

MEMORANDUM

To: Essex Planning Commission
From: Dana Hanley, Director, Community Development Department
Re: Draft 2016 Zoning and Subdivision Regulations
Date: June 3, 2016

Attached you will find the draft 2016 zoning and subdivision amendment package for your review. The significant items - the Scenic Resource Protection Overlay District and provisions regarding backyard chickens - we discussed at the April 14, 2016 Planning Commission meeting. Context sensitive site planning guidelines were added to site plan review. We have also made some changes to the PUD regulations since the last meeting. The remaining items are largely housekeeping matters. In the interest of time, not everything on the ongoing "list" was included in this round. The items not included were deemed to require more lengthy discussion and information.

By statute the PC only needs to hold one hearing on the amendments before moving them on to the Selectboard. I recommend that after the work session on June 9, 2016, we schedule the hearing for the second meeting in July or the first meeting in August.

A summary of the amendments follows below.

Zoning Regulations

Article 1, Authority and Purpose

Section 1.2(E): This section, regarding preventing two or more uses on one property, was deleted as being confusing and outdated.

Article II, Zoning Districts

District Tables

Day Care Facility, Child or Adult, was added as either Permitted or Conditional Uses in these districts:

Table 2.7: Residential-Business District (RB)

Table 2.8: Residential-Business District (RB)

Table 2.9: Retail-Business District (B1)

Table 2.12: Mixed Use Development-Commercial District (MXD-C)

Table 2.14: Resource Preservation-Industrial District (RPD-I)

Set back standards for storage sheds were added in these districts:

Table 2.3(D): Agricultural Residential District (AR)
Table 2.4(D): Low Density Residential District (R1)
Table 2.5(D): Medium Density Residential District (R2)
Table 2.6(D): High Density Residential District (R3)
Table 2.7(D): Residential Business District (RB)
Table 2.8 (D): Center District (CTR)
Table 2.9 (D): Retail Business District (B1)
Table 2.12(D): Mixed-Use Development Commercial District (MXD-C)
Table 2.15(D): Historic Preservation Design Control District (HP-DC)
Table 2.18(D): Conservation District (C1)

Table 2.11: Mixed Use Development District (MXD)

Caretaker apartments were added as a Permitted Use, with standards.

Light manufacturing, machinery repair (minor and major), Recreation Private/Outdoor, and Wholesale establishment were added as Conditional Uses. Standards were added for Mixed Production and Sales Areas,

Table 2.14: Resource Preservation-Industrial District (RPD-I)

Recreation/Indoor or Outdoor was added as a Permitted Use.

Buffers: language was added to clarify that the Planning Commission has the authority to approve certain accesses in the 50 and 100 foot buffers.

Table 2.12: Historic Preservation-Design-Control District (HP-DC)

Day Care Facility, Child or Adult, was added as a Conditional Use.

Table 2.20: Scenic Resource Protection Overlay District (SRPO) was added. The important features of this new district include:

This section established standards for all development located on the Scenic Resource Protection Map. The requirements of the overlay district are in addition to any specifications for the underlying district(s) in which the development is located. This map was established as part of the process for the Views to the Mountain: Scenic Protection Manual. The manual includes a breakdown of the visual qualities of 15 Essex roads, particularly with regard to outstanding views to Mount Mansfield and Camel's Hump.

The section provides standards related to building envelopes, clustering, building design and massing, driveways/access, parking, landscaping, signs and lighting.

Planned Unit Developments are strongly encouraged. Projects must meet the minimum frontage, setback, and acreage requirements in the regulations.

Additional changes to Article II include the following:

Table 2.2 – PUD requirements – Staff still needs to update “Average Lot Area Per Dwelling Unit” to say, “With Planning Commission approval in accordance with Article VI”)

Table 2.3(E) – Added language to clarify when PUD Average Lot size can be allowed

Table 2.4(E) – Added language to clarify when PUD Average Lot size can be allowed

Table 2.5(E) – Added language to clarify when PUD Average Lot size can be allowed

Table 2.10(E) – Added language to clarify when PUD Average Lot size can be allowed

Table 2.18(E) – Added language to clarify when PUD Average Lot size can be allowed

Table 2.5(A) – deletion of repetitive language

Table 2.9(F)(3) – clarifying language (“no less than” → “at least”)

Table 2.11 – Clarifying updates: Removed last sentence of “Purpose,” which referred to uses of R2 and B1; updated Permitted and Conditional Uses based on listed uses in R2 and B1 districts; updated District Development Standards as appropriate

Table 2.13(C)(3) – corrected typo

Table 2.14(C) – corrected typos

Table 2.14(D)(7)(b)&(c) – RPD-I buffers. Specify that PC can approve driveways and other accesses through 100- and 50-foot buffers.

Table 2.14(D)(8) – RPD-I. Fixed typo (“undo” → “undue”)

Article III, General Standards

3.1(E)(1) – new section including language from state statute re: access to state highways

3.1(G)(4) – Access. specify that right-of-way is a driveway, limited to 10% maximum grade

Section 3.9(H)(2), Bicycle Parking: Multi-family dwellings were added as uses which may require bicycle parking at the discretion of the Planning Commission.

3.9(H)(3)&(4) – For clarity, created new section for last sentence of 3.9(H)(3)

Section 3.10 (14), Signs: Restrictions on the placement of temporary banner signs on athletic fields were added.

Article IV, Specific Standards

Section 4.2 (A and B), Agricultural Uses:

Clarifications were made with regard to farm building and manure pile setbacks.

Section 4.2(E), Backyard Chickens: A new section regarding backyard chickens was added. The important features of this new section include:

Residents will be allowed to have a maximum of six chickens per lot. Only female chickens will be allowed. Specifications for the enclosure of chickens are included.

Chicken enclosures will not be allowed in the front yard and must meet the setback requirements of the zoning district. Chickens will not be allowed in any part of a home or abandoned vehicle. Additional regulations include restrictions on the location of manure piles, disposal of dead chickens, odors, noise, and lighting of chicken enclosures.

4.8(A) – Group Homes. Clarifying language based on statute.

Section 4.13, Motor Vehicle Sales: Restrictions were added on motor vehicles sales which limit the number of vehicles displayed per year/per dwelling unit, as well as on commercial properties.

Section 4.16 (F)(1)(j)(iv), Wireless Telecommunications Facilities: A requirement was added which states that application materials must demonstrate that there are no existing towers or structures or alternative modes of service that could provide the intended coverage, that alternatives have been considered, and that the proposed solution is the least detrimental to the Town.

Section 4.16(I)(b): A requirement was added that stipulates that telecommunications facilities shall not be located in open fields, meadows or clearings.

Section 4.16(I)(c): A clarification was added which states that if a telecommunications facility is proposed to be more than 20 feet above the average elevation of the tree line, it shall not cause an undue, adverse visual impact.

Section 4.16(I)(c): A clarification was added which states that the base of a telecommunications facility shall not be located within 50 feet of a dwelling unit.

Article V, Development Review

Section 5.6(A), Site Plan Review: Language was included to strengthen the protection of community character and value. Specifically, context sensitive site planning guidelines were added to encourage site layout in which the individual elements relate to development patterns in the area (both existing and planned) and to the site's natural topography. Requirements for compatible architectural design, materials, signage lighting, colors and green spacer added.

Section 5.6(B), Natural and Scenic Features: Context sensitive site planning guidelines were added which reference the *Views to the Mountain Scenic Protection Manual*. The section now states that development shall be located in such a way as to protect views to distant mountains. Development shall also be designed to use existing vegetation, forest or land forms to screen buildings. Open space shall be maximized in Essex's rural areas and clustered development is preferred over dispersed development. Development is discouraged on steep slopes. Shared access to multiple buildings or lots is strongly encouraged and may be required by the Planning Commission. Drives and roadways

shall be located on the edge of open meadows and open space to the greatest extent feasible.

The Planning Commission may require provisions for trails/pathways along waterways or other natural features to connect with similar present or anticipated trails shown in the Town Plan and/or *Town of Essex and Village of Essex Junction Bicycle and Pedestrian Plan*.

5.6(B)(2) – Steep slopes. Added section limiting or prohibiting development on steep slopes (15+ percent) to match 2016 Town Plan language (p. 63 of Town Plan)

5.6(D)(1)(d) – Site Circulation, parking. Section deleted for redundancy; parking standards of Section 3.9 referenced in 5.6(E)

5.6(D)(4) – added reference to Essex & Essex Junction Bike Ped Plan for provision of trails/paths

5.6(D)(6) – Site Circulation, Snow Removal.

5.6(E)(2) – added language requiring provision of bicycle parking spaces/racks. *Refers to Section 3.9(H)(2) of Regs*

Table 5.1(A)(4) – corrected typo

Table 5.1(A)(5) – Added language specifying that street tree requirement may be waived in SRPO.

Article VI, Planned Unit Development

6.3(2) – Added “nonresidential” to clarify potential discrepancy with Subdivision Regs

6.4(F)(1) – corrected typo

6.4(K) – removed repetitive language; rearranged sentences to clarify where density bonuses are allowed; removed references to RB and CTR districts, where PUD-Rs are not currently allowed according to Article II

6.6(G)(3) – added language clarifying when rear setback reductions may be allowed (see PUD requirements for R2 districts, Table 2.5(E))

6.8(C) – took out acreage minimum for PUD-R, reduced minimum number of units to five (from six)

6.8(F) – Added and modified language to attempt to clarify when lots in a PUD may be able to be reduced from dimensions normally required in the district in which a development is located.

Table 6.1 - Added language to attempt to clarify when lots in a PUD may be able to be reduced from dimensions normally required in the district in which a development is located.

Article VII, Administration and Enforcement

Section 7.7, Unsafe Structures: A provision was added indicating that nothing in the regulations shall prevent the strengthening or restoration to a safe condition of any portion of a building declared unsafe by proper authority.

Article VIII, Definitions

Definitions, or clarification to definitions, were added for the terms assisted living residence, congregate housing, adult day care facility, kennel, necessary wildlife habitat, residential care home and school- non-certified.

“Affordable Housing” – changed definition to match state statute

Subdivision Regulations

Article II, Subdivision Procedures

Section 2.3, Review Process: A provision was added to require notification of development conceptual review discussions to abutting landowners by first-class mail.

Section 2.5, Simple Parceling and Boundary Adjustments: A provision was added which requires applicants to show any feature shown on the Water Resources or Scenic Resources Reference Maps, as well as the Significant Features Map.

2.6(9) – Corrected reference to another section of Sub Regs

2.10 – corrected requirements for filing deadline

Section 2.12, Modifications and Amendments: With regard to Minor Final Plat Amendments, wording was clarified to read that these amendments are those that do not involve changes to a number of site features, now including exterior lighting, internal circulation patterns, and screening. Minor amendments may be approved by the Administrative Officer who shall notify the Planning Commission of all such approvals.

Article III, Residential Development Phasing:

3.3 – Relaxed notification deadline for annual residential phasing update

Article IV, Subdivision Standards:

Section 4.3, Protection of Natural and Scenic Features: A section was added which stipulates that review of all subdivisions located within the Scenic Resources Protection Overlay District (SRPO) follow the process and standards outlined in Table 2.20 of the *Town of Essex Official Zoning Regulations Outside the Village of Essex Junction*.

4.3(B) – Revised minimum number of street trees so Sub Regs conform with Zoning Regs (Table 5.1.A)

4.3(D)(2) – Corrected reference to appropriate section of Zoning Regs

4.11(C) – added missing word

Article VI, Definitions

“Affordable Housing” – changed definition to match state statute