PLANNING COMMISSION REPORTING FORM FOR MUNICIPAL BYLAW AMENDMENTS

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

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

(A) Brief explanation of the proposed bylaw, amendment or repeal and…include a statement of purpose as required for notice under section 24 § 4444 of this title,

The purpose of the amendments to the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations* and the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* is to meet the requirements of state planning law (24 V.S.A §117) and to comply with provisions in the *Essex Town Plan*, adopted in March 2016.

Zoning Regulations

<u>Article 1, Authority and Purpose</u>

Section 1.2(E): This section, regarding preventing two or more uses on one property, was deleted as being confusing and outdated.

<u>Article II, Zoning Districts</u>

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); and **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).

Language encouraging the use of Planned Unit Developments was added in these districts:

Table 2.3(E): Agricultural Residential District (AR); **Table 2.4(E):** Low Density Residential District (R1); **Table 2.5(E):** Medium Density Residential District (R2); **Table 2.6(E):** High Density Residential District (R3); **Table 2.9 (E):** Retail Business District (B1); **Table 2.10 (E):** Industrial District (I1); **Table 2.11(E):** Mixed Use Development District (MXD); **Table 2.12(E):** Mixed-Use Development-Commercial District (MXD-C); **Table 2.13 (E):** Mixed-Use Development- -PUD District (MXD-PUD; **Table 2.15(E):** Historic Preservation Design Control District (HP-DC)
Table 2.18(E): 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)

The important features of this new district include standards for development located on the Scenic Resource Protection Map. The requirements of the overlay district are in addition to any specifications for the underlying zoning district(s) in which the proposed 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.

Article III, General Standards

Section 3.1(E)(1): Section was added to include language from state statute regarding access to state highways.

Section 3.1(G)(4)(a): Changes were made with regard to driveway standards to specify an average maximum average grade of 12%, with no section to exceed 14 percent.

Section 3.1(G)(4)(f): Revisions were made to the driveway standards to specify that driveways 900 feet or longer shall include emergency pull-offs.

Section 3.1(G)(4)(g): Language was added to specify that driveway grades cannot exceed 3% within the first 20 feet.

Section 3.1(G)(5): Changes were made to specify that up to 4 dwellings may be permitted to share a driveway in the Scenic Resource Protection Overlay (SRPO) district.

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.

Section 3.10 (14), Signs: This section was largely rewritten to comply with a U.S. Supreme Court ruling regarding content-neutral signage.

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. 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.

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 5.0(A): Language was added to clarify that one and two-family homes are not subject to site plan review except in instances where they are proposed as part of a major subdivision or PUD.

Section 5.6(B)(1): Advisory language was added to specify that development should be screened with existing vegetation, forests or land forms.

Section 5.6(B)(2): Added section limiting or prohibiting development on steep slopes (15+ percent) to match 2016 Town Plan language.

Section 5.6(B)(5): Advisory language was added to protect scenic resources.

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.*

Section 5.6(E): Language was added to clarify that in all districts (not just outside the sewer core) parking located behind or alongside, rather than in front of, buildings is strongly encouraged and may be required by the Planning Commission.

Article VI, Planned Unit Development

Changes were made to the Planned Unit Development (PUD) requirements as follows:

Section 6.2: Added language to clarify potential discrepancies with the Subdivision Regulations

Section 6.8(C): There is now no minimum starting lot size for residential PUDs (currently need 10 acres), and the minimum number of homes in a PUD was reduced to 2 (from 6);

Table 6.1: The "Minimum Residential Densities" chart was removed.

Article VII, Administration and Enforcement

Section 7.3(A)(1): Added a requirement for reflective address numbering prior to issuance of certificate of occupancy.

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 including affordable housing, assisted living residence, congregate housing, adult day care facility, kennel, necessary wildlife habitat, residential care home, and school- non-certified.

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.

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.

<u>Article IV, Subdivision Standards:</u>

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.*

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

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

   The amendments contain numerous technical revisions which don't rise to the level of directly meeting Town Plan provisions.

   The most significant amendment is the Scenic Resources Protection Overlay (SRPO) district. This addresses **Action 7.6** in the Resource Protection: Natural, Scenic, Historic and Archeological section of the municipal plan's "Action Plan" which notes that implementing a Scenic Highway Overlay District is a short term priority. As noted above, the important features of this new district include standards for development located on the Scenic Resource Protection Map. 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.

   There are no provisions in this round of zoning amendments which address the availability of safe and affordable housing, apart from an update to the definition of "affordable housing" to match statute.

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

   The zoning amendments do not contain provisions which are incompatible with proposed future land uses and densities of the municipal plan.

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

   Not applicable