

Essex Junction Planning Commission Reporting Form for Land Development Code Amendments

The following report was approved by the Planning Commission on July 11, 2022. The Planning Commission held a public hearing on August 4, 2022. Following the public hearing the Planning Commission motioned to send these Land Development Code amendments to the City Council.

This report is in accordance with 24 V.S.A. §4441(c) which states:

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

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

Overall purpose of the proposed Land Development Code (LDC) amendments:

1. Alignment with the latest Comprehensive Plan update and Five Corners Design Plan to improve infill development and the pedestrian experience in the Village and the trunk routes entering the Village. The design review and historic preservation standards that currently exist in the Village Center District have been expanded to the trunk routes Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street. In addition, improved bike facility and amenity requirements have been added throughout the City. Amendments have also been made to the landscaping standards to improve the streetscape and pedestrian experience.
2. In response to the severe housing shortage, and elevated construction costs for housing, these amendments include several provisions to streamline the review process for housing and Accessory Dwelling Units, increase density in some districts, and reduce residential parking requirements.
3. Stormwater management application requirements and standards have been proposed to align with the City’s MS4 permit, Phosphorus Control Plan and changes in state stormwater requirements. These amendments include greater emphasis on Green Stormwater Infrastructure and Low Impact Development techniques.
4. State Statute changes since the last LDC update have been incorporated.
5. General amendments throughout the entire Land Development Code have been made to align with the new City of Essex Junction charter including: all references to the Village of Essex Junction have been replaced with the City of Essex Junction; development review authority has been changed from the Planning Commission and Zoning Board of Adjustment to the Development Review Board.

6. With cannabis retail beginning on October 1, 2022 the amendments include specific cannabis establishment definitions and zoning districts in which the establishments are permitted.
7. Clarification amendments have also been proposed throughout to reduce redundancy between process and standard sections.

(A)nd shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The proposed amendments conform with the goals and policies of the Comprehensive Plan by incorporating reference to the Five Corners Design Plan and standards to fulfill its purpose. In addition, these amendments are intended to enable increased housing stock throughout the City as called for in the Comprehensive Plan.

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

The proposed amendments are compatible with the proposed future land uses and densities of the municipal plan. The amendments include duplexes and triplexes in the R1 and R2 zoning districts with requirements that these are done in a detached structure style, and limits the frontage of the parcel that can be used for parking to ensure conformance with the existing character of these zoning districts while enabling infill.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposed amendments do not carry out any specific proposals for planned community facilities and it would not impact any plans for community facilities.

Specific Proposed Amendments include:

General amendments throughout the entire Land Development Code have been made to align with the new City of Essex Junction charter including: all references to the Village of Essex Junction have been replaced with the City of Essex Junction; development review authority has been changed from the Planning Commission and Zoning Board of Adjustment to the Development Review Board.

Chapter 1: Purpose, Application and Severability

General amendments in this section include: Village references and charter references have been updated to the City.

Specific amendments in this chapter include: Removal of the 8 year Land Development Code update schedule as this is not a statutory requirement. [Section 104]

Chapter 2: Definitions

General amendments in this section include: Village references have been updated to the City; and development review authority definitions now include a reference statement just in case the old Planning Commission or Zoning Board of Adjustment terms are still in the Land Development Code.

Specific amendments in this chapter include:

- Cannabis uses have been added. These definitions mimic the state definitions. [Section 201.C 34 – 41] *NOTE: this amendment has also been separately forwarded to the City Council so they may act on it on its own if they so wish.*
- The number of children served in the day care home and day care facility and the number of adults served in the family care facility and family care home definitions have been aligned with state statute. [Section 201.C. 68 & 69, and 96 & 97]
- Triplex and fourplex definitions have been added. [Section 201.C. 87 & 88]
- Various definitions have been updated to align with stormwater management related LDC amendments. [Section 201.C, 109, 115, 127, 167, 179, 185, 203 and 204 and Section 201.H. 2, 5, 10, 23, 25 and 26]
- FEMA has been defined as the Federal Emergency Management Agency. [Section 201.E. 6]
- A high strength waste definition has been added to the Sewer Regulation definitions. [Section 201.F. 6]

Chapter 3: Decision Making and Administrative Bodies

General amendments in this section include: Village references and charter references have been updated to the City; development review authority has been changed from the Planning Commission/Zoning Board of Adjustment model to the Development Review Board model; and the Water Quality Superintendent position has been added. [All sections in Chapter 3 have been amended]

Chapter 4: Regulation of Land Use Activities

General amendments in this section include: Village references have been updated to the City.

Chapter 5: Development Review Procedures

General amendments in this section include: removal of redundant standards as those exist in other chapters, changes to timeframes as required by state statute changes, switching review authority from the Planning Commission and Zoning Board of Adjustment to the Development Review Board and associated appeals processes, clarified digital submittal requirements for final plans. [These amendments have been made to many sections throughout Chapter 5]

Specific amendments in this chapter include:

- Who receives mailed notices associated with development proposals has been aligned with the state statute requirements [Section 501.D.3]
- Simplifying the Accessory Dwelling Unit approval process in line with state statute, and to improve the process for development of accessory dwelling units. [Section 502.I]
- Clarification of process involved when a development proposal includes proposed public infrastructure. [Section 502.F.4(f) and (p), Section 503.H.4(c) and (d), Section 503.H.7]
- Alignment with state statute:

- Alignment with VTrans highway access permits [Section 502.F.3(a)(xvi), Section 502.F.4(v), Section 503.H.3(m), and Section 503.H.4(q)]
- Existing small lots [Section 502.L]
- Site plans and conditional use approvals last for two years [Section 502.C.7 and Section 502.F.9]
- Clarified Planned Unit Development approvals: better defined the purpose/objective of this review type, defined process for minor applications (under 6 units requires two stages of review) and major applications (over 6 units requires three stages of review), clarified submittal requirement for waiver requests. [Section 502.M and Section 511]
- Clarified stormwater management application requirements to align with the City’s MS4 permit. This includes additional submittal information on Green Stormwater Infrastructure and Low Impact Development techniques, and analyses as relevant for Total Maximum Daily Load standards. [Section 502.F.3(a)(ix), Section 502.F.4(u), Section 512 and Section 513]
- Clarified application requirements and expiration of approvals for activities involving public sewer. [Section 504.C and F]
- Alignment with state permits for projects involving wetlands. [Section 516.A]
- Added a “planting project” exemption as required by statute and specifically defined in 42 U.S.C. § 4121(a). [Section 516.I]

Chapter 6: Zoning Districts Regulations

General amendments in this section include: Village references have been updated to the City; development review authority has been changed from the Planning Commission/Zoning Board of Adjustment model to the Development Review Board model.

Specific amendments in this chapter include:

- Increased density in Multi-family Residential 1 (MF-1) and Multi-family Residential 2 (M-F2) and simplified how the density is calculated. Changed one single family home to one principal building is allowed per lot unless reviewed as a planned development; and principal building is defined as all uses on the use table. Planned Development review is no longer required for projects with 5 residential units or more; though an applicant can apply under Planned Development if they so choose. [Section 601 and 602]
- Requirements for Planned Development review have been eliminated in many of the districts as this review isn’t necessary when land isn’t being subdivided; though an applicant can apply under Planned Development if they so choose. [Section 603, 604, 605, 608 and 615]
- Design Five Corners concepts were incorporated into the Village Center zoning district design review standards to accommodate infill development while calming traffic and reclaiming more space for people; and to establish a pedestrian friendly atmosphere [Section 604.E and subpart 4(a)]. Eligibility for historic preservation review has been clarified in the Village Center district and reference has been made to the Historic Site map in the Comprehensive Plan (Map 2) [Section 604.E.2(b)]. Planned Unit Development section was simplified to remove reference to a commercial PUD and to clarify that a mixed use building does not necessarily need to go through PUD approval unless requested [Section 604.G].
- Added duplexes and triplexes as permitted uses in the R-1 & R-2 residential zoning districts to allow flexibility and infill development to address the severe housing shortage. The building

coverage is increased to help accommodate these uses. These uses do not require additional land area beyond that required for a single-family home. Special standards have been added to ensure compliance with the Comprehensive Plan. [Section 618, 619 & 622]

- A Design Review Overlay District has been added: 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. The purpose is to enable infill and redevelopment in line with the concepts of the Design Five Corners Plan and to establish a pedestrian friendly atmosphere. [Section 620]
- A Historic Preservation Overlay District has been added: 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. [Section 621]
- Eliminated conditional use review for day care facilities to streamline the review for these considering the significant community need for these services. These will still need site plan review. [Section 622, and Section 717]
- Added the cannabis uses as defined by the state to the Land Use Table (Section 622) to establish where each type of use will be permitted by zoning district. [Section 622] *NOTE: this amendment has also been separately forwarded to the City Council so they may act on it on its own if they so wish. In this separate package the Land Use Table remains is Section 620.*

Chapter 7: General Development Standards

General amendments in this section include: Village references have been updated to the City; development review authority has been changed from the Planning Commission/Zoning Board of Adjustment model to the Development Review Board model.

Specific amendments in this chapter include:

- Parking requirements for residential uses (single family, duplex, triplex and multi-family) have been reduced from a minimum of 2 required parking spaces per residential unit to a minimum of 1 required parking space per residential unit. Building parking for housing is costly and takes up valuable space for parking rather than residential units. Reducing the required amount of minimum parking does not disallow a developer from building more parking if they feel they need to. [Section 703.C]
- The option to reduce required parking based on shared parking arrangements has been added with a shared parking manual for reference. [Section 703.K.14]
- Bicycle parking and amenity requirements have been added to recognize and promote cycling as a viable means of transportation and recreation for residents, consumers, visitors, and employees; and to ensure compliance with the Comprehensive Plan which calls for improved access to and safety of bicycle and pedestrian facilities. [Section 703.L]
- Reduced the setback requirement for small sheds in residential districts. [Section 706.F]

- Clarified that fences with public rights-of-way or easements are not allowed, but if unavoidable the fence shall be constructed with a removable panel for access to the infrastructure within the easement. [Section 707.B.3]
- A 15 foot buffer will not be required in accordance with Section 708.B.3 for multi-family developments next to single family uses within the Village Center District. [Section 708.B.3]
- Green Stormwater Infrastructure and Low Impact Development stormwater management strategies have been added to help the City meet the Phosphorus Control Plan; and other amendments necessary to meet the City's MS4 permit and state stormwater requirements. [Section 710.D.6 and Section 713]
- Clarified that home occupations can take place in a garage; and edited the sign requirements for home occupations for content neutrality. [Section 711]
- Landscaping requirement amendments have been included as recommended by the Tree Advisory Council. [Section 719]
- Accessory Apartments have been amended to make these easier to build and to align with state statute requirements. [Section 721]
- Planned Unit Developments have been amended to align with state statute, clarify intent and waiver process and improved design considerations. [Section 723]

Chapter 8: Nonconformities

The specific amendment in this section includes: a statutory change to the existing small lot definition; this clarifies that legally subdivided small lots in nonaffiliated ownership from surrounding properties may be developed even if smaller than dimensional requirements of the zoning district. [Section 803]

Chapter 9: Subdivision

Specific amendments in this chapter include:

- A curb cut waiver for Green Stormwater Infrastructure discharge points. [Section 906.C.4]
- Clarified requirements and process for public infrastructure and private infrastructure proposals. Created new sections to make these provisions relevant to all infrastructure, not only streets. [Sections 906.E, 914 & 915]
- Clarified that drainage and utility easements should be in the location and proper width needed for the associated utility, not a standard 8' on the sides and rear of lots in a subdivision. [Section 907]
- Added a requirement to replace any disturbed lot corner monuments and markers. [Section 911]
- Clarified digital submittal requirements for final plans. [Section 915]

Chapter 10: Enforcement

The specific amendment in this section includes: all references to the Village of Essex Junction have been replaced with the City of Essex Junction; development review authority has been changed from the Planning Commission and Zoning Board of Adjustment to the Development Review Board. [Section 1001 & 1002]

Chapter 11: Sewer Regulations

Specific amendments in this chapter include:

- Producers of high strength waste need to contact the Water Quality Superintendent prior to proceeding. [Section 1101.A]
- Combined sewer systems are now specifically prohibited. [Section 1101.B]
- Grease and fats are added to the list of prohibited substances discharged to the sewer system. [Section 1101.B]

Chapter 14: Water System Management and Use

Specific amendments in this chapter include: Clarified that the City does not need to be a co-applicant on privately funded water line extensions when not in the best interest of the City. [Section 1415.E]

Chapter 16: Fees and Charges

The specific amendment in this section includes: all references to the Village of Essex Junction have been replaced with the City of Essex Junction.

Chapter 17: Appeals

Specific amendments in this chapter include: appeals of decisions of the staff and administrative officer go to the Development Review Board rather than the Zoning Board of Adjustment or Planning Commission. All references to the Village of Essex Junction have been replaced with the City of Essex Junction.

Appendix A: Public Works Specifications

Specific amendments in this chapter include: a standard for drainage outlets has been added [Section 117.C.5].

Appendix B: Fee Schedule

General amendments in this chapter include: increased fees to align with costs of review, costs of services and state statute changes.

Note Chapters 12, 13 & 15 are reserved, so they don't have any content.