

**Burlington Planning Commission
Ordinance Committee**

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*Bruce Baker
Lee Buffinton
Andy Montroll
Jonathan Stevens
Phil Hammerslough*



Burlington Planning Commission

Ordinance Committee

Meeting Notice

Thursday, September 10, 2015 @ 5:00 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Low Impact Development (LID). Continued review of the draft amendment to incentivize LID techniques to be used in Burlington.
2. Continued discussion of Fletcher Place re-zoning request. Whether and how to proceed.

Next Meeting – 5:00 PM, October 8, 2015

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Department of Planning and Zoning

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David White, AICP, Director
vacant, Assistant Director
vacant, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: September 10, 2015
RE: Low Impact Development (LID) Amendment to CDO

Following continued discussion by the Ordinance Committee on August 13, 2015, this amendment has been revamped to simply allow an additional 10% lot coverage in RL and RM zones for pervious pavement. If the Committee chooses, this same provision could easily be carried over to other zoning districts. The purpose of the amendment remains to provide at least a small incentive for installing pervious pavement for improved onsite stormwater management. As revised, the amendment is substantially simpler and merely affords an extra 10% for pervious pavement, like the provisions for decks, patios, and the like.

Proposed CDO Language:

Article 4: Zoning Maps and Districts

Sec. 4.4.5, Residential Districts

(d) District Specific Regulations

3. Lot Coverage

A. Exceptions for Accessory Residential Features

i – vi as written.

vii. Walkways; ~~and/or,~~

viii. Window wells; ~~and/or,~~

ix. Pervious pavement designed and maintained to infiltrate the 1-year storm event onsite, subject to review and approval by the Stormwater Administrator.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Sec. 6.2.2, Review Standards, (i) Vehicular Access:

Paragraph 1: as written.

Residential driveways shall be a minimum of 7 feet in width or consist of two 2' driveway strips made of pavement or pervious pavement. ~~Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles.~~ The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.

Paragraph 3: as written.

Article 13: Definitions

Stormwater Administrator: The administrative officer of Chapter 26: Wastewater, Stormwater, and Pollution Control for the City of Burlington.

Pervious pavement: Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator.

Fletcher Place

Current Zoning: Institutional

Sec. 4.4.4 Institutional District

(a) Purpose:

The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

The district is intended to support broad range of related uses reflecting the resident institution's role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

(b) Dimensional Standards and Density:

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage¹	Building Setbacks¹ (feet)			Max. Height¹ (feet)
			Front²	Side³	Rear³	
Institutional⁴	20 du/ac (24 du/acre)	40% (48%)	<u>Minimum:</u> 15-feet	10% of lot width	25% of lot depth <u>Min:</u> 20-feet	35'

	with inclusion ary req.)	with inclusionar y req.)		<u>Min:</u> 5- ft <u>Max</u> <u>require</u> <u>d:</u> 20- feet	<u>Max</u> <u>required:</u> 75-feet	
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1 –Measurement of and exceptions to coverage, setback and height standards are found in **Art 5.**

2 –The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in **Art 5.**

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in **Sec. 4.5.2**

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of **Article 3**, within the Institutional district shall be as defined in **Appendix A – Use Table.**

Proposed Residential (low density) Zoning

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

The 5 Residential districts as illustrated in **Map 4.4.5-1** are further described as follows:

1. The **Residential Low Density (RL)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history.

A. *Exceptions for Accessory Residential Features.*

In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

- (i) Decks;
- (ii) Patios;
- (iii) Porches;
- (iv) Terraces;
- (v) Tennis or other outdoor game courts; and/or,
- (vi) Swimming pool aprons.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

4. *Accessory Residential Structures and Uses*

An accessory structure and/or use as provided under [Sec. 5.1.12](#) and [5.1.2](#) customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to [Sec. 4.4.5\(b\)](#) of this Article and related requirements in [Art 5, Part 2](#);
- B. Any accessory structure that is fifty percent (50%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of [Art. 3, Part 4](#) and the applicable standards of [Art 6](#);
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than fifty percent (50%) of the ground floor area of the principle structure;
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space; and,
- E. Accessory structures such as doghouses, doll houses, or tree houses less than or equal in the aggregate to a total of sixteen (16) square feet in area

shall not require a zoning permit.

5. Residential Density

A. *Additional Unit to Multi-Family.*

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.

B. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

C. *Residential Occupancy Limits.*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in [Article 13](#). Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and one (1) additional parking space per adult occupant in excess of four (4); or,

6. Uses

A. *Exception for Existing Neighborhood Commercial Uses.*

Neighborhood commercial uses as defined in [Article 13](#) and intended to primarily serve the nearby residential area shall be considered permitted uses in all residential districts subject to the following:

- (i) This exemption shall only apply to:

- 1) Historic neighborhood commercial buildings that are listed or eligible for listing on the state or national register and originally designed and constructed for such purpose(s); or,
- 2) A street level neighborhood commercial use as defined in [Article 13](#) in lawful existence as of January 1, 2007.

- (ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

- (iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or

equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.

- (iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.
- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.
- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.
- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.
- (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. *Inclusionary Housing Requirement.*

Inclusionary Housing units shall be provided, with applicable additional lot coverage and density allowances, in accordance with the provisions of Article 9, Part 1. A maximum of an additional 10-feet of building height may be

permitted for an additional 5% inclusionary housing units provided in excess of the requirements of **Article 9, Part 1**. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

Additional lot coverage and residential densities allowances shall not exceed the following:

Table 4.4.5-4: Inclusionary Housing Allowances

District	Maximum Coverage	Maximum Density
RL/RL-W	44%	8.75 du/ac

B. Senior Housing Bonus.

Residential development in excess of the density, lot coverage and building height limits specified in Tables **4.4.5-2** and **4.4.5-3** may be permitted by the DRB for senior housing provided the following conditions are met:

- (i) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of **Article 9, Part 1**.);
- (ii) The proposal shall be subject to the design review provisions of **Art. 6**;
- (iii) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- (iv) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL/RL-W	40%	20 du/ac

C. Adaptive Reuse Bonus.

Development in excess of the limits set forth in Tables **4.4.5-2** and **4.4.5-3** may be permitted by the DRB subject to conditional use review for the retention, adaptive reuse and rehabilitation of an existing nonresidential structure and its conversion to a permitted residential use provided the structure has not previously been converted from a residential use to a

nonresidential use. Any such redevelopment shall be subject to all of the following conditions:

- (i) The structure shall not have previously been converted from a residential use to a nonresidential use;
- (ii) The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;
- (iii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;
- (iv) The density limits of the underlying residential zoning district in **Sec 4.4.5(b)** above shall not apply. Residential density shall be limited by gross floor area maximum in (iii) above;
- (v) The building rehabilitation conforms to the requirements of **Art 5, Historic Buildings**;
- (vi) Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of **Sec. 4.4.5(d)(5)(A)** above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,
- (vii) Lot coverage shall not exceed:

Table 4.4.5-6: Adaptive Reuse Bonus

District	Maximum Coverage
RL, RL-W	Greater of 40% (44% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.

D. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables **4.4.5-2** and **4.4.5-3** may be permitted by the DRB subject to conditional use review for the conversion of an existing nonresidential structure to a permitted residential use provided, or for the elimination of a non-residential structure and its replacement by a residential structure, subject to the following:

- (i) The structure shall not have previously been converted from a residential use to a nonresidential use;
- (ii) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National

Register of Historic Places or the Vermont State Register of Historic Places; and,

- (iii) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL, RL-W	50%	8 du/ac

E. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable, but applicable bonus provisions shall not be cumulative.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

District	Maximum Density	Maximum Height	Maximum Lot Coverage
RL, RL-W	20 du/ac	35-feet	50%

MAPLOTNO	ST_NU ST_NAME	ST_FRONTAGE	AssessedVa	Landl CardsBuild	Rooms	BedRooms	OwnerLastN	OwnerFirst	OwnerStree	OwnerCity
045-4-024-000	50 FLETCHER	PL	192.69453029 \$	448,700.00 E	1	9	6 UNIVERSITY OF VERMONT		406 SOUTH PROSPECT ST	BURLINGTON
045-4-023-000	49 FLETCHER	PL	214.49474919 \$	424,000.00 R1	1	9	5 REID	NANCY	49 FLETCHER PLACE	BURLINGTON
045-4-022-000	43 FLETCHER	PL	57.43810137 \$	318,200.00 R1	1	6	3 OWRE	EDWIN M	43 FLETCHER PLACE	BURLINGTON
045-4-021-000	37 FLETCHER	PL	57.16089652 \$	292,000.00 R1	1	8	5 FITZGIBBONS	ANNA N	37 FLETCHER PL	BURLINGTON
046-2-006-000	27 FLETCHER	PL	49.58888635 \$	381,300.00 R1	1	7	3 VON TURKOVICH	FRANCIS J	462 HEGEMAN AVENUE	COLCHESTER
046-2-009-000	26 FLETCHER	PL	49.21766745 \$	333,100.00 R1	1	7	4 ROONEY	PATRICIA A	26 FLETCHER PLACE	BURLINGTON
046-2-007-000	31 FLETCHER	PL	73.88064317 \$	305,200.00 R1	1	6	3 BUTANI	ROBERT K	PO BOX 8102	BURLINGTON
046-2-015-000	146 COLCHESTER	AV	40.02177580 \$	244,700.00 R1	1	7	3 ELIZABETH & MARTHA LANG LP		138 COLCHESTER AVENUE	BURLINGTON
046-2-014-000	140 COLCHESTER	AV	34.96589916 \$	238,000.00 R1	1	7	3 ELIZABETH & MARTHA LANG LP		138 COLCHESTER AVENUE	BURLINGTON
046-2-010-000	20 FLETCHER	PL	98.97289394 \$	338,600.00 R1	1	11	7 ELIZABETH & MARTHA LANG LP		138 COLCHESTER AVENUE	BURLINGTON
046-2-013-000	138 COLCHESTER	AV	74.42753608 \$	381,900.00 R1	1	13	7 LANG	MARTHA R	138 COLCHESTER AVENUE	BURLINGTON
046-2-012-000	132 COLCHESTER	AV	50.65513261 \$	311,600.00 R2	1	8	4 ELIZABETH & MARTHA LANG LP		138 COLCHESTER AVENUE	BURLINGTON
046-2-005-000	19 FLETCHER	PL	120.47667293 \$	373,200.00 R2	1	11	5 LENDY TWO, LLC		32 DEWEY PL	SOUTH BURLINGTON
046-2-011-000	128 COLCHESTER	AV	189.27396380 \$	352,300.00 R3	1	15	7 ELIZABETH & MARTHA LANG LP		138 COLCHESTER AVENUE	BURLINGTON
046-2-001-000	106 COLCHESTER	AV	51.27874900 \$	355,300.00 R2	1	9	4 ALSTON	W KEMPER	106 COLCHESTER AVENUE	BURLINGTON
046-2-004-000	7 FLETCHER	PL	61.75888967 \$	465,700.00 RA	2	17	7 HARRINGTON	DONALD E.	700 WORTHEIM LANE	RICHMOND
046-2-002-000	112 COLCHESTER	AV	65.87742397 \$	515,600.00 E	1	6	2 FLETCHER ALLEN HEALTH CARE INC		111 COLCHESTER AVENUE	BURLINGTON
046-2-008-000	34 FLETCHER	PL	146.70034074 \$	- E	0	0	0 UNIV OF VERMONT			

We, the undersigned, request that the Planning Commission consider a re-zoning from Institutional to RL the following section of Ward 1: from the intersection of Mansfield Avenue and Colchester Avenue to the property line of the Burlington Administrative Office parcel and including Fletcher Place with the zoning change to follow the property lines of each parcel.

Robert K. Bertani - 31 Fletcher Place Burlington, VT 05401 - 2-22-12
Susan Portani - 31 Fletcher Place Burlington VT 05401 - 2-22-12
SKADAM. OLIVE - 43 FLETCHER PLACE Burlington, VT 05401 - 2-23-12
EDWIN M. OWEL - 43 FLETCHER PLACE Burlington, VT 05401 - 2-23-12
William P. Fletcher 26 Fletcher Pl Burlington VT 05401 2-24-12
Peter Gornig 26 Fletcher Place Burlington, VT 05401 2-24-12
Thomas White 37 Fletcher Place Burlington VT 05401 2-24-12
Anna White 37 Fletcher Place Burlington VT 05401 2-24-12
Nancy Reid Z Lau Reid 49 Fletcher Pl. Burlington, VT 05401 2/24/12
Alison S 49 Fletcher Place Burlington VT 05401 2/24/12

District	Density/ Intensity	Lot Coverage	Height	Front setback	Side Setbacks	Rear Setback	Lake & River Setback	Lot Size (sqft)	Street Frontage (feet)
Institutional Campus	20 du/acre <i>(24 du/acre with inclusionary requirement)</i>	<u>Max:</u> 40% <i>(48% w/ inclusionary requirement)</i>	<u>Max:</u> 35’ or height of existing buildings per Sec. 5.2.6(b)1	<u>Min:</u> 15’	10% of lot width <u>Min:</u> 5- feet <u>Max:</u> 20- feet	25% of lot depth <u>Min:</u> 20-feet <u>Max:</u> 75-feet	NA	NA	NA
RL	Max: 7 du/ac (20 with bonus)	<u>Max:</u> 35% <u>(50% with bonus)</u>	<u>Max:</u> 35’	<u>Max/Min:</u> <u>+/- 5-ft of</u> <u>average</u> <u>of 2</u> <u>adjoining</u> <u>properties</u> <u>on both</u> <u>sides</u>	Min: 10% or 5’ (Max required no more than 25’)	Min: 25% or 20’ (Max required no more than 75’)	Min: 75’	Min: 6,000 (10,000 Duplex)	Min: 60’

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
2. Average front yard setback of the principal structures on the 2 adjacent lots within the same block having the same street frontage. See Sec. 5.2.4.
3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet.



0 50 100 200 300 400 500 Feet

Fletcher Place - 2004

NAC-R

RL

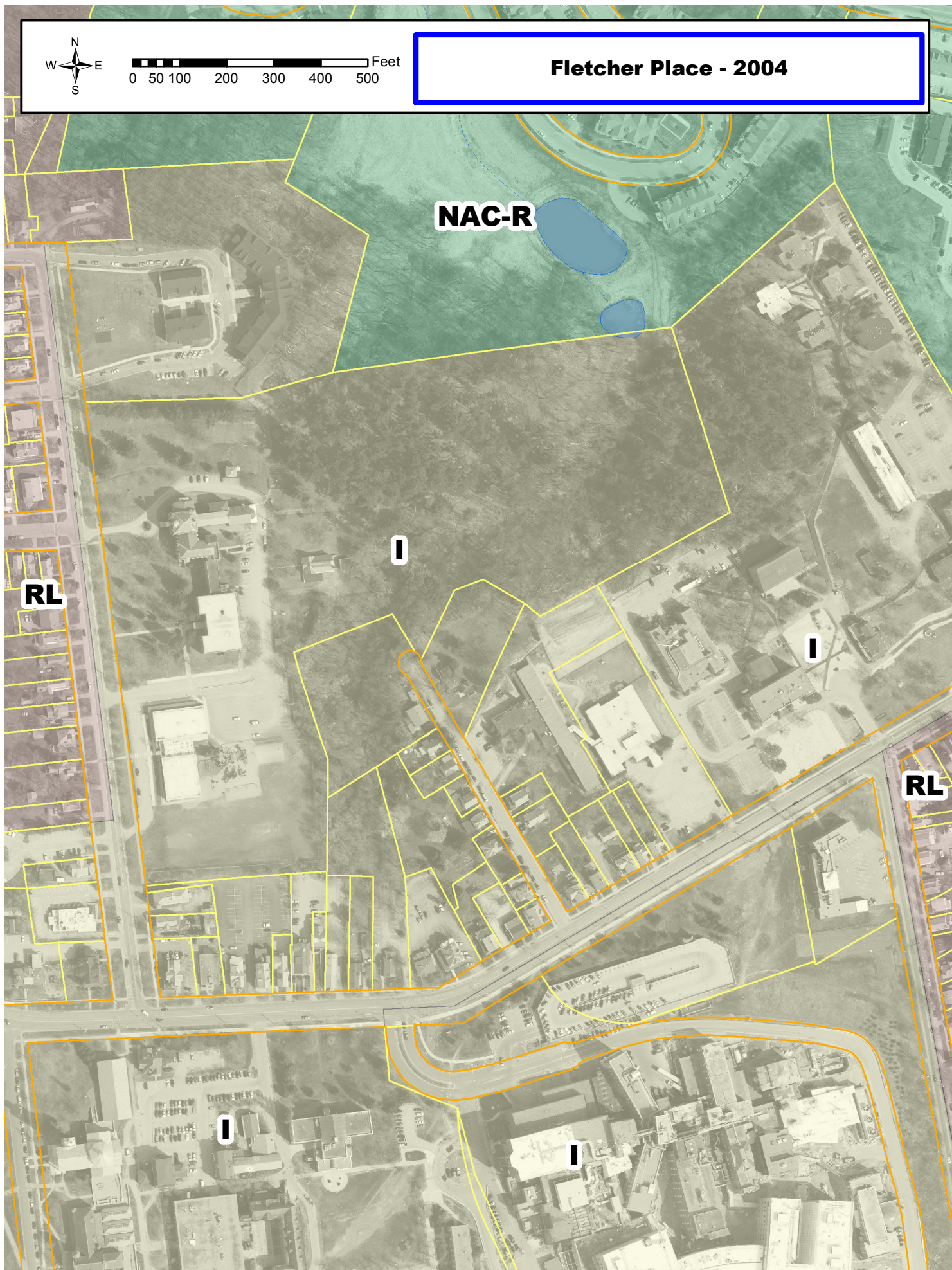
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Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, September 10, 2015 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Bruce Baker (BB), Lee Buffinton (LB), Phil Hammerslough (PH)
- **Absent:** Andy Montroll (AM), Jonathan Stevens (JS)
- **Public:** Frank von Turkovich, Ed von Turkovich
- **Staff:** Scott Gustin (Planning & Zoning)

1. Fletcher Place re-zoning request.

Frank von Turkovich noted to the committee the multi-family project he's been working on in this area. He'd like to see some greater flexibility afforded in the institutional zone. He'd like to see provision for an additional story in height and greater lot coverage allowance. The city should not be headed towards suburban style development. LB suggested that perhaps there should be protections for homes along Fletcher Place. PH asked if the ravine in back would remain open. Mr. von Turkovich replied that it would. BB said he'd be open to hearing specifics at a future meeting.

A MOTION was made by PH and SECONDED by LB:

Schedule continued discussion of this item to the next Ordinance Committee meeting to hear specifics.

Vote: 3-0-0

2. Low Impact Development (LID) ordinance amendment.

BB noted that AM said he thought the latest revision was acceptable

SG briefly overviewed the revamped amendment and that it could be made to apply city-wide. LB suggested that it should be.

A MOTION was made by LB and SECONDED by BB:

Forward the amendment, to apply city-wide, to the full Planning Commission.

Vote: 3-0-0

3. Next Meeting

October 8, 2015 at 5:15 PM.

4. Adjournment

The Committee adjourned at 5:35 PM.