

2017 FINAL Public Hearing comments and changes

Number	Staff/ Public Comment Received	Staff Recommendation/Comment	Planning Commission Decision
1	Table 2-14 (page 2-31) Request to change Medical clinic from Conditional to permitted.	The argument is that medical clinic is going to be no more of a threat to the character of the area (or traffic or other CU requirements) than an office (which is permitted). I would tend to agree. Looking at the Eastern Gateway district I think making the use permitted is a good idea.	PC agrees. Change medical clinic to permitted use in EG.
2	Figure 2-02 (page 2-7) Request to reduce height requirements in Urban Center 2 to be 35 feet (three stories).	The largest buildings in the area are currently three stories. I could see this with a three story max or four story but the fourth story needs to be setback 16 feet from the from the front face. I support reducing it to one of these options.	PC agrees to change maximum height in UC-2 to 45 feet.
3	Overall recommendation to fire Brandy Saxton; stop zoning update process; discuss further for a minimum of another two more years.	Brandy no longer works on the project; I believe this zoning draft is a big step forward and we should move this forward (with any amendments); Future amendments should be amendments to this draft not the current zoning. Recommend against stopping process- if Council votes down zoning we will not be working on it for another two years at a minimum as we work on other projects.	PC agrees with staff. No change.
4	Figure 2-11 (page 2-25) density too high in Towne Hill (residential 17000). Recommend lowering.	I believe we have studied this area. 30% of properties are smaller than 1/2 acre (21,000 square feet) and 90% figure is 17,000. Recommend AGAINST making change.	PC agrees with staff. No change.
5	Section 2109 (page 2-21) Sabins Pasture. Comment that Zoning density is too high for this area. Move to different district (not specified).	The much discussed Sabins Pasture... A reminder that we set this area to match the zoning densities of the neighboring zoning districts. The zoning for Sabins is set to match that of College Hill, Marvin Street, and Sabins Street- all very desirable areas and with a mix of single and small multifamily units. This area could in theory be Residential 9000 or 17000 but those densities are more likely to result in single family subdivision and not provide the small multifamily that is needed in the city. Recommend AGAINST making this change. We will have another opportunity later to split Sabins into two districts.	PC agrees with staff. No change.
6	Section 3002.H (page 3-47) Comment that the manner in which the height is measured will invite flat roofs to maximize building potential. Flat roofs are not in character with development in many neighborhoods.	We discussed height quite a bit during the zoning process and went back to the way our current zoning measures height. Except for the addition of minimum height requirements, these rules are the same as currently exist. Recommend AGAINST making any changes.	PC agrees with staff. No change.
7	Section 2201.H(9) and (10) (page 2-38) Comment that porches can be changed to meet code without altering character. Changes should be made to rules to make sure porches remain historically accurate.	Assuming historic remains... These porches still need to go through DRC review and meet historic design requirements. The new rules only provided more flexibility with respect to modern materials and clear allowances to request minor changes. Recommend AGAINST making change.	PC agrees with staff. No change.
8	Section 2201 Recommend expanding design review to include Loomis.	We received no clearer message during the second public hearing process than the fact that residents did not want design review to be expanded. Very disappointed that that was the case but I think that ship has sailed for now. Recommend AGAINST making this change.	PC agrees with staff. No change.

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9	Section 2107 -figure 2-07 page 2-18 - minimum lot size should not be reduced from 8,700 square feet; Lot coverage should not be increased to 60% from 50%.	The current HDR district has more non-conforming lots than any other dimensional standard. The lot coverage is measured differently between current and proposed zoning. The differences are small in what 50% and 60% coverage will look like. Recommend AGAINST making this change.	PC agrees with staff. No change.
10	General comment that zoning should not use the 90% for compliance but rather the first standard deviation.	Standard deviation actually does not work well in this application. Again, zoning works in whole numbers so you would need 6,000 square feet before you can subdivide. These means the average lot size is not 3,000 square feet in residential 3000. It is likely to be larger because people cannot subdivide a 5,800 square foot lot.	PC agrees with staff. No change.
11	Zoning map- Areas zoned residential 6000 and residential 9000 are zoned with densities too high.	I believe we have studied these district densities carefully to find a fair figure for each neighborhood. There are many in the public who want increased housing densities and many who don't. This was our compromise. Recommend AGAINST making this change.	PC agrees with staff. No change.
12	Section 2109 (page 2-21) Sabins Pasture. Second set of recommendations. This one involves requiring clustering.	Section 3404 New Neighborhood does require this for all projects "with 40 or more units in a 10 year period" so this is already being done in one sense. To expand it to include more projects would be difficult to enforce and administer. Recommend AGAINST making change.	PC agrees with staff. No change.
13	Zoning map- split Sabins into two zoning districts with higher densities near Barre Street.	We have tried very hard to not split parcels into two districts unless we really needed to. This idea is certainly possible. The question is where and into what districts. Using the TPL map showing development limitations I think the 15 acres at the bottom makes a logical spot for higher density (Res 3) and the remaining could be something different. These "other areas" would be able to be on sewer and water but also are more likely to be developed for single family dwellings (they are not as close to downtown). Residential 9000 could be more than appropriate. So 15 acres of res 3 is 200 units (excluding some non-buildable areas) and 85 acres of Res 9 is maybe 300 units (excluding 25% for non-buildable). Current proposal would be 545 assuming 25% non-buildable land so the numbers come out similar. Its an idea for discussion. I could support either one.	PC votes to leave as one district. No change.
14	Section 3401.B (page 3-110) Infill PUD allowed in too many districts. Specifically they should not be allowed in Residential 6000 and Residential 9,000	I think these PUDs will be challenging to use anyways. I would leave them and see what comes out of them. Recommend AGAINST making changes.	PC agrees with staff. No change.
15	Figure 2-02 (page 2-7) Request to increase lot size, frontage and coverage requirements (and any setback changes to match on the ground).	UC-2 has two neighborhoods - Main street and Barre Street. On Main street the 90% minimum lot size is 8,000 and on Barre it is 4,800. I can see this increase to 6,000 sq ft pretty easily. Frontage was only slightly different in the two neighborhoods. The frontage should be increased from 45 feet to 60 feet. I think the coverage requirement is good at 90% (this is impervious cover and includes both buildings and parking). I would support at least making these changes. Kim notes that current zoning is 10' front setback and 10'side is more appropriate than the recommended 5 foot front and side.	PC votes to increase minimum lot size in UC-2 from 3,000 to 6,000 sq feet; Frontage increased from 45 to 60 feet; Keep setbacks the same (F-5', S-5', and R-10')

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16	Zoning Map add parcels	Done	P C agrees with staff. Change already made.
17	Zoning Map- rural area is too big	Rural is the part of town that does not have sewer and water. That area is zoned two acres which is the minimum generally needed to provide septic and a well with exclusionary zones. Shared systems can make those areas small but that can be approved as part of a planned unit development. All Single family homes can have an accessory apartment regardless of density and district. Where projects propose extending sewer and water the city can always amend the zoning map. The reality is that extensions are unlikely when examining each area. Suggest keeping map same.	PC agrees with staff. No change.
18	Section 3506.A(11) page 3-127 road grades should not be capped at 10%.	While it is true that other roads in the city exceed this grade those roads also constitute a large cost for services in maintenance and retaining walls. 10% is a fairly steep grade (Hospital Hill in Berlin is 9-10%) and the rules do allow for steeper for short segments. We should "design with nature" and invest in new roads that will have less stormwater impacts and be more bike and pedestrian friendly. I would suggest keep 10% in. If increased then do so modestly- 12% max grade.	PC agrees with staff. No change.
19	Section 3402.G(4) page 3-12. Remove sloped roof requirement from cottage cluster.	Not the first time we have heard this comment. I personally don't mind removing the requirement but the comments in the past were that cottages should look like historic/traditional cottages and they have sloped roofs.	PC agrees with staff. No change.
20	5101.D(11) page 5-6. more units should be allowed on private drives (aka driveways).	Currently limits on driveway are that they can be shared up to 3 LOTS. A shared road for 3 lots with multifamily dwellings can still be a shared. I think this is a good requirement as these roads can quickly grow in use with additional lots.	PC agrees with staff. No change.
21	Figure 2-14 page 2-29. VCFA should have housing listed.	Housing may not be listed but it has been moved into the mixed use residential district where all residential uses are allowed (either P or C). Also, if described in an approved Campus PUD they would be allowed to get all of these residential uses as permitted. Don't suggest changing anything.	PC agrees with staff. No change.
22	Section 3011.E(2). Page 3-58. shared parking must be within 1,000 feet. Suggestion to remove that requirement as shuttles and streetcars may be able to provide in the future.	I suggest keeping the requirement for now. The 1,000 foot requirement is the same as it is in current zoning. Allowing more (or having no requirement can invite abuse (an Elm street property getting parking from the Golf Course).	PC could not get a quorum to decide on making a change therefore - No change.
23	Zoning Map- suggestion that North Street neighborhood is too highly zoned as residential 9000.	Unlikely this area to be built out at these densities with the new rules regarding buildable areas (removal of steep slopes and wetlands). Current zoning is MDR which would be around 10,000 square feet per lot. The existing lots (90% rule) would be around 12,000 square feet. AS we don't have that district we have three choices - leave it in res 9; move it to res 17 for topographic reasons; create a new res 12. They are correct that this area is challenged for safely developing. It pains me to say so but if Towne Hill (which is very buildable) is downzoned to res 17 it may make sense that north street is as well.	No change.

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24	Section 2201- recommendation from the Historic Preservation Commission to return to the current zoning bylaws regarding the design review district while the HPC works on a revised set of regulations.	Much discussed. I sent a draft of what the "return to the existing rules" would look like.	PC votes to "return to existing rules" (see separate attachment)
25	Natural Resources Map- suggestion to remove the natural communities from the map as they are provisional in the source documentation.	This will likely generate a suit but staff attorney is comfortable with the provisions in previous legal reviews.	PC agrees with staff. No change.
26	Zoning Map- All areas zoned Residential 6000 should be changed to Residential 9000 and all Residential 9k and 17k to be changed to 20k	I took some liberty to change this recommendation slightly. I think this has been discussed a great deal and I would still not recommend changing the existing draft.	PC agrees with staff. No change.
27			
28	Gillies Comments (See Gillies letter dated January 5, 2017 for details of comments)		
29	#1	I think PG missed the point of .B in that approved phased projects will be reviewed under zoning in effect at time of approval. A project approved today for a construction proposed in phase 1 - 2017; phase 2 - 2025; and phase 3 - 2030 will be reviewed under the zoning in effect today when permits are pulled in 2030. I think that is quite generous. Yes, if they do not continue to meet their obligations under the phased project they cannot come in in 2040 to build the phase that was approved in 2030 unless they meet all the rules in effect in 2040.	PC agrees with staff. No change.
30	#2	I agree with PG that we could strike "and will not issue a zoning permit for a zoning permit for an exempt structure."	PC agrees. 1102.B(2) Strike "and will not issue a zoning permit for a zoning permit for an exempt structure."
31	#3	I agree with PG that six months is short. Generally that rule applies only to non-conforming uses (as it is today in the zoning). Under the proposal it would apply to all uses including permitted uses. I would go with PG's suggestion and change to one year.	PC agrees. 1204.A(1) Change from "six consecutive months" to "one year".
32	#4	It should be pointed out that we have limited the application of architectural standards to only Major Site Plans but I have commented in the past that I thought some things (including these architectural standards) were being a little excessive. As PG states- nothing illegal so no change required.	PC agrees with staff. No change.
33	#5	My reading of this is that the rules for removing impervious cover are those that apply in 3005 (not all nonconforming impervious cover needs to be removed). This subsection (.b) can be/should be removed. Its already stated elsewhere so it doesn't need to be stated again. In 3005 there are detailed rules of how non-conforming development in the riparian area will be addressed. This is where one of Brandy's "to the maximum extent feasible" appears.	PC agrees. 2101.F(2)/2102.F(2)/2103.F(2) should be removed (as it is unnecessary and confusing).
34	#6	Disagree. Most lots and structures are NOT non-conforming. There are some but not many (and those that are we probably don't want repeated.	PC agrees with staff. No change.
35	#7	See answer to #4.	PC agrees with staff. No change.
36	#8	It's the purpose statement. It not regulatory. Its fine.	PC agrees with staff. No change.

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37	#9	Under current zoning, demolition of contributing structures on the National Register of Historic Places must meet special standards. We had integrated demolition into the historic overlay district so it was covering the same. Now we have gone back to the current map so we have a gap in covering historic buildings. PG is correct- we should move 2201.J to 3004 and revise to require all contributing structures to meet these rules.	PC agrees (later revised by #103- what follows is the final decision); 3004.C shall become 3004.D and a new 3004.C shall be added that reads "3004.C In addition to basic application requirements, the application shall include a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site will be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties." The new 3004.D shall be amended to read that "All demolition shall be completed with 60 days of commencement and, at a minimum, completion shall include:"
38	#10	These are not state rules but are ones the city developed. I see where he is going (he would want us to reference the state rules rather than state them) but that is not the case here. No changes required.	PC agrees with staff. No change.
39	#11	Agreed but I think we have provided exceptions and I think we have good justifications for our rules. No changes recommended.	PC agrees with staff. No change.
40	#12	Not sure what his recommendation is in this one. The sanctions are outlined in the enforcement section - we could issue a ticket if it was appropriate. If it is the fact that non-conforming signs need to come down in seven days and that is overly burdensome then I would agree. If conforming signs have 90 days then I could see the same time for non-conforming as well.	PC agrees. Change 3012.M(3) from "7 days" to "90 day"
41	#13	I'm ok with the limit for now. We would need to get to the point where we have markets before we need to worry about too many.	PC agrees with staff. No change.
42	#14	Design and compatibility. Recommend fixing "complementary" in 3207.C(4)(b). Regarding "overreaching", I think I have made similar comments during the development of these rules. Brandy made the case the with increased densities comes increased oversight of design. What makes density successful is quality and these rules provide a framework for the DRB to deny bad projects. This is a policy question. I've leaned more towards PG's opinions and you have leaned more on Brandy's. Both sides legal so I would not change anything.	PC agrees with staff. No change.
43	#15	I see where PG is going but we do not mean to plant 50 foot trees but to plant trees that will grow to be 50 foot. Figure 3-20 specifies that when planted large trees must have a minimum 2 inch DBH and 6 feet in height. So cost of planting a "50' tree" is not so tall a request.	PC agrees with staff. No change.
44	#16	Solar shading. He is inferring that this may not be legal but I think we would be ok. As a policy question- we have discussed this many times. I don't recommend making changes.	PC agrees with staff. No change.

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45	#17	I've previously stated I'm not a fan of performance standards so I agree with PG on this point. That said, I think this is a "you will know it when you see it" scenario. If a conditional use causes electrical disturbances it will be easy to identify. His note that he doubts it is within authority of Chapter 117 is wrong. 24 vsa 4414(5) described performance standards and makes specific note of "electromagnetic disturbance".	PC agrees with staff. No change.
46	#18	PG's comment here is probably accurate. The phrase "increment of increase" probably needs adjustment. One quick fix is that to delete (3) all together as both lighting and noise are regulated elsewhere. If you meet lighting requirements would you deny a CU here due to lighting? My recommendation is to strike (3).	PC agrees to strike 3004.B(3)
47	#19	Cottage cluster makes its return. These are an actual housing type that is trending in the country. I think it is good to enable it. Whether we are too prescriptive has been my only concern. No change recommended.	PC agrees with staff. No change.
48	#20	This requirement is only in effect for New Neighborhood developments. These are significant proposals and probably warrant careful design. If we have so many New Neighborhoods that it results in full employment for Landscape Architects then we have been successful in achieving our housing goals.	PC agrees with staff. No change.
49	#21	I think these are comments that have been made and discussed in the past. His comments are policy in nature and not legal. No changes recommended.	PC agrees with staff. No change.
50	#22	PG is wrong it is not new to Vermont law. 24 vsa4470a talks about the right to reject an application for misrepresented facts and the DRB can award reasonable attorney's fees to aggrieved parties. That said, Zas cannot revoke a permit per se. I have always worded this provision to state that "Any permit issued based on material inaccuracies or misrepresentation in an application or any supporting documentation to an application shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these regulations subject to enforcement."	PC votes to amend 4206.A to read: "Any permit issued based on material inaccuracies or misrepresentation in an application, or any supporting documentation to an application, shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these regulations subject to enforcement."
51	#23	Surprised this needs to be explained to PG. Its called "deemed approval". We are required by law to act on an application or it is deemed approved	PC agrees with staff. No change.
52	#24	Again. Pretty straight forward. If CC fails to provide comments then they lose their opportunity. They are advisory after all.	PC agrees with staff. No change.
53	#25	Probably an unnecessary requirement to tell people to take down the Z but thinking we will advance some enforcement action to make them do it is foolish.	PC agrees with staff. No change.
54	#26	The complete list does exist in the definitions where she (tried to) point to in the information blub. The note should point to 5101.I(5). I'm not a fan of using the "information I's" for this reason. A little picky on PG.	PC agrees. Amend the information note that appears after 4601.A to cite 5101.I(5) rather than 5101.I(1).

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55	#27	I think Brandy mixed in some enforcement rules with appeals (some appeals are of enforcement actions but not all). This is one of the few that may need a legal review. I know DRBs can stay some thing but I haven't found it. It could also be struck as its not vital to anything.	PC agrees to strike 4601.D
56	#28	I typically restate law 24 vsa 4454 and not summarize as Brandy did. The law is clear. If courts want to expand that they can. I wouldn't enforce as a ZA if I had a 20 year old violation.	PC agrees to amend 4701.F to read "The City shall observe any limitations on enforcement proceedings related to municipal permits and approvals as set forth in the Act [24 v.s.a. 4454]."
57	#29	Done. New map is on line.	P C agrees with staff. Change already made.
58			
59	Sarah McShane's comments		
60	Section 1101.A.2, page 1-3. Normal maintenance and repair is specifically exempt under this provision so long as there is no change in use or exterior dimensions. This provision should be clarified to exclude properties within the Historic Design Review Overlay District. As defined, normal maintenance could include a change in material which would require review in the Historic Design Review Overlay District. [Routine maintenance or minor rehabilitation is often a defined term in historic districts and can either be exempt from review or administered at a staff level. It is often defined to include language such as 'repair and maintenance of an architectural feature which involves no change in design, material, or outward appearance.']	Agreed. Recommend moving section to 1101.B and replace "exterior demension" with "involves no change in design, materials, or outward appearance."	PC agrees to move 1101.A.2 to 1101.B and replace "exterior demension" with "involves no change in design, materials, or outward appearance."
61	Section 1101.B #4 refers to patios, terraces, decks, and other similar unenclosed structures. If read literally, unless the parcel is located within the Historic Design Review Overlay District, a 300 sf deck that conforms to dimensional requirements is exempt and does not require a permit? Is there a limit to such exemptions?	The answer to this first question is yes and the answer to the second (as written) is no. So a 250 square foot deck does not need a permit. The fifth 250 square foot deck the homeowner builds also will not require a permit. I've inserted this to confirm that is what you wanted.	PC agrees with staff. No change.
62	Section 2101.E, page 2-3. The reference to 'Section 1001.A' under Architectural Standards needs to be updated throughout the document; the reference is incorrect.	Agreed. I've made this request multiple times and there is a glitch. The number should be 3207.C(1)(a).	PC agrees. Typo in sections 2101.E, 2102.E, 2103.E, 2104.E, 2105.E, 2106.E, 2107.E, 2108.E, and 2109.E - change 1001.A to 3207.C(1)(a).
63	Figure 2-01, page 2-5. For clarity purposes, if there are no side and rear setbacks in the Urban Center 1 district, the chart on page 2-5 should indicate the side and rear setbacks as 0' or none.	Agreed. Recommend inserting numbers.	PC agrees. On Figure 2-01 - Setbacks - insert "Side: 0 ft" and "Rear: 0 ft"
64	Figure 2-03, page 2-10. This figure list building height to be a minimum of 2-stories. The minimum height requirement will also apply to all nonexempt accessory structures in the Riverfront District. For example, a 10' x 12' shed in the Riverfront District, which meets the setbacks, would be required to be a minimum of 2-stories in order to receive administrative approval. [This minimum height requirement also applies to all manufactured or mobile homes. See prior comment.] This comment also applies to Figure 2-05 on page 2-14, Figure 2- 06 on page 2-16, for accessory buildings in the Western Gateway District and Mixed Use Residential District.	Agreed that it is not clear. I think this case could be made in a number of diminsional requirements. Recommend Note to all the tables (not just riverfront) stating see Section 3002 for specific details regarding dimensional standards." 3002 discusses the fact that the height requirements differ for primary and accessory structures and that is where the answer to Sarah's other questions lie.	PC agrees. For all Figures in Part 2 (figures 2-01 to 2-13) add a note below the table that states "See section 3002 for specific details and any exceptions regarding dimensional standards."
65	Figure 3-07, page 3-48. This section contains a typo. It should read '(max 2 per lot..')	Agreed	PC agrees to fix typo on Figure 3-07 (page 3-48). "max 2 per lot" rather than "max 2 pet lot"

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66	Section 3005.D, page 3-49. This section contains a typo. It should read... Development Review Board.	Agreed	PC agrees to fix typo. Section 3005.D - capitalize "D" in development review board.
67	Section 3010.B, page 3-55. This section describes vehicular access requirements. It might be helpful to include a cross reference that access drives serving more than three lots are required to meet the street standards described in Section 3506.	Agreed	PC agrees. After first sentence in 3010.B, add a sentence that reads: "Where a vehicular access is serves a driveway or private street that is providing access to more than 3 lots, the access is also required to meet the street standards described in Section 3506."
68	Section 3012.B, page 3-63. Is it correct that signs cannot be reworded without the approval of a new zoning permit?	Agreed. Recommedn striking "reworded"	PC agrees. Strike "reworded" from 3012.B.
69	Section 3012.D, page 3-63. The existing regulations exempt sandwich boards and signs affixed to the interior of the window. The proposed regulations appear to require a zoning permit for these signs. In the event that a zoning permit will now be required for these signs, all sandwich boards and interior signage existing on the date the regulations are adopted would become legally nonconforming signs. Given that we have no record or inventory of these existing signs, it will be impossible to determine which ones are legally nonconforming. It also appears that the discussion on window signs on page 3-67 was removed from the most recent version of the proposed regulations. Rather than being silent on interior window signs, the regulations should address whether or not a permit is required and the allowed dimensions.	Agreed. Sandwich boards and interior signs should not be regulated	PC agrees. In section 3012.D add "(10) Sandwich board signs are exempt from these regulations but are required to receive approval from the Department of Public Works." and "(11) Signs on the inside of windows and inside buildings shall not be considered signs for the puposes of these regulations."
70	Section 3012. G.2.b, page 3-65. This provision allows for projecting signs to be 12 sf and project 6 feet from the building. The existing regulations generally restrict projecting signs (other than in GB or Industrial District) to 6 sf and project no further than 36" from building.	Agreed. I would revise to match current zoning (6 sf and 36")	PC agrees. Section 3012.G(2)(b) Revise requirements to be 6 sf and 36 inches rather than 12 sf and 6 feet.
71	Section 3012.G.1.h, page 3-65. Is it correct that wall signs are allowed to project 18" from the wall?	Agreed. I think .h can be struck in its entirety without harming intent.	PC agrees. Strike subsection 3012.G(1)(h).
72	Section 3012.G.11, page 3-68. This section addresses portable signs. The exempt sign section [3012(D)] does not list them as exempt, so it is my understanding that a zoning permit will be required for portable signs (see previous comment).	Agreed. We probably should not be regulating potable signs through zoning. We don't today and there are better tools for regulating things such as this.	PC agrees. Strike section 3012.G(11).
73	Section3012.M.4.a-d, page 3-70. This section list four nonconforming signs of particular value to the city. It should be clarified whether or not these nonconforming signs are exempt or if they will be required to be brought into conformance (§3012.M.2) if/when alterations are proposed.	Good point. Add "... and therefore are exempt from any requirements to remove in the event of abandonment"	PC agrees. Add "... and therefore are exempt from any requirements to remove in the event of abandonment" to the end of 3012.M(4).
74	Section 3106, page 3-74. Does a Child Day Care Home and Facility require a zoning permit? Is a permit required for a facility that meets the criteria of 3106.A.(1-3) or is it exempt so long as it meets the criteria? Is any additional parking required for a Child Day Care Home and Facility or simply the parking required for a single family dwelling (1 parking space)?	Add words "by right" after permitted. This is state law.	PC agrees. Reword 3106.A to read "A child day care home is considered, by right, to be a permitting single family residential use of property if the applicant meets all of the following:"

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75	Section 3107, page 3-75. What if a Group Home is proposing more than eight residents? Do the regulations allow for a Group Home serving more than eight residents? If so, how is it reviewed?	Agreed. Replace "specialized residential structures" from figure 2-14 (table of uses) because that was supposed to be removed anyways. Add Group Home - Major. Keep the permitted and CU determinations from prior. Add "3107.D Group homes not meeting the requirements above will be regulated as a Group Home - Major."	PC agrees. Replace "specialized residential structures" from figure 2-14 (table of uses) because that was supposed to be removed anyways. Add Group Home - Major. Keep the permitted and CU determinations from prior. Add "3107.D Group homes not meeting the requirements above will be regulated as a Group Home - Major."
76	Section 3120, page 3-81. This section addresses energy generation facilities. The term 'energy generation facility' should be defined.	Agreed. Barbara??	PC determined that no definition is needed.
77	Section 3121, page 3-81. This section addresses utility facilities. The term utility structures is defined, but utility facility is not. Does this term need to be separately defined?	Yes. In definitions the Utility Structures should be changes to utility facilities and definition should include more than "lines". Add "substations, pump stations and related unmanned systems" to the list.	PC agrees. In section 5101.U(5) Utility "structure" should be changed to utility "facility" and the following should be added to the end of the definition " and also includes substations, pump stations, and other related unmanned systems."
78	Section 3201(A)(1)(b), page 3-92. This provision requires that 'major renovations' be subject to major site plan review. What if no change of use is proposed and the property owner is simply renovating the building? Interior work is not listed as exempt under Section 1101, so I assume all major renovation projects will now require a zoning permit subject to major site plan review? Does this apply if no change of use is proposed or change in overall building dimensions?	Agreed that interior work should be added as an exemption under 1101.A	PC agrees. Replace 1101.A(3) with "Interior renovations including an increase in floor area (by finishing unfinished space) as long as there is no change to its exterior dimensions and no change in use or in the number of dwelling units."
79	Section 3201(A)(1)e Misworded	Reword e to be "Construction of an addition of more than 2,000 square feet to an existing building."	PC agrees. Reword 3201.A(1)(e) to be "Construction of an addition of more than 2,000 square feet to an existing building."
80	Section 3201 should applicability also appear here? (4303.A)	Applicability says that only one and two family need site plan in the first place. I would say we could leave things as they are for now but it is a consideration for later.	PC agrees with staff. No change.
81	Section 4303.A Should applicability be narrowed so that triplexes and quadplexes also are exempt from major site plan?	It was a question because people wanting to add an infill unit may need extra reviews and cost more money. I think it is ok because only 2,000 new or additions trigger Major. A tiny house added behind a duplex will not trigger a major site paln.	PC agrees with staff. No change.
82	Section 3305, page 3-108. Performance standards are listed under Conditional Use review and therefore will only apply to conditional uses. Typically Performance Standards are listed under the General Regulations so they can be applied to all uses. The Planning Commission may also want to review the odors provision [§3305(B)]. Recently the Development Review Board approved a conditional use for a bakery on Barre Street. During the hearing, the applicants provided testimony that the use will generate odors in general vicinity. Under this provision, the application could be denied if the odor was readily detectable at any point beyond the property line.	Agreed. I would strike all performance standards. In CU if there is a concern (odor, noise, etc.) it should be addressed as a condition of approval. It is legal and ok to leave as is.	PC votes to strike all of 3305.
83	Section 3405, page 3-120. DRB should be spelled out to be consistent with the rest of the document	Agreed.	PC agrees. DRB should be "Development Review Board" in section 3405.
84	Section 3406.M, page 3-122. Section 3406.M.1-Master Plan should be capitalized.	Agreed.	PC agrees. "Master Plan" should be capitalized in section 3406.M

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85	Section 3508.A, page 3-130. Under 'Applicability' it refers to 'general standards', however it appears that the general standards have been removed. Do the Solar Orientation standards [§3508(B)(1-2)] apply to all subdivisions?	Agreed. It should read that it applies only to subdivisions of 10 or more lots.	PC disagrees with staff and agrees Commissioner Conrey that the General standards should not have been removed from the draft and should be reinserted. The current .B will become .C and the previous .B will be added back in. That section stated "General Standards. To the maximum extent feasible given topography, orientation and vegetation, the applicant must design the subdivision: (1) So that the maximum number of lots will receive direct sunlight sufficient for using solar energy systems. (2) With streets and lot lines that will accommodate buildings oriented with their long axis oriented within 30 degrees of true east west. (3) With the highest densities sited on south-facing slopes and the lowest densities sited on the north facing slopes. (4) With appropriate protections for each lots solar access. "
86	Section 3508.B.2, page 3-130. This section refers to a development envelope, but development envelopes were deleted from Section 3506. The Development Review Board is currently reviewing a request to amend the location of a development envelope on a previously approved subdivision. If development envelopes are eliminated from the regulations, how will staff and the Development Review Board handle future request to relocate or enlarge previously approved development envelopes?	There aren't many rules today and we figure it out but Building Envelope should be defined and explained. Can you put a fence outside of the building envelope? Can you put an exempt shed? Can you put parking? Can you put a septic tank? I think having more information is needed but I think we can move on and fix.	PC agrees. No change. Further review recommended for later.
87	Section 4203.A.1.a, page 4-5. This section requires posting to be in a 'visible' location; this provision should specify from a 'public right-of-way' as required under 24 VSA §4464.	Yes it should. Add language.	PC agrees. Reword 4203.A(1)(a) to read "... in a location on the subject property that is within view of the public right of way throughout the 15 day period;"
88	Section 4203.B, page 4-5. This section allows the Administrative Officer to set conditions of approval. This provision should receive legal review. Is the Administrative Officer allowed to set conditions? If so, what types of conditions?	Legal Review question. I don't think AO can apply discretionary requirements like conditions. I would strike for now.	PC agrees. Strike 4203.B
89	Section 4204.B, page 4-6. This provision allows the applicant to request that a zoning permit not immediately take effect. I recommend this provision be eliminated so that all permits have the same two year expiration timeframe.	Agreed. Strike.	PC agrees. Strike 4204.B
90	Section 4205.A.1, page 4-6. This provision refers to a 'minor modification' but does not define the term. What is a minor modification?	Good question. We need some guidance.	PC decides to strike 4205.A(1)

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91	Section 4207, page 4-7. This section requires a Certificate of Compliance for all land development approved by the Development Review Board. Section 4207(E)(3) further states that as-built drawings (among other items) may be required. This section should be revised to clarify the items that are required prior to issuing a Certificate of Compliance. All land development approved by the Development Review Board can vary greatly in complexity, from a minor setback waiver for a shed to a multi-family or commercial building with road and infrastructure improvements. I have worked in other municipalities that have clear requirements for Certificates of Occupancy and/or Certificates of Compliance and I am happy to work closely with the Planning Commission to develop provisions that can be administered. An alternative could also be to allow the Development Review Board to require a Certificate of Compliance as a condition of approval, when and where appropriate.	We already voted to make this change and the change was not made in the revised draft. No vote necessary.	PC agrees with staff. 4207.A should be revised to read "Where required by the Development Review Board as a condition of approval, an applicant must receive a certificate of compliance from the Administrative Officer before any such land development may be occupied or used."
92	Section 4301.A, page 4-9. The word 'Historic' should be inserted before 'Design Review Overlay District'.	Of course subject to change due to earlier vote on Historic Design Review District.	Per earlier decision on Historic Design Review, PC agrees to revise 4301 to refer to Design Control and the Design Control District.
93	Section 4302.B, page 4-9. This provision states that the Conservation Commission shall hold a hearing within 21 days after receiving notice and that the hearing will be warned in accordance with Section 4501(B). If the Conservation Commission is simply making non-binding comments and recommendations to the Development Review Board, is a warned public hearing necessary? The Conservation Commission could hold a meeting to review application and provide feedback to the Development Review Board.	Agreed. It should say "meeting".	PC agrees. Revise section 4302.B to say "the Conservation Commission must hold a meeting..."
94	Section 4305 Should have "4305.E The Development Review Board will review site plans (Major and Minor) during a conditional use review hearing."	Clarifies who reviews administrative site plans if the application goes to DRB.	PC agrees. Add new "4305.E The Development Review Board will review site plans (Major and Minor) during a conditional use review hearing."
95	Section 4303.B.4, page 4-10. This section states that the Administrative Officer may approve a site plan with conditions. See above comment regarding the Administrative Officer's legal authority to make permit conditions.	Agreed. Strike #4.	PC agrees. Strike 4303.B(4)
96	Section 4403.H, page 4-13. This provision contains a typo. It should read 'final plan review' at the end of the sentence rather than 'final plat'.	Agreed.	PC agrees. Revise 4403.H to read "final plan review" rather than "final plat".
97	Section 4404.B page 4-13. This provision states "assure that all conditions imposed on the preliminary plan have been met." It appears that the requirement of preliminary review has been removed. This wording should be updated to reflect the elimination of preliminary review.	Agreed. Replace "preliminary review" with "sketch plan review".	PC agrees. Revise 4404.B to replace "preliminary review" with "sketch plan review".
98	Section 4505.H, page 4-17. This provision should also include recording the written decision in the City Land Records.	Agreed.	PC agrees. Revise 4505.H to read "...in the hearing, must file a copy of the decision with the Administrative Officer, and record its decision in the City Land Records."

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99	Figure 4-02, page 4-21. This provision should be revised. It is not generally clear what the dash mark indicates. It might be more appropriate to use a check mark to indicate what relevant criteria apply to waivers, general variance, and renewable energy variance.	Agreed. Fix graphic.	PC agrees. The graphics in Figure 4-02 should be fixed so checks appear rather than boxes and dashes should be removed.
100	Adopt new Natural Resources Map	Based on work with conservation commission and CVRPC we have updated the map (which should be available for the 2/27 meeting)	New NR map adopted.
101	Adopt revised zoning map which zoning line amended for Sibley Street	The controversial Sibley Street property was recently subdivided which makes it clear that the property behaves more like the Sabin Street/Sibley Street properties and less like the Barre Street Properties. I recommend rezoning the property to be the same as those to the north (Res-6) rather than the south (Riverfront).	PC agrees with staff. Change already made.
102	Adopt new slope map	We will hopefully have the long awaited slope map for adoption.	PC agrees to adopt draft map pending final cartographic changes.
103	Adopt additions to 2201 (design control) due to missed sections.	#37 above moved the draft demoltion sections to section 3004. We then voted to change to the old design review rules which should also mean adopting the old demolition rules. We need clarification. Should we 'adopt the attached revised 2201 and delete #37' or 'not adopt the attached 2201 and keep #37'	PC agrees to adopt revised 2201 language (that language was already a part of #24). #37 already revised so no additional change needed.
104	Remove Cillside neighborhood from design review as requested by council	No explanation needed.	PC agrees to remove Cliffside neighborhood excluding those properties that are in the designated downtown.
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