

Number	Staff/ Public Comment Received	Staff Recommendation/Comment	Planning Commission Decision
	<b>Part 1</b>		
1	Cleaning up pieces of Chapter 1- Section 1001 should amended to be Authority and Enactment and .A should be changed to "These Unified Development Regulations are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4)." .B should be replaced with "These regulations have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117 hereinafter referred to as "the Act") and the Charter of the City of Montpelier."	Although probably not a big area for appeal I always like to be very specific about our authority (as Vermont is a Dylans rule state). Also the enactment did not reference the charter. This new language helps clean that section up.	PC Agreed. Change 1001.A to be "These Unified Development Regulations are established as authorized in Title 24 of the Vermont Statutes Annotated (hereinafter abbreviated V.S.A.) §4402(4)." .B should be replaced with "These regulations have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117 hereinafter referred to as "the Act") and the Charter of the City of Montpelier."
2	1003 another clean up piece. This section always looked odd sitting here. It didn't make sense. It actually included as a reference to the limitations under state law but there are many others. I think a general statement about the regulatory construction under state law with specific citations would be more appropriate.	Recommend changing title to "Construction of regulations"; .A should be changed to read "These regulations are intended to include all required provisions and abide by all limitations established under the Act including: (1) Equal treatment of housing and required provisions for affordable housing under §4412(1) of the Act." I would also add a .B that would read "Other limitations required under state law may be discussed in other places of these regulations where appropriate."	PC agreed. Change title to "Construction of regulations"; .A should be changed to read "These regulations are intended to include all required provisions and abide by all limitations established under the Act including: (1) Equal treatment of housing and required provisions for affordable housing under §4412(1) of the Act." I would also add a .B that would read "Other limitations required under state law may be discussed in other places of these regulations where appropriate."
3	Strike the informations bullet under 1004.	The informational bullet is not an exact reprinting of the definition. This is very poor practice (putting a regulation in two places and then not making them identical). I would prefer to follow best practices which would be - say it once. The definition of development is in the definition section. The other option would be to put the definition in the text here (which I have done in other regulations I have written) and then put "see section 1004" in the definition section.	PC agreed. Strike the informational bullet. Move definition of development here .
4	1004 - definition of development - needs clarification on paving and repaving. Should these require zoning permits (repaving a parking lot? What about paving an unpaved area?)	My opinion is that I would not regulate the paving/repaving of already impervious surfaces. If regulated it should be clearly mentioned here (or definition); if the goal is to have paving exempt then we should make that statement within 1101.A	PC agreed to regulate paving of unpaved surfaces.
5	1101.A add (10) Statutory exemptions: (a) Agriculture and Forestry as described in Section 1102; (b) Utilities, Energy and Telecommunications infrastructure as described in Section 1103.	There was confusion that these exemptions were not actually listed as exemptions with all the others. This appeared to be an easy fix.	PC agreed. Add to 1101.A "(10) Statutory exemptions: (a) Agriculture and Forestry as described in Section 1102; (b) Utilities, Energy and Telecommunications infrastructure as described in Section 1103."
6	1101.B(2) change "any accessory structure..." to "any accessory building..."	We have had people argue that fences are accessory structures with footprints less than 300 square feet and are therefore allowed to be built without permits. Clearly the rule was not intended for those projects because of discussion of roof height so I think changing to "building" will eliminate that path for people to argue.	PC agrees. Change "any accessory structure" to "any accessory building"

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7	1203.A Many things wrong with this one. Non-conformities are already defined (differently) in the definitions sections. It does not need to be defined again here. Its also unclear because of how it is worded whether this section applies to non-conformitiesthat are also 1,2, and 3 or if this section applies to nonconformities that are defined as 1,2,and 3. I think things in this section can be arranged better. Finally (3) is not true. Non-conformities are only with regards to the zoning regulations contained here.	Staff recommends using .A to state that "Applicability. Unless more specific rules exist in these bylaws regarding non-conformities, the following will apply to all non-conforming parcels, non-conforming structures and non-conforming uses."	PC agreed. Change 1203.A to state that "Applicability. Unless more specific rules exist in these bylaws regarding non-conformities, the following will apply to all non-conforming parcels, non-conforming structures and non-conforming uses."
8	1203.B should be struck.	The existing language is unclear and it could be used to argue that they have a vested right to stay non-conforming and unchanged in cases where we don't want that to be the case. Or that they can argue that we cannot make them change a non-conformity because they have a right to keep it unchanged. What is being said is true provided a property owner does not do a development that would cause the person to come into compliance. Better to leave it unsaid.	PC agreed. 1203.B should be struck.
9	1203.C I would add the header "Non-conforming parcel"	There will be three items discussed and this is one.	PC agreed. Add a heading to 1203.C of "Non-conforming Parcel"
10	.D, .E, and .F should be combined under a single header "non-conforming structure". Also change .F to read "an applicant may request" (rather than the DRB may approve) and the reference at the end Subsection 1203.D should be 1203.E.	These could be adjusted further to better address non-conformities but this is a good start to cleaning these up.	PC agreed. Combine .D, .E, and .F under a single header of non-conforming structure. Also change to read "an applicant may request" (rather than the DRB may approve) and the reference at the end should be 1203.D and not 1203.E.
11	1203.G should have a header of non-conforming use.	Same as above.	PC agreed. Add a header for "non-conforming use".

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12	<b>Part 2</b>		
13	2201.C strike "... by the Design Review Committee, and approval of the design plans by the Development Review Board." and replace with "...under the process established under Section 4301 and the following rules."	The DRB no longer reviews all Design Review applications therefore we need to amend how this is written.	PC agrees. Strike "... by the Design Review Committee, and approval of the design plans by the Development Review Board." and replace with "...under the process established under Section 4301 and the following rules."
14	Figure 2-01 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
15	Figure 2-01- Note 2 Channelized needs to be defined	This also appears in figure 2-02 and 2-03. The previous council was determined to make both sides happy when they wanted to require riparian buffers in the urban area but not require it where the urban area is developed and the stream channelized. In the hearings they pointed out the Jacobs parking lot should require vegetation but the first application under the new rules was the new city parking lot on the north branch and the DRB found it to be channelized. This should be mapped.	It was recommended that staff should develop a map. The map though only had very limited places where the rivers were not channelized already (near the state parking lots between the railroad bridge and Bailey Street. The PC voted instead to recommend striking the channelization provisions altogether and have staff develop a memo regarding the matter.
16	Figure 2-02 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
17	Figure 2-04 strike frontage buildout.	This was calculated using the building that exists between the minimum and maximum front setbacks. Now the max setback has been eliminated we cannot calculate the frontage build-out.	PC agrees. Strike buildout frontage.
18	On Figure 2-15 Use table, Add studio to the list under public assembly.	Art studios are not allowed anywhere in the zoning and this has been requested twice. It is tricky so we are doing some homework. Of course no one cares if you are using a studio to paint but what about a kiln for pottery or pneumatic drills and polishing for statues, or welding for sculptures? What about dance? what about a studio for musicians to practice and record? Painting may be ok even in a residential neighborhood but welding and stone carving may only be allowed in industrial areas. We need to work on these to details to make a proposal.	PC agrees. Develop new "painting studio" use otherwise all other art studios will be light manufacturing.
19	On Figure 2-15 separate "one and two dwelling units" and "three and four dwelling units" into individual lines on the table	We have had people argue that it is not a change of use to go from three to four family because they are considered the same on the use table. Its cleaner to fix that up here and in the definition section.	Rather than split the table groupings, the PC suggests making changes in the Land Development definition to make clear the change of use include additions of another unit.
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23	<b>Part 3</b>		
24	3001.A and 3002.A change heading from "applicability" to "standards".	These are not applicability statements.	PC agrees. Changing heading from
25	3002.A(3) reword to read "the proposed development will be or was approved as a planned unit development in accordance with the provisions of Chapter 440 or under a previous set of zoning regulations."	Issues were discovered when Murray Hill came in to amend a PUD permit.	PC agrees to reword 3002.A(3) to read "the proposed development will be or was approved as a planned unit development in accordance with the provisions of Chapter 440 or under a previous set of zoning regulations."
26	3002.C(2)(a) removing buildable areas from density calculations has turned into a nightmare for administration. Because we lack a slope map with a table to tell us how much land is in a slope category for the purposes of calculating the number, staff has had to send every subdivision and request to add dwelling units to an engineer for a slope analysis.	Staff recommends expanding some of the areas exempt from this analysis to include some additional higher density areas. Already UC, Riverfront and MUR are exempt. Consider removing Res 1500, res 3000, or others as well.	PC agrees to remove the buildable area requirement from density calculations. Strike all of 3002.C(2) and amend (1) to strike everything before "maximum".
27	Figure 3-03 delete Frontage Buildout	Deleted above.	PC agrees. Delete figure 3-03.
28	Figure 3-07 remove parking areas as accessory structures.	Parking should be regulated uniformly in the parking standards in 3011	PC agrees. Parking areas should be removed from Figure 3-07.
29	3004.A there are many exemptions under chapter 110 and it is unclear which one applies.	Recommend striking everything from "except" to the end. Those exemptions are already "exempt from any regulation" and therefore demolition does not apply.	PC agrees. Strike everything from "except" to the end.
30	3004.D Demolition of Historic structures. A couple issues discovered here. First it is noted that in .D the applicability is for State AND National register while under .D(2) it says State OR National. Additionally, the current practice has not been either of these but rather that it applies only to the contributing structures within the National Register District. So we need to decide which one and write the applicability accordingly.	Based on current practice and the fact that we only have GIS data on the national register district I would limit applicability to that area. Otherwise staff would need a new database showing the location of all historic buildings within an area.	Change made to limit jurisdiction to contributing within National Register District. HPC is drafting a proposal that can incorporate any new changes.
31	3005 riparian areas - NR map need to be fixed in Pleasantview/ Berlin street area to remove a portion of streams from regulation because they are buried. There is a second area on River Street with a short section of buried stream as well.	See maps.	PC agrees to make changes to map but wants rules to address these instances in the future. See #117 as well.
32	3007 Steep slopes has continued to be a problem as we lack a map for administration. Second the prohibition of all development over 30% is unduly burdensome. Fixing a retaining wall is 100% slope. Building a driveway access on a road with driveway ditches impacts 30% slopes and is therefore prohibited.	For starters, change the 30% requirement in Figures 3-08 to require a hearing and 3-09 to require engineering plans. In the least this makes development possible and applicants may build retaining walls or other ways to engineer appropriate solutions. Next, similar to 3002.C above, the PC could consider limiting the number of districts or add in waivers to provide room to make reasonable development proposals.	The PC approved a few changes. First the square footage amounts will be switched between 3-08 and 3-09. In that way engineered plans will be required at the lesser amount and hearings at the higher amounts. Second, the PC approved the staff recommendation to have all development over 30% require a hearing and engineered drawings rather than an outright prohibition in these areas.
33	3008.B is applicability and the first sentence is not applicability at all. It is either purpose (move it up) or some kind of performance standard (and move it down).	Considering the intent of the statement is generally captured in .C(I), I would actually strike the sentence all together.	PC agrees to strike .C(1)
34	inconsistency in how slope is broken down. In 3002 it is "30% or more" and 3008 its "more than 30%"	Doing homework to find out what rules the map followed. It make sense to change the rules to be consistent with the map. Map is greater than or equal to 30%.	PC agrees to make all references to be "greater than or equal to 30%".
35	3010 change title to be "vehicle access and circulation". From .A strike bicycle and pedestrian.	This section was split in 2 with vehicles remaining here and bike and ped moving to site plan section 3202. Those changes should be made.	PC agrees to make title to 3010 be "vehicle access and circulation"

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36	3011.C discussion of fraction of parking spaces not discussed. If you need 3.2 spaces, how many are required? Generally the answer is 4 so it should be clear.	Recommend adding a (4) that states that fractional spaces always round up.	PC agrees to add 3011.C(4) stating that fractional spaces will round down.
37	3011.F and .B are conflicting. In .B all non-res and Mixed use SHALL PROVIDE LOADING AREAS while .F says "an applicant for a use that will regulatly receive deliveries shall demonstrate adequate offsite loading.	I prefer the second wording. Under the earlier applciability requirement you would need a loading dock for a real estate office or dentist. Better to require applicants to demonstrate off street loading for projects that will receive regular deliveries.	PC agrees that both .B and .F should read that "an applicant for a use that will regulatly receive deliveries shall demonstrate adequate offsite loading."
38	3011.I(3) regarding erosion and drainage in parking areas the requirement is to meet 3009. This should be deleted as all projects that must meet 3011 are already required to meet 3009. When we write decisions we need to repeat ourselves in two places.	Delete 3011.I(3)	PC agrees to delete 3011.I(3)
39	3012.C(13) prohibits Electroic message signs (except for theaters) and then .G(7) has an entire section on the requirements for electronic signs including what districts they are allowed in.	This is a policy discussion to allow or not allow. I personally dislike electronic message signs and would ban them everywhere in the city but... the PC and Council will need to decide because right now we both prohibit and allow them.	PC agrees to prohibit all electronic signs.
40	3012 Figure 3-16 considering the Dominos sign can now only be replaced with a sign that is 12 sq ft (when previously they could have had 37.5 sq ft.). They constructed a 55 sq ft sign and are willing to go to less than 37.5 but not 12.	Previously staff recommended that the crossroads neighborhood (which that area of the city is in) should have signage based on Eastern Gateway rather than Rierfront District- that way the property would be limited to 32 square feet. Council disagreed and votes to retain keeping it in Riverfront and the 12 foot sign requirement (therefore we will not be getting a new Dominos sign). Staff would like the PC and Council to reconsider decision.	PC disagrees and decides to leave as is and recommend sign ordinance in future to fix problem.
41	3111 regarding room and boarding houses. .A(5) should be changed from "shall not" to "may".	We had an application where an applicant had an existing rooming and boarding that had small kitchens. They thought breakfast kitchens would be nice and what is the harm in the added benefit of a private breakfast kitchen. Staff agrees and feels they should not be required but should not be restricted either.	PC votes to strike .A(5) altogether.
42	Section 3201 a desire to add the information note above 3201 to be included with 3201.	My recommendation would be to change 3201 title to be "applicability and major/minor site plan determination". Next I would move .A to be .B and add a new .A that reads "All development shall meet the requirements of this Chapter except parcels used for a one or two dwelling units."	PC agrees to change 3201 title to be "applicability and major/minor site plan determination". Next I would move .A to be .B and add a new .A that reads "All development shall meet the requirements of this Chapter except parcels used for a one or two dwelling units."
43	3202. Change title to "Bike and Pedestrian Access and Circulation"	Vehicular access and circulation is discussed in 3010	PC agrees to change title to "Bike and Pedestrian Access and Circulation"
44	3202.C Applicant had confusion about this requirement and believe it would be void for vagueness if challenged. What does this requirement mean for a proposal that will add two dwelling units to a duplex? Do units in res 9000 count as supporting alternative transportation simply because they are close to downtown?	I think you should add more detailed requirements to .A and .B if you think they are needed and strike .C.	PC agrees to strike .C

45	<p>3203 Lanscaping is the #1 problem with the new regulations. Generally, there are no rules addressing non-conforming or waivers. The rules are extremely strict. For example, a change of use from retail to office requires site plan approval but even though no exterior changes are being proposed. For a property with non-conforming landscaping this could mean tens of thousands of dollars in landscaping are required. This has come up on every single application we have received. Some issues included a property with two ancient trees that are required to have 4 trees - they ask if they should cut down the 2 massive trees to make room for four small trees. The standards are able to be met on rural and suburban lots but not on urban ones. There is no conversion between trees and shrubs so if I need 8 trees and 50 shrubs but have 10 trees and 40 shrubs already, do I need to cut down 2 trees to plant 10 shrubs? Another had an extra acre of vacant land behind the developed portion of the lot and asked if they could plant their trees and shrubs in the back land (which they technically could under these rules).</p>	<p>To decide how to fix amending the rules you first look back at the purpose. Why do we require landscaping and screening at all? .A gives the purpose which is good and helps to decide what we want to see. Considering the emphasis on the "appearance from public vantage points" and "creating shade along sidewalks" one person suggested changing the standard to "building frontage" rather than "building perimeter" and to require the plantings btween the building front line and the street. That way the rules are implementing the purpose. That was a good start but still does not address trees to shrubs conversions or the fact that there is a fixed number of trees that need to be planted and therefore smaller trees will be used rather than large ones. Another option could be establishing a minimum amount of planting area per linear frontage. Firgure 3-20 establishes those numbers for each plant material size so lets say we use "5 square feet of planting area for every foot of principal building frontage". A recent application with a building with 40 feet of building frontage would have been required to provide 200 square feet. Considering the property had two existing large trees in the font yard, they would have met that requirement (2 times 100 square feet). Had those trees not existed they could have planted 8 medium trees and a few shrubs. Perhaps it works like the shading requirements. Just some ideas to consider.</p>	See new landscaping rules
46	<p>3203.D should be reorganized to read "Plant materials shall meet planting specifications in Figure 3-20 and the following:" The rest should be listed (1), (2), (3), etc. Plus a new number should be added that states "When counting the amount of required plant materials, the same tree or shrub can be counted towards meeting more than requirement (street trees, site landscaping, parking lot landscaping etc.).</p>	<p>Its difficult to administer and enforce rules when they are written as big sentences. There should be one thought per number. Also is was not clear in other places whether a tree that is near the parking lot counts for both site landscaping and parking lot landscaping or whether the two are separate.</p>	See new landscaping rules
47	<p>3203.D the reference to figure 3-19 should read 3-20</p>	<p>typo</p>	See new landscaping rules
48	<p>3203.E the reference to figure 3-19 should be 3-20</p>	<p>typo</p>	See new landscaping rules
49	<p>3203.F(2) change "if" to "in".</p>	<p>typo</p>	See new landscaping rules
50	<p>3203.F(1) and (8) use two different numbers. Unclear if the requirement is within 5 feet of the ROW and a waiver could allow 6 feet or more from the ROW. The waiver would allow for fixing some non-conforming sites but it isn't a broad waiver to allow other pre-existing issues. Street trees are required in urban center and a waiver avenue exists but that means every urban application would not be administrative any longer and need to go to the DRB to receive a waiver because their property is zero lot line.</p>	<p>Street trees have not been a big issue in the applciations reviewed so far but is should be clear that street trees can be double counted with total site landscaping (.G). Also, on (2) if we state that "for non-confoming sites, if a planting area..." and then stated that the requirements of 3203.F do not apply rather than the DRB may waive then it would fix the unnecessary waiver hearing requirement.</p>	See new landscaping rules

51	3203.G is the most challenging. As discussed above, we have options for square feet of planting per building frontage or Square feet of planting per lot frontage as options. I think revising up medium trees to 36 square feet would be appropriate (small trees need 4x4 planting area; medium 6x6 and large 10x10). .G(2) should be replaced with "All required planting shall be placed between the front line of the building and street." A new .G(3) should read "All plantings should be placed in areas meeting the minimum planting area for the plant material."	Again, more ideas for consideration.	See new landscaping rules
52	3203.H there is no distance from parking lot so the question comes up whether a tree 10 feet from the edge of the lot counts towards the parking requirement.	Add a number (6) that read that all trees within 10 feet of the parking area may be counted towards requirements of this Subsection.	See new landscaping rules
53	3203.H also has problems with (3) where figure 3-19 shows parking lot trees around the outside of the lot but (3) says that all trees shall be planted in an island. I don't think this is necessary. (5) is also a problem in that it is unclear how much parking must be behind the building to get the discount. Also the initial discussion is about providing shade but the "parking discount for shading due to screening" doesn't appear to make sense.	I would strike #3 and put a note on (5) that says where greater than 50% of the parking spaces are behind the rear building line..."	See new landscaping rules
54	3203.J No guidance for non-conforming.	With all the changes above we still have not addressed the issue of a change of use (with no changes to the exterior of the building) now requires non-conforming site plans to come into compliance. I see two options here. One is to still require parking but put a \$ limit so parcels with nonconforming landscaping shall be required to spend up to 2% of the total budget cost on landscaping where a site does not currently meet minimum landscaping requirements. Option 2 is write something similar to outdoor lighting (see 3204.D) when changes to outdoor lighting are proposed on a site with nonconforming lighting, all lighting shall be brought into compliance.	See new landscaping rules
55	3204.F for the most part outdoor lighting has worked well. The two minor issues are with (3) and (4). On the uniformity requirement, staff does not have any idea how to administer or enforce. Especially on a big parcel (9 acres) do we really want uniformity? On (4) the requirement is for Energy Star rating. Not one applicant has met that requirement. In two cases lighting was selected working with Efficiency Vermont and they could not find certification by energy star.	Strike (3) because we don't think it is useful and we have no way to administer it. Change (4) to "shall be LED lamps or Energy Star certified."	PC agrees to change (4) to "shall be LED lamps or Energy Star certified".
56	3204.F(11) and Figure 3-21. There is a question about lighting and when they need to be turned off. The table doesn't make a lot of sense. So Class one lighting (which includes baseball fields) can have their lights on all the time but low level residential lighting more than 50 feet from a building must be turned off including lighted walkways to the street. It doesn't make much sense.	I'm not sure a fixed time makes sense. I would strike the first sentence and reference to it from Figure 3-21 and just say that the DRB may limit when outdoor lighting may be used as deemed necessary to achieve the purposes..."	PC agrees to strike first sentence and the "lighting" column on Figure 3-21 and to amend the second sentence to read the "the DRB may limit when outdoor lighting may be used as deemed necessary to achieve ..."

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57	Figure 3-22 appear to be mixed up or its not clear. So if you are commercial and only have partially shielded lighting then you can have 5000 lumens. If you have a mixture of fully and partly shielded then you get 50,000 lumens. So a developer just needs to add one fully shielded light to allow 10 times the lumens. Doesn't make much sense. Another possibility is that the second row is a subset of the first row. So you can have a total of 50,000 lumens but only 5,000 of that can be partially shielded. Its not what it says but that may be what was meant.	Considering the partially cutoff is such a small percentage of the total maybe it would be clearer to simply change the top line to be Fully cut off fixtures and the second line to be partially cutoff fixtures. Someone could theoretically get 55,000 per acre by doing 50k of full and 5k of partial but it would be clear. Otherwise some rewording to clarify that the top is "total of all light fixtures" and the bottom is "Where allowed, the limit on the amount of partially shielded lighting (which is included in the total lighting fixtures above)".	PC agrees to make the top line of each section read "Maximum of all fully shielded light fixtures" and second line to read "Maximum of partially shielded light fixtures"
58	3205.D outdoor storage shall be "fences and screened" . Perhaps should be fenced OR screened.	Change "and" to "or"	PC agrees to change "and" to "or" on section 3205.D
59	3304.B any discussion of the use is missing. (1) is architecture and (2) is landscaping and lot coverage but there is no addressing the character of the neighborhood based on the use. The presence of one conditional use does not necessarily mean another will be allowed. The presence of one store may not change the character of the neighborhood but two or three or four will.	Recommend adding a (3) that says "conditional uses shall not have a negative impact upon the character of the neighborhood. The existence of one conditional use in a neighborhood will not necessarily be interpreted as justification for a similar conditional use to be located there."	PC agrees to add a (3) that says "conditional uses shall not have a negative impact upon the character of the neighborhood. The existence of one conditional use in a neighborhood will not necessarily be interpreted as justification for a similar conditional use to be located there."
60	3402.B recommednation to add Res 24,000 to the list of allowed districts	Agreed. I believe this was an oversight.	PC agrees. Add Res 24,000 to 3402.B
61	3404.B recommednation to allow New Neighborhoods in Western gateway, eastern gateway, and residential 24,000	I think allowing this is more districts would be positive.	PC agrees to approve the addition of western gateway and res 24,000 to New Neighborhood PUDs (3404.B). Eastern Gateway was not added.
62	3407 add a general PUD section without any density bonuses	This idea has been mentioned especially for owners of sites with challenging conditions. I think it would be a good idea. If someone cannot cluster because they cannot meet one of the other PUDs then you may end up with worse development. If it is desired I can make a separate set of provisions for consideration.	No new PUD changes at this time.
63	3502(6) strike because solid waste is not a community facility or utility. It also is not regulated in the condition use section so it doesn't make sense to regulate here.		PC agrees. Strike 3502.A(6)
64	3505.B(7) strike as this one does not make sense. This can happen for many reasons.		PC agrees. Strike 3505.B(7)
65	3506.C(3) change to read that applicant "shall demonstrate ability to comply with the state's wastewater..."		PC agrees to change 3506.C(3) to read that "applicant shall demonstrate ability to comply with state wastewater..."
66	3506.G and 3506.H these are duplicative. In any project, including subdivisions, the applciant needs to meet the general standards of chapter 300. So requiring this here again means including it twice in the reports and decisions. It should be struck.		PC agrees. Strike 3506.G and 3506.H
67	3508.A Strike "remiaining provisions" and replace with "solar orientaion provisions"	needed for clarity	PC agrees. Strike "remaining provisions" and replace with "solar orientation provisions"
68	3510.A (2) and (3) these appear here but should also appear in 3505.B so new lots created also do not create a non-conformity.		PC agrees. The requirements in 3510.A(2) and (3) should also appear in section 3505.B
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72	<b>Part 4</b>		
73	4205.C move to .D and add a new .C which reads "Where the Administrative Office amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit."	We had this question come up in a recent amendment.	PC agrees. In section 4205, move .C to .D and add a new .C which reads "Where the Administrative Office amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit."
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82	<b>Part 5</b>		
83	We will need a definition for painting studio if that change is made in Part 2.		PC agrees. Definition of painting studio added.
84	Add definition of change of use	Needed for earlier discussion of fixing the figure 2-15 change of use issue. A definition of change of use to unclude changes of the number of dwelling untis would clarify.	Change of use was already added to definitions. Change added to clarify addition of dwelling units.
85	Search replace "lot" for "parcel" and add definition of parcel	I use a more complete definition of parcel that addresses issues such as whether a road subdivides a parcel and what is proof that a parcel exists.	PC agrees. Change lot to parcel. Add a definition of parcel.
86	change definition of subdivision.	The current definition of subdivision includes boundary line adjustments which means BLAs have a full process and not a shortened review process.	change definition of subdivision so that it does not include BLAs
87	If definition of land development is moved up front then perhaps subdivision and parcel should be as well. Should be reviewed to determine if it would make the applicability clearer or not.		PC agrees to move definition of land development, subdivision and parcel to the front of the bylaws.
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108	<b>Late additions</b>		
109	For section 3002.C (4)(b) we need to clarify if a two unit building can be subdivided as if it is a single family. So we know the rule allows a single family house is res 3 to be a duplex even if it has a only 3,500 sq ft. If the duplex is on a lot that is 7,000 square feet can the lot be subdivided to be 3,500 sq ft.? Also in 3002.C(4)(b) the word "convert" is perhaps the root cause of problems.	Proposed changed could be "Any conforming lot served by water and sewer, and meeting all other applicable provisions required for two dwelling units, may either contain a single unit or two units, irrespective of the district density."	PC agrees that 3002.C should clearly allow duplex subdivisions as described as well as the proposed changed to allow direct construction of duplexes on a vacant conforming lot.
110	Because we do not regulate "families" it has been suggested that we do a search & replace to switch to "unit" or "dwelling unit" instead.		PC agrees. Replace "family units" with "dwelling units"
111	Some conflict exists between 3505 (Lot arrangement) and 3009 (stormwater). The former requires positive drainage away from buildings and not to concentrate drainage onto adjacent lots while the latter says stormdrainage shall not negatively affect adjacent properties.	My thought is that the former can be struck. The actual subdivision of land does not change drainage patterns. When new lots are developed they will need to meet the latter rules. A subdivision could be designed to provide a common land location for concentrated drainage, treatment and infiltration. I would rather we leave the requirements with some amount of performance standard to be met.	PC agrees to delete 3505.A(7)
112	Per changes to state law in 2018... 3107.A strike "...and that will not be located closer than 1,000 feet to another existing or permitted group home..."	Act 130	PC agrees. In section 3107.A strike "...and that will not be located closer than 1,000 feet to another existing or permitted group home..."
113	Figure 3-16 typo. Ground Mounted sign area in Urban center. The height requirement says 8 square feet instead of 8 feet.	typo	PC agrees. Change height to 8 feet in figure 3-16
114	Figure 3-14 should include all the land use categories on the 3-13 table. Currently some are not and we received an application to have shared parking with public assembly use.	agreed. Specific data will be provided for consideration by staff for PC.	PC agrees. Staff will develop land use categories for figure 3-14
115	3002.G measuring setbacks does not mention that it is measured on the level. This should be clarified either in a figure or in text.	I think most people know this and is "customary" but a member of the public may try to make an argument that its something else.	PC agrees. 3002.G should reference that setbacks are measure on a level line.
116	1101.A should have a (10) that references 3012.D exempt signs. These signs are exempt from needing a zoning permit but it is imbedded in the middle of the zoning. A consideration should also be given as to whether these should be exempt in all or only "outside of Design Review (move to .B)	I would put in .A. it is a straight forward reference.	PC agrees. Add a 1101.A (10) that refers to the exempt signage of 3012.D
117	3005(?) water setbacks still apply to buried streams but not the required buffer!! Clarify in rules. Possible we use different setback (10')? Suggestion was made by DPW that we use 10 feet from centerline of culvert or the buffer requirement -whichever is greater. The state wants to reopen as many of these buried streams as possible so if we at least require the buffer distance (generally 50% of the water setback) then we can restore the buffer in the future if we do. Optionally we could enforce the full setback but there are many encroachments and we would need to have some waiver rules to allow continued reasonable use of properties that have buried streams on them.	We have an application to build on a parcel that has a buried stream. We talked above about exempting the required buffer but we can't exempt everything because people could then build over the stream.	PC agrees that buried streams should have a 10 foot required setback from the center of the culvert but no required buffer.

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118	Figure 2-10 Res 6000 dimensional standards - its noted that the setback is now 15 feet where it use to be 10 feet under the old zoning.	This will make a difference for some projects but I typically found that there neighborhoods were at 15 feet (and an exemption already exists for matching abutting properties). I would leave it as is.	PC agrees to leave as is.
119	Figure 2-11 Res 9000 dimensional standards - its been noted that the front setback changed from 10 to 20 feet and the side went from 10 to 15 feet.	The side setback looks like it could be moved to 10 feet but there are waiver provisions. Most of the Res 9000 areas met the 20 foot front setback but I could see 15 feet as thereis no waiver for front setbacks (or we could allow such waivers).	PC agrees to leave as is.
120	Fix zoning map on North street due to BLA	A boundary line adjustment on north street (on the edge of two zoning districts) has made the zoning lines not match property lines and we want to fix that.	PC agrees. Adjust zoning map on North Street due to BLA.
121	3011.J on nonconforming parking - near the end of the first sentence it reads "...or a substantial change to the site layout, access and circulation." That should be "access OR circulation".	typo	PC agrees. 3011.J should read "access OR circulation."
122	3204.D discusses previously developed which requires all lights to be brought to code.	We had application for a large project that had funding to upgrade all the parking lot lighting but not the other lights attached to the building and pathway lighting. We thought it would make sense to require all similar lighting to be upgraded but not necessarily all lighting. Requiring them to upgrade all lighting would mean they would not upgrade any lights so we felt a requirement to upgrade all similar lighting (if you upgrade some parking lot lights you must do all parking lot lights).	PC agrees. 3204.D should be amended to require that all similar lighting be upgraded when non-conforming lighting is adjusted.
123	Move 3203.I(7)(a) and (b) to 3101	3207 discusses fence and wall standards within the screening requirements which would more appropriately be placed in the discussion of fences and walls (3101).	PC agrees. Move 3203.I(7)(a) and (b) to 3101
124	Strike 3002.D(2)(a) if #26 (removing buildable area from density) is removed.	Required fix if #26 is made.	PC agrees. Strike 3002.D(2)(a)
125	Suggestion to add 3 and 4 unit residential to the site plan exemption (see #42)	The idea of exempting smaller residential projects from site plan makes sense to me but it is a policy decision. The board should review the site plan criteria to see if any we would want to make sure are reviewed. If not, they should be exempt.	No change.
126	Suggestion to adjust definition of sign 5101.S(7) to refer only to commercial sign.	Idea is to add the words "for commercial purposes" after the words visual communications.	Add the words "for commercial purposes" to the definition of signs (5101.S(7))
127	3406.M(1) Campus PUD and permits. Recommend striking the last sentence of (1).	The last sentence of (1) is confusing (does it apply to the "shall occur in 5 years" or to the "or it will expire"). We could not figure out which one made more sence and ultimately felt that it was clearer to simply strike the sentence.	PC agrees. Strike last sentence of 3406.M(1)
128	4205.A change "and" to "or" in first sentence.	The AO may amend a permit prior to completion OR occupancy otherwise the applicant can start using the space and still make changes. The idea is that the permit is open (and can be amended) until it is EITHER completed OR occupied. Afterwards they need to get a new permit.	PC agrees. Change "and" to "or" in first sentence of 4205.A
129	3005.D(1)- the second sentence should be amended to read that "the applicant shall demonstrate that the proposal meets the requirements in Subsection 3005.G prior to the DRB granting such waiver."	As written, it doesn't make much sense.	PC agrees. In 3005.D(1)- the second sentence should be amended to read that "the applicant shall demonstrate that the proposal meets the requirements in Subsection 3005.G prior to the DRB granting such waiver."

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130	3005.F(5) comment made that this is overly permissive in its wording. Perhaps adding the words "...all other requirements of these regulations are met and an..." after "provided" would clarify that the non-conforming language here can be rebuilt but if it is also non-conforming to other standards (lot coverage or building footprint) then it may need to look to those other sections for guidance on those non-conformities.		PC agrees. Section 3005.F(5) should add "...all other requirements of these regulations are met and an..." after "provided"
131	Chapter 470 (enforcement) should be revised to be organized more like Chapter 400 of the River Hazard Area Regulations.	The AO found the enforcement rules too restrictive and not organized well. She reviewed RHA provisions (which follow the same state statutes) and found them to be much clearer. It would require a larger strikeout copy because of the number of changes that would be required.	PC agrees to changes.
132	3007.H(2) states that development cannot create slopes greater than 30% but we now have relaxed the rules. Would recommend adding to the end of that statement "... without an engineered plan."	I think its straight forward.	PC agrees to add "without and engineered plan" to 3007.H(2)
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