

**Burlington Planning Commission
Ordinance Committee**

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*Bruce Baker
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Andy Montroll
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Burlington Planning Commission
Ordinance Committee

Special Meeting

Tuesday, May 17, 2016 @ 12:00 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Article 10, Subdivision, amendment
2. "Clean Hands"
3. Adjournment (1:00 PM)

Next Meeting – June 2, 2016

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Department of Planning and Zoning

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Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: February 4, 2016
RE: Article 10: Subdivision amendments

The purpose of this proposed amendment is three-fold:

- Establish administrative authority for minor subdivisions (i.e. those eligible for combined preliminary and final plat review) not otherwise subject to DRB review.
- Incorporate reference to the standards of the City Engineer for public infrastructure improvements.
- Clean up omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance into the 2008 Comprehensive Development Ordinance.

Proposed CDO Language:

Sec. 10.1.3 Platting Jurisdiction

(a) Platting Authority:

The Administrative Officer and the DRB shall be the official city platting authorities responsible for the review and acceptance of all land subdivision plats. The Administrative Officer shall be the platting authority for all subdivisions that will create fewer than five (5) lots and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11. The DRB shall be the platting authority for all other subdivisions. No plat of a land subdivision shall be entitled to be recorded in the city land records without the approval of the Administrative Officer or the DRB or its designee inscribed thereon.

(b) Use of plat:

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that does not have final approval by the Administrative Officer or the DRB or its designee inscribed thereon and is not recorded in the city land records shall be prohibited.

(c) Erection of buildings:

No zoning or building permit shall be issued and no building shall be erected on any lot within a proposed subdivision unless and until the final subdivision plat has been approved by the Administrative Officer or the DRB and properly recorded in the city's land records.

Sec. 10.1.4 – Sec. 10.1.6

As written.

Sec. 10.1.7 Combined Preliminary and Final Plat – Administrative Review

The administrative officer shall have the authority to approve or deny an application fFor subdivisions that will create fewer than five (5) lots ~~or dwelling units~~, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, ~~the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.~~

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the ~~DRB~~ Administrative Officer shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

Sec. 10.1.8

As written.

Sec. 10.1.9 Final Plat Approval Process

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat and, for subdivisions to be reviewed by the DRB, giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below.
4. Ten (10) copies of the final site plan, as specified in subsection (7) below.
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information

required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:

- A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.
 - B. Location, width, name, and final grade of proposed streets.
 - C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
 - D. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
 - E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
 - F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:
- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
 - B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and,
 - C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
8. Construction detail drawings: Standards for public streets and related public infrastructure shall be as established by the City Engineer. All submitted applications for final plat approval must ~~likewise~~ have construction detail drawings consisting of the following as applicable:
- A. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.

- B. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins, culverts and existing intersecting walks and driveways.
- C. Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- D. Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catch basins and manholes. Surface elevations and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert, or bridge.
- E. Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the applicant shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The applicant shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the city engineer said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the waste water division of the public works department.
- F. Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.
- G. All profiles shall be drawn with:
 - i. A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.
 - ii. Existing centerline in fine black line with elevation shown every fifty-(50) feet.
 - iii. Proposed centerline grades in heavier black line with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.
 - iv. Cross-sections at every fifty (50) foot station or any unusual section, as is common practice in the design of roadways by the Vermont Agency of Transportation.

- v. Existing right-of-way line in fine black dash line.
- vi. Proposed right-of-way line in fine black dash line.
- vii. All elevations based on the U.S. Coast and Geodetic Survey benchmarks.
- viii. Requirements (i), (ii), (iii) and (iv) of such construction detail drawings must be approved by the city engineer prior to approval of the final plat ~~by the DRB.~~

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

(b) Completeness of Submission, Administrator's Action

As written.

(c) Public hearing on final plat:

As written.

(d) Review Criteria:

As written.

(e) DRB approval of final plat:

As written.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As written.

Sec. 10.1.11 Recording of Final Plats

(a) Certifications and Endorsement:

Every approved final plat seeking recording in the city land records shall carry the following executed certifications:

1. ~~City-Project~~ Engineer's certification as follows:

"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."

By: _____

Registered _____

Seal

2. Surveyor's certification as follows:

“It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as “future” and their location, size, type and materials are correctly shown.

By:_____

Registered_____

Seal

3. Applicant’s certification as follows:

State of Vermont, County of Chittenden, City of Burlington

“The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey.”

Agent/Owner:_____

Date:_____

4. Certificate of dedication: A certification by the applicant setting forth the description of the areas and improvements being dedicated to the public and the extent of the title which is being dedicated.

5. Text of protective covenants whereby the applicant proposes to regulate land use in the subdivision and otherwise protect the proposed development.

6. Certificate of the City Engineer, as follows:

“I, _____, city engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions:”

—

City Engineer

7. Certificate of the Superintendent of City Parks as follows:

“I, _____, superintendent of parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions:”

City Superintendent of Parks

8. Certificate of the City Fire Marshal as follows:

“I, _____, fire marshal do hereby certify that the subject plat has been examined by me and found to comply

with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions:"

City Fire Marshall

9. Any other certificate as may be reasonably required by the Administrative Officer or DRB to carry out the purpose and intent of these regulations.

Every approved final plat seeking recording in the city land records shall carry the endorsement of the Administrative Officer or the DRB.

Final plats approved by the Administrative Officer shall carry the following endorsement stating that the plat has been approved by the Administrative Officer, and specifying the date of such approval and any conditions of approval, and signed and dated by the Administrative Officer.

"Approved by the Administrative Officer in, Burlington Vermont, on this _____ day of _____ 20__ Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."

Signed This _____ day of _____, 20__

By _____

Witness _____ Administrative Officer _____

Zoning Permit/Certificate of Appropriateness # _____

Final plats approved by the DRB shall carry the following endorsement stating that the plat has been approved by resolution of the development review board, and specifying the date of such approval, including the Findings of Fact and any conditions of approval, and signed and dated by the chair of the development review board.

"Approved by Resolution of the City of Burlington Development Review Board, Burlington Vermont, on this _____ day of _____ 20__ Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."

Signed This _____ day of _____, 20__

By _____

Witness _____ DRB Chair _____

Zoning Permit/Certificate of Appropriateness # _____

Endorsement shall not take place until all required plats, construction drawings, and supporting documents have been submitted to the administrative officer and determined to be complete and accurate. Prior to the endorsement of the final plat, the city engineer and the administrative officer shall check all documents to be filed to ascertain that they are as approved.

Where necessary, a certification by the city clerk of the Administrative Officer's failure to act within thirty (30) days of filing a complete subdivision application, or the development review board's failure to act within forty-five (45) days of the close of the final public hearing held under these regulations shall serve as the required endorsement.

(b) Recording within 180-days

As written.

(c) Plat Void if Revised After Approval:

As written.

Sec. 10.1.12 – 10.1.14

As written.

1.0 ADMINISTRATION

Violations, Penalties, & Enforcement

1.4.3 CONTINUING VIOLATIONS

Each day that a violation continues constitutes a separate violation of these zoning regulations.

1.4.4 REMEDIES CUMULATIVE

The remedies and enforcement powers established in these zoning regulations are cumulative, and the city may exercise them in any combination or order. Penalties may be imposed for each and every individual violation of the zoning ordinance; for example, a property owner who has too many parking spaces or cars parked on the property may be issued a separate penalty for each additional parking space or car parked over the allowed number.

1.4.5 PERSONS SUBJECT TO PENALTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person (including a user of public property in the OS district) who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies, and enforcement actions.

1.4.6 REMEDIES AND ENFORCEMENT POWERS

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:



A. Withhold Permit

- (1) The zoning administrator is authorized to deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of these zoning regulations, or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.
- (2) The zoning administrator may deny or withhold all permits, certificates or other forms of authorization on any land where an uncorrected violation exists. The zoning administrator may also withhold all permits, certificates, or other forms of authorization on any other land owned by the owner of land on which an uncorrected violation exists. This enforcement provision may

be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

- (3) Instead of withholding or denying a permit or other authorization, the zoning administrator may grant such authorization subject to the condition that the violation be corrected.

B. Revoke Permits

- (1) A permit, certificate, or other form of authorization required under these zoning regulations may be revoked by the zoning administrator when the zoning administrator determines:
 - (a) That there are unapproved, significant departures from approved plans or permits;
 - (b) That the development permit was procured by false representation or was issued by mistake; or
 - (c) That any of the provisions of these zoning regulations, or any approval previously granted by the city, are being violated.
- (2) Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.

C. Stop Work. With or without revoking permits, the zoning administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of these zoning regulations, or of a permit or other form of authorization, issued under this or previous zoning regulations.

D. Injunctive Relief. The city may seek an injunction or other equitable relief in court to stop any violation of these zoning regulations or of a permit, certificate or other form of authorization granted under this or previous zoning regulations.

E. Forfeiture and Confiscation of Signs on Public Property. Any sign installed or placed on public property, except in compliance with the regulations of these zoning regulations will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this chapter, the city has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

ORDINANCE NO. 1938

AN ORDINANCE TO ADOPT CHAPTER 116, ENFORCEMENT OF COUNTY OBLIGATIONS, TO REQUIRE RESIDENTS AND PROPERTY OWNERS TO BE CURRENT IN THE PAYMENT OF TAXES AND OTHER COUNTY OBLIGATIONS AS A CONDITION PRECEDENT TO MAKING APPLICATION FOR AND RECEIVING COUNTY APPROVALS, SERVICES AND/OR PERMITS.

WHEREAS, by the adoption of this Ordinance, the Sussex County Council establishes a "Clean Hands" Ordinance requiring property owners to be current in obligations owed to the County as a condition precedent to receiving County approvals.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

§116-1. Issuance of County approvals dependent on payment of taxes and other County obligations.

The Directors of County departments having authority to accept applications and issue approvals, permits, licenses and/or provide County services shall first determine that the applicant is current on and not in default of certain obligations owed to the County.

§116-2. County obligations which must be current.

Applicants for County approvals, permits, licenses and/or the use, receipt or provision of County services shall be current on all of the following obligations to the County prior to receiving such approvals:

- (1) Property taxes.
- (2) Capitation taxes.
- (3) Water and/or sewer connection, front footage and/or usage charges.
- (4) Application fees.
- (5) Permit fees, including building permits, building code and inspection fees.
- (6) Interest, penalties, court costs and/or attorney's fees if applicable to a default in any of the above listed obligations.

§116-3. Issuance of County approvals dependent upon payment of County obligations.

The directors or heads of various County departments and offices shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provision of County services, including but not limited to, building permits, mobile home placement permits, building code plan reviews and/or inspections, subdivisions, rezonings, conditional uses, variances and/or special exceptions until the owner and/or applicant has demonstrated that all County obligations identified in Section 116-2 above have been paid current as to all lands and property owned by the individual requesting the permit, approval or County services. If the party requesting County approval is current on some, but not all obligations owed to the County, the approval, permit, license and/or County service being applied for shall be denied until such time as all County obligations are current and fully complied with.

Sussex County, DE

§116-4. Procedure.

A. All County employees who are responsible for taking applications and/or granting approvals and/or permits and/or providing the County services identified in Section 116-3 shall make all reasonable efforts to determine that none of the County obligations identified in Section 116-2 are unpaid and/or that the owner requesting the approval, permit or service is not in violation of any monetary or compliance obligation owed to Sussex County.

B. Parcel owners who have taxes or any other obligations owed to the County must have written approval from the Sussex County Finance Director indicating full payment of all taxes, assessments, fees or obligations that are in arrears before any application for a building permit, building code approval, subdivision, rezoning, conditional use, variance, special exception or County services can be accepted or approved by the Sussex County offices or employees.

C. If any non-complying or incomplete payments, actions or filings are determined to exist, then the administrative agency or official shall, in writing, deny the license, application or other form of approval requested until all existing requirements for payment, actions or filings have been fully complied with or completed, clearly identifying in the written denial, the payment, action or filing required to be completed or complied with. Failure by the appropriate administrative agency or official to issue such written denial within ten (10) working days from the receipt of an application shall enable the applicant to receive the permit or other approval for which application was made.

§116-5 Appeals.

Any applicant for a permit or other form of County approval who receives the aforesaid written denial of a permit or other form of approval by an administrative agency or official of Sussex County may appeal that denial to the Sussex County Administrator within 20 calendar days of such denial. The Administrator, or his designee, shall thereafter hold a hearing at which said applicant shall be permitted to provide proof that such payment has been made or that a required action or filing has been properly carried out or otherwise show that such denial is based on incorrect information or is not appropriate as to that applicant.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1938 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF OCTOBER 2007.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

Sec. 1-13. - Clean hands.

(a)

Eligibility to receive city utilities or services. No person, artificial entity, or owner of a ½ or greater interest in that artificial entity shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, artificial entity, or owner of a one-half or greater interest in that artificial entity owes outstanding payments to the city; or if that person, artificial entity, or the owner of a ½ or greater interest in that artificial entity is responsible for documented violations of the Dover Code of Ordinances that have remained unresolved for more than 45 days. If the party, artificial entity, or owner of a ½ or greater interest in that artificial entity requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as the person, artificial entity, or owner of a one-half or greater interest in that artificial entity is current and in compliance with all city obligations.

(b)

Obligations which must be current. Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court costs, and/or attorney's fees if applicable, prior to receiving such approvals:

(1)

Property taxes.

(2)

Applicable Delaware realty transfer taxes.

(3)

Water, sewer, and electric connection/disconnection, front footage and/or usage charges.

(4)

Trash fees.

(5)

Application fees.

(6)

Permit fees, including building permits, building code and inspection/reinspection fees.

(7)

Vacant building fees.

(8)

Inspection fees.

(9)

Charges for the costs of razing or demolition of buildings done through public expenditure.

(10)

Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.

Dover DE

(11)

Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.

(12)

Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.

(13)

Miscellaneous charges.

(c)

Appointment to committee, commission, or board. Prior to any person being appointed to a city committee, commission, or board, the city clerk will determine if there are outstanding payments due to the city in their name or the name of any artificial entity in which they own $\frac{1}{2}$ or greater interest; or if they are responsible for outstanding, documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. If it is determined that such delinquency or violation exists, this shall be reported to the council president and an executive session shall be scheduled to discuss the nature of the delinquency prior to appointment. If an appointed member of a city committee, commission, or board is determined to have such a delinquency or outstanding violation during their appointment, the city clerk shall report such delinquency or violation to the council president and an executive session shall be scheduled to discuss the violation or delinquency. City council may reject an appointment or remove an appointee from a city committee, commission, or board due to such delinquency or violation.

(d)

Responsibility of city personnel.

(1)

The administrative agency to which a request has been submitted shall have the responsibility to make a reasonable effort to determine whether there are outstanding payments or outstanding documented violations of the Dover Code of Ordinances.

(2)

The appropriate administrative agency shall notify an applicant that the request cannot be processed because of an outstanding payment or an outstanding documented violation. Said notice shall be in writing and shall be sent within ten working days of receipt of the request.

(e)

Exception. Notwithstanding the provisions of this section, the building inspector, with the concurrence of the city manager, may issue permits and approvals for work that is necessary to correct violations associated with Chapter 22, Buildings and Building Regulations, Article XI, Dangerous Buildings.

(f)

Appeal of denial of utilities, services or approvals.

(1)

Appeal to city manager. Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such city services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the city manager within 20 calendar days of such denial. The city manager, or his/her designee, shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

(2)

Appeal to city council. An applicant aggrieved by the decision of the city manager regarding his/her appeal may appeal such decision to city council within 20 calendar days of such decision. City council shall schedule a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

(Code 1981, § 1-13; Ord. of 11-25-2002; Ord. No. 2012-10, 6-25-2012)

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Ordinance Committee**

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Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, May 17, 2016 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Jonathan Stevens (JS), Phil Hammerslough (PH), Lee Buffinton (LB)
- **Absent:** Bruce Baker (BB), Andy Montroll (AM)
- **Public:** None.
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning)

1. Article 10, Subdivision amendment

A MOTION was made by LB and SECONDED by JS:
Forward the amendment to the Planning Commission as written.
Vote: 3-0-0

2. Clean Hands

A MOTION was made by LB and SECONDED by JS
Proceed with "3b" option and staff to put together language based on Hartford, CT example
Vote: 3-0-0

3. Next Meeting

June 2, 2016

4. Adjournment

The Committee adjourned at 6:00 PM.