

LDC Amendments Summary

Chapter 1:

- a. Added language clarifying the Land Development Code “represents the minimum required standards for development and land use in Essex Junction,” and that “It is the intent of the Village to meet or exceed these standards.”
- b. Removed incorrect reference to Chapter 13. Sound regulations are covered in Chapter 7. Following references to Chapter 12 or 13 as including sound regulations have been removed and updated to Section 718.B.
- c. Added language identifying the timeframe for readopting the Land Development Code

Chapter 2:

- a. Added new definitions for the following terms; Agriculture PUD, Average Grade, Commercial PUD, Dark Sky Compliant, Dead-end Street, Double Frontage Lot, Electronic Message Board, Freight Rail Distribution Center, Massage Therapy, New Unit, Public Street, Vehicle Sales, and Zero Lot Line.
- b. Revised language of the following definitions; Infiltration, Planned Unit Development.
- c. Removed definition of Planned Residential Development. Planned Residential Developments have been repealed from state statute, and therefore any reference in following chapters has been removed.

Chapter 3:

- a. As the Capital Review Committee is now responsible for preparing and reviewing the Capital Budget, this duty has been removed from Section 302: Planning Commission.
- b. All references to the Planning Department have been updated to Community Development Department.

Chapter 4:

- a. Clarified that “any building permit may be subject to additional state or federal permits,” in addition to approval from the Village.
- b. Clarified that demolition or alteration of a structure requires approval.
- c. Updated the term “noise” to “sound”. All references in following chapters have been updated.

Chapter 5:

- a. Updated reference to Vermont’s Open Meeting Law (1 V.S.A. §§ 310-314).
- b. Removed district-specific PUD subsections of Section 512. These references have been re-located in the appropriate specific district sections of Chapter 6 in order to make the Land Development Code more user-friendly.
- c. Clarified approval procedures for Master Plans.
- d. Added language detailing examples of “good urban design techniques.”
- e. Added language clarifying that a change of use requires a new Certificate of Occupancy.

- f. Added general review standards, specific review standards, and waivers for Planned Unit Developments to section 511.B. Districts allowed Planned Unit Developments in Chapter 6 now reference Section 511. **Added 511.B.3(e) Waiver of building height in Light Industrial District only.**
- g. Removal of Section 511:C.6.f Concurrent Review.
- h. Updated language regarding stormwater permits in Section 513.G.

Chapter 6:

- a. Removed language for general review standards, specific review standards, and waivers for Planned Unit Developments. As this was repeated verbatim in all districts, the review standards have been moved to section 511.B.
- b. Removed waiver of building height in the Village Center District Section 604.
- c. **Removed waiver of building height in Highway-Arterial District Section 605.**
- d. **Removed waiver of building height in Multi-Family Mixed Use-1 Section 606.**
- e. **Removed waiver of building height in Multi-Family Mixed Use-2 Section 607.**
- f. Removed waiver of building height in the Transit Oriented District.
- g. **Changed Light Industrial District Section 611.F to read: 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.**
- h. **Changed building height to not exceed four (4) stories or fifty –eight (58) feet, whichever is less in Mixed Commercial Section 615.**
- i. Added district-specific PUD language to the appropriate districts.

Section 620 Use Chart:

- a. Added “C” for Construction Services Establishment in the TOD District.
- b. Added new use Freight Rail Distribution Center, and added “X” for the LI District.
- c. Added new use Massage Therapy.
- d. Added “X” for Home Office in the VC District.
- e. Removed “X” for Retail Sales w/ Drive-Through in the VC District.
- f. Added “X” for Transit Park and Ride in the PE District.

Chapter 7:

- a. Added off-street parking requirements for parallel parking.
- b. Added language regulating the parking of recreational vehicles on public property.
- c. Added language to the general lighting standards with the intention of discouraging light pollution.
- d. Village Engineer updated technical lighting standards to LED lamps as opposed to previously required metal halide or mercury vapor lamps.
- e. Added language stating that “new and redevelopment projects shall install utilities underground.”
- f. Added Section 714.Q which contains exemptions for municipal departments.
- g. Adjusted landscape budgetary requirements based on the size of the project.
- h. Added Landscape Plan to Section 719, consisting of a preliminary site plan and a final landscaping plan.

- i. Added graphics with examples of screening and perimeter landscaping for parking areas.
- j. Added a list of publications to be used as resources for selecting plant material.
- k. Removed Section 722: Conversion of Public Schools.

Chapter 8:

- a. Removed Section 803: Termination of Non-Conforming or Non-Complying Status due to removal of language previously allowing a non-complying structure to be declared conforming with a conditional use approval.

Chapter 9:

- a. Added street design language to “encourage improved connectivity in the Village Center District and strike an appropriate balance between all modes of transit.”
- b. Revised utility line language stating “above-ground utility equipment shall not be located within the visibility triangles and shall be hidden from view in the public Right-of-way.”

Chapter 14:

- a. Removed language allowing a homeowners association to be considered as one user for private water lines.

Other Revisions:

- a. Added new guidance documents:
 - 1. Community Development Department Public Participation Guide
 - 2. Flowchart depicting The Development Review Process in the Village
- b. Added a more detailed map of the Village Center District
- b. Public Works Detail Drawings updated.
- c. Appendix A: Public Works Specifications updated.

Planning Department will be changed to Community Development Department; Village Plan changed to Comprehensive Plan; Planned Residential Development changed to Planned Unit Development; Sight Triangle to Visibility Triangle and Noise to Sound throughout the Code. Clerical changes and formatting will be corrected throughout the Code.

CHAPTER 1: PURPOSE, APPLICATION AND SEVERABILITY

SECTION 102: PURPOSE.

This Code represents the minimum required standards for development and land use in Essex Junction. It is the intent of the Village to meet or exceed these standards.

SECTION 103: AUTHORITY.

~~G. — Chapter 13: Noise Regulations — 24 V.S.A, Chapter 61 and Village Charter, Article I.~~

SECTION 104: SEVERABILITY.

~~The Land Development Code shall be readopted, with revisions as necessary, within five (5) eight (8) years after the last published update.~~

CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 201: DEFINITIONS. (General Definitions, Flood Plain Management Determinations, Sewer Regulation Definitions, Sign Regulations Definitions). Words as defined herein shall be used to interpret provisions of this Code. Interpretation of any words not herein defined shall be made in accordance with the standards specified below.

- B. Official Plan. The Village **Comprehensive** Plan as adopted by the Village Trustees and filed with the Village Clerk is the Official Plan of the Village of Essex Junction. It is the clear intent of this Code to implement the provisions of the **Comprehensive** Plan and the **Comprehensive** Plan shall be consulted to determine the intent of any provisions of this Code. Ordinances, bylaws, or regulations enacted which are in clear conflict with the **Comprehensive** Plan shall not be adopted until and unless the **Comprehensive** Plan is amended.
- C. General Definitions:
3. *"Accessory Apartment"* shall mean a small apartment created within an existing single family dwelling unit, **as defined by state statute.**
 5. *"Accessory Use"* shall mean any use or structure which clearly meets **all** the following **conditions:**
 - (a) It is clearly incidental and customarily found in association with the principal use; **and**
 - (b) It is subordinate in area, purpose and extent to the primary structure and use of the lot; **and**
 - (c) It is not identified in the zoning district as a permitted or conditional principal use.
 12. *"Agriculture PUD"* shall mean a Planned Unit Development (PUD) located in the **Planned Agriculture District.**
 19. *"Average Grade"* shall mean the building height shall be no higher than that

permitted in the district above preconstruction grade unless approved by the Planning Commission.

38. "Cemetery" shall mean a parcel of land use for the burial of the dead for cemetery purposes, including ~~columbariums~~ columbaria, crematories, mausoleums, and mortuaries.
44. "Commercial PUD" shall mean a Planned Unit Development (PUD) located in the Village Center, Highway Arterial, or Transit Oriented Development Districts.
50. "Comprehensive Plan", "Village Plan" or "Plan" shall mean the Village Comprehensive Plan for the Village of Essex Junction as adopted pursuant to Title 24, Chapter 119, Section 4385 of Vermont Statutes and filed with the Village Clerk.
58. "Dark Sky Compliant" shall mean hooded or shielded outdoor lighting fixtures that allows no light emission above a horizontal plane.
61. "Dead-end Street" shall mean a street open at one end only without provision for a turnaround and which may be extended into adjoining property.
69. "Double Frontage Lot" shall mean a lot with street frontage on two boundaries.
93. "Freight Rail Distribution Center" shall mean a facility or a group of facilities that perform consolidation, warehousing, packaging, decomposition and other functions linked with handling freight. Their main purpose is to provide value-added services to freight. They can also perform light manufacturing activities such as assembly and labeling. They can accommodate warehouses designed to store goods for longer periods of time.
127. "Massage Therapy" shall mean the scientific manipulation of the soft tissues of the body for the purpose of normalizing those tissues and consists of manual techniques that include applying fixed or moveable pressure, holding, and/or causing movement of, or to, the body to enhance health and healing when undertaken by a Massage Therapist that is certified or registered through the National Certification Board for Therapeutic Massage and Bodywork's certification program, or an approved alternative certification body, for example AMA-VT.
133. "New Unit" shall mean a dwelling unit approved and constructed pursuant to the Land Development Code without credit or consideration for whether it replaces any pre-existing dwelling unit. With respect to any section of this code, there shall be no credit or reduction of any kind for an existing dwelling unit that is replaced by a new unit.
148. "Planned Unit Development" or "PUD" shall mean one or more parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses in non-residential Districts. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to the area, density or dimensional requirements or allowable number of structures and uses per lot as established in any one or more districts created under the provisions of these regulations. The specific requirements of a PUD and the area, density and dimensional provisions that may be modified are further defined in each district in which PUDs are allowed. ~~an area of land to be developed as a single mixed-use entity for a number of dwelling units and commercial and industrial unit uses, if any; the plan for which does not~~

~~correspond in lot size, bulk, or type of dwelling, commercial or industrial use, density, lot coverage, and required opens space under these regulations except as a planned unit development. The number of dwelling units approved shall not exceed the number of dwelling units permitted under Village subdivision regulations unless a waiver is granted under Section 723.~~

- 158. *"Public Meeting"* shall mean any duly noticed meeting at which a quorum (a majority) is present to conduct business.
- 159. *"Public Street"* shall mean a street owned by the municipality.
- 201. *"Temporary Structure"* shall mean any structure in place six months or less in any 12 month period.
- 209. *"Vehicle Sales"* shall mean the sale of cars, sport utility vehicles and light trucks.
- 218. *"Zero Lot Line"* shall mean a piece of real estate in which the structure comes up to, or very near to the edge of the property line.

G. Sign Regulation Definitions. For the purposes of Section 714 of this Code, the following special definitions shall apply:

- 3. *"Electronic Message Board"* shall mean a sign with a message copy or other display that is produced and periodically changed electronically or electrically that is attached to another sign, or to the support structure. The message copy or display shall be limited to public service announcements, time and temperature, and goods or services available on the premises, and shall consist of words, letters, numbers and punctuation only. Illumination shall be of a constant intensity, and shall not blink, flash or give the appearance of movement.

H. Stormwater Regulation Definitions. For the purposes of Section 713 of the Code, the following special definitions shall apply:

- 8. *"Infiltration"* shall mean the process ~~of percolating storm water into the subsurface soil without an underdrain~~ through which stormwater runoff penetrates into soil from the ground surface.

I. Riparian Buffer District Definitions. For the purposes of Section 51~~64~~ of the Code, the following special definitions shall apply:

CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES

SECTION 301: BOARD OF TRUSTEES. The duly elected Village Board of Trustees shall have all the authority granted it by general law of the State of Vermont and the Village Charter, including, but not limited to, the following:

- A. To adopt the ~~Village~~ *Comprehensive* Plan and any amendments thereto.
- E. To act pursuant to Section 506 on requests for waivers from the noise standards in ~~Chapter 13 and~~ Section 718.
- H. To act and approve requests regarding access to Rights-of-way and curb cuts pursuant to Sections 509 and 705.

SECTION 302: PLANNING COMMISSION

B. Powers and Duties. The Planning Commission shall have all powers granted municipal planning commissions under the general laws of the State of Vermont, including, but not limited to, the following:

~~4. To prepare, cause to be prepared, or review a Capital Budget and present findings to the Trustees.~~

CHAPTER 4: REGULATION OF LAND USE ACTIVITIES

SECTION 401: APPROVALS REQUIRED. No person shall commence any of the following activities without first obtaining the required approval from the Village. Any building permit may be subject to additional state or federal permits.

A. Approval required for the construction, ~~demolition, or alteration~~ of any structure, the making of any material change in the use of any structure or land, the making of a change in the intensity of use of a structure or land, or the filling of land pursuant to Section 502.

CHAPTER 5: DEVELOPMENT REVIEW PROCEDURES

This Chapter establishes procedures for review of any activity that requires approval under the Land Development Code.

SECTION 501: PROCEDURES OF GENERAL APPLICABILITY

D. Notice of Public Hearings and Public Meetings. Notice of public hearings or meetings required under this Code shall comply with this Section ~~and with Vermont's Open Meeting Law (1 V.S.A. §§ 310-314)~~ unless otherwise specified.

SECTION 502: APPROVAL PROCEDURES FOR ACTIVITIES REQUIRING REVIEW UNDER CHAPTERS 6 AND 7

A. Zoning Permit Requirement. A zoning permit is required for the construction of any structure, the making of any material change in the use of any structure or land, the making of a change in the intensity of use of a structure or land, or the filling of land. For the purpose of this Code, the activities identified in this section are referred to as "development activities".

1. Approval Required. Issuance of a zoning permit shall require review and approval under one or more of the following review procedures, as determined by the staff:

- (a) Permitted Use - Section 502.B
- (b) Conditional Use - Section 502.C
- (c) Temporary Use - Section 502.D
- ~~(d) Exposition Center PUD - Section 502.E~~
- ~~(e) Commercial PUD - Section 502.F~~
- (d) Professional Office Development - Section 502.E
- ~~(g) Agriculture PUD - Section 502.H~~
- (e) Site Plans - Section 502.F

- (f) Home Occupation - Section 502.G
- (g) Signs - Section 502.H
- (h) Accessory Apartments - Section 502.I
- (i) Nonconforming Use - Section 502.J
- (j) Noncomplying Structure - Section 502.K
- (k) Existing Small Lots - Section 502.L
- (l) Planned ~~Residential~~ Unit Development (PUD) - Section 502.M
- (m) Telecommunications – Section 502.N
- (n) Master Plans – Section 502.O

B. Approval of Permitted Uses

3. Approval Standards. Staff shall review an application for a permitted use to determine if it meets the dimensional requirements of Chapter 6 and the development standards of Chapter 7. ~~If Staff Approval will be granted if staff determines that the use meets such standards, it will approve the use.~~

~~E. — Exposition Center PUD. 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.I.~~

~~3. — Submittal Requirements. In addition to the requirements for submittal of a Conceptual Plan specified in Section 511.C below, 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. The Commission shall review the proposed Exposition Center PUD in accordance with the standards specified in Section 612 of this Code.~~

~~5. — Conditions. The Commission may approve the proposed Exposition Center PUD~~

~~with conditions designed to meet the standards established in Section 612 of this Code. 6. 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) Noise 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, or which exceeds the standards specified in Chapter 13 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 noise 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 noise, dust control, parking and traffic flow. Staff may not grant waivers to any standard included in this Code. If it is expected that noise 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, noise and dust. In addition, Staff may stipulate hours of~~

~~operation to ensure conformance with adopted standards.~~

~~7. 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.~~

~~8. 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.~~

~~9. 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.~~

~~F. Commercial PUD.~~

~~1. 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, Highway Arterial District pursuant to Section 605.G and in the Transit Oriented Development District pursuant to Section 608.K.~~

~~2. Application Requirements. An application for a Commercial PUD shall be submitted and reviewed in accordance with the procedures of Section 511.~~

~~3. Review Standards. An application for a Commercial PUD shall be reviewed under the applicable standards of Section 604.G, Section 605.G and Section 724.~~

~~4. Expiration of Approval. An approval for a Commercial PUD shall expire in accordance with terms set forth in the approval.~~

~~5. 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. Agriculture PUD~~

~~1. Development activities involving Agriculture PUDs shall be reviewed under the provisions of this Subsection. Agriculture PUDs are allowed in the Planned Agriculture District pursuant to Section 613.~~

~~2. 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.
- ~~3. 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.~~
- ~~4. 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.~~
- ~~5. Standards of Review. The Commission shall review the proposed Agriculture PUD in accordance with the standards specified in Section 613 of this Code. Generally, the Commission shall consider the effect of the proposed development on the Community, public infrastructure and adjoining development. Mitigation efforts, including noise control, traffic control and landscaping shall be considered.~~
- ~~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.~~

F. Approval of Site Plans

4. Site Plan Application Requirements. The applicant shall submit a Site Plan, drawn to scale (including a north arrow) and documentation to include the following:
- (c) A survey of the property prepared by a Land Surveyor licensed to practice in the State of Vermont which shows existing or proposed rights-of-way and easements. This is ~~only~~ required for projects that involve new buildings.
 - (s) Location and type of all proposed signs.
 - (t) Other additional information requested by Staff to provide a clear understanding of the project.

11. Site Plan Amendments/Minor Developments. Amendments to approved Site Plans ~~(except site changes in accordance with Section 502.I.11.B)~~ shall be classified by Staff as a major or minor amendment based upon the following criteria:

H. Approval of Signs

(d) **Sign** Permit Applications:

SECTION 506: APPROVAL OF WAIVERS TO STANDARDS OF ~~CHAPTER 12 NOISE SECTION 718.B~~

D. Appeals/Waivers. The Trustees shall review all waiver requests. Waivers may be granted for one event or for multiple events. The Trustees may authorize waivers for the same activity on one or more occasions, or for one or more years.

1. Upon written request, the Trustees may grant a waiver from the provisions of ~~Chapter 13 Noise Section 718.B~~ for any activity which has received approval required herein, and:
2. When granting a waiver under this Section, the Trustees may attach reasonable conditions to minimize the impact of the waiver on adjoining properties. Such conditions may include but are not limited to:
 - (d) Requirements to use particular equipment or procedures to minimize **noise sound**.

E. Appeals. An individual who proposes an activity which Staff determines will result in **noise sound** in excess of the standards of ~~Chapter 13 Section 718.B~~ may appeal such decision to the Board of Trustees in accordance with the procedures of Section 1705.

SECTION 511: GENERAL REVIEW PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

B. Review Requirements and Review Standards.

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.
 - (e) **Waiver of building height in Light Industrial District only.**

C. Conceptual Plan. A Conceptual Plan review is required to discuss initial project feasibility and to give the applicant the right to proceed. Detailed engineering studies are not required but sufficient data shall be submitted to enable the Commission to review the merits of the proposal.

6. Final Development Plan.
 - ~~(f) Concurrent Review. Any application for a Planned Development may be reviewed concurrently with other approvals needed for the development, including but not limited to, Subdivision, Conditional Use and any other application which may be put before the Zoning Board. Concurrent review of any application does not guarantee that one or more of the applications will not be denied.~~

SECTION 513: APPROVAL OF ACTIVITIES INVOLVING THE CONSTRUCTION OF A STORMWATER SYSTEM

G. — ~~Properties greater than one (1) acre will require a state stormwater permit in accordance with the Agency of Natural Resources Rules, as covered by permit 3-9020 Construction General Permit. Permits for Stormwater Discharges Associated with Construction Activities.~~ Under the National Pollutant Discharge Elimination System (NPDES), construction projects involving one (1) acre or more of land disturbance require a stormwater permit to discharge stormwater runoff from construction activities, as covered by Construction General Permit 3-9020, which is overseen by The Vermont Department of Environmental Conservation’s Watershed Management Division.

CHAPTER 6: ZONING DISTRICTS REGULATIONS

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

- C. Setback Requirements
 - (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.~~

- G. Planned Unit Residential Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ The Planning Commission may approve a Planned Unit Development for use as a Multi-Family and/or Single-Family Residential Development.
 - of a specific proposal.
 - 2. Specific Review Standards
 - (b) ~~Structural design and~~ Design compatibility with adjoining developed properties.
~~(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.~~
 - 3. Waivers. The Commission may waive requirements for lot coverage, setbacks, parking and ~~lot coverage,~~ height based upon the merits of the specific proposal.

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

- C. Setback Requirements
 - (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.~~

- G. Planned Unit Residential Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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, at the applicant's request, be reviewed as a Planned ~~Unit Residential~~ Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 2 District which contains more than five (5) units ~~of housing~~ shall be reviewed as a Planned ~~Unit Residential~~ 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.

~~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, 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) — Structural design and 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.~~

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

- ~~(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 603. MULTI-FAMILY RESIDENTIAL 3 (M-F3)

C. Setback Requirements

- (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.~~

G. Planned ~~Unit Residential~~ Development. Pursuant to ~~24 V.S.A. §4407(12)~~, 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, at the applicant's request, be reviewed as a Planned ~~Unit Residential~~ Development under the provisions of this Section. Any application for proposed development in the Multi-Family Residential 2 District which contains more than five (5) units ~~of housing~~ shall be reviewed as a Planned ~~Unit Residential~~ 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.

~~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, 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) — Structural design and 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.~~

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

- ~~(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 604: VILLAGE CENTER (VC)

A. Purpose. ~~To provide for a compact commercial center, having a mix of commercial, governmental, cultural and residential uses, and which reflects and reinforces the existing architecture, design and layout. It is the intent of this district to allow as new structures only those structures which are designed and constructed to be visually compatible with the historic character of the Village Center and similar to existing structures. 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 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.

C. Setback Requirements. No requirements for commercial or mixed use buildings. ~~The~~ 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.

~~Applicants may apply for a variance if they do not meet the criteria above but believe they cannot meet the requirements of this Section.~~

E. Design Review and Historic Preservation. ~~Because of the unique and historic qualities of the Village Center District and the special role that it plays in the over-all Village, the Commission is hereby authorized to undertake a special review, as part of its site plan review. 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.~~ 1. Purpose. The purpose of this section is to protect ~~the historic character of the Village Center District including~~ 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. New buildings and modifications to existing ones shall be subject to design review. ~~be compatible with the historic character of the Village Center District as represented by the design review standards listed in Section 604.E.4.~~

4. District Design Requirements.

(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. ~~shall be compatible with such established relationships in the 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. ~~shall be consistent with such established conditions in the district.~~

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

(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.

5. Demolition of Historic Structures. The demolition of **listed, or properties eligible for historic listing, historic structures** is discouraged and it is the intent of this

section to limit the demolition of historic structures unless the following standards are met.

(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 ~~demolition of demolish~~ the building or approval of a plan for restoration.

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

(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 ~~been~~ received all financial resources and regulatory permits.

6. Formula-Based Retail and Restaurants.

(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:

~~(ii) Signage shall be original and not used at other locations of the formula based business.~~

~~(iii) Two or more formula based businesses shall not locate on the same lot or parcel.~~

G. Planned Unit Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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.

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.~~

~~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, 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) — Structural design and 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.~~

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

~~(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.~~

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

~~1. — Building Height Waiver — The Planning Commission may grant a height waiver up to six (6) stories or eighty-four (84) feet, whichever is less if the Commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The Commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.~~

SECTION 605: HIGHWAY-ARTERIAL DISTRICT (HA)

B. Density/Lot Coverage.

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 ~~605601~~.G.3.

F. Building Height. Building height shall not exceed four (4) stories or fifty-eight (58) ~~feet, six stories or seventy two (72)~~ feet, whichever is less.

~~1. — Building Height Waiver — The Planning Commission may grant a height waiver up to six (6) stories or eighty-four (84) feet, whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.~~

G. Planned Unit Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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 ~~under the provisions of this Section.~~ Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

~~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, 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) Structural design and 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.~~

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

- ~~(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.~~

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 ~~604.G, Section 605.G and Section 724.~~
- (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.

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. ~~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-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 ~~605601~~.G.3.

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

~~1. — Building Height Waiver — The Planning Commission may grant a height waiver up to six (6) stories or eighty four (84) feet, whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.~~

G. Planned Unit Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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 ~~under the provisions of this Section~~. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

~~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, 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) — Structural design and 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.~~

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

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

B. Density/Lot Coverage

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 ~~605601~~.G.3.

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

~~1. — Building Height Waiver — The Planning Commission may grant a height waiver up to six (6) stories or eighty-four (84) feet, whichever is less if the commission determines that the proposed building and site design would not negatively impact the character of the neighborhood. The commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.~~

G. Planned Unit Development. Pursuant to 24 V.S.A. §4407(12), 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 ~~under the provisions of this~~

~~Section~~. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD.

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, 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) Structural design and 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.~~

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

- ~~(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 608: TRANSIT ORIENTED DEVELOPMENT (TOD)

C. Applicability. Development proposals that involve ~~move more~~ 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.

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 Commission shall not approve any project which does not comply with the regulations established for the TOD District.~~

F. Building Height. The maximum allowable building height shall be ~~6~~ four (4) stories or ~~eighty four~~ fifty-eight (58) feet ~~(84')~~, whichever is less.

~~a. Building Height Waiver. The Planning Commission may grant a height waiver up to six (6) stories or eighty four (84) feet, whichever is less if the Commission determines that the proposed building and site design would not negatively impact the~~

~~character of the neighborhood. The Commission may place conditions on any building height waiver to ensure that the proposed project does not adversely affect the surrounding neighborhood.~~

H. Access to Public Streets. Curb cuts onto major arterial streets shall be minimized; shared curb cuts and joint access ~~is~~ **are** strongly encouraged.

K. Planned Unit Development. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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. ~~under the provisions of this Section 604.G. Refer to Section 511.B.1-3 for general and specific review standards in addition to major transportation facilities, including public transit, walkways and bike paths.~~ 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 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.

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

L. Special Uses. Uses identified with an “S” on the Use Chart in ~~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)

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 ~~noise~~ **noise sound** or traffic impacts on adjoining properties.

SECTION 611: LIGHT INDUSTRIAL (LI)

F. Building Heights. ~~The height of any structure shall not exceed seventy-two (72) feet. The Commission may waive this requirement upon clear determination that the waiver is necessary for proper function of any permitted industrial use and that it will not adversely impact any surrounding properties.~~ 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.

SECTION 612: PLANNED EXPOSITION (P-E)

A. Purpose. To provide an area for special events and exposition facilities while minimizing adverse traffic, ~~noise~~ **noise 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.

G. Exposition Center PUD. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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) ~~Noise~~ 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 ~~noise~~ 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 ~~noise~~ 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, ~~noise~~ 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)

G. Agriculture PUD. ~~Pursuant to 24 V.S.A. §4407(12),~~ 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.

4. Standards of Review. ~~The Commission shall review the proposed Agriculture PUD in accordance with the standards specified in Section 613 of this Code.~~ Generally, the Commission shall consider the effect of the proposed development on the Community, public infrastructure and adjoining development. Mitigation efforts, including noise sound control, traffic control and landscaping shall be considered.

~~1. Review Standards. The Commission shall consider the following:~~

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:
 - (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 solar renewable energy sources.

Any proposed development under Section ~~610~~ 613.G.2 - Exceptions shall not qualify for density bonuses.

SECTION 614: FLOOD PLAIN (F-P)

B. Base Flood Elevations and Floodway Limits

2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, ~~i.e., Zone A~~ 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.

SECTION 615: MIXED COMMERCIAL USE DISTRICT

B. Lot Size/Lot Coverage

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 ~~615601.G.3.~~

F. **Building Height.** Building heights shall not exceed ~~six (6) stories or seventy-two (72) four (4) or fifty-eight (58)~~ feet, whichever is less.

G. **Planned Unit Development.** ~~Pursuant to 24 V.S.A. §4407(12),~~ 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 request, be reviewed as a Planned Unit Development. ~~under the provisions of this Section 604.G.~~ Any application for proposed development in the Mixed Commercial District which contains more than two thousand five hundred (2,500-~~sq. ft.~~) 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.

~~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, 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) — Structural design and 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.~~
- ~~3. — Waivers. The Commission may waive requirements for setbacks, parking and lot coverage, based upon the merits of the specific proposal. Waivers shall be based upon the following criteria and may include specific conditions.~~
 - ~~(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 617: NORTH LINCOLN STREET OVERLAY DISTRICT NLSO

- B. Permitted Uses. Uses allowed in the ~~NLOD~~ NLSO shall be those uses identified in Section 620 Use Chart, including all uses identified in both the ~~NLOD~~ NLSO and the underlying zoning district.
- C. Dimensional Standards. Development within the ~~NLOD~~ 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 ~~NLOD~~ NLSO shall be established by the underlying zoning district.

SECTION 620: 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:
 - 14. Flood Plain District (FP). ~~For information on uses, see Section 611 Flood Plain District.~~
 - 16. Professional Office Overlay District ~~For information on uses, see Section 502 .G Professional Office Overlay District~~

CHAPTER 7: GENERAL DEVELOPMENT STANDARDS

SECTION 703: PARKING AND LOADING

- B. Loading Requirements. All uses shall provide off-street loading spaces except residential uses, ~~financial institutions, offices,~~ or other uses specifically waived by the Commission in accordance with Subsection 7 below.
 - 3. Surfaces. All loading areas shall be hard-surfaced and clearly marked with painting to designate the loading area. This requirement may be waived by Staff or the Planning Commission ~~based upon projected traffic counts.~~
- C. Off-Street Parking Requirements.
 - 1. All required parking spaces, ~~with the exception of parallel parking spaces,~~ shall

have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. ~~Parallel parking spaces shall have a minimum width of eight (8) feet and minimum length of twenty-two (22) feet.~~

D. Drive-through Facilities.

2. Stacking requirements. A minimum of six (6) vehicles ~~shall should~~ be accommodated in each stacking lane.

I. Vehicles For Sale. Any vehicle advertised for sale within any District and not in an approved car lot shall obtain a Temporary Use Permit except as specified below and shall meet the following standards:

3. No vehicle for sale may be parked in any public Right-of-way in any district for more than twenty-four hours. ~~except the sale of one personal vehicle by the owner of the vehicle.~~

K. Other Parking Standards and Applicability

1. The Commission may waive the ~~required number of off-street spaces on-site parking requirements~~ for a proposed development only if sufficient alternative parking is available or if a waiver is granted in accordance with Section 703.K.15.

10. Pedestrian access. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The Commission may waive this requirement due to unique characteristics of the lot ~~such as small lots, underground parking~~ or innovative alternative designs.

12. Striping. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified in Section 703. ~~or as specifically approved by the Commission.~~

15. Joint Parking Facilities. Joint parking arrangements may be approved by the Commission, provided that the applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any shopping center or other areas where joint parking has been established, the Commission may not approve any ~~site plan and~~ site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.

16. Waivers. The Commission may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The Commission may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The Commission shall determine that one or more of the following standards are met at a specific location prior to granting a waiver:

(a) The proposed uses have staggered business hours with minimal overlap in business hours ~~which allow for shared use of parking spaces.~~

SECTION 704: LIGHTING

B. General Standards. Lighting is allowed in required yards and shall be subject to the following regulations:

3. All light fixtures shall be hooded or shielded and directed downward at sixty (60) degrees to horizontal, unless otherwise approved, and shall have concealed light sources.
7. All private residential exterior light sources shall be Dark Sky Compliant.

C. Review of Lighting Plans

4. For all parking areas, drives, and walkways an analysis and illuminance level diagram showing a numerical grid of lighting levels, in foot candles, and a table of lighting statistics verifying that the proposed installation conforms to the lighting standards in this section, ~~a waiver for unusual circumstances~~; and building elevations with fixtures, portions of wall to be illuminated.

D. Parking Lot Illumination

5. Energy saving ~~metal halide or mercury vapor~~ LED lamps with a correlated color temperature not exceeding four thousand three hundred (4,300) Kelvin (K) shall be used. ~~except that high pressure sodium may be used in the Light Industrial District and Planned Commercial developments.~~ Special alternatives may be approved by the Commission upon determination that the purposes of this Section are achieved.

9. Lighting shall conform to the Chittenden County Regional Planning Commission "Outdoor Lighting Manual for Vermont Municipalities" or as otherwise approved by the Village Engineer. The minimum lighting level shall be at least two tenths (0.2) foot candles, but not exceed four tenths (0.4) foot candles and the uniformity ratio (~~minimum~~ average to minimum ~~maximum~~) shall be ~~20~~ 10:1, unless otherwise approved by the Village Engineer.

E. Illumination of Building Facades and Landscaping:

2. When allowed lighting fixtures shall be located and shielded so the light is directed only on to the building facade. Lighting fixtures shall not be directed towards adjacent streets or ~~roads-properties.~~

~~3. To the extent practicable, lighting fixtures shall be directed downward.~~

F. Roadway Lighting:

1. New or replacement light fixtures on arterial and non-residential collector streets, shall be of cut-off cobra type fixtures with ~~metal halide-LED~~ bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin, mounted no more than forty (40) feet above grade. Specific alternatives may be approved by the Commission upon determination that the purposes of this Section will be achieved.

2. On other existing Village streets, new or replacement light fixtures, shall match existing styles unless alternatives are approved by the Commission. Fixtures shall have concealed ~~metal halide or mercury vapor~~ LED bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin and the height shall match that of existing street lights in the area.

3. On new residential streets, street lights shall use "shoe box" style fixtures on black or bronze anodized poles up to thirty (30) feet in height with ~~metal halide~~ LED bulbs with a correlated color temperature not exceeding four thousand three hundred (4300) Kelvin, unless alternatives are approved by the Commission.

3. The spacing of street lighting fixtures shall be as required by Section 912 of this Code.

4. The selection and location of roadway and street lights shall achieve the recommended illuminance per the American National Standards Institute (ANSI)/Illuminating Engineering Society of North America (IESNA) RP-8, American National Standard Practice for Roadway Lighting. The standards summarized in the table below shall be utilized unless otherwise approved by the Village Engineer.

Street Type	Average Illuminance	Average to Minimum	Maximum Mounting Height, ft
Major	0.9	3	30
Collector	0.6	4	30
Residential	0.4	6	25
Pedestrian Areas	0.4	4	to match street

New and replacement fixtures shall be fully cutoff, fully shielded fixtures to minimize glare and light trespass.

New and replacement fixtures shall be light emitting diodes (LEDs) with a maximum correlated color temperature of 4300K.

SECTION 705: CURB CUT AND ACCESS TO PUBLIC STREETS

C. Commercial and Industrial. All commercial and industrial development shall be designed to meet the following minimum standards.

1. One traffic lane – Twelve (12) to fifteen (15) foot curb-cut
2. Two traffic lanes – Twenty four (24) to thirty (30) foot curb-cut
3. Three traffic lanes – Thirty (30) to forty five (45) foot curb-cut

The Commission shall review proposed curb cuts and the closure or relocation of existing curb-cuts based upon anticipated traffic, turning movements and need to accommodate buses and trucks. The applicant must provide information supporting a request for more than one ~~ten~~ **twelve (12)** foot wide entry and one twelve (12) foot wide exit.

D. General Standards

1. No more than one curb cut is allowed for each seventy-five (75) linear feet of frontage. Lots containing one (1) or two (2) family dwellings shall have only one (1) curb cut unless a second is specifically approved by the Commission upon determination that special ~~exceptions~~ conditions justify the exception.

E. Alterations Within Public Right-of-way.

The Trustees shall have authority to approve a change within the Public Right-of-way which is not specifically delegated to the Staff by Section 705.B and to the Commission in Section 705.C. Closure or relocation of an existing curb cut (with the exception of the closure or relocation of an existing curb-cut as stipulated by the Planning Commission through Site Plan Review) shall require a Public Meeting by the Trustees. Closure or relocation review may be by written request or may be initiated by the Trustees. The Trustees shall notify by mail all property

owners abutting the ~~proposed site proposal~~ and all property owners with a legal interest in the curb cut.

SECTION 706: ACCESSORY USES AND STRUCTURES

C. Set-back Exceptions

2. Utilities. Public utilities and infrastructure may be located within any setback, provided that above ground structures are not located within any required Visibility Triangle. Above-ground utility structures shall be screened with vegetation when said screening does not interfere with the functional characteristics of the structure. To the extent possible above ground structures shall be designed and painted to match the characteristics of adjacent development. ~~To the extent possible, utilities shall be underground.~~ **New and redevelopment projects shall install utilities underground.**

4. Heating, ventilation and air conditioning equipment. Equipment for heating, ventilation or air conditioning which encroaches into a setback by not more than twelve (12) inches shall not be deemed to violate this Code. Equipment placed upon the roof of any commercial or residential structure shall not be deemed a violation of this Code if:

(c) It generates no additional **noise sound** discernable at the adjoining property line.

7. **Handicapped Accessible** ramps constructed to **provide handicapped** accommodate disabilities **access** are exempt from setback provisions provided that no reasonable alternative is available and the encroachment is the minimum necessary to provide access. Covered or enclosed ramps shall meet all setback requirements.

D. Satellite Dish Antenna. No satellite dish or other antenna may be erected or placed within any District except in compliance with this Section and with Conditional Use approval.

4. All antenna dishes shall be permanently ground-mounted unless specifically approved otherwise by the **Zoning Board of Adjustment**.

J. Dumpsters or Other Trash Containers:

No dumpster or trash container shall be located or used in any District except in conformance with these standards or approval of a Site Plan.

1. All dumpsters or trash containers located within any District shall be screened from view **from the public right-of-way** by a nontransparent fence and/or landscaping materials to a height of six (6) feet.

K. Tennis, Basketball or Volleyball Court. These facilities, or similar private recreation facilities, **such as outdoor skating rink facilities**, may be located in rear or side yard setbacks within five (5) feet of any property line; provided, however, they may not be located in any drainage or utility easement.

SECTION 707: FENCES

C. Exceptions.

1. Property located in a Planned Agriculture District may use barbed wire for fencing purposes, provided that said fencing is utilized strictly for agricultural purposes. Properties in the Light Industrial District may also use barbed wire fencing. However

conditions may be imposed upon approval to provide ~~minimize~~ minimal impacts on neighboring properties.

SECTION 709: PRIVATE STREETS

A. Standards. The Commission may approve a Private Street only as a part of a Planned Development application. The following conditions shall apply to any Private Street:

6. The following streets must be provided as Public Streets and dedicated to the ~~town~~ Village, unless waived by the Planning Commission upon determination the waiver would be consistent with the provisions of Section 917 of the Land Development Code:

SECTION 711: HOME OCCUPATIONS. Nothing in this Code shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

A. Purpose:

1. To protect residential areas from potential adverse impact of excessive traffic, nuisance, ~~noise~~ sound and other effects of occupational activities within residential neighborhoods.

B. Review Criteria. All Home Occupations shall meet the following review criteria and standards:

3. The area utilized for the Home Occupation shall not exceed twenty (20) percent of the floor area of the residence, including ~~attached~~ garages.

8. No activity shall be conducted on the premises which would interfere with radio or television transmission, nor shall there be any offensive ~~noise~~ sound, smoke, dust or heat noticeable at the property line.

SECTION 712: OPEN SPACE REGULATIONS.

Except as specified in this Code, no building, structure or vehicles shall encroach upon any required setback or designated Open Space area. All required setbacks shall be maintained ~~in~~ grass in vegetative cover and shall not be covered with any impermeable surface materials except in Commercial Districts where the Commission may approve specific alternatives.

SECTION 714: SIGN STANDARDS.

E. Number of Wall Signs

1. In Commercial and Industrial Districts, the overall number of wall signs shall not be restricted as long as the total square footage of all wall signs does not exceed the size limitation as listed in Section 714.D.23.

2. In lieu of a freestanding sign an additional twenty (20) square feet of wall signage shall be allowed. However, in no case may a single wall sign exceed the size limitations in Section 714.D.23.

G. Window Signs

3. Village Center District – Businesses in the Village Center District shall be allowed one (1) internally lit or neon window sign. All internally lit or neon window

signs shall not to exceed three (3) square feet and shall require approval of a sign permit. Businesses on a corner lot shall be allowed to have two (2) internally lit or neon window signs, one (1) facing each street frontage. A business that has over one hundred and fifty (150) feet of street frontage shall be allowed two (2) internally lit or neon window signs subject to the size restrictions. All other internally lit permanent, temporary or window signage is expressly prohibited in the Village Center District unless otherwise provided in this ~~article~~ Chapter.

I. Freestanding Signs

5. Businesses with Drive-Through Facilities may have one (1) menu board sign in addition to one (1) free-standing sign. A menu board sign shall not exceed forty-eight (48) square feet and shall be screened from ~~view~~ the public right-of-way.

J. Number of Freestanding Signs

2. If a development is located on a lot that is bordered by two (2) Public Streets that do not intersect at the lot's boundaries (Double Frontage Lot) then the development may ~~have~~ not have more than one (1) freestanding sign on each side of the development bordered by such streets.

L. Location and Height Requirements

Unless otherwise allowed in this Chapter, the following shall be required for all free-standing signs and permanent signs.

1. Front Yard Setbacks. Signs must meet the following minimum front yard setbacks:

(a) In all ~~Commercial, Residential/Office, Industrial, Exposition and Neighborhood Commercial Districts~~ districts, signs shall be set back no less than ten (10) feet from the property line.

~~(b) — In all other districts, signs shall be set back no less than ten (10) feet from the property line.~~

M. Sign Illumination and Signs Containing Lights.

Unless otherwise prohibited, signs may be illuminated as specified below:

1. Unless specifically provided for elsewhere in the code, internally illuminated signs are prohibited in Flood Plain, Residential/Office ~~and Neighborhood Commercial Districts~~ and Village Center District. Internally lit signs in the Village Center District may be allowed with approval of the Planning Commission upon determination that the internally lit sign meets the intent of Section 502.~~KH~~.1.

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

N. Milcellaneous Restriction and Prohibitions.

1. Signs located off the lot of the business, except those specified in ~~SECTION~~ Section 714: ~~SIGN STANDARDS~~, are prohibited

Q. Exemptions. The provisions and regulations of this Ordinance shall not apply to the following signs. However, said signs shall be subject to the provisions of Section 502.H:

1. One or two-sided free-standing signs for municipal departments which are used to provide public information, and are deemed to meet the intent of Section 502.H.1. Such signs must be approved by the Planning Commission and Board of Trustees, may not exceed thirty (30) square feet per side, must be at least fifteen (15) feet from the pavement of any public Right-of-way, must not be located within any Right-of-way, and may not exceed ten (10) feet in height. Such signs may include an Electronic Message Board not exceeding ten (10) square feet on each side of the sign, which may only be used between the hours of 7:00 A.M. and midnight. Information may be displayed on the message board on an intermittent basis, provided each display is at least five (5) minutes in duration. Each department shall be limited to one (1) sign.

SECTION 715: TELECOMMUNICATIONS

B. Criteria For Approval And Conditions. An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Planning Commission finds all the following criteria have been met:

4. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this ~~bylaw Code~~.
14. The Facility will not generate undue ~~noise sound~~.

D. Removal of Abandoned or Unused Facilities. Unless otherwise approved by the Planning Commission, an abandoned or unused Wireless Telecommunication Facility shall be removed within ninety (90) days of abandonment or cessation of use. If the Facility is not removed within ninety (90) days of abandonment or cessation of use, the Planning Commission may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner. Unused portions of a Wireless Telecommunication Facility shall be removed within one hundred and eighty (180) days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section ~~502.N.5-6 Section~~ ~~V~~.

SECTION 717: DAY CARE AND FAMILY CARE FACILITIES

A. Purpose. To allow for the provision of ~~child and/or adult day care facilities~~ ~~Day Care and Family Care Facilities~~ within all Districts and to provide criteria for the review of such facilities.

C. Day Care Facility Standards:

3. A fenced outdoor play area shall not be required if a child care center exclusively provides preschool instruction for not more than three (3) hours per ~~shift day~~, and children are not permitted to play outside.

D. Standards of Review. The Zoning Board shall review all applications for Family and Day Care Facilities as Conditional Use Permits. In addition, review shall include the following:

7. Existing or potential levels of air and ~~noise sound~~ pollution in the area.

SECTION 719: LANDSCAPE AND TREE PLANTING REQUIREMENTS

D. Landscaping.

There shall be a sufficient amount of landscaping and screening, as may be reasonably

determined by the Planning Commission, to insure protection of and enhance the quality of the project in question and adjacent properties. The landscape plan must be drawn by a landscape architect, landscape designer, or competent landscape professional, and the landscaping requirement will be a minimum of three (3) percent of the total construction cost for new construction up to \$250,000. For new construction projects above \$250,000, the landscape requirement shall be a minimum of two (2) percent of the total construction cost. In the case of construction projects above \$1,000,000, a landscape architect, licensed by the State of Vermont's Office of Professional Regulation, will be required to prepare a landscape plan. This may be waived in unusual circumstances. The Commission may permit or require improvements to the public Right-of-way in part or in lieu of on-site landscaping to be used to improve the pedestrian environment including street trees, plantings, stormwater retention and pedestrian amenities. With a new use on existing development or renovation on existing property, the applicant must provide landscaping adequate to provide screening and environmental enhancement to the satisfaction of the Planning Commission.

1. Landscape Plan:

(a) Preliminary Site Plan

(i) A general concept of the landscaping, in both written and graphic form.

(ii) A list of existing vegetation, with the location, type, and size of existing trees of six (6) inches or greater in caliper.

(iii) A written plan to preserve and protect significant existing vegetation during and after construction. Such plan will be sufficient detail that the Village of Essex Junction will be able to inspect the site during construction to ensure that the existing vegetation is protected as per plan.

(iv) The location of existing natural features, such as streams, wetlands, and rock outcroppings.

(b) Final Landscape Plan

(i) All proposed physical improvements, such as buildings, walls, parking areas sidewalks, etc.

(ii) Proposed landscaping materials, including vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, and treatment of the ground surface (paving, seeding, or groundcover).

(iii) Methods of controlling erosion and protecting landscaped areas.

(iv) A landscape phasing plan. Construction phasing shall be shown on the landscape plan with landscape and construction activities correlated.

2. Landscaping Requirements:

(a) ~~A minimum of fifty percent (50%) of the required landscaping shall be located within twenty (20) feet of the parking lot.~~ All required landscaping shall comply with the intent and purpose of these regulations.

4. General Requirements

(a) Installation: All landscaping shall follow accepted horticultural practices.

(b) Maintenance: ~~The owner of the building or agent shall be responsible for the~~

~~maintenance of all landscape areas. Landscaped areas shall be maintained in a healthy, neat, and orderly appearance at all times. All dead plant materials shall be replaced. All planting shown on an approved site plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next growing season. Trees with a caliper of less than five (5) inches may be replaced on an inch-by-inch basis with trees of at least two and a half (2.5) inches caliper preferably of the same genus.~~

~~(c) Failure to maintain: If landscaping or plant materials installed as a condition of Site Plan approval die, they shall be replaced according to the approved landscape plan.~~ Failure to replace materials per approved plans shall be a violation of this Code.

45. Design Standards:

(d) When planters are used in parking lot interiors, a surface area should be made available for aeration and water infiltration of at least twenty-five (25) square feet per tree. Islands may be graded and planted to serve as collection and treatment areas for stormwater management. It is recommended that sections of curb cut be no more than five (5) feet in length.

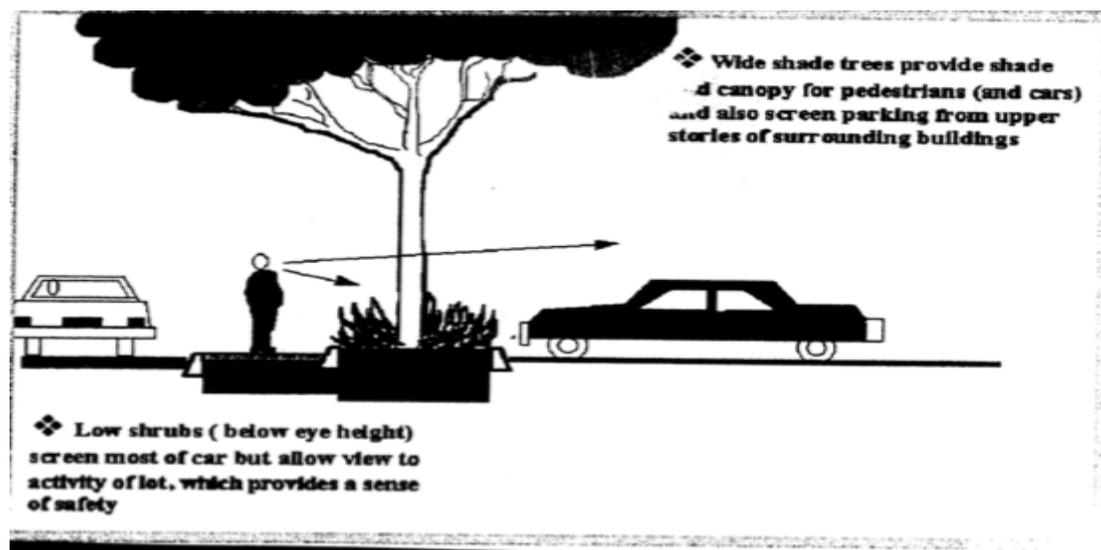
(k) ~~Grass~~ Vegetative areas should be planted with species normally found in the area.

6. The Planning Commission shall require compliance with any Tree Ordinance or Landscape Design Standards enacted by the Village of Essex Junction, subsequent to the effective date of these regulations.

7. Applications utilizing municipally owned land must be reviewed by the Village of Essex Junction Tree Advisory Committee. The Planning Commission, at their discretion, may ask the Tree Advisory Committee and or the Village of Essex Junction Tree Warden to comment on any landscape plan with regard to tree species selection and location.

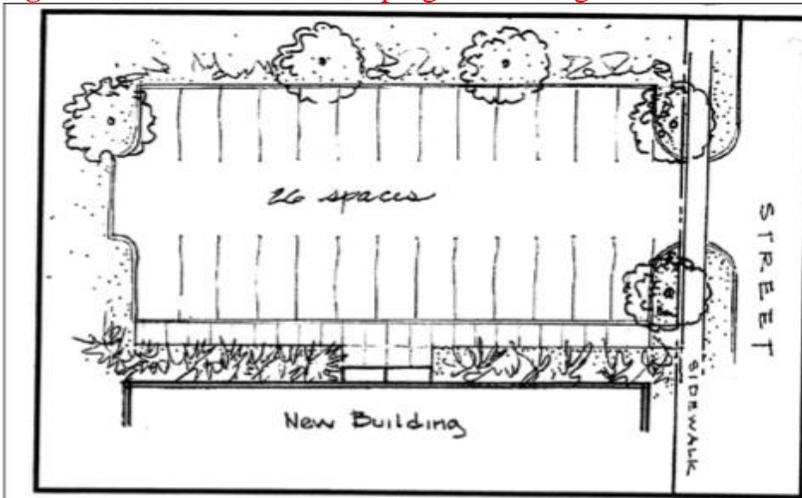
8. Example Schematics:

Figure 8.1 Parking Area Landscaping/Screening



From Landscape Guide for Vermont Roadways & Transportation Facilities

Figure 8.2 Perimeter Landscaping for Parking Areas

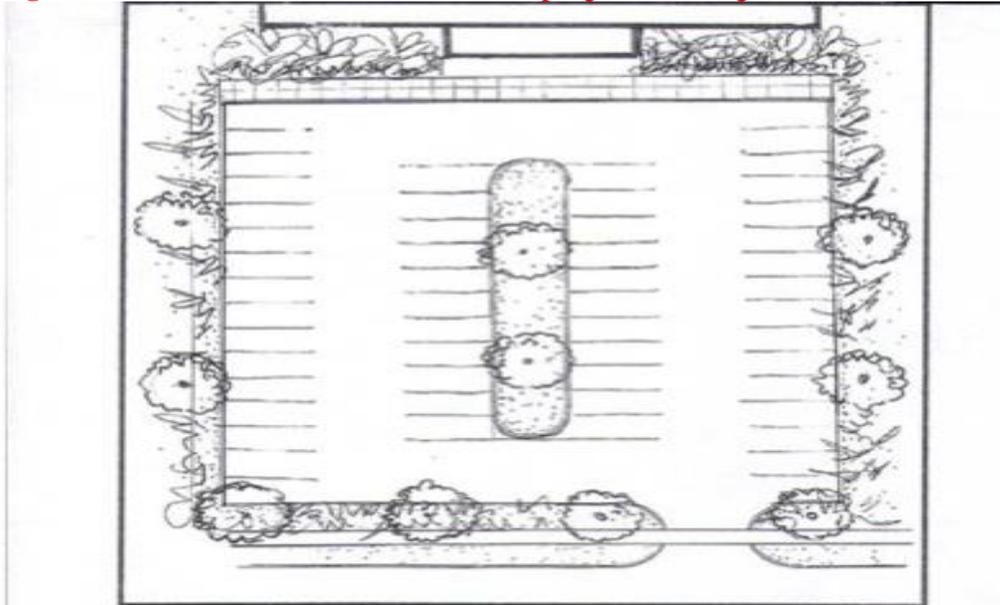


Example

Twenty six (26) space parking lot
7120 square feet of pavement
No internal island required
5 tree minimum (26 spaces/5)

Illustration by Kathleen Ryan, ASLA

Figure 8.3 Internal and Perimeter Landscaping for Parking Areas



Example

Fifty four (54) space parking lot
17650 square feet of pavement
1,765 square feet of curbed island required
10 tree minimum -- (54 spaces/5)

Illustration by Kathleen Ryan, ASLA

E. Approved Plant Materials. An emphasis shall be placed on selecting ~~plant material~~ species shall be native species to Vermont and the Champlain Valley. Trees and plantings that are close to driveways, sidewalks and roads shall be salt tolerant. Generally, plants shall be from

the most current tree species list recommended by the Vermont Urban Community and Forestry Program and those listed in the Village Land Development Code. ~~following suggested species list unless waived by the Planning Commission based on the appropriateness of the species for the particular application, but still accordance with intent of this section to require the use of native species.~~ The Planning Commission may refer to any or all of the following publications as resources:

1. Recommended Tree Species for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees, published by Urban and Community Forestry Program.
2. Planting Sustainable Landscapes- A Guide for Plan Reviewers, prepared by Department of Forests and Parks and the Vermont Chapter of the American Society of Landscape Architects- Section-111.
3. Street Tree Fact Sheets- Published by the Municipal Tree Restoration Program with support from the USDA Forest Service, Northeastern Area State and Private Forestry.

List of Suggested Example Species:

Medium and Large Deciduous Trees

~~White Ash (Fraxinus americana)~~

~~Green Ash (Fraxinus pennsylvanica)~~

F. Minimum Planting Specifications. All plantings are required to be healthy nursery-grown stock and maintained. ~~with bark mulch)~~

SECTION 721: ACCESSORY APARTMENTS

A. Purpose. To allow the provision of small apartments within existing single family dwellings to improve the ability of households to provide housing. ~~for family members.~~

~~SECTION 722: CONVERSION OF PUBLIC SCHOOLS.~~

~~Existing public school facilities may be converted to elderly housing with Site Plan approval. Emphasis shall be placed upon maintaining existing open space and recreation facilities. No more than ten (10) percent of the gross floor area of each existing school building may be converted to school offices or administrative facilities without Site Plan review and approval. Other public uses may be considered upon application for a Conditional Use Permit and Site Plan. In addition to the standards above, other public uses shall meet the following criteria:~~

~~A.—— All proposals must preserve existing open space and recreational facilities.~~

~~B.—— The proposed use shall not generate neighborhood traffic in excess of the traffic volume generated by the existing school.~~

~~C.—— The proposed use shall serve a local, state or Federal governmental agency.~~

~~D.—— The proposed use shall conform to the Zoning District within which the school is located.~~

SECTION 7234: ~~PLANNED RESIDENTIAL DEVELOPMENT (PRD) and PLANNED UNIT DEVELOPMENT (PUD)~~

Planned Residential Development changed to Planned Unit Development throughout section.

B. Design Considerations. The Commission shall review an application for innovative land and building design techniques. The Commission may determine that the design is not innovative and that standard District requirements shall apply. The Commission may authorize the following modifications to requirements of the underlying Zoning District.

5. Amenities and Quality of Design. To be granted the flexibility permitted under these regulations, the ~~PRD or~~ PUD must demonstrate a level of design and amenity exceeding that typical of conventional development. Features that exhibit a strong level of design include, but are not limited to:

- (a) Amount and quality of landscaping;
- (b) Amount, quality, and interconnectedness of common space; and
- (c) Varied building massing or other measure to reduce monotony in design.

At a minimum, up to fifteen (15) percent of the gross PRD or PUD area shall be developed with passive and active amenities. Examples of amenities include ~~common recreation facility such as~~ but are not limited to:

1. Jogging/exercise track;
2. Off-street bicycle paths;
3. Playgrounds;
4. Tennis court;
5. Athletic fields;
6. **Wooded areas; and**
7. **Open fields that may be in active agricultural production.**

The type of amenities required will vary with each individual project. For example, projects designed for seniors, **ages fifty five (55) and above, (55-plus)** will have different types of amenities than a project designed for young families.

SECTION 7254: RAISING, KEEPING, OR HARBORING LIVESTOCK

The raising, keeping, or harboring of livestock, wild animals or other domesticated farm animals for personal use or commercial purposes shall be prohibited in all Zoning Districts, except for the PA and PE Districts. The raising, keeping or harboring of livestock, wild animals or other domesticated farm animals shall require a minimum lot size of ten acres. **Refer to the Municipal Code for exceptions.**

CHAPTER 8: NONCONFORMITIES

SECTION 801: NON-CONFORMING USES. Any use of land or buildings legally existing on the effective date of this Code which has become non-conforming as a result of this Code shall be considered as a Non-Conforming Use and may be maintained subject to the provision of this Section.

B. Change of Use. A non-conforming use may be changed to a Permitted Use or Conditional Use for the district in which it is located. A non-conforming use ~~shall not~~ **may not** be changed to another non-conforming ~~use unless the change is~~ use. ~~specifically approved as a~~

~~Conditional Use.~~

SECTION 802: NON-COMPLYING STRUCTURES. Any structure, existing on the effective date of this Code, which does not conform to the dimensional requirements of this Code shall be considered as a non-complying structure. Such structure may continue to be occupied, subject to the following:

C. Reconstruction.

2. Non-conforming structures on properties with one single family dwelling may be rebuilt as long as the new structure is not more non-conforming than the existing structure. However, if staff determines the structure could reasonably be rebuilt in conformance with the existing regulations the applicant will be required to comply with the existing regulations. Appeal of staff decisions may be made in accordance with Section 1701. ~~Also, any non-complying structure may be declared conforming with conditional use approval in accordance with Section 803.~~

~~**SECTION 803: TERMINATION OF NON-CONFORMING OR NON-COMPLYING STATUS.**~~

~~The provisions of Sections 801 and 802 regarding the continuation, restoration, reconstruction, expansion or extension of non-conforming uses or non-complying structures notwithstanding, a non-conforming use or non-complying structure may be formally declared to be conforming or complying upon Conditional Use approval.~~

SECTION 8045: NON-CONFORMING SIGNS

1. Subject to the remaining restrictions of this Section, non-conforming signs that were otherwise lawful on the effective date of this ~~article~~ Code may be continued until they are required to be removed under Section 714 of this Code.

SECTION 8056: REMOVAL OF NON-CONFORMING SIGNS

3. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign (or the supporting braces, anchors, or similar components) the owner of record shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 8056.1, above which restricts the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

CHAPTER 9: SUBDIVISIONS

SECTION 906: STREETS

B. Arrangement

3. Street design shall include measures to discourage through traffic in Residential Districts.
4. Street design shall include measures to encourage improved connectivity in the Village Center District and strike an appropriate balance between all modes of transit.
5. Access for emergency vehicles shall be considered in the layout of any street.

D. Dead-end Streets.

Waiver. The commission may waive the requirement that a Dead-end Street be temporary if, in the opinion of the Planning Commission, all of the following standards are met:

3. The street connection is not required to provide a secondary access point to the proposed Subdivision, future development on adjacent parcels, or for the properties now served by the Dead-end Street, in accordance with 9053.F.3.

SECTION 912: STREET LIGHTS. Streetlights shall be located at each intersection and at approximately ~~four hundred (400)~~ **one hundred fifty (150)** foot intervals between intersections. Streetlights shall be located at the corner to provide light at the intersection, where possible.

CHAPTER 14: WATER SYSTEM MANAGEMENT AND USE

SECTION 1416: WATER SUPPLY

C. Private Water Lines. Private water lines may be approved and connections to existing private water lines may be approved, if the following conditions are met:

1. A private water line shall serve no more than three (3) separate users. ~~A homeowners association can be considered one user if proper documentation is submitted and approved by the Village for the maintenance of the private water line.~~

CHAPTER 17: APPEALS

SECTION 1704: APPEALS OF STAFF DECISIONS TO THE ~~PLANNING COMMISSION~~ ZONING BOARD OF ADJUSTMENT

B. Notice of Appeal. Any interested person who believes that Staff has committed an error in making a decision or taking an action may appeal such act or decision to the ~~Planning Commission~~ **Zoning Board of Adjustment** by filing a written Notice of Appeal with the ~~clerk of the Commission~~ **Village Clerk** within fifteen (15) calendar days of the subject action or decision. The Notice of Appeal must identify the decision or action appealed and state why such decision or action is erroneous.

C. Action by the ~~Planning Commission Board~~. The ~~Commission Board~~ shall conduct a duly warned public hearing at which it will take testimony and receive evidence from the applicant, interested parties and Staff. The ~~Commission Board~~ shall consider all relevant evidence before it. It shall issue its decision in writing with findings of fact and conclusions within forty-five (45) days of the final public hearing. Failure to act within this time shall result in granting the appeal.

SECTION 1708: ON THE RECORD REVIEW

As provided for in 24 V.S.A. § 4471 (b) the use of on the record review procedures will be followed for all development applications that require review by the Planning Commission or Zoning Board of Adjustment. The procedures outlined in the Municipal Administrative

Procedure Act (MAPA) shall govern all Planning Commission and Zoning Board of Adjustment application reviews. Evidence provided and recorded at public meetings and hearings shall follow the Vermont Rules ~~for~~ of Evidence as outlined in 24 V.S.A. § 1206 (b).

APPENDIX A: PUBLIC WORKS SPECIFICATIONS

SECTION 102: STREET SPECIFICATIONS

C. Preparation of Subgrade. Objectionable and unsuitable materials shall be removed and replaced with approved material as directed by the Village Engineer. Subgrade shall meet the lines and grades shown on the drawings.

1. Sand shall be deposited and spread so as to distribute the material in uniform layers, compacted ~~at optimum moisture content~~ to a density of ninety five (95) percent of the maximum dry density using the Standard Proctor Test, according to ASTM D698.

SECTION 103: GRAVEL BASE - BOTTOM COURSE

G. Materials. All materials shall be secured from approved sources. Such gravel shall consist of hard, durable stones, which show uniform resistance to abrasion and which are intermixed with sand or other approved binding material as directed by the Engineer.

All bottom course material shall be deposited and spread so as to distribute the material in uniform layers, compacted ~~at optimum moisture content~~ to a density of ninety five (95) percent of the maximum dry density using the Standard Proctor Test, according to ASTM D698.

SECTION 104: CRUSHER RUN - TOP COURSE

A. Description. This item shall consist of an upper course of crusher run gravel to be placed over the gravel base - bottom course, ~~of bank run gravel,~~ which will have been prepared in accordance with these specifications.

B. Materials. All materials shall be secured from approved sources. This gravel shall consist of angular and round fragments of hard durable rock of uniform quality throughout, reasonably free from thin, elongated pieces, soft or disintegrated stone, dirt or other objectionable matter. The grading requirements shall conform to the following table:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
2"	100
1 ½ "	90-100
No. 4	30-60
No. 100	0-12
No. 200	0-6

This upper course of crusher run gravel shall be deposited and spread in a uniform layer, and compacted ~~at optimum moisture content~~ to a density of 95% of the maximum dry density using the Standard Proctor Test, according to ASTM D698.

SECTION 105: BITUMINOUS CONCRETE PAVEMENT

C. Construction Methods. Equipment for spreading and finishing the mixture shall be a mechanical spreading and finishing machine provided with an activated screed and heated if required. The machine shall be capable of spreading the mixture without segregation and shall be approved by the Village Engineer before being used.

Application of bituminous concrete pavement shall conform in all respects to Vermont Standard Specifications Section 406. These requirements shall include but not be limited to the following:

~~6. — and shall be approved by the Village Engineer. After placement, the material shall be thoroughly compacted with rollers or other equipment approved by the Village Engineer.~~

SECTION 106: CEMENT CONCRETE CURB

C. Materials. All concrete used in the construction of roadway curbs shall be Air Entrained five percent plus or minus one percent (5.0% ± 1%) so determined by an air meter approved by the Village Engineer. This concrete shall have a twenty eight (28) day compressive strength of four thousand (4000) psi and meet State of Vermont Standard Specifications for Class ~~B A~~ concrete, Section ~~504~~ 541.

SECTION 108: CEMENT CONCRETE SIDEWALK

C. Construction Methods:

4. Placing and Finishing Concrete - Just prior to placing the concrete, the sub-base shall be moistened. The concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honeycombs will be eliminated and sufficient mortar will be brought to the surface. ~~There shall be a one hundred foot (100') maximum pour length between dowelled joints unless otherwise approved by the Village.~~ Unless otherwise approved by the Village, sidewalk shall be cast in one hundred (100) foot sections with no expansion joints. Connection to existing sidewalk and between one hundred (100) foot sections shall be accomplished with steel dowels, spaced twelve (12) inches on center. Sidewalk adjacent to curb shall be separated with four (4) millimeter polyethylene. After this, the surface shall be brought to a smooth even finish by means of a wooden float. The surface shall be broom finished. All faces adjacent to the forms shall be spaded so that after the forms are stripped, the surface of the faces will be smooth, even and free of honeycombs. All edges shall be tool rounded with an edger having a quarter (0.25) inch ~~(3")~~ radius.

5. Scoring Concrete - ~~Sidewalks shall be scored to a depth of one (1) inch every five (5) feet. Connections to existing concrete requires minimum 1/2" rebar dowels and shall be installed by drilling.~~ Sidewalk joints shall be saw cut at five (5) foot intervals to one third (1/3) the sidewalk depth. Struck transverse false joints shall not be utilized. Connections to existing concrete requires minimum one half (1/2) inch smooth steel dowels, spaced twelve (12) inches on center, and shall be installed by drilling.

6. Curing Concrete - ~~Same as for Cement Concrete Curb.~~ All sidewalks shall be treated with Certi-Vex AC 1315, per the manufacturer's instructions.

B. Accessible Access. Sidewalk ramps shall be constructed as shown in these specifications and located in accordance with the approved plans at all intersections. ~~Detectable surface shall be truncated domes constructed of cast iron.~~ Saw cutting, exposed aggregate, or scoring sidewalk ramps is not acceptable. ~~Detectable surface shall be truncated domes.~~

SECTION 112: WATER DISTRIBUTION SPECIFICATIONS

D. Construction Methods.

14. Chlorination - ~~The contractor shall furnish sufficient high test Hypochlorite (HTH) and all equipment and labor, and shall chlorinate the water main with a minimum solution of 50 PPM to A.W.W.A. Standard C601. This is to be done under the supervision of the Engineers and great care is to be exercised to ensure that all valves are closed against flow of the heavily chlorinated water back into the in-service mains. The solution of HTH and water shall be mixed in a barrel or drum and pumped into the mains with a hand pump or small unit controlled in such a manner that the HTH solution enters the mains at a uniform rate, with the correct concentration to completely saturate the water to obtain a minimum uniform concentration of 50 PPM through the main to be tested. The HTH solution must be added continuously until the chlorinated water reaches the end of the section being tested. When the HTH solution reaches the end of the hydrant, the valve controlling the inflow of water to the test section shall be closed. After a 24-hour retention period, the treated water shall contain no less than 25 PPM of chlorine throughout the length being tested. The contractor shall then thoroughly flush and dechlorinate while flushing the original chlorination the main to completely remove all the chlorinated water and shall take a test sample to ensure absence of coliform organisms before putting the main into service.~~ Chlorination of the water main shall be conducted only after the main has been satisfactorily pressure and leakage tested and flushed and a clean stream is obtained, as determined by the Engineer. The Contractor shall furnish all labor, equipment, materials, and tools necessary to disinfect the pipe and appurtenances in accordance with AWWA Standard for Disinfecting Water Main C651, latest revision. The continuous feed method shall be performed under the supervision of the Engineer. The Contractor shall thoroughly flush and dechlorinate while flushing the original chlorination of the main to completely remove all the chlorinated water. The Contractor shall coordinate with the Village of Essex Junction Wastewater Treatment Facility on the disposal of heavily chlorinated water flushed from the main. The disinfection process shall be deemed acceptable only after two samples of water from the flushed, disinfected main, collected twenty-four (24) hours apart, show no evidence of bacteriological contamination, as determined by the Health Department or other approved lab.

15. Protection of Water Supplies - ~~Water mains shall be laid at least 10 feet, horizontally, from any existing or proposed sewer, in accordance with State standards. Whenever sewers cross under water mains, the water main shall be laid at such an elevation that the bottom of the water main is at least 18 inches (18") above the top of the sewer. This vertical separation shall be maintained for that portion of the water main located within 10 feet horizontally of any sewer it crosses. When it is impossible to~~

~~obtain horizontal and vertical separation, both the water main and sewer shall be constructed with watertight joints and pressure tested to assure water tightness before backfilling. No water main shall pass through, or come into contact with any part of a sewer manhole.~~

~~There shall be no physical connection between the distribution system and any pipes, pumps, hydrants or tanks which are supplied or may be supplied with water that is, or may be contaminated.~~ Water mains shall be laid at least ten (10) feet horizontally from any existing or proposed sanitary sewer. This distance can be reduced to five (5) feet for storm sewers. The distance shall be measured edge of pipe to edge of pipe. Where impractical due to ledge, boulders, or other unusual conditions, to maintain ten (10) foot horizontal separation between water and sewer lines, the water line may be in a separate trench or on an undisturbed earth shelf in the sewer trench provided that the bottom of the water line is at least eighteen (18) inches above the top of the sewer. Wherever impossible or impractical to maintain eighteen (18) inches vertical separation, the sanitary sewer line shall be constructed to normal waterline standards and pressure tested to fifty (50) psi for fifteen (15) minutes prior to backfilling. No leakage shall be allowed for this test.

Sewer crossing water mains shall be laid beneath the water main with at least eighteen (18) inches vertical clearance between the top of the sewer and the bottom of the water main. When it is impossible to maintain the eighteen (18) inches vertical separation or where the sewer must be laid above the water main;

- (a) The crossing shall be arranged so that one full length of sewer is centered above or below the water line, with sewer joints as far as possible from water joints;
- (b) The sanitary sewer pipe must be constructed to water main standards for minimum distance of twenty (20) feet either side of the crossing or a total of three (3) pipe lengths, whichever is greater;
- (c) The section constructed to water main standards must be pressure tested to maintain fifty (50) psi for fifteen (15) minutes without leakage prior to backfilling beyond one (1) foot above the pipe to assure water tightness; and
- (d) Where water main crosses under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.

~~No water main shall pass through, or come into contact with, any part of a sanitary sewer manhole. There shall be no physical connection between the distribution system and any pipes, pumps, hydrants, or tanks, which are supplied or may be supplied with water that is, or may be, contaminated.~~

SECTION 115: SANITARY SEWER SPECIFICATIONS. Sewer Mains Polyvinyl Chloride (PVC)

D. Construction Methods

3. Backfill - Backfill shall consist of approved material placed in six (6) inch layers with each layer being thoroughly compacted ~~at or near optimum moisture content~~ to a density of 95% of the maximum dry density using the Standard Proctor Test, according to ASTM D698. Debris, frozen material, large clods or stones, organic matter, or other unstable materials shall not be used for backfill. No stones in excess of one and one half (1.5) inch diameter shall be placed within two (2) feet of the outside of the pipe.

Particular precautions shall be taken in placement and compaction of the backfill material in order not to damage and/or break the pipe. The backfill shall be brought up evenly on both sides of the pipe for its full length. Walking or working on the completed pipeline except as may be necessary in tamping or backfilling, shall not be permitted until the trench has been backfilled to a height of at least two (2) feet over the top of the pipe. During construction all openings to the pipe lines shall be protected from contamination by earth or other materials.

4. Manholes - Manholes shall be installed at the end of each line, at all changes in grade, size or alignment of pipe, at all pipe intersections, and at distances not greater than three hundred (300) feet. Pre-cast Reinforced Concrete Manholes shall have the top section set at a grade that will place the riser a minimum of three (3) inches and a maximum of twelve (12) inches from the top of the pre-cast manhole cone. Adjustments shall be made using pre-cast concrete riser rings, expanded polypropylene riser rings, or cast-in-place concrete. Bricks shall not be used. All joints shall be grooved type and shall be fully bedded with mastic seal when setting sections. Lifting holes in all ~~pipe~~ manhole sections shall be filled solid with mortar.

6. Leakage and Testing - If inspection of the completed sewer or any part thereof shows any pipe, manhole, or joint which allows infiltration of water, the defective work, or material, shall be replaced or repaired as directed by the Engineer. After the sewer has been completed, the contractor shall furnish all labor and materials necessary, and in general, assist the Engineer to conduct such leakage tests at such times and at such locations as the Engineer deems necessary.

(c) Manholes - All manholes shall be tested for leakage. Manholes shall be tested for leakage in accordance with one of the following:

(i) Water Test - After the manhole has been assembled in place, all lifting holes and exterior joints shall be filled and pointed with an approved non-shrinking mortar. All pipes and other openings into the manhole shall be suitably plugged and the plugs placed to prevent blowout.

(ii) Each manhole shall be checked for exfiltration by filling with water to the top of the cone section. A stabilization period of one (1) hour shall be provided to allow for absorption. At the end of this period, the manhole shall be refilled to the top of the cone, if necessary, and the measuring time of at least six (6) hours begun. At the end of the test period, the manhole shall be refilled to the top of the cone measuring the volume of water added. This amount shall be converted to a twenty-four (24) hour rate and the leakage determined on the basis of depth. The leakage for each manhole shall not exceed one (1) gallon per vertical foot for a twenty-four (24) hour period for exfiltration and there shall be no visible ~~filtration~~ infiltration.

SECTION 117: STORM SEWER SPECIFICATIONS - STORM DRAINS

2. Catch Basins or Manholes: A pre-cast (or cast in place) concrete catch basin or manhole shall be installed at the end of each line, at all changes in grade, size or alignment of pipe, at all pipe intersections, and at distances not greater than three hundred (300) feet.

- (a) Catch Basins - The catch basins shall conform to requirements for precast risers and base sections found in ASTM C913, latest edition. The cast iron frame and grate shall be Type D LeBaron #LF 248-2, or equal with a minimum weight of four hundred and eighty (480) pounds. For steep grades, a Type E LeBaron #LK 120A, or equal may be supplemented with a minimum weight of four hundred and thirty (430) pounds. There shall be either a manhole or a catch basin every three hundred (300) feet on normal slopes to allow for proper cleaning of the lines.
- b) Manholes - The manholes and manhole frames and covers shall conform to the specifications as set forth under Sanitary Sewer Specifications.
- c) Booted connections shall be used for ~~24" in~~ **thirty-six (36) inch** pipe and smaller.

4. Installing Catch Basins and Manholes - All construction of sewer manholes must be carried out to ensure watertight work. Any leaks in manholes shall be completely repaired to the satisfaction of the Village Engineer or the entire structure shall be removed and rebuilt. All manhole lift holes shall be grouted inside and out with expandable grout. The pipe opening in the precast manhole riser shall have a cast-in-place flexible gasket or an equivalent system for pipe installation, as approved by the Village Engineer. Joints between manhole risers shall be soft butyl joint sealer (rope form). Joints between pipes and catch basin base sections shall be sealed with boots for pipes ~~24" in~~ **thirty-six (36) inch** diameter or smaller and with cement mortar for pipes larger than ~~24" in~~ **thirty-six (36) inch** diameter, smoothed on the inside and built up with a heavy bed of excess mortar on the outside.

SECTION 120: FINAL INSPECTION CHECK LIST

- A. Streets, Curbs, and Sidewalks:
 - 2. All required monuments and front boundary ~~lines-pines~~ **line markers** installed.
- C. Sewer System
 - 5 Material testing results, lab reports, manufacturer's certificate, leakage test results for pipe and manholes, and ~~mandrel~~ **mandrel** deflection tests complete and on file.
- E. As Built Plans
 - 1. One set of mylars and two paper copies of plans showing all as built utilities, and water and sewer house connections must be submitted to the Village Engineer by the developer in accordance with Chapter 9. In addition, the developer shall provide to the Village the record drawings in an AutoCAD™ compatible electronic format; **as well as a complete set of the record drawings in PDF format.**