no maximum residential density. Residential development potential shall be determined by the ability to meet the other provisions of the Land Development Code including parking, building height, setbacks and lot coverage.

2. The maximum total lot coverage shall be one hundred (100) percent.

D. Setback Requirements

1. There shall be no minimum required setbacks.
2. The maximum front yard setback shall be twenty (20) feet.

E. Building Frontage, Façade and Entry

1. All buildings shall have a minimum building frontage on a public street of seventy-five (75) percent of the frontage of the lot. The Commission may waive this requirement if the proposed land use warrants less building frontage to accommodate on-site parking on the side of the building or due to site constraints.
2. All structures require clear windows, which shall encompass at least fifty (50) percent of the building façade along the street from three (3) feet to six (6) feet and eight (8) inches above the finished sidewalk grade.
3. At-grade, below grade and above grade parking is allowed. However, at-grade structured parking shall not be allowed unless the parking is on the interior of the structure and a liner building is present along the street frontage on the first floor.

F. Building Height. The maximum allowable building height shall be four (4) stories or fifty-eight (58) feet, whichever is less.

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

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

I. Parking Requirements and Location

1. The parking requirements are as follows:

Land Use	Parking Requirement
Residential	1 space per unit
Lodging	1 space per room
Office	2 spaces per 1,000 SF of net office space
Retail	3 spaces per 1,000 SF of net retail space
Other	As determined by the Planning Commission based on anticipated need. The Commission shall use the requirements of Chapter 7 and other national parking standards as a guide.

2. Parking shall be provided along the rear of the lot, unless a waiver is granted in accordance with Section 608.E.1.
3. At the discretion of the Village Trustees, parking lots created as part of a development project may be accepted by the Village as municipal public parking.
4. Shared parking and connections between parking lots are encouraged to provide better access, traffic flow, and ample parking.

J. Street and Sidewalk Regulations. For the redevelopment of large (over five (5) acres) parcels within the TOD District, new streets, blocks, and lots shall be established in order to create a pedestrian friendly environment that supports a variety of transportation options. For new streets, the following standards shall be met:

1. Street Design and Layout
 - a) All new streets within the TOD District shall be provided as public streets. Alleys shall be privately owned and maintained. The overall number of alleys shall be limited to the minimum amount necessary to provide adequate access to the rear of buildings. Alleys shall be designed to minimize the number of access points onto public streets.
 - b) New Streets shall not have a block length greater than six hundred (600) feet.
 - c) Sidewalks within the TOD District shall have a minimum of eight (8) feet of unobstructed width.
 - d) Major redevelopment projects within the TOD District shall include bike lanes at least five (5) feet in width within the development in order to provide convenient and safe bicycle access within the district. It is not expected that every new street will have a bike lane, but rather those that provide major bicycle transportation routes within the district. All new streets shall include crosswalks at all intersections, which are in compliance with the Americans with Disabilities Act.
 - e) Pedestrian amenities including benches, trash receptacles, and bike racks shall be incorporated into the design of new streets.
 - f) Street trees shall be planted every forty (40) feet on center with tree grates and structural soil (See Appendix A for Public Works Specifications). Street trees shall be placed between the pedestrian travel way and the curb.
 - g) New streets shall include on-street parallel or forty-five (45) degree angled parking.
 - h) Pedestrian street lamps shall be incorporated into all new streets. The lamps shall be full cut-off fixtures with metal halide bulbs and mounted no higher than fifteen (15) feet. Pedestrian street lamps shall be of a decorative architectural style and approved by the Planning Commission.
 - i) All new streets shall incorporate bus stops and shall be coordinated with the Chittenden County Transportation Authority (CCTA). The applicant shall be required to provide written comments from CCTA on the proposed bus stops and facilities.
 - j) New streets with parallel parking on both sides of the street shall have two eleven (11) foot travel lanes.
 - k) New streets with forty-five (45) degree angled parking shall have two (2) twelve (12) foot travel lanes.

~~K. Planned Unit Development. The Planning Commission may approve a Planned Unit Development for use as a mixed use development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the TOD District. Any application for proposed development in the TOD District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1.3 for general and specific review standards in addition to waiver information for a PUD.~~

Commented [RM26]: I recommend deleting this. A mixed use building without subdivision should be reviewed as a Site Plan. A person can always request PUD approval if they want to. And the distinction between types of PUDs ("commercial") was removed from statute quite some time ago. Lastly this doesn't add anything. There are no actual standards listed here.

Commented [RM27R26]: Should we say that these are still allowed in each section. Just make sure that it is clear that everyone can apply for a PUD if they want to. Be consistent.

~~1. Commercial PUD.~~

~~(a) Activities involving a Commercial PUD shall be reviewed in accordance with the procedures of this Section. Commercial PUD's are authorized in the Transit Oriented Development District pursuant to Section 608.K.~~

~~(b) Application Requirements. An application for a Commercial PUD shall be submitted and reviewed in accordance with the procedures of Section 511.~~

~~(c) Review Standards. An application for a Commercial PUD shall be reviewed under the applicable standards of Section 511.B.1-3.~~

~~(d) Expiration of Approval. An approval for a Commercial PUD shall expire in accordance with terms set forth in the approval.~~

~~(e) Appeals. Any interested person may appeal a decision of the Commission regarding a Commercial PUD in accordance with the procedures set forth in Section 1707.~~

LK. Special Uses. Uses identified with an "S" on the Use Chart in Section 620 of this Code for the TOD District shall only be allowed on the first story.

SECTION 609: RESIDENTIAL-OFFICE (R-O)

A. Purpose. Provide areas for small office conversions of existing residential structures while maintaining residential type architecture. It is not the intent of this District to allow conversions which substantially alter the residential appearance of the structure or which alter the residential character of the neighborhood.

B. Density/Lot Coverage

1. The minimum lot size shall be seven thousand five hundred (7500) square feet for the first dwelling unit plus five hundred (500) square feet for each additional dwelling unit up to a maximum of four (4) dwelling units. One principal structure shall be allowed per lot.

2. The maximum total lot coverage shall be forty (40) percent.

C. Setback Requirements

1. The minimum front yard setback shall be twenty (20) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line, the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

(a) The proposed setback does not negatively impact the character of the neighborhood; 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.

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

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

F. Building Height. Building height shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

G. Special Standards for Residential Conversions. Any proposed residential conversion which adds one or more dwelling units shall require Site Plan approval. In addition, the following standards shall be met:

1. Parking for additional dwelling units shall be designed to minimize impact on adjoining properties. The Commission may require that screening, landscaping, berming or other techniques be used as a condition of approval.
2. Alterations to the structure shall not substantially change the single family character of the structure. Added exits, stairways and window treatments shall be designed to protect the residential character of the structure. The Commission may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

H. Special Standards for Office Conversions. Proposed conversions to non-residential uses shall require Conditional Use and Site Plan approval. In addition to Site Plan standards, the Commission shall review the following special standards:

1. The proposed use shall not cause significant sound or traffic impacts on adjoining properties.
2. Parking areas shall be arranged to minimize the impact on adjoining properties. Parking shall not be allowed within any front or side yard. The additional parking shall be effectively screened from ground level view of adjoining residences. The Commission may require that screening, landscaping, berming or other techniques be used as a condition of approval.
3. Signs advertising the use shall be limited to twenty (20) square feet in area and not internally illuminated. Only one sign is allowed per business. The one sign may be a freestanding, projecting or wall sign.
4. The application shall specify the number of employees and shall certify to the Commission that there will be no increase in employees without notice. Upon receipt of such notification the Commission may decide to reconsider the Site Plan approval, and shall so notify the applicant within forty-five (45) days of receipt of the notice of increased employees.
5. The application shall include an estimate of the number of daily customers. If, at a later date, the Commission should determine that the daily number of customers is significantly greater than estimated, the Commission may reconsider the Site Plan approval, and shall so notify the applicant.
6. Businesses to be allowed in this district are those which generally serve customers on an appointment only basis, and shall be restricted to the following:

- (a) Doctor, lawyer, accountant, insurance agent, planner, engineer, architect and similar professions.
- (b) Real estate offices and travel agencies.
- (c) Barber shop or beauty parlor.
- (d) Dance and gymnastics studios, provided that lessons are restricted to not more than ten (10) customers at a time.
- (e) Retail sales associated with any of the above uses, provided that the space (including storage) allocated to retail goods shall not exceed ten (10) percent of the total floor.
- (f) Apothecary type pharmacy as an accessory use, provided that the space (including storage) allocated to retail goods shall not exceed ten (10) percent of the total floor.

- 7. The Commission may restrict hours, employees and customers, and may specify other conditions necessary to protect the residential character of the neighborhood.
- 8. The Commission may impose conditions on parking, traffic circulation (including prohibiting parking in front yards), drainage and landscaping as it deems necessary to protect the residential character of the neighborhood.
- 9. Alterations to the structure shall not substantially change the single family character of the structure. Added exits, stairways and window treatments shall be designed to protect the residential character of the structure. New construction shall be of residential construction and shall fit the established character of the neighborhood. The Commission may require that additions or changes be screened from view by berms, fencing and/or landscaping treatments.

I. Standards for Existing Non-Residential Structures. Current uses of non-residential type structures may be sold or leased to support another use, providing it is, in the opinion of the Administrative Officer, similar to the original use and intensity.

SECTION 610: OPEN SPACE DISTRICT

A. Purpose. To provide and maintain open lands within the Village and its neighborhoods, and to provide locations for public recreation and school facilities.

B. Lot Size/Lot Coverage

- 1. The minimum lot size shall contain three (3) acres.
- 2. The maximum total lot coverage shall be twenty (20) percent.

C. Setback Requirements

- 1. The minimum front yard setback shall be:
 - (a) For agricultural uses, forty (40) feet.
 - (b) For all other uses, fifty (50) feet.
- 2. The minimum side yard setback shall be:
 - (a) For agricultural uses, twenty (20) feet.
 - (b) For all other uses, fifty (50) feet.
- 3. The minimum rear yard setback shall be:
 - (a) For agricultural uses, twenty (20) feet.
 - (b) For all other uses, fifty (50) feet.

- 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 611: LIGHT INDUSTRIAL (LI)

- A. Purpose. To provide areas for manufacturing, warehousing, research and development while maintaining high air and water quality.
- B. Density/Lot Coverage
1. The minimum lot size shall be ten thousand (10,000) square feet.
 2. The maximum total lot coverage shall be sixty-five (65) percent.
- C. Setback Requirements
1. The minimum setback from a public street shall be one hundred (100) feet.
 2. The minimum setback from an adjoining property line shall be fifty (50) feet.
- D. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.
- E. Parking Requirements. Off-street parking requirements are as specified in Section 703 of this Code.
- F. Building Heights. The height of any structure shall not exceed four stories or fifty-eight (58) feet, whichever is less. The Commission may waive this requirement to no more than six stories or seventy-two (72) feet upon clear determination that the waiver is necessary for proper functioning of any permitted industrial use and that it will not adversely impact any surrounding properties.
- G. Special Standards. Due to the unique characteristics of this district, the following special standards shall apply:
1. Additions not exceeding two thousand (2,000) square feet in area per story and which do not generate additional employees may be approved by Staff if the addition is not visible from any adjoining public street.
 2. Additions not exceeding ten thousand (10,000) square feet in area may be approved by Staff, if following public notice of the project, a request for a public hearing is not received with fifteen (15) days of receipt of notice. The request shall be made in writing and shall state the basis for the request.
 3. The addition of structures necessary for safety, fire protection or communications which do not exceed one thousand (1,000) square feet in area per story and are not more than sixty-five (65) feet in height may be approved by Staff.

SECTION 612: PLANNED EXPOSITION (P-E)

- A. **Purpose.** To provide an area for special events and exposition facilities while minimizing adverse traffic, sound and visual impacts. It is the intent of this district to encourage innovation in design and to encourage pedestrian, bicycle and bus access to such events.
- B. **Density/Lot Coverage**
1. The minimum lot size shall be one hundred (100) acres.
 2. The maximum total lot coverage shall be forty (40) percent.
- C. **Setback Requirements**
1. For front yards abutting commercial districts the minimum setback shall be twenty (20) feet.
 2. For front yards abutting residential districts the minimum setback shall be fifty (50) feet.
 3. For side and rear yards abutting commercial districts the minimum setback shall be twenty (20) feet.
 4. For side and rear yards abutting residential districts the minimum setback shall be fifty (50) feet.
- D. **Permitted and Conditional Uses.** Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.
- E. **Parking Requirements.** Off-street parking requirements shall be specifically approved by the Commission. Office uses shall meet the standards specified in "Professional Office" in Section 703(C). Other uses shall, at a minimum, meet the following standards:
1. One (1) space per three (3) seats in principal seating area or five (5) per one thousand (1,000) Square Foot of Gross Floor Area.
 2. Outdoor events – One (1) space per ten (10) visitors.
- F. **Building Heights.** The height of any structure shall not exceed thirty-five (35) feet; provided that the Commission may waive this requirement for facilities constructed a minimum of one hundred (100) feet from any property line with Conceptual Plan and Site Plan review.
- G. **Exposition Center PUD.** The Planning Commission may approve a Planned Unit Development for use as an Exposition Center. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Planned Exposition District. Development activity involving an Exposition Center PUD shall be reviewed under the provisions of this Subsection. For the purposes of this Code, an Exposition Center PUD shall be defined as the development of a parcel of land with multiple buildings, vehicle parking areas and appurtenant facilities for the purpose of conducting indoor and outdoor exhibits, carnivals, fairs, concerts, trade shows and similar events.
1. Approval of an application for an Exposition Center PUD requires approval of a Conceptual Plan by the Commission in accordance with the requirements of Section 511.C.
 2. If the application involves the construction of new buildings or the alteration of existing buildings or facilities, Site Plan approval is also required; see section 502.F.

3. Submittal Requirements. In addition to the requirements for submittal of a Conceptual Plan specified in Section 511.C, a Conceptual Plan for an Exposition Center PUD shall contain the following:
 - (a) The location and type of all permanent signs.
 - (b) The location of areas proposed for temporary and permanent signs which are visible from any public street.
 - (c) The general location of areas to be used for specific purposes or events, including parking.
 - (d) The general location of permanent fencing, screening and landscaping, including a description of types of plant materials.
 - (e) The general location of areas to be occupied by temporary structures, including distances between buildings and from structures to property lines. Temporary structures are those not staying in one location for more than two consecutive weeks or not served by water, sewer, and electric power connections.
 - (f) The approximate location of any proposed roads, sidewalks or bike paths.
 - (g) A proposed phasing schedule and map.
 - (h) A description of methods used to estimate the impact of the proposed development on public infrastructure.
4. Standards of Review of Exposition Center PUD.
 - (a) Physical characteristics of the site and relation to surrounding properties;
 - (b) Relationship to major transportation facilities, including mass transit, walkways and bike paths;
 - (c) Design characteristics of the proposal and compatibility to adjoining developed land;
 - (d) Unique design or land planning characteristics;
 - (e) Methods used to provide a transition between adjoining uses and proposed uses including, but not limited to, setbacks, screening, fencing, building design and parking design;
 - (f) The preservation of unique natural physical characteristics;
 - (g) Building design compatibility with adjoining structures; and
 - (h) Other criteria, as deemed necessary by the Commission, to evaluate the merits of a specific proposal.
5. Standards for Review of Temporary Activities in an Exposition Center PUD.
 - (a) The size of the event;
 - (b) The location of the event within the Planned Exposition District;
 - (c) Anticipated traffic impacts;
 - (d) Proposed hours of operation; and
 - (e) Conformance with performance standards in Section 718 of this Code.
6. Conditions. The Commission may approve the proposed Exposition Center PUD with conditions designed to meet the standards established in Section 612 of this Code.
7. Classification and Approval of Activities. Plans for specific activities in an Exposition Center PUD shall be classified by the Community Development Department as permitted activities, temporary activities or major activities, and shall be reviewed in the following manner:
 - (a) Permitted activities. Permitted activities require no permits, provided that no new or temporary structures are proposed. The applicant shall notify Staff in writing, not less than two (2) days, excluding weekends and holidays, prior to the activity to ensure that additional review is not necessary. The following are

permitted activities:

- (i) Agriculture shows or exhibitions and related sales.
- (ii) Educational workshops.
- (iii) Special training, including driver's education, surveying techniques and similar training activities.
- (iv) Reunions.
- (v) Low intensity recreation activities.
- (vi) Offices directly related to the Fairground's activities.
- (vii) Storage facilities for equipment to be used for maintenance of any approved event or as a seasonal use.
- (viii) Horse boarding.

(b) Temporary Activities. Temporary activities require staff review and approval. An application for a Temporary Use Permit shall be submitted in accordance with Section 502.D of this Code. In addition to the Temporary Use Permit standards, Staff shall review a temporary activity under the standards in Section 612.

(i) An application for a temporary activities permit may be submitted for a series of events over a one-year period (an annual permit application) or for individual events. Approval of an annual permit application shall not preclude application for and receipt of any number of single permits for events during the same year.

(ii) Annual permit applications shall be reviewed within twenty-one (21) days of receipt.

(iii) Single permit applications shall be reviewed within forty-eight (48) hours receipt.

(iv) The following shall be deemed temporary activities:

- (aa) Antique shows;
- (bb) Dog shows;
- (cc) Car shows;
- (dd) Craft shows;
- (ee) Group sales (retail associations, car dealerships, clearance sales or similar events);
- (ff) Sales of products associated with another temporary or permitted event;
- (gg) Concerts; and
- (hh) Trade shows.

(c) Major Activities. The Planning Commission shall hold a public meeting in connection with review of a major activity, and may require a public hearing.

(i) Standards of review. The Commission shall review each application for a major activity permit on its individual merits. Special consideration shall be given to mitigation efforts proposed to reduce potential community impacts. In granting such a permit, the Commission may impose conditions regarding:

- (aa) Time of the events;
- (bb) Parking and traffic control measures;
- (cc) Temporary off-site parking of recreational vehicles on public property;
- (dd) Sound mitigation;

- (ee) Location of the event within the District; and
 - (ff) Impacts which, in the opinion of the Commission, are reasonable and will mitigate adverse impacts.
 - (ii) The following shall be deemed major activities;
 - (aa) Any event for which a permit has been denied by Staff;
 - (bb) Events which last more than five (5) days (excluding set-up and take-down);
 - (cc) Any event which exceeds the performance standards specified in Section 718 of this Code.
 - (iii) Annual agricultural exhibitions shall be reviewed by staff on an annual basis and are classified as a major use. Staff may approve all activities specified below. The Commission shall review any activity denied by Staff.
 - (aa) Normal Activities. Daily shows (other than grandstand shows), education workshops, product demonstrations, agricultural events, food services, booths, carnivals, and any activity within enclosed structures shall be considered as normal activities and shall not be individually reviewed.
 - (bb) Cumulative Effects. The cumulative effects of fair activities shall be reviewed annually with Staff, the Police Department and the applicant. Review is restricted to traffic control, lighting, parking, and sound abatement plans. Reasonable efforts shall be made to reduce potential adverse impacts of annual events. In the event that agreement is not reached, the Commission shall consider the outstanding issues at a public meeting on the next Commission agenda.
 - (cc) Special Events. Special events, including, but not limited to, concerts, demolition derbies, tractor pulls and other grandstand events shall be reviewed for compliance with standards for sound, dust control, parking and traffic flow. Staff may not grant waivers to any standard included in this Code. If it is expected that sound standards may be exceeded, application shall be made to the Trustees for a waiver in accordance with Section 506 of this Code. Staff may approve any special event which does not exceed standards and may impose reasonable conditions regarding control of traffic, sound and dust. In addition, Staff may stipulate hours of operation to ensure conformance with adopted standards.
8. Signs. Signs in the Planned Exposition Center PUD shall be approved by the Commission as part of Conceptual and/or Site Plan review.
- (a) The Commission shall consider the following:
 - (i) Compatibility with the Conceptual Plan.
 - (ii) Compatibility with the adjoining property.
 - (iii) Visual design.
 - (iv) Landscaping.
 - (v) Location and size.
 - (b) Specific types of signs which may be approved subject to the above, including a single sign with changeable messages to advertise events and signs near the streets to direct pedestrian, bicycle and vehicular traffic to appropriate

entrances. The general location and type of Temporary signs shall be reviewed by the Commission.

9. **Expiration of Approvals.** Approval for an Exposition Center PUD or approvals for any activities to be conducted at such PUD shall expire in accordance with terms set forth in the approval.

10. **Appeals:**

(a) Any interested person may appeal a decision of the Planning Commission regarding an Exposition Center PUD or conduct of a major activity at an Exposition Center PUD in accordance with the procedures set forth in Section 1707 below.

(b) Any interested person may appeal a decision of the Staff classifying an activity at an Exposition Center PUD to the Planning Commission in accordance with the procedures set forth in Section 1704 below.

SECTION 613: PLANNED AGRICULTURE (P-A)

A. **Purpose.** To provide areas for active agricultural uses and provide mechanisms to ensure the long term viability of agriculture. Prime agriculture or active farming land shall be preserved whenever possible through specific policies of the Village. Property used for agricultural purposes shall be deemed the predominant use of land and shall be protected from the adverse affects of urban developments. If development is to occur, the preservation of open space for agricultural or recreation purposes is important to the long-term environmental sustainability and quality of life in the district. Projects are reviewed on an overall project density basis to allow for the preservation of open space while achieving full build out. Open space networks and preservation of important natural resources should be integrated with new development in such a way as to allow for continued agricultural uses or emerging open space opportunities with responsible development.

B. **Density/Lot Coverage**

1. The minimum lot size shall be fifteen thousand (15,000) square feet.
2. The maximum total lot coverage shall be thirty (30) percent.

C. **Setback Requirements**

1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line, the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

- (a) The proposed setback does not negatively impact the character of the neighborhood; 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 ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

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

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

F. Building Height. Building height for residential structures and accessory residential structures shall not exceed three (3) stories. Structures utilized for normal agricultural activities shall have no height limitation.

G. Agriculture PUD. The Planning Commission may approve a Planned Unit Development for an Agriculture PUD, and in connection with such PUD approval, approve the structures and facilities to accommodate any of the uses allowed in the Planned Agriculture District. Any application for proposed development in the Planned Agriculture District may, at the applicant's request, be reviewed as an Agriculture PUD under the provisions of this Section in this District. All development applications involving more than three (3) units of housing shall be reviewed as an Agriculture PUD.

1. Applications shall be reviewed in accordance with the procedures set forth in Section 511. If the proposed Agriculture PUD includes new or altered buildings or facilities, Site Plan approval and/or Subdivision approval may be required.
2. Submittal requirements. In addition to the submittal requirements established in Section 511, applications for an Agriculture PUD shall include the following:
 - (a) The location and acreage of land to be reserved for agricultural purposes.
 - (b) Draft legal documents to ensure the continued availability of said lands for agricultural purposes in the future.
 - (c) A description and map of areas to receive transferred development rights, if any.
 - (d) A description of methods used to preserve agricultural lands other than the transfer of development rights, if applicable.
 - (e) Other information as needed to demonstrate compliance with the purpose of Section 613 of this Code.
3. A Conceptual Plan shall be submitted which includes, at a minimum, the following information:
 - (a) Location and acreage of all prime agricultural lands in single ownership.
 - (b) Location and acreage of all land proposed to be developed.
 - (c) Sending and receiving areas of all land proposed for transfer of development rights.
 - (d) Location of all land proposed for conservation of prime agricultural lands.
 - (e) Location and acreage of land proposed to be preserved as open space in perpetuity.
 - (f) Location and acreage of any lands to be transferred to qualified land trusts or non-profit organizations.
 - (g) Proposed phasing schedule.
 - (h) Proposed methods of preserving agriculture land.

Commented [RM28]: I recommend keeping this PUD requirement in the PA district b/c that's unique to agriculture conservation.

4. Standards of Review. Generally, the Commission shall consider the effect of the proposed development on the Community, public infrastructure and adjoining development. Mitigation efforts, including sound control, traffic control and landscaping shall be considered.

(a) General Review Standards

- (i) Physical characteristics of the site and relation to surrounding properties.
- (ii) Relationship to major transportation facilities, including mass transit, walkways and bike paths.
- (iii) Design characteristics of the proposal and compatibility to adjoining developed land.
- (iv) Unique design and land planning.
- (v) Methods used to provide a transition between adjoining uses and proposed uses including, but not limited to, setbacks, screening, fencing, building design and parking design.
- (vi) The preservation of unique natural physical characteristics.
- (vii) Building design compatibility with adjoining structures.
- (viii) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal.

(b) Specific Review Standards

- (i) Amount of land to be preserved for agricultural purposes.
- (ii) Location and type of all proposed uses.
- (iii) The proposed design concept, including location and access to any non-agricultural open space.
- (iv) Use of innovative techniques, including but not limited to, clustering, Zero Lot Lines development, purchase/leaseback arrangements, and the provision of amenities including biking and hiking trails.
- (v) Proposed densities and location of any proposed multi-family dwelling units.

5. Density Bonuses. The Commission may approve density increases for any Planned Agricultural proposal. Density shall be calculated on an overall project basis and allowable bonus density on developable land that is preserved may be applied elsewhere in a development.

(a) Standards. The Commission shall consider the standards as specified below:

- (i) The proposed density guarantees the preservation of agricultural lands.
- (ii) The proposed development concept is of superior design and quality to a standard subdivision. The proposed development supports a walkable environment and pedestrian connectivity including pedestrian oriented design with attention to the relationship between blocks, lots, street, buildings and open spaces.
- (iii) The proposal includes amenities, including but not limited to, pedestrian and bikeways, passive and active open spaces, energy efficient designs and alternative energy sources including renewable energy sources.
- (iv) The provision of elderly housing.
- (v) The provision of affordable housing.

(b) Bonuses. If the proposal clearly meets the intent of this District and preserves

agricultural lands for either agricultural or recreational purposes, the applicant may request bonuses not to exceed the following:

- (i) Total density bonus may not exceed an additional one hundred (100) percent of the base density on all developable land.
- (ii) Twenty-five (25) percent density bonus for all preserved developable land, to be applied elsewhere on the site.
- (iii) One (1) additional residential unit per unit that is perpetually affordable to households earning no more than eighty (80) percent of median income as allowed per district.

Any proposed development under Section 613.G.2 - Exceptions shall not qualify for density bonuses.

(c) Special Residential Standards. Upon approval and construction of any residential development, agricultural uses are prohibited in the developed area with the following exceptions:

- (i) Specific agricultural uses which are approved by the Commission as part of a Planned Unit Development Conceptual Plan shall be allowed.
- (ii) Barbed wire fencing may be used to separate the agricultural activities from the boundaries of any residential subdivision.
- (iii) Horse trails may be allowed as part of the proposed development.
- (iv) Lots which are ten (10) acres or more in area may have agricultural uses, provided animals are not kept within twenty-five (25) feet of the property boundaries.

6. Conditions. The Commission may approve the proposed Agriculture PUD with conditions designed to meet the standards established in Section 613 of this Code.
7. Expiration of Approval. An approval for an Agriculture PUD shall expire in accordance with terms set forth in the approval.
8. Appeal. Any interested person may appeal a decision of the Commission regarding an Agriculture PUD in accordance with the procedures set forth in Section 1707 below.

SECTION 614: FLOOD PLAIN (F-P)

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

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

Permitted Uses: Agriculture and Accessory Uses.

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

Commented [RM29]: PC Note: in the future this could use a review in comparison to new model bylaws. But not a priority now. But I did make one important edit to the base flood elevation.

A. Review Procedures

1. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24 V.S.A. 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.
2. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
3. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

B. Base Flood Elevations and Floodway Limits

1. Where available, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.
2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these regulations.

C. Development Standards

1. All development shall be designed to:
 - (a) Minimize flood damage to the proposed development and to public facilities and utilities; and
 - (b) To provide adequate drainage to reduce exposure to flood hazards.
2. Structures shall be:
 - (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - (b) Be constructed with material resistant to flood damage;
 - (c) Be constructed by methods and practices that minimize flood damage; and
 - (d) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home

is above the base flood elevation.

7. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

8. The lowest floor, including basement, of all new buildings shall be at least one foot ~~or~~ above the base flood elevation.

9. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection 8 (above).

10. Existing buildings to be substantially improved for non-residential purposes shall either:

- (a) Meet the requirements of Subsection 8 (above); or
- (b) Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Subsection.

11. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside the floodway, provided the area is filled to at least one foot above the base flood elevation.

12. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

13. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use; or
- (c) Meet all standards of Section 603(B)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" of Section 603(C)(6).

D. Duties and Responsibilities of Staff. The Administrative Officer shall maintain records of:

1. All permits issued for development in areas of special flood hazard.
2. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
3. The elevation, in relation to mean sea level, to which buildings have been flood proofed.

4. All flood-proofing certifications required under this regulation.
5. All variances and justification for their issuance.

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

1. In accordance with the provision of 24 V.S.A. Section ~~4468~~4469.
2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
3. Upon a determination that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

SECTION 615: MIXED COMMERCIAL USE DISTRICT (MCU)

A. Purpose. To provide areas for mixed use development in locations which have adequate public and compatible surrounding land uses. A mix of residential, retail and office use is encouraged.

B. Lot Size/Lot Coverage

1. The minimum lot size shall be fifteen thousand (15,000) square feet. The Mixed Commercial Use District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height.
2. The maximum total lot coverage shall be sixty-five (65) percent; the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Planning Commission using the same criteria outlined in Section 601.G.

C. Setback Requirements

1. The minimum front yard setback shall be twenty (20) feet.
2. The minimum side yard setback shall be ten (10) feet.
3. The minimum rear yard setback shall be ten (10) feet.

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

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

F. Building Height. Building heights shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.

G. Planned Unit Development. ~~The Planning Commission may approve a Planned Unit Development for use as a Commercial or Multi-Family Residential Development. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Mixed Commercial District. Any application for proposed development in the Mixed Commercial District may, at the applicant's~~

Commented [RM30]: PC Discussion: This is the last of the districts with a required PUD requirement. MCU requires a PUD if the development requires more than 2,500 sq.ft. of commercial space or multi-family development. This is a larger area adjacent to the Village. Is PUD approval necessary for any reason here? Mixed use developments can be approved just as a site plan, right? If no reason, to keep this I would delete it.

Commented [RM31R30]: Check this again, and be consistent. Look for the principal structure issue.

Commented [RM32R30]: All set for here.

request, be reviewed as a Planned Unit Development under the provisions of Sections 511 and 723. ~~Any application for proposed development in the Mixed Commercial District which contains more than two thousand five hundred (2,500) square feet of commercial space shall be reviewed as a Planned Unit Development or Multi-Family Residential Development unless this requirement is specifically waived by the Commission. Review standards and waiver requirements for a PUD are set forth in Section 511.B.1-3.~~

SECTION 616: PROFESSIONAL OFFICE OVERLAY DISTRICT

- A. **Purpose.** A Professional Office Development Overlay District is to allow for the development of office buildings within areas of existing offices, and as designated on the Future Land Use Map in the Village Comprehensive Plan.
- B. **Review.** All proposed Professional Office Developments shall require a hearing before the Commission. The Commission shall consider the following criteria and may establish conditions as deemed necessary to meet the purposes of this Section.
1. Compatibility with surrounding office uses.
 2. Hours of operation.
 3. The proposed use will not interfere with or alter the residential uses of adjoining properties.
 4. Permitted Uses. Specific uses shall be determined by the Commission upon review of an application and finding that the proposal meets all the criteria of this Section. However, retail and industrial uses shall not be allowed. Residential uses shall be allowed as a Conditional use. The residential density shall not exceed ten (10) units per acre.
- C. The Commission may establish conditions as deemed necessary to mitigate impacts of a proposed Professional Office Development.
- D. **Site Plan.** In addition to the Site Plan Standards specified in this Code, the Commission shall review the following:
1. Lighting shall not negatively impact adjoining residential properties and the use of flood lighting is expressly prohibited.
 2. Parking areas shall be screened from view from adjoining residential properties.
 3. All structures shall be designed to be compatible in construction with adjoining structures.
 4. Proposed signs shall be specifically approved.

SECTION 617: NORTH LINCOLN STREET OVERLAY DISTRICT (NLSO)

- A. **Purpose.** The North Lincoln Street Overlay District is intended to allow additional land uses beyond those allowed by the underlying zoning district due to the fact that the properties within this district are not served by municipal sewer and the property is relatively isolated.
- B. **Permitted Uses.** Uses allowed in the NLSO shall be those uses identified in Section 620 Use Chart, including all uses identified in both the NLSO and the underlying zoning district.
- C. **Dimensional Standards.** Development within the NLSO shall meet the dimensional

requirements of the underlying zoning district including setbacks, lot coverage and building height.

D. Density. The allowable residential density in the NLSO shall be established by the underlying zoning district.

SECTION 618: RESIDENTIAL 1 (R-1)

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

B. Lot Size/Lot Coverage

1. The minimum lot size shall be fifteen thousand (15,000) square feet. ~~No more than one (1) principal structure shall be allowed per lot, unless approved as part of a Planned Development.~~

2. The maximum total lot coverage shall be ~~forty (40)~~ fifty (50) percent. However, the maximum permitted lot coverage for buildings shall not exceed ~~twenty-five (25)~~ forty (40) percent.

C. Setback Requirements

1. The minimum front yard setback shall be twenty (20) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. ~~The Planning Commission Zoning Administrator~~ 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 existing setbacks or and character of setbacks associated with~~ 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.

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.

Commented [RM33]: PC discussion...

Commented [RM34]: I'd like to edit this but need to be sure it's consistent with the Comp Plan.

Commented [RM35]: P/C discussion 6/2 - delete to allow flexibility in unit layout? Replace with maximum density as defined in other districts, and separate from a principal structure concept.

Commented [RM36R35]: Done.

Commented [RM37]: Increase to allow for more parking and units. 25% building lot coverage is too low for any infill. Does this feel too high?

Commented [RM38]: I've suggested some edits here to remove the highly subjective "character of the neighborhood". And allowed the Zoning Administrator to make this call.

Commented [RM39]: This is really not the purpose of a variance so I'm deleting this.

SECTION 619: RESIDENTIAL 2 (R-2)

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

Commented [RM40]: Edit

B. Lot Size/Lot Coverage

1. The minimum lot size shall be seven thousand five hundred (7,500) square feet.

~~No more than one (1) principal structure shall be allowed per lot unless approved as part of a Planned Development.~~

Commented [RM41]: Delete

2. The maximum total lot coverage shall be ~~forty (40)~~ ~~forty (50)~~ percent. However, the maximum permitted lot coverage for buildings shall not exceed ~~twenty-five~~ ~~forty (2540)~~ percent.

Commented [RM42]: Increase?

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 Zoning Administrator may waive this requirement if the following conditions are met:~~

~~(b) The proposed setback would be in keeping with the existing setbacks or setbacks associated with anticipated future development of the area.~~

Commented [RM43]: I've suggested some edits here to remove the highly subjective "character of the neighborhood". And allowed the Zoning Administrator to make this call.

~~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.~~

Commented [RM44]: This is really not the purpose of a variance so I'm deleting this.

~~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 OVERLAY DISTRICT

A. Purpose. The purpose of the Design Review Overlay District is to expand the 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. 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.
2. Carryout the concepts of the Design Five Corners Plan which are to accommodate infill development while calming traffic and reclaiming more space for people.
3. Establish a pedestrian friendly atmosphere from the surrounding neighborhoods into the Village Center.

B. Applicability. The design review standards in Section 620.D. 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. Regarding demolition the intent is for the Zoning Administrator or Development Review Board to review the plan for reconstruction for conformance with this section prior to demolition.

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

1. Design review from the Planning Commission will be conducted in conjunction with subdivision or site plan approval. If 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 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. Design Review Standards. The Planning Commission shall review applicable development

Commented [RM45]: As requested by the PC I've made these into two separate sections to be much more clear about applicability and purpose for design review and historic preservation.

Formatted: Indent: Left: 0"

Commented [RM46]: PC: I think I can delete this for design review; this is just a historic site issue. Correct?

Commented [RM47R46]: They'd like to be able to know and have a say in demolition. So basically before it's demolished they know that they are going to have a plan for redevelopment or even if what the temporary plan is. So look at how this section works in historic preservation and repeat as may be necessary.

Commented [RM48R46]: I added a statement to clarify. The demolition section in the historic preservation section is really not relevant.

applications in the Design Review Overlay District 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.

1. 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.
2. 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.
3. Building setback and height requirements of the underlying zoning district shall apply. However, variation along the frontage may be permitted by the Planning Commission to:
 - a. Create a consistent street edge and sense of enclosure.
 - b. Provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas.
4. Site features and design shall promote cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. As appropriate to the location of the application, features shall include at least two or more of the following, or similar amenity with approval from the Planning Commission (see image box for examples to help clarify the intent of this requirement):
 - (a) Pedestrian access directly from the building to the public sidewalk;
 - (b) Pocket park with benches or similar amenities between the public realm and the private building;
 - (c) Public art, murals or interactive games;
 - (d) Covered bus shelter; and
 - (e) Shade trees.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Commented [RM49]: PC discussion – does this work? Also added “As appropriate to the location of the application...”; and added a new (c)

Public Realm Amenity examples for Section 604.E.4(a)(iv). These images are provided as illustrations of intent.



- 5. The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:
 - a. The relationship between the width to height of the front elevation of the building.
 - b. The relationship of width to height of windows and doors.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Indent: Left: 1", Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.38" + Indent at: 1.63"

- c. The rhythmic relationship of openings to solid areas in front façades.
- d. The spaces between the proposed structure or structural alteration.
- e. The relationship of entranceways to buildings and porches.
- f. The materials, textures, and colors, including primary and accent or trim colors.
- g. Proposed architectural details (such as lintels, arches, chimneys).
- h. Proposed roof shapes and lines.
- i. Proposed enclosures, including fences, brick walls, stone walls, evergreen hedgerows and building facades, which are also continuous and cohesive with existing walls in the district.
- j. Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.
- k. The proposed ground cover shall be compatible with the predominant ground cover in the district.
- l. Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.

SECTION 621: HISTORIC PRESERVATION OVERLAY DISTRICT

A. Purpose. The purpose of the Historic Preservation Overlay District is to expand the historic preservation 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. 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.

Formatted: Font color: Black

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1", Tab stops: Not at 1"

Formatted: Font color: Black

B. Applicability. The historic preservation design standards in Section 620.D.2. of this Code are applicable to demolition, alterations, additions or redevelopment of buildings within the Design Review and Historic Preservation Overlay District and structures on Map 2 in the Comprehensive Plan ((https://www.essexjunction.org/fileadmin/files/Planning_Zoning/Map2_Historic_Sites_20190130.pdf), or listed on the State or National Registers of Historic Places. The following buildings are exempt:

Formatted: Indent: Left: 0", Tab stops: Not at 1"

Commented [RM50]: Refer to the structures itself from Map 2, not the districts themselves. Correct in Village District too.

Commented [RM51R50]: Done.

- 1. Buildings that have been de-listed, or determined by the Vermont Division for Historic Preservation for state and federal regulatory program purposes to not meet the State Register Criteria for Evaluation and are not eligible for listing in the State Register of Historic Places.
- 2. Buildings where the historical significance has been compromised and is no longer relevant. A letter must be provided by a qualified Historic Preservation consultant stating this case.

Formatted: Font color: Black

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1", Tab stops: Not at 1"

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

C. 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. Historic Preservation review from the Planning Commission will be conducted in conjunction with subdivision or site plan approval. If 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 Historic Preservation standards shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district, which does not involve a change in the design, material, color or the outward appearance of the feature.
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. Historic Preservation Standards. The Planning Commission shall review applicable development applications in the Historic Protection Overlay District 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. Staff will review the applicant's proposal and provide guidance as to what the Planning Commission will expect with historic structures. The following Secretary of the Interiors Standards for the Rehabilitation of Historic Structures shall apply:

1. 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.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

- shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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 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.

Formatted: Indent: Left: 1"

SECTION 620622: 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
17. North Lincoln Street Overlay District (NLSO).
18. Residential 1 District (R1).
19. Residential 2 District (R2).

B. Permitted Uses. Uses considered to be permitted uses in each district are marked with an "X".

C. Conditional Uses. Uses considered to be conditional uses in each district are marked with a "C".

D. Special Uses. Uses which are generally permitted; but require specific reviews or approvals by the Commission to determine applicability at a specific location are marked with a "S".

E. The Use Chart. The following chart indicates uses specifically allowed within each district. Qualifications and other additional requirements can be found in the applicable zoning district standards elsewhere in this Code.