

**Burlington Planning Commission
Ordinance Committee**

149 Church Street
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Alexander Friend
Bruce Baker
Andy Montrol
Leo Sprinzen
Austin Hart



Burlington Planning Commission

Ordinance Committee

Thursday, March 7, 2019 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Recommended amendment to updated parking lot lighting standard per Sec. 5.5.2, Outdoor Lighting, (f) *Specific Outdoor Lighting Standards*, 1, *Parking Lot Lighting*
2. Discussion of building eave or overhang standards per Sec. 5.2.5, Setbacks, (b) *Exceptions to Yard Setback Requirements*
3. Discussion of nonconforming lot standards per Sec. 5.3.6, Nonconforming Lots, (c) *Changes to a Nonconforming Lot*
4. Adjournment (6:15)

Next Meeting – April 11, 2019

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Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



To: Planning Commission Ordinance Committee

From: Mary O'Neil, AICP

Date: March 7, 2019

RE: Discussion of exceptions into setbacks, and Non-Conforming Lot provisions of the CDO

Agenda item #1: Discussion of building eave or overhang standards

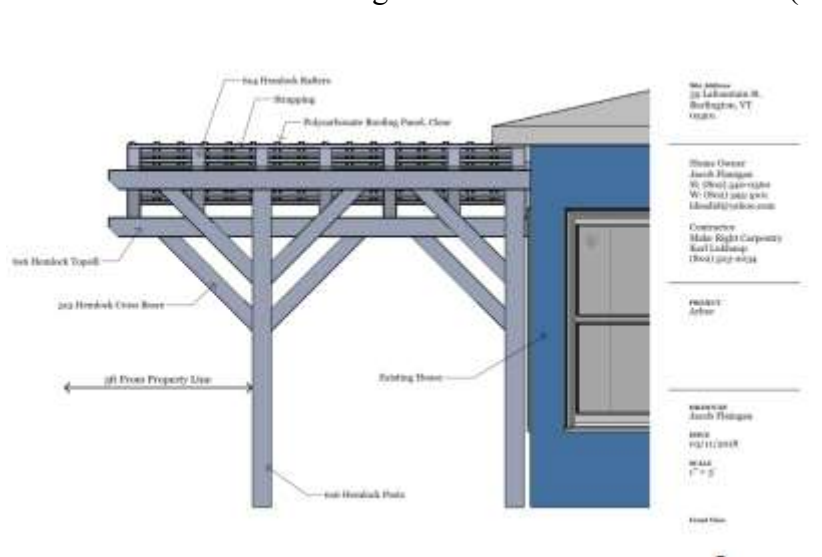
Section 5.2.5 (b) Exceptions to and Setback Requirements

2. Building and Site Features

Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls and similar building and site features may project into a required yard setback.

The case that recently came to this office involved an architect attempting to gain approval for a carport (constructed without zoning permits and specifically disallowed for rebuilding in a zoning permit condition). The designer wanted to convert the structure to a pergola type landscape feature, intending to secure approval under “encroachments into required setbacks”. Although she proposed moving the non-compliant support post out of the setback, a large structural overhang would remain. This prompted the question of what is the definition of an eave/overhang, and when is it simply a cantilevered structure within a setback (and therefore disallowed)?

Neither “eave” nor “overhang” are defined within Article 13 (Definitions.)



Staff feels clarification and perhaps definitions for those terms would be appropriate to facilitate future review of similar requests.

Agenda item #2: Discussion of parking garage entry lighting standard per Section 5.5.2, Outdoor Lighting, (f)
Specific Outdoor Lighting Standards, 5, Parking Garage Lighting

In a recent project review, it was determined that the specific standard identified is no longer in effect and has been replaced. The regulation allows for “current edition”, but the specific standard is outdated. The language reads:

- A. *Light levels shall not exceed minimums recommended in IESNA document RP-20-98 or current edition.*

The current IESNA document is *Lighting of Parking Facilities IES RP=20-14*.

Agenda item #3:

Section 5.3.5 Non-Conforming Lots

A recent boundary line adjustment appeal review by the Development Review Board stumbled on this language within Article 5. Board members could not concur on how to interpret the requirements to satisfy this specific regulation, and have asked staff to bring the topic up for discussion at PCOC for clarification and clear articulation.

Development may occur on a non-conforming lot only in the following manner:

- (a) *Existing small lots;*
See Section 5.2.1
- (b) *Required Frontage or Access:*
See Section 5.2.2.

(c) Changes to a Nonconforming Lot:

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increased the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Allowance and adaptive reuse and residential conversion bonuses shall be an exception to the foregoing standards. A lot shall be considered nonconforming if there is not sufficient parking, as determined by the standards provided in Article 8. In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall not be considered to increase the degree of non-conformity.

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Ordinance Committee Meeting Minutes

Thursday, March 7, 2019 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Alexander Friend (AF), Leo Sprinzen (LS), Bruce Baker (BB)
- **Absent:** Austin Hart (AH), Andy Montroll (AM)
- **Public:** none
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning), Kim Sturtevant (City Attorney's Office)

1. Recommended amendment to updated parking lot lighting standards per Sec. 5.5.2, *Outdoor Lighting*, (f) *Specific Outdoor Lighting Standards*, 1, *Parking Lot Lighting*.

Committee members discussed the proposed amendment and questioned why the present standard could not continue to be used. Committee members requested that the present and proposed standards be provided for review before taking action.

2. Discussion of building eave or overhang standards per Sec. 5.2.5, *Setbacks*, (b) *Exceptions to Yard Setback Requirements*.

Committee members discussed the recommended changes. Draft ordinance language will be provided for review prior to taking action.

3. Discussion of nonconforming lot standards per Sec. 5.3.6, *Nonconforming Lots*, (c) *Changes to a nonconforming lot*.

Deferred until a future meeting.

4. Adjournment

The Committee adjourned at 5:50 PM.

