

**Burlington Planning Commission
Ordinance Committee**

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*Bruce Baker
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Burlington Planning Commission

Ordinance Committee

Thursday, October 6, 2016 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Annual Organizational Meeting
Nomination and election of committee chair
2. FY '17 priorities
3. Adjournment (6:00 PM)

Next Meeting – November 3, 2016

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CDO Amendments
For Planning Commission Ordinance Committee Consideration
October 6, 2016

Technical Corrections

- Sec. 5.2.6 (a) 1. and 2. confusing and too complicated for height measurement need a simpler method. (KL)
- Appropriate refinement to section 5.2.4 (b) regarding **the measurement of steep slopes** and the determination of whether there ought to be delineated exceptions to the standards specified in the ordinance. (dew)
- Table of contents – 6.2.2. (m) Landscaping and Fences; (not in Article 5 Sec. 5.2.3 corner lots...) Not sure this part of TOC is correct. (mo)
- The parking shade tree standards in Sec. 6.2.2 (l) say nothing about the time of year or day when 30% shading needs to be achieved. SG
- Table 8.1.8-1 Parking required for Fuel Service station is based on employees per shift – this is too much a moving target and nearly impossible to enforce as the # employees can rapidly change and it may be difficult to verify records of #'s. Need to go back to space around pumps and # service bays – clarify this is separate from convenience store requirements. (KL).
- Lighting standards for sidewalks within Xft of parking lots or streets – walkway standard is low next to an otherwise brighter place. (DW)
- Schools in residential districts – non-conforming. (DW)
- Retaining walls (DW)
- Adaptive Reuse Bonus needs to provide for alternative uses as well e.g. multi-family (not just permitted). DW
- Table formatting needing to be corrected
 - Table 4.4.4-1 Dimensional Standards
 - Table 4.4.5-4 Inclusionary Housing Standards
 - Table 4.4.5-5 Senior Housing Bonus
 - Table 4.4.2-1 Dimensional Standards. Also Note 3 needs to correct spelling for story's (should be stories)
 - Table 4.4.1-1 Dimensional Standards
 - Table 4.4.3-1 Dimensional Standards (NA)
- Appendix B needs to reflect the actual standards in the main body of the CDO (NA)
- Act 45: Sec. 15c. 24 V.S.A. § 4413(g) is added to read: (g) Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. (dw)
- Clarify:
 - Sec. 5.2.3 (a) Calculating Lot Coverage: ...lot, or portion of a lot where split by a zoning district boundary...
 - Sec. 5.2.5: similar clarification for measuring setbacks on a split lot.
- Amend so that clear site triangle applies in all districts – now its only in 6.2.2 (m).
- Correct reference in Section 4.5.2 (c) 5. Building Height. *The provisions of Sec. ~~5.2.5~~ (should be 5.2.6) Building Height Limits shall not be applicable within the ICC-FAHC Height Overlay.*
- Change Section 5.4.4. (c) *The minimum distance (lot line to lot line) between any two community houses shall not ~~exceed~~ (be less than) the following: Or ~~Shall~~ exceed the following:*

- Section 5.3.6 Nonconforming Lots (c) Changes to a nonconforming Lot – remove any changes proposed on a non-conforming lot are subject to conditional use review. Complete clean up of “conditional use” references in Sec. 4.5.4.
- Section 4.4.6 (d) 1. Lot Coverage Exemption for Ag Structures. This isn’t really an exemption, the language states it is a *bonus*. Language should be consistent with similar standard: **Sec. 4.4.5 (d) 3.; Exceptions for Accessory Residential Features.**
- Correct spelling Section 6.1.2 (b) *The size and arrangement of new **BLOCKS***
- Punctuation correction Section 6.1.2 (e), last line, *department. of public works,*
- Address sign lighting in Enterprise zones.
- Article 7, Table 7.2.1-1, Sign Regulation Summary. Footnote 2 offers alternative measurements for sign heights in D, D-T, ELM and MNU-NAC; however reference excludes ELM provision; only mixed use and Church St. Marketplace. Is there a standard under which parallel signs in the ELM may be above 14’? Or strike ELM reference in footnote?
- There is no parking requirement defined for Art Studio in Article 8.

Policy Changes

- P. 2-3, Sec. 2.3.3 (a) not sure that DRB has statutory power to consider referred interpretations – any action by DRB may have to be on an application before them. It would be more proper to make a written interpretation and then if someone disagreed they could appeal that to the DRB. Also this provision absent any formal appeal and fee could result in a parade of questions being referred to the DRB further burdening already over burdened agendas. KL
- Add exception to front yard setback to allow additions to encroach up to any existing structural encroachment. (KL)
- Residential Bonus (Sec. 4.4.5 7.) Several of the bonuses provided – additional inclusionary height, adaptive re-use lot coverage, for example are not able to be utilized due to the overall limitations on residential bonuses in 7. E. (KL)
- Amend Sec. 2.1.5 Conflicts to add:
 - (d) The member has a personal bias or prejudice toward any party; or
 - (e) The member has previously expressed an opinion as to the proper disposition of a specific case or controversy involving the exercise of his or her discretion while acting in a quasi-judicial capacity.

Priority Amendments

- Homeless shelters – define and provide for in use table; also correct isolation distances for community houses
- Deal with occupancy of dwelling units by family (vs. group quarters) as defined in Article 13
- Vacation rentals (Air B&B, VRBO, etc)
- Allow conversion to detached single family dwelling use in all zones subject to the provision that the structure was originally constructed as a single detached dwelling.
- Make height bonus for inclusionary housing in NMU consistent between Articles 4 and 9 (4 does not specify extra height allowance, 9 does)

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Thursday, October 6, 2016 @ 5:15 PM

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Attendance

- **Committee Members:** Alexander Friend (AF), Andy Montroll (AM), Wayne Senville (WS) Bruce Baker (BB)
- **Absent:** Phil Hammerslough (PH)
- **Public:** Margaret Murray
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning)

1. Annual Organizational Meeting

Nomination and election of committee chair

A MOTION was made by AM and SECONDED by BB:

Nominate Alexander Friend for committee chair.

Vote: 4-0-0

2. FY '17 Priorities

The committee discussed the technical, policy, and priority amendments in the packet list. All of the pending policy changes were discussed and dismissed. Two new priority amendments were noted: green roofs lot coverage per UVM Medical Center's request and utilization of development bonuses outside of the proposed form-based zoning districts. The pending technical amendments will be dealt with in batches.

3. Next Meeting

November 3, 2016

4. Adjournment

The Committee adjourned at 6:05 PM.