

**Barre City Unified Development Ordinance: Council First Reading Comment Sheet with Commission comments from 4/25/19 meeting; new comments added**

Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
Purpose	1	1003.A(3)	BADC Director	Definition of Smart Growth Principles? Available?	Term is defined as per state statute in 5003.S(6).	No change.
Purpose	1	1003.A(4)	VT Dept. of Health	There are many places in the ordinances where neighborhood and city designs require supporting or preserving the "character" of the city gateway and neighborhoods. What does the desired "character" of the city and neighborhoods look like? What attributes (e.g., architectural design, types of retailers, city-sponsored events, parks, etc.) support the look and feel of the desired c character? I recommend defining character" so the City can be explicit and take concrete steps toward achieving the desired vibe.	Character of the neighborhood is a common term and concept in land use planning and regulations. The purpose statements of the zoning districts and the land use chapter of the city plan provide further guidance on what the character of a given neighborhood is. Recommend adding a definition of "character of the neighborhood" as Paragraph 5003.C(2).	PC agreed and definition was added.
Relationship	2	1005.A and B	BADC Director	"any other law or regulation" is that municipal, State, Federal or all of them?	Includes state and federal laws and regulations. Added 1005.C to remind applicants of other applicable city codes.	PC agreed with proposed change.
General Exemptions	3	1101.A(1)	City Staff - Planning Director	can or should there be a reference to any other city ordinances needing to be referred to when there is an emergency repair? There is a whole provision in the Building Ordinance for emergency repairs, and by reading this, it might lead someone to think that there is nothing else for obligatory review in such a circumstance.	This has come up in several places. Maybe we should add a provision to Section 1005 to address building ordinance and other city ordinances.	1005.C has been added to reflect the practice that applicants may need other permits, that their project may come under other ordinances and they need to be cognizant of that.
General Exemptions	3	1101.A(3-5)	BADC Director	Definition of "normal" Available?	Defined in 5003.N(3).	No change.
General Exemptions	3	1101.A(3)(a)	City Staff - Planning Director	add words like "...painting of any unpainted surface or change in color and ..." so if a business wants to change their color scheme, they would still know to come to DRB for approval of such	Changes in paint color would not trigger design review under the proposed language.	PC discussed and no change made.
General Exemptions	3	1101.A(5)	BADC Director	Definition of "essential services"	Defined in 5003.E(1).	No change.
General Exemptions	3	1101.A(7)	BADC Director	Definition of "substantially"?	The word "substantially" allows for minor variation such as a difference in the width of the pickets or similar. The ZA would interpret the term. See proposed revision to Subsection 5001.A regarding interpretation of terms.	No change.
General Exemptions	4	1101.A(7)	City Staff - Fire Marshal	no mention of WHAT a fence could be made of; how do we differentiate between the allowed animal fence (chicken wire) in the animal ordinance and someone who wants to put a chicken wire fence up for a daycare (Prospect Street) or an orange snow fence for a daycare (Prospect St and French St)? Is a chicken wire fence appropriate for a yard fence say for small children or the family pet?	The draft does not regulate fencing materials beyond restricting materials that pose a safety hazard or could inflict bodily harm.	No change. PC agreed this is a code rather than zoning issue.
General Exemptions	4	1101.A(12)(b)	City Council Ordinance Review Subcommittee	Is sand a permanent foundation (as related to swimming pools)?	No – a permanent foundation would be something like concrete footings or a pad.	No change.
General Exemptions	4	1101.A(12)(c)	City Staff - Fire Marshal	regarding pools and setbacks and table 3-01 on page 49, rather than say they need to follow the appropriate setbacks for that district, and this table allows for pools to encroach on side and rear setbacks to a minimum of 8' or the minimum setback, whichever is the lesser, just say pools must meet a minimum of 8' setback in all districts. If you look at the setback chart, there is nothing less than 8' in any district except UC-1, and there are only apartment houses with little to no yards in UC-1. Too confusing.	Leave as is per meeting on 4/12/18	No change.
General Exemptions	5	1101.A(15)	BADC Director	Seems to encourage the proliferation of small accessory structures when one larger would make more sense	Sets a maximum limit of 3 such structures in order to prevent proliferation. Currently there is no limit.	No change.
General Exemptions	5	1101.A(19)	BADC Director	May need a tighter criteria. 10' above a peak of 12/12 pitched roof is quite high, especially if the panel is pitched as well. The statutory definition may be poorly drafted.	This exemption is mandated by the state.	No change.
General Exemptions	5	1101.A(20)(f)	BADC Director	Who interprets "where it (antenna's) can reasonably function"?	The ZA would interpret and his/her interpretation could be appealed to the DRB. See #8.	No change.
General Exemptions	6	1101.A(24)(d)	BADC Director	Zero non-resident employees is a strict interpretation, and who will determine whether a person is an "employee" or not? Perhaps, one employee or subcontractor, working less than 25 hours a week?	This exemption is intended to solely cover people with a home office or similar no-impact business. There are permitted home occupation and home business uses that allow for employees, signs, etc.	No change.
General Exemptions	6	1101.A(25)	BADC Director	Very difficult to enforce. Is it 20 days for all items, 20 days for a single item?	It is 20 days in a year total for all such activities on a lot. This provision allows the city to enforce when there is a problem/complaint. Revised to clarify calculation is cumulative.	PC agreed with proposed clarification.
Community Facilities	7	1104.C	BADC Director	Community facilities are "licensed". Don't know what "certified" means. Also, for clarification may want to add "daycare facilities" and perhaps, "any other facility that is operated by a non-profit, charitable entity, is open to the public without membership and requires State licensing".	This is a statutory exemption mandated by the state. Certified is the term used in statute. Not all of the community facilities are licensed (ex., schools). Daycare is not included.	No change.

110 - Exemptions and Limitations

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	Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
120 - Prior Applications, Approvals & Uses	Prior Permits and Approvals	9	1202.A and B	BADC Director	Depending on what is in progress at the time of adoption, this could be unnecessarily burdensome for the applicant. What is "substantially complete"? I suggest that the existing permit can be extended with the recommendation of the Administrator and the approval of the Development Review Board.	This is standard practice / interpretation of VT land use law. Permits are valid for a specified period. If they lapse without the work being completed, new permits are required. If laws have changed, the project would need to conform to the new law.	No change.
	Prior Development Approvals	9	1202.C	BADC Director	What if the applicant does not get a permit due to reasons that have nothing to do with due diligence of the applicant, but failure of the permit to be approved resides with the inability of the DRB to meet, or have a quorum, or continues to deliberate past the 12 month mark?	As laid out in Part 4 , once an application is complete the ZA schedules a hearing for the next regularly scheduled DRB meeting. Once the DRB closes a hearing they have 45 days to issue a decision or the applicant can seek a deemed approval from Environmental Court. This provision is intended to prevent a property owner from getting a site plan or conditional use approval and not proceeding with the project, and then coming back many years later and claiming the approval is still valid.	No change.
	Expansion of Use	10	1204.B	BADC Director	What is the distinction between and expansion of use between a bedroom and something else within existing space? Does this have to do with wastewater?	Bedroom is defined in 5003.B(1). An increase in number of bedrooms requires demonstration that wastewater regs are being met.	No change.
	Discontinued Uses	10	1205.A(2)	BADC Director	same as 1204.B comment	Bedroom is defined in 5003.B(1). An increase in number of bedrooms requires demonstration that wastewater regs are being met.	No change.
	Abandoned Development	10	1206	Mayor	What time constraint constitutes an abandonment?	Development is considered abandoned when it is not completed prior to the zoning permit expiring. Revised for clarity and added a definition of abandoned development in 5003.A(1).	PC agreed with proposed changes.
	Damaged or Destroyed Structures	10	1207.A	BADC Director	"Immediately" means what? How about 24 hours, or 36 hours, subject to inability to do so while Acts of Gods are continuing, such as flooding, hurricanes, earthquakes, etc.	There is no specific time limit stated because it will be situational. In the event of a major flood, it may take a week or more before property could even be accessed. Whereas if there is a minor fire, it may only be a day. The ZA would interpret the term.	No change.
	Damaged or Destroyed Structures	11	1207.B(1)	Mayor	Shouldn't public health and safety be addressed more timely than 6 months?	This does not abridge the city's police powers to address public health and safety problems more quickly. Added a Paragraph to Section 1005 to clarify.	PC agreed with proposed change.
	Zoning Permit Required	11	1207.C and D(1-3)	BADC Director	Could possibly conflict with 1101.A(1) and (3). What is the distinction? Needs clarification.	1101.A addresses emergency repairs and stabilization. 1207 addresses the actions that follow after the emergency has ended.	No change.
	Blighted Structures	11	1207-1208	Mayor	see definitions of blighted, damaged and destroyed structures	no discussion needed.	No change.
	Blighted Structures	11	1208.A	BADC Director	Yes, indeed, definition of blight needs to be legally vetted.	Using HUD definition of blighted structure.	No change.
Blighted Structures	11	1208.A	City Staff - Fire Marshal	First time 'Major Site Plan' review shows up, no definition or reference. What is a major site plan? Conversely, is there also then a minor site plan review?	Major and minor site plan are defined in Section 4305(C). Added cross-reference when "major site plan" used.	PC agreed with proposed changes.	
130 - Nonconformities	Nonconformities - general comment	PP 12-14	1301-1304	BADC Director	This appears to be an absolute prohibition and may prevent an existing institution or private property owner from coming to an agreement with an adjacent property owner to make improvement that is deemed to be necessary, or in the case of non-profit, has a public benefit. A nonconformity may be necessary for ADA compliance, the creation of exterior elevator shaft, for security or some other reason, and if may not meet any of the requirements of 13613. If there is a workaround for specific cases, it's not clear.	This is not a prohibition at all, and actually puts in writing what is inherently understood regarding nonconformities in the zoning area. There are multiple ways to deal with nonconformities such as handicapped ramps and elevator shafts; and the ZA has the authority to approve something to meet ADA compliance as well (1301.E)	No change.

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<p align="center">200 - General Provisions</p>	Historic Structures Overlay boundaries	16	2003.E	Devin Coleman, State Architectural Historian	<p>Local Historic Districts and Landmarks: 24 VSA § 4414. Zoning; permissible types of regulations lays out the process for establishing a Design Review District or Local Historic Districts/Landmarks. Based on the description of the proposed Historic Structure Overlay District, it sounds like Barre City should establish a Local Historic District and Landmarks. To do so, the process laid out in 24 VSA § 4441 needs to be followed. The way the Ordinance is written now, the boundaries of the Historic Structure Overlay District are defined as follows: 2003.E The boundaries of the Historic Structure Overlay District are inclusive of all properties listed individually or within a district on the State or National Register of Historic Places as most recently approved by the state or federal government, as applicable. This is a problem because it makes an unrelated federal/state decision the sole basis for local legal consequences; in other words, it makes National/State Register listing the trigger for local regulatory restrictions. For reasons of due process, the National Park Service (which oversees the National Register program) and the Vermont Division for Historic Preservation (which oversees the State Register) strongly discourages local governments from making local designation - or any other local restrictions - automatic based solely upon a property's listing in the National/State Register of Historic Places. The preferred alternative is to follow the process laid out in 24 VSA § 4414 to create a Local Historic District and locally designate individual landmarks. The benefit is that this empowers the city to designate, and therefore regulate, historic resources that have yet to be listed in the NR or SR. It gives the city more flexibility at the local level to decide what is (or isn't) subject to regulation. About a decade ago another Vermont city made local regulation automatic based on NR/SR designation, and as a result almost no historic survey or listing projects have taken place in the city because no one wants to be listed in the NR/SR when it automatically triggers local regulations. That's not the intent of the NR/SR programs, and it's unfortunate to see these programs hung up by fear of local regulations.</p>	<p>Can't force us not to regulate. Revised Paragraph 2003.E to reference the Overlay District Map and not the National Register listings. If boundaries of historic district change or properties are added/removed from register, then the overlay district will have to be amended.</p>	<p>PC discussed and decided to reference an overlay district map in Subsection 2003.E, which is inclusive of all properties with a structure currently listed on the National or State Register of Historic Places whether individually or within a district. If there are changes to those listings, the map will need to be revised to incorporate them.</p>
<p align="center">200 - General Provisions</p>	All new districts' Intent line and subcategories as highlighted	22	2101.A	VT Dept. of Health	<p>This is health promoting. Addresses several social determinants of health: housing (hopefully affordable housing options); access to services and economic opportunities; pedestrian-friendly; and connection to community life.</p>	<p>no comment.</p>	<p>No change.</p>
	UC-1 Allowed Uses	22	2101.B(3)	BADC Director	<p>A request to consider first floor residential being allowed in the proposed UC-1 district; what it might be if entrances are not facing N. Main Street.</p>	<p>Consultant has drafted additional language for #1 for a distance of 100 feet from the front property line, allowing them to be conditional uses and that the unit will not adversely impact the use of the remaining ground floor for non-residential purposes. The 100 feet was an arbitrarily chosen distance and should be discussed.</p>	<p>100-ft. distance from front property line is ok, and removing language that refers to any side street also being the front property line.</p>
	UC-1 Allowed Uses	22	2101.B(3)	BADC Director	<p>Information services should be allowed on the ground floor. There may not enough retail or other uses to maintain full occupancy of ground floor spaces, and these services are professional enough to be not unlike others.</p>	<p>An explanation of the definition found in the Use Table was further explained to be a building with computer components such as networks drives, housing overly large servers, such as Consolidated Communications building at the corner of Elm and Summer Streets - mostly full of server type equipment with little to no human office space.</p>	<p>No change.</p>
	UC-1 Dimensional Standards	22	2101.C	Mayor	<p>New principal structures must be a minimum of 2 stories; why not 3?</p>	<p>2 is the current minimum height required.</p>	<p>No change.</p>
	UC-1 Dimensional Standards	22; 23; 24	2101.C; 2102.C, 2104.C	BADC Director	<p>Mandating functional 2nd floors in UC-1, already required, UC-2 and MU-1. At the current time, the requirement lacks economic justification by adding significant construction and development cost when there is no market for the space. Essentially, this requirement preserves the status quo since the built environment has always been based on market demand and it's unlikely that a property owner or developer will spend the additional capital for a second story that in most cases will require an elevator. The additional square footage by rule must also be accompanied by additional parking.</p> <p>It is worth noting that are 1 story buildings in UC-1 which includes 2 Historic Districts. UC-2 and MU-1 includes a number of significant commercial one story properties just north of UC-1, and it would be ideal if redevelopment were to include 2-story buildings, but the functional 2nd floor requirement excludes the possibility of new 1 story construction that may be more appealing than what exists, meets new energy code requirements, and meets a market demand that nobody can actually predict. There is nothing that prevents upper story development anywhere in any of commercial zones except the market. As desirable as it may be to see 2 story development that expands compact development that is an adjunct to a traditional looking downtown, does the City want to exclude 1 story development in 4 prominent zones for aesthetic considerations?</p>	<p>2-story requirement in UC-1, UC-2 and MU-1. The suite of dimensional standards (setbacks, minimum height, built-to-line, BTL coverage) are intended to result in a specific built form. Multi-story downtown buildings located at or close to the edge of the sidewalk. It is more than an aesthetic concern. This urban form is necessary to create a pedestrian-oriented place that feels like a "downtown" and that is critical for the economic health of the businesses in these buildings. When upper floors have people living in them, it also improves the vitality of downtown. It is not a place that empties out at the end of the workday, there is activity in the evening and on weekends. Each building that is constructed downtown that does not contribute to that built form degrades rather than strengthens the character of downtown and its long-term economic viability. A downtown building should be built to last - just as the historic commercial blocks have for more than 100 years. This is different than buildings in a commercial strip setting that are built with an anticipated lifespan as short as 15 years. If a multi-story building is not the right fit for a particular business, then there are other locations in the city without the two-story requirement that would accommodate it. Also Vermont code does not require that all multi-story buildings have elevators. The elevator requirement is based on a combination of building use and size for buildings up to three stories.</p>	<p>Council - leave as is, no change.</p>
UC-1 Allowed Uses	23	2102.B(2)	BADC Director	<p>Information services should be allowed on the ground floor. There may not enough retail or other uses to maintain full occupancy of ground floor spaces, and these services are professional enough to be not unlike others.</p>	<p>An explanation of the definition found in the Use Table was further explained to be a building with computer components such as networks drives, housing overly large servers, such as Consolidated Communications building at the corner of Elm and Summer Streets - mostly full of server type equipment with little to no human office space.</p>	<p>No change.</p>	

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R-04 Residential District	26	2110	Mayor	In R4, there are areas like Green Acres and Highgate Apartments. These do not appear to meet the R4 standard. Does this mean the intent is that, if these entities were to fold or move, that similar housing would not be allowed back in this area? Otherwise, should these be classified as a higher "R" area?	Single and 2-family dwellings would be allowed utilizing the base zoning district, as well as 5+ unit dwellings all needing conditional approval. Also under Subsection 1205.B, the use of a vacant dwelling unit can be resumed at any time without needing a new permit. Green Acres has a density that is less than 4 units to the acre - more housing could be added to the property under the proposed zoning. Highgate is developed at about 9 units per acre and would be built out under both current and proposed zoning.	Commission does not see any loss of this type of use in R-4 under the proposed draft, therefore, no change.
Use Table	29	2115 (Residential)	City Council Ordinance Review Subcommittee	Multi-Family Dwellings(all types) we think that in R-8, R12, and R-4 should be conditional. We feel that it is a good idea to lower our rental units in Barre City. We need to encourage single owner occupied dwellings and or apartments. Putting it as conditional will allow neighbors to determine if they want an apartment house in their neighborhood. If they don't they can go to the DRB.	The DRB cannot deny a conditional use application because the neighbors "don't want an apartment house in their neighborhood" - they could only deny it based the application not meeting the criteria in Figure 4-01. The proposed regulations have the standards necessary to prevent the adverse impacts that have been seen in some city neighborhoods where buildings have been converted to multi-family and site issues like parking and trash storage have not been adequately addressed. Section 3201 should ensure that new multi-family housing is of better quality.	The city has many multi-family buildings already, and more resources are being used all the time. Less land could be developed at a higher density, and the Specific use standards in the beginning of the zoning draft address many of these concerns. Also, we can't limit housing as that goes against the Fair Housing Standards. An increase in population may translate to needed services on site - i.e., more kids, larger families, etc. No change.
Use Table	29	2115 (Residential)	BADC Director	Question regarding senior housing, assisted living and skilled nursing service should be allowed in the UC-3 areas of the City.	It was initially viewed that the UC-3 areas might not be a beneficial area for these types of uses, but PC agreed that they have a place in UC-3 like the others.	Revision made to change from not allowed in UC-3 to conditionally allowed.
Use Table	29	2115 (Residential)	City Staff - Planning Director	5+ unit multi-family dwelling a conditional use in GB; we talked about making this not allowed, change wasn't made, or was there further discussion to keep this Conditional?	Discussion occurred, and agree is ok as is.	No change.
Use Table	30	2115 (Lodging)	City Council Ordinance Review Subcommittee	Bed and Breakfast we think it should be permitted in UC-1, UC-2, UC-3, MU-1, MU-2, MU-3 and conditional in R-16, R-12, R-8, and R-4.	B&Bs by definition are an accessory use of a single-family dwelling, which is why they are not allowed in the districts where SF dwellings are not allowed (UC1 & UC2).	No change.
Use Table	30	2115 (Lodging)	City Council Ordinance Review Subcommittee	Inn we think it should be permitted in UC-1, UC-2, UC-3, MU-1, MU-2, MU-3 and conditional in R-16 the rest is not conforming.	Inns, again are associated with a single-family dwelling.	No change.
Use Table	30	2115 (Commercial)	City Staff - Planning Director	Food Beverage store and convenience store; we talked about making these Conditional in the R-4 district for both sizes of each; table still shows not allowed in R-4. Was this the final decision?	Discussion occurred, and agree is ok as is.	No change.
Use Table	34	2115 (Art, Entertainment, Recreation)	City Staff - Planning Director	Campgrounds are permitted in the Civic district? I think we talked about making this not allowed.	Discussion occurred.	PC eliminated campgrounds as an allowed use in the civic district.
Use Table	34	2115 (Civic and Community)	City Council Ordinance Review Subcommittee	Rehabilitation Services or Residential Treatment Facility should not be allowed in R-4 .	Figure 4-01 describes the specific criteria reviewed for site plan, conditional use, PUD or subdivision. Sentiment of many is that something like this should be closer to downtown and the services offered; and this type of use is the only residential use that that is a conditional use.	This section was amended to add 3228.B to say, "Out-patient rehabilitation services or treatment facilities (those that provide services to people not living at the facility) are prohibited in the residential districts. The existing section B became 3228.C.
Use Table	35	2115 (Civic and Community)	City Council Ordinance Review Subcommittee	Religious Institutions should be conditional in R-16, R-12, R-8, and R-4.	State and federal law limits the ability of municipalities to regulate religious institutions. Section 1104 is consistent with state law, which allows for site plan review of the listed uses like government, educational and religious facilities but does not authorize conditional use review.	Because of Federal laws, zoning cannot control the placement of such institutions. No change.
Dimensional Table	36	2116 (Dimensional Table)	Jim Fecteau, Developer	R4: Side setback seem overly restrictive at 16' side considering the minimum road frontage is 60'. That only allows 28' in building width. Most home are much longer than that and even if the gable end faced the road, if it was the typical 24 to 28', there would be no room for a garage. I think the old 8' setback was plenty for the sides.	The 16' setback applies to the principal building, not accessory structures. Detached garages can be within 4' of property line as per Figure 3-01. Added cross-references to Section 3005 (accessory structures) for greater clarity.	No change.
Dimensional Table	36	2116 (Dimensional Table)	BADC Director	Essentially UC-2, UC-3 and MU-2 are required to be 18'. UC-2 is required to have a functional 2nd floor, but UC-3 and MU-3 do not. Presumably this has to do with permitted and conditional uses for the latter that they may need to be that height for aesthetics, but not necessarily for function. The height requirements in these Districts are for form which may be desirable, but not necessarily economic. For most uses, functional now requires an elevator. It's just as likely, perhaps more likely, that someone may want to build new at one story than two but will be prohibited from doing so. There is a surplus of office space in Vermont, in Washington County and in the Barre area. The only possible justification of additional upper story space is for housing, specifically market rate units. So far, except for Chittenden County, housing developers have been unable, and unwilling to assume the risk and the cost of building market rate units because of the resulting high rents. That may change, but it's a market driven activity, and demanding it through zoning is not a solution, especially if it comes at the cost of disallowing something that else that contributes to the local economy.  Maximum height limitations seemingly make sense but may not allow for discretion. What if a Developer wants to build to a height of 84' or even higher or in UC-1? What if a Developer proposes to develop a tower at the corner of Route 62 and N. Main Street. Would that be so awful that the City would reject a proposal that adds \$5,000,000 to \$10,000,000 to the Grand List?	The current zoning states for the D-1 Historic portion of the overlay district (core downtown) that under required review criteria 10.1.09, "new buildings shall be at least two stories..." and in the D-2 Central Business overlay review criteria under 10.2.08(2), that "New buildings will be encouraged to be at least two stores...". The proposed draft requires it all to be at least 2 stories, so not a huge departure from the current zoning. With maximum building height, there is already a cap at 72' in the downtown, so with UC-1 proposed to be capped at 72', this is no change, except that UC-2 and UC-3 have varying new proposed height requirements. In the case of that lot at the corner of Route 62 and N. Main Street, the proposed max height is capped at 60 feet. A large tower building would be out of character for that area of N. Main Street anyway. To note, Barre City Place is 60 feet tall in the front off N. Main Street, and 72 feet in the rear; and Downstreet Housing building was built with a height of 31 feet at the front of their building, and the rear max height was 42 feet (off Summer Street).	No change.

210 - Base Zoning Districts

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Dimensional Table	36	2116 (Dimensional Table)	BADC Director	I describe development as much more about the math than the aesthetics. A project has to cash flow, and the more it costs to build, the less likely it will happen. And the wider the gap between actual cost of construction versus the fair market value, the less attractive building investment becomes. Mandatory second floors and building heights add cost, and where is the market for them? What is the definition of building height anyway? If the point of a pitched roof reaches 18', does it meet the 18' requirement? So a flat roof building that's 12' high, with a 2' foot parapet does not meet the standard, the pitched roof does? The former can meet the energy standard of an R-40 roof far easier than a pitched roof. That's one potential example. If the City is looking for density going outward, does it make sense to shed snow from pitched roofs on to parking and open space? The waiver requirement for dimensions may help, but it only allows for a 10% change.	Minimum building height is defined as measured from the average finished grade at the base of the principal building to the eaves; the current zoning states its measured from the average finished grade to the highest point of the building's roof. With currently requiring a minimum of 2 floors in the downtown, coupled with both a maximum building height, the commission does not see a reason to alter the draft. The purpose of the minimum height of 18' is to avoid low "box" buildings that do not contribute to an attractive, pedestrian-oriented streetscape in the city's commercial corridors. Subsection 2005.G specifies that the minimum height only applies to the front of the building (30 feet deep) so it would be possible for the back portion of a larger building to have a lower roof height.	No changes made.
Dimensional Table	36	2116 (Dimensional Table)	BADC Director	Mandating 18' building height in UC-1, UC-2, UC-3 and MU-1. A functional 2nd floor requires an 18' building height, but in UC-3, for which includes two separate stretches of North Mains Street from Route 62, with MU-1 sandwiched in between the two on the east side of the street, does not require a functional 2nd floor. It's hard to discern the justification of a functional 2nd floor one area and not in another in this area unless it's aesthetic consideration to improve this gateway to the City, or to avoid zoning into oblivion some uses that are considerable undesirable anywhere except where they already exist. It seems that the operative assumption for an 18' building height is that any new development that is, say, 14' in height, is less attractive than one that is 18'. It's not hard to imagine an ugly pitched roof building to meet the height requirement, that also sheds snow on to parking on the side of the building, and an attractive a 12' to 16' single story building with a flat roof and decent looking façade. A parapet is not considered part of building height in accordance with 2005 G (3) (b,) so an effort to give the appearance of height does not count. The 18' height is also applicable to several stretches of S. Main Street, where new single-story development is prohibited.  The functional 2nd floor requirement and 18' building height locks out branded, national establishments and franchises since many of the businesses are branded not only with logos and interior design but also with architecture. There are understandable concerns about everywhere America looking the same as a result, but it does not appear that Barre City is under the assault of mega sprawl. If a franchise or establishment with its own non- Barre compliant appearance concluded that there is a market along Rtes. 302 or 14 outside of UC-1 and it adds to the Grand List and is likely to meet a demand, does the City want to exclude its presence? There are several desirable lots in UC-2, UC-3 and MU-1 that if developed by a regional or nationally branded entity that would arguably be more attractive than what currently exists, would add value to the Grand List, and is likely to increase the value of adjacent properties.	The minimum building height requirement is intended to prevent construction of low, boxy buildings and to encourage higher quality building design and construction. Franchise businesses can and will meet local zoning requirements like this.	Council - leave as is, no change.
Dimensional Table	36	2116 (Dimensional Table)	BADC Director	The build-to-line dimensions in UC-2, UC-3, MU-1 precludes parking in front of the building. Without examining the dimensions of each lot, it seems that this requirement, if strictly enforced without waivers, may exclude or significantly limit new development on some parcels. Actual building locations are not the same as drawing boxes on paper. Parking on any side of a building requires at least 30', preferably more, to back out and have a travel lane. If lots are irregular in shape, or up against a steep slope, the most reasonable, and perhaps only way, of accommodating customer parking is to provide some of it, or all, in the front. In these situations, it's easier to meet side and rear setback requirements with a building than it is with parking.	The intent is to require parking be located to the side or rear of buildings in these districts. This aligns with the provisions of Section 3104, which prohibit parking in the front setback area in all districts and between the street and the building frontline in the residential districts.	Council - leave as is, no change.
Dimensional Table	36	2116 (Dimensional Table)	BADC Director	Given the shortage of affordable rental units, and the unpredictability of what the market demands, for Districts UC-1, UC-2, UC-3, MU-1 and MU-2, I recommend increased density, perhaps with no maximum for UC-2 as well.	The density is not much different than it is currently.	No change.

**Barre City Unified Development Ordinance: Council First Reading Comment Sheet with Commission comments from 4/25/19 meeting; new comments added**

	Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
220 - Overlay Zoning Districts	Design District Overlay - general comment	PP 37-42	2201	BADC Director	<p>I believe that standards regarding dimensions, materials, building arrangement and alignment are too specific to be accommodating to the needs of building owners and the professionals they hire. For a variance, what is the definition of a public building? <b>After</b> reviewing the Overlay, I believe that the extension of the Design Control overlay from 16 S. Main Street from 114 S. Main Street is not necessary. This stretch is not overbuilt, is mixed use with more than 70 apartments, excluding the Tilden House (77 apartments,) and is characterized mostly by older structures. There are physical limitations with the Steven's Branch to the west and sloping terrain to the east. There is no threat of overdevelopment and Design Control review for routine maintenance or energy improvements which is exempt in other areas may impose unnecessary costs on properties that are candidates for work that may soon be necessary. The apartments are probably considered to be affordable, and commercial property owners expect a return a significant return on investment given the risks they assume. I believe the City will be hard pressed to reject proposals for painting, siding, window or energy related improvements when they are put forward, and the Owners may concede to a change in paint color but may not be happy to negotiate whether new siding is of appropriate quality. Much of the value of these properties are based on the income they generate for the Owners or businesses, and less so than how they look. Dramatic overhauls are unlikely, and I believe the City is better served if making improvements is simpler, and perhaps less expensive. <b>The</b> investment in the Reynolds House and any success it has may well spur nearby Owners to invest in their properties. They are more likely to take their lead from what they see more than what they are told is allowed. The area is currently zoned Commercial or Industrial Commercial, so the change to 3 zones, UC-2, UC-3 and R-16 is major and seems to be proposed because Route 14 is a gateway to the City. The zone changes are in-line with current uses, but I do not foresee anytime soon that it would be redeveloped, as in new construction, within the regulations laid out in the Design Control overlay. The proposed building form and design standards add to development cost and are divorced from what may be economically viable if new development is to be encouraged. Some of the permitted and conditional uses are dependent upon competitive rents. Overall, I think it's better to state what is specifically not acceptable, rather than specifically state how an Owner, and perhaps his or her architect or engineer, must design a building. With the exception of R-16, this area could be MU-1 or MU-2.</p>	<p>Discussion regarding which portions of the design review standards for the overlay district were for NEW buildings and which were for existing, and led to the asking that the wording be changed so that it is clearer what is needed for which type of development. Also, the density is largely based on what is happening for density currently. Densities are declining as you get further from the downtown anyway.</p>	<p>Clarifying words for NEW principal buildings versus existing was added to aid the reader in understanding that 2201(A-E) are design standards for such new buildings.</p>
	Design District Overlay - general comment	PP 37-42	2201	BADC Director	<p>Everything proposed in the Ordinance regarding building design is not advisory but required. The word "must" appears throughout the section. Whether there is justification for some of criteria is subjective. Based on the sketches and examples illustrated in the Ordinance, projects of the scope that are apparently anticipated will require seven figures of investment, and licensed architects, a civil engineers and structural engineers. Most developers and architects expect some design input from public officials, and frequently the final design from siting and appearance is negotiated as a compromise from what the municipality ideally wants and what the Owner/Developer needs and has budgeted. There is no discretion of compromise in the word "must."</p> <p>Some of the "must" dos are likely to be designed into the project but may be lacking the specificity of the Ordinance. Sections on Building massing, arrangement and alignment are seemingly unnecessary if buildings are standing alone or without any comparable structures next to them. Multi-faceted exteriors, setbacks for upper floors, step downs, courtyards, plazas and green spaces all come with additional cost. Structured parking may be the only way to provide enough spaces, and to accomplish this may require parking to be at ground level, behind the street front elevation, and below the upper stories. Setting back upper stories when demand is for upper story apartments may impact the financial viability of a project. The Ordinance also requires that this parking be screened by walls or landscaping.</p> <p>Standard 2201 G for Modifications and Additions to Existing Buildings: This Standard has its share of musts. Many of them make sense if the buildings are indeed historic. Except for zone UC-1, most of them are not on the National Register, or in Historic Districts, which begs the question of whether any of the structures or sites are considered historic for the purpose of applying the standards and requirements for modifications. The Ordinance defines the obvious which is the property is recognized as Historic when it is already listed, but also adds, "or a site or structure that the State Historic Preservation Officer (SHPO) or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing." I asked the Planning Commission to interpret this language, and after some equivocating, it was said the Zoning Administrator will decide whether to ask SHPO. Since the definition does not specifically state whether the SHPO should be contacted, the current ZA, or a future one, apparently has the discretion to ask. Given the ambiguity of the definition, this seems like an excellent avenue for an interested party to appeal if the proposed work does not conform to the Ordinance. Typically, and historically (no pun intended), it's the property owner who decides whether they want their individual property listed. If there is any federal or State grant funding involved in the modifications or alterations, the SHPO will determine eligibility, and then the Owner will decide whether to proceed with government grant or loan assistance.</p> <p>Since there are no historic structures in the UC-3 area from 28 S. Main Street to 92 S. Main Street, and none on the opposite side, this section of Design Control Overlay does not apply unless buildings are demolished and new development occurs. And without extensive lot consolidation, there is only two lots that are large and suitable enough to develop anything along the lines of what's contemplated in the Overlay. That being the case, it does not seem necessary for the Overlay to cover this area. As far as the UC-2 district immediately to the south, it seems equally unlikely that demolition will be proposed for the two historic structures that exist in it.</p>	<p>In order to be legally enforceable zoning district standards need to be "musts." The definition of historic structure is from state statute and the SHPO determination is part of that definition.</p>	<p>Council - leave as is, no change.</p>

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Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
Design District Overlay - general comment	pp 37-40	220	City Council Ordinance Review Subcommittee	we are not big fans of the pictures. Not sure we like that style. However, I preferred that we use pictures of those buildings verses the one in the document. It might be better to use picture in our city for all the pics. Please advise.		Commission decided that the photos are representative of the type of building design that is being conveyed, regardless where these photos may be from. No change.
Design District Overlay - general comment	37	2201.D(2)	City Council Ordinance Review Subcommittee	What is considered "residential properties"? Are they apartment buildings? Or I think it should be 4 stories not 3 and then the setback.	"Residential areas" refers to the Residential 16-4 districts. That could be clarified by changing the word "areas" to "districts".	Consultant made the word changes from 'areas' to 'districts' in the General Design Standards section of the Overlay language for clarity.
Design District Overlay - general comment	38	2201.D(4)	City Council Ordinance Review Subcommittee	Once again the examples are not too appealing. 48 ft. is rather small. City Place, Miles building, Blanchard Block, in fact several buildings on Main Street do not meet this standard. If you are talking about modules like Miles Block or City Place I am ok.	City Place façade width is ~80' and the building is "divided into distinct modules" with pilasters and a change in roofline and so would meet the standard. The Miles Block is ~90' and also is divided into modules with pilasters. The Blanchard Block is ~70' and has the pilasters and window arches that define distinct modules. All the traditional downtown buildings do this – the 20th century infill buildings, many of which are single-story, tend to have flat facades that are not divided into modules.	No change.
Design District Overlay - general comment	39	2201.E(1)	City Council Ordinance Review Subcommittee	Not big fans of the style. If the desire is to make the city look like those pictures we need to reassess.	Discussion occurred, and this was sentiment of a single attendee. Not much discussion and no changes were talked about.	No change.
Windows and Entryways	39	2201.E (4)	City Staff - DPW Director	canopies, awnings and similar appurtenances may be constructed at the entrance to any building and may extend of the public sidewalk upon the approval of the DPW Director.	Comment: good with this ability.	No change.
Windows and Entryways	39	2201.D(4)	City Council Ordinance Review Subcommittee	Recessed doorway, please explain. Is it somewhat consistent with all the buildings on Main Street or would everyone be out of compliance? I understand grandfathering but I want to make sure my thoughts are it is consistent with what we got. Also, what about multiple principal doorways? Doors on the diagonal, but more than 1? Please define Principal Entrance.	Most of the traditional downtown buildings have recessed doorways – the three mentioned above City Place, Miles Block and Blanchard Block all do. It provides weather protection for the doorway and is a common commercial building element even in more contemporary designs. See 2201.G.	Consultant made changes to the Section to show that most of the standard applies to any NEW principal buildings, both in the general and specific standards, 2201.D and 2201. respectively. Other word changes included 'building' to 'structure'; and 'restore' to 'rehabilitate'. A definition was added for PRINCIPAL ENTRANCE to alleviate any confusion. A set 100' foot distance was added.
Exterior Modifications...in the Design Review Overlay	40	2201.G	Planning Commission	There is great concern that anyone wanting to modify an existing building must first meet the requirements of subsections 2201.D and 2201.E, and appears that this will detract from further development, and this overlay language will prohibit any rehabilitation whatsoever.	What is getting lost is the part in the sentence that says "2201.D and 2201.E ( <u>where applicable</u> ). If its not a new principal building, then 2201.D or E will not apply.	Consultant reworded this paragraph so that the "Where Applicable" is more prominent in the sentence, so that readers do not stop reading after the reference to the previous sections.
Exterior Modifications...in the Design Review Overlay	41	2201.G(2)	Devin Coleman, State Architectural Historian	It says that "storm windows and doors must match the design of the original window and must not obscure the characteristics of historic windows and doors." Storm windows are typically much simpler in design than the primary window, so requiring them to match may be a source of confusion when reviewing projects. For example, a 6/6 double-hung window may have a 1/1 exterior storm, and that's just fine. I would not expect someone with a 6/6 original window to install a 6/6 storm window. Since most storms are installed as a later retrofit to conserve energy, they are typically metal triple-track units with 1/1 sash. It might be better to require that they should be painted to match the window trim (as opposed to bare aluminum) and leave it at that.	Remove "match the design" portion of sentence but leave "must not obscure" portion. The intent is to prevent storm windows that have different proportions than the main window and therefore obscuring its architectural features.	PC agreed with proposed change.
Notice Requirements for the Historic Structures Overlay	42	2202.D	Devin Coleman, State Architectural Historian	Section 2202.D requires notification to the Division for Historic Preservation for any proposed development or demolition projects within the Historic Structure Overlay District. If you want to send notices you can, but there's really not much that we can do since this is a local review process and our authority only extends to State or Federal projects. We can't review or offer an opinion on projects being reviewed at the local level.	Recommend removing the notification requirement.	PC agreed and the requirement was removed.
Adaptive Reuse Overlay	44	2203.B	Gable-Bailey Family	Under the current zoning ordinance, there are only specific uses allowed in the Planned Residential Zoning District, of which retail is not allowed. Taxes, livelihood, uses, history of the buildings, time in the family, and specifically retail is desired to keep the property viable.	Commission has asked the Consultant to add up to 2500 sq. ft. retail as a possible use in the Adaptive Overlay, and any language drafted to aid in this allowance.	PC agreed to the additional use type.
Curb Cuts	pp 46-47	3002.D(2)(a-d)	City Staff - DPW Director	width of curbcuts: 12 feet for single and two family; 16 feet for multi-family, tractor trailer use	DPW Director states that (a) the single and two family must go back to 15' width due to winter management, including streets and sidewalks; (b) the 16' multi width must come back to 15' wide so there is no issue with opposing (two-way) traffic. Tractor Trailer curb cuts must be to 28 feet side as the 24 feet is not wide enough, as proved by the recent curb refurb off Cottage St. into the Lenny's lot. Also, is 8' adequate for an isolation distance between two driveways side by side off the property line? Winter maintenance, plowing, snow storage, pushing into the road (illegal), etc.	No change; allows for wider distances as recommended by DPW and approved or not approved by DPW Director.
Curb Cuts	47	3302.D(5)	City Staff - DPW Director	Spacing	Also, there is no provision for unsafe drive access patterns; i.e., driveways must be at a minimum of 10' from any intersection.	No change; zoning is essentially not going to end up dealing with this provision, will be seen by DPW at first pass with the curb cut application.

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Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
Adult Entertainment	48	3003	City Council Ordinance Review Subcommittee	Where is the Adult Entertainment located at? Need a section on that and it needs to be located in the GB district only. That is if we cannot say not at all in Barre. Where did the 600' separation come from, was it arbitrary or chosen for a specific reason?	Evolving case law has led a new approach to regulating adult entertainment uses. It is now considered more legally defensible to treat adult entertainment uses similarly to their equivalent non-adult use (i.e. strip club / nightclub, adult cabaret / theater, adult novelty shop / retail, etc.) than to make "adult entertainment" a distinct use. Section 3003 has specific standards that would apply to adult entertainment uses. The basic requirement is that from the outside the establishment essentially has to be G-rated. There are also setback distances for such uses from child-oriented uses like schools, daycares, libraries, parks, etc. A good portion of downtown will be covered by these setbacks.	No change.
Parks	multiple pages	various	Mayor	There are references to public and private parks, and a definition of a public park. What about a parklet, such that Montpelier has used?	There appears to be confusion over public versus private park, and passive versus active recreation. A definition should be added for "public park" to aid in understanding. There are already definitions of outdoor recreation-passive and outdoor recreation-active in the definitions section. Parklets, such as those that Montpelier has used are not being interested at this time, and Montpelier's parklet is not a zoning use, its under their Public Works Dept. purview.	A definition for public park was added.
Parks	multiple pages	various	Mayor	Following up on pocket parks, and not being like Montpelier's, but more like a small, "pocket-sized" park, if the City wanted to designate an area s green space (i.e., Gunners Brook Flood Mitigation Areas) is this allowed throughout the City? There has been discussion of taking parking areas and turning those into green spaces as well.	If it's a public park on City land, then it would be allowed in the uses table and only require site plan approval. If someone wanted to designate a park on their property for public use, then the liability is up to the property owner, and not zoning, and it is suggested that agreements/contracts be utilized by the property owner and anyone choosing to use the property. There is also an exemption for passive recreation and gardening in Paragraph 1101.A(29) so depending on the characteristics of the park, no zoning permit may be required.	No changes made.
Parks	multiple pages	various	Mayor	Along with now having a definition of a public park, is there one for "Garden"? The concern is here is where Parks and Gardens can be as current outdoor recreation is not allowed in General Business or Industrial. The former Metro Way Garden was one item to clarify if it would be allowed if even that it would be in a General Business Area? Also, if there was a stone shed that wanted to create a green space or PRIVATE park, would this be prevented to create for their employees?	If the property owner wanted to have a public garden on its property, the use of the land would not need further zoning change, and not considered a zoning concern. More than likely the property owner would want agreements with whomever they've let onto their property so there is some understanding. Further, there is no reason why a property owner couldn't or wouldn't want to create some green space for employees, and would be encouraged.	No changes made.
Camping and Camping Units	52	3007	Jim Fecteau, Developer	confirm that a campground could be built with private roads and that those roads would not require sidewalks? The ordinance reads that only three lots (not units) may be accessed by a driveway. Since a campground would be contained to one lot, I read the ordinance to apply driveway standards to the inner road network	There is confusion over the term campground (a short-term accommodation with tents, tent trailers and RV's) versus a potential seasonal home type development. Any seasonal type home development will be a PUD and must follow those standards, which are the subdivision standards including road and sidewalk requirements.	So there is no confusion as to a campground, or a seasonal home development that would fall under PUD standards, section 3226 has been added as "Campground" on page 122 to differentiate between the two.
Dumpsters	53	3008.D(2)	City Staff - Fire Marshal	Who will label the dumpster, the owner, the hauling company, and with what?	Most rental dumpsters come with the info on them.	No change.
Dumpsters	53	3008.D(3)	City Staff - Fire Marshal	how is "as needed" measured? People let their dumpsters overflow; hauling companies won't pick up if there is an outstanding bill, so the loaded dumpster sits on the lawn (Budget Inn example)	This provision is included to allow the city to enforce when there is a problem/complaint.	No change.
Portable Toilets	53	3008.E	City Staff - Fire Marshal	Please consider adding #4: ".to be placed a minimum of 10 feet from an occupied structure so that a buffer area is maintained." So many are placed right next to a building, and they are targets of vandalism, and burn very easily and pretty intensely.	If specific setback is wanted, include in E(1). This proposed language is intended to allow the city to enforce when there is a problem/complaint.	No change.
Driveways	53	3010.A	Jim Fecteau, Developer	I think private roads and driveways should be allowed for more than 3 units with the proper deed language. In our Barre Town project, we incorporated several small private roads serving 4 lots. The lots were stacked two deep (like flag lots). The motivation was to eliminate the number of curb cut on the main road and reduce the congestion on the main development road. The deeds will have shared maintenance language. We have done similar shared drives in Orange and have seen many across the state. I think it's actually better for the towns and cities because it the case of a multiple lot development on a private drive, taxes can be accessed the same as for homes with public road frontage but the maintenance and repair is on the homeowner.	Driveways may serve up to three lots, after that the vehicular way will be considered a road, which may be private or could be taken by the city as a public road. Added a clarification of the distinction between driveway and street and a cross-reference to the street standards in the subdivision chapter.	No change.

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Driveways	53	3010.B	City Staff - DPW Director	Public Works specifications	while the City doesn't have these in place yet, is there a way to give the DPW Director allowing him to have driveway authority for all non-commercial driveways?	No change; already has the authority under the access permitting to have control and a say over what the site access looks like. And, the zoning does not ensure that all curb cut permits be approved by the DRB anymore, that the DPW dept. will have much more control over these.
Drive-Through Facilities	55	3011.A( 8)	City Staff - Fire Marshal	What is the 'sufficient distance'? In accordance with who? Also, the light trespass, in accordance with the lumen table? If so, say so?	Light trespass is caused by lack of shielding and/or improper aiming more than intensity. DRB would make determination based on characteristics of use and site/neighborhoods.	No change.
Dwelling Units	55	3012.B	City Council Ordinance Review Subcommittee	If it is not owner occupied we should dump the 150 sq. ft. efficiency unit. This seems to be for Downtown Rentals and frankly I would like to limit that type of units.	Cannot have defined rules for owners or for tenants. We have to be sure we are not degrading the area, as well. Fair Housing laws would find our ordinance out of compliance.	No change.
Dwelling Units	55	3012.B(1-3)	City Staff - Fire Marshal	Min. Housing Ordinance says rental unit be a min. of 250 sf for a single occupant, and an additional 200 sf for each additional habitant afterward. Can you make the zoning Ord line up with Min Housing Ord? Should we say here how the sf is measured also?	Would not recommend regulating based on number of occupants as it can vary over time. This is first step in reducing minimum unit sizes to facilitate tiny houses, etc. Other factors will control how many units can go into a building.	No change.
Cooking and Sanitation Facilities	55	3012.C(1)	City Staff - Fire Marshal	can we say that the bathroom would be separated by a door? What would be a privacy screen?	Interpretation is that a separate room would be closed off with a door. Revised Subsection 3012.C to clarify.	PC agreed with proposed change.
Cooking and Sanitation Facilities	55	3012.C(3)	City Staff - Fire Marshal	Wouldn't it be easier to just state that the minimum is to have a common location for laundry facilities regardless of the number of bedrooms? Why not say that it would be required for a building that contains 3 or more dwelling/rental units in it instead?	Family housing - laundry in unit as an amenity. Revised for clarity.	PC agreed with proposed change.
Energy Generation Facilities	56	3013	City Staff - Fire Marshal	Confusion over different words: facility, apparatus, structure. Don't they each mean something different?	Revised to eliminate use of "structure."	PC agreed with proposed change.
Fences and Walls	58	3015	City Staff - Fire Marshal	Animal fences (Animals Ordinance) requires a certain type of fence, can we differentiate between the types of materials for an animal fence, a daycare yard, etc.?	The draft does not regulate fencing materials beyond restricting materials that pose a safety hazard or could inflict bodily harm. The DRB has the ability to place more specific conditions.	No change.
Grading, Excavation, Fill	59	3016.C	City Staff - DPW Director	Fill material: the use of any material other than uncontaminated soil for fill is prohibited unless the proposed fill will subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.	DPW Director requests a definition of uncontaminated soil for fill, as people will want to know if it will be able to contain wood, roots, etc.	Will add a definition for clean soil so that wood and woody debris are addressed.
Grading, Excavation, Fill	59	3016.D(2) and (3)	BADC Director	Could possibly discourage new development: The regulations seem sensible but walk-out foundations for lower levels of housing for garages, utilities, storage and living space, and are often designed for sloped housing lots and a plan for a house on such a lot may not meet be able the standards of the Ordinance.	Section 3016 does not prevent a structure from being built into an existing slope.	Council thought this should be designated as Conditional, sent back to Planning Commission. Planning Commission states no change because any development would have to be approved by the DRB.
Grading, Excavation or Fill	59	3016.D(3)	City Staff - Fire Marshal	2:1 slope is very steep, consider changing	no further discussion, nor any revision proposed; and DPW Director will keep aware as any development plans come for review	No change.
Portable or Temporary Structures	60	3019.A	City Staff - Fire Marshal	Consider adding a provision for no portable or temporary structures allowed in the front yard?	Will be treated the same as a permanent structure with regard to setbacks.	No change.
Portable or Temporary Structures	60	3019.A(1)	City Staff - Fire Marshal	Can you remove "trailers"? City has an unregistered vehicle provision that trailers would be covered under.	Trailers would be regulated as storage structures under zoning.	No change.
Portable or Temporary Structures	60	3019.A	City Staff - Planning Director	Not sure we want to get into permitting temporary structures, these have been problematic in the past. If we keep, is there language for a "temporary zoning permit"? Does the ZA get to choose the temporary length of time?	Added language to Subsection 4202.E(2) authorizing temporary zoning permit.	PC agreed with proposed change.
Riparian Buffers	61	3020	City Staff - Planning Director	We talked about showing a map, would this not be practical?	See maps provided. Recommend using the parcel-based map as an overlay, will need to refine to remove parcels where streams are undergrounded.	Done.
Stormwater management	63	3021.D	City Staff - DPW Director	Applicants must design and engineer proposed development in accordance with low-impact (LID) approaches and....	DPW Director asks: Because of the City's steep topography in some places, low impact may not work, and are LID's too onerous for our topography?	Understood; no change: a combo of green stormwater and LID's are what the future is, and will certainly make development on steep slopes difficult.
Swimming Pools	64	3022.A(1)	City Staff - Fire Marshal	in ground or above ground?	Language covers both.	No change.
Landscaping	66	3101.C (figure 3-03)	City Staff - Fire Marshal	Will this require additional policing by the enforcement officers?	Intent is that landscaping would be inspected after installation to ensure site plan requirements are met.	No change.
Landscaping	66	3101.C (figure 3-03)	City Staff - Planning Director	We talked about adding the link to the UVM Urban Tree Standard, were we going to?	PC discussed and decided not to add reference as it could change in the future. This could be something included on the application checklist or similar materials.	No change.
Landscaping	67	3101.E	City Staff - DPW Director	Locations of street trees, 3 feet of edge of street, etc.	DPW Director states that in order to maintain a sidewalk, trees within 3 feet of the street are too close. If you have a mature tree (eventually) that was planted in the 4' green strip, it will end up being right at the edge of the street. Residents already have issue with their trees, in the City R-O-W, having issue with us trimming the branches of the canopy when they interfere with site distance, safety, etc. Can you change to having trees only on one side and no green strip, and giving a wider distance? And also giving the DRB the ability to change that distance as they see fit as well?	Revise 3 feet to 5 feet under 3101.E(1)(a). Also DPW Director can recommend something different.

**Barre City Unified Development Ordinance: Council First Reading Comment Sheet with Commission comments from 4/25/19 meeting; new comments added**

	Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
310 - Site Design and Performance Standards	Landscaping	67	3101.E(1) and (2)	BADC Director	Could possibly discourage new development: Who is responsible for the planting of trees within 5' feet of the ROW? Presumably the trees are on private property. Does the developer plant them? And who is responsible for the maintenance of the tree? In a modest subdivision with relatively large lots, a property owner may not want a tree on their property, and certainly does not want to be responsible for what they don't want. And how does the City enforce tree maintenance, and if the tree dies, who disposes of it, and who plants a new one?	Street trees required under Section 3101 would be planted by the developer. Who is responsible for maintaining street trees in a public right-of-way will depend on the conditions of approval (the developer may be held responsible). Whether or not a property owner could remove a tree from a public right-of-way would depend on whether the city has a tree ordinance governing that. Whether or not a property owner could remove a tree from a private right-of-way would depend on any association rules within a development.	Council passed back to Commission. Commission feels that the "must" needs to stay in, and that planting certain trees will not be a burden. The DPW Director and DRB can recommend otherwise, and waiver language is already stated. No change.
	Parking Area Standards	67	3101.F	City Staff - DPW Director	Location of...	DPW poses the question of where would tourists and visitors with large buses and RV campers park if not in the driveway?	Not a zoning problem - this is a safety problem, and so the police can be called to move the on-street parked vehicle to another location.
	Parking Area Standards	67	3101.F	City Staff - Planning Director	Are we able to insert diagrams or pictures of any of these?	Added Figure 3-04 on page 70	PC agreed with proposed change.
	Outdoor Lighting	69	3012.C	BADC Director	Could possibly discourage new development: Does every major site plan require a lighting plan if there is no intent to provide lighting? Is it necessary for larger lot development, and if its security lighting being mandated by the City, who pays for the installation and the energy charges?	Section 3102 applies when outdoor lighting will be installed or modified. Applicants may be required to meet all kinds of standards, including providing lighting, and must bear the cost of doing so.	Council - leave as is, no change.
	Parking and Loading Areas	73	3104.B(1)(b)	BADC Director	Could possibly discourage new development. The absolute prohibition for additional surface parking UC 1 and 2 Districts is exceedingly restrictive and may have a negative impact on potential development that is not now known. Additionally, there is no definition of surface parking. Structured parking has a surface somewhere on the ground, and does this standard also exclude structured parking that is not above existing surface parking?	The prohibition on new private parking in the UC-1 and UC-2 district in Section 3104 is intended to ensure adequate market to support the city's public parking. Private parking is far less efficient and therefore is more land consumptive than public parking that is shared by multiple users at various times of the day/night and on week days and weekends. More land downtown should not be turned into private surface parking when it could be used for much higher value development.	Council - leave as is, no change.
	Parking and Loading Areas	75	3104.B(2)	City Staff - Planning Director	We talked about reducing the 1,000 foot distance to 600'.	Distances are adequate for now.	PC decided not to change.
	Parking and Loading Areas	76	3104.G(2)	City Staff - Planning Director	parking lots that have a one-way design should have angled parking, not 90-degree parking. Consider wording that says 90-degree is the most desirable, but other angles can be considered due to lot layout.	Angled parking can be problematic when the lines are not visible due to snow. DRB has ability to allow angled parking if there are particular site conditions that require it to reasonably provide required parking.	No change.
	Parking and Loading Areas	77	3104.G(9)	City Staff - Fire Marshal	Consider adding language for "bump protection" or "safety bollards are required" if possible	PC discussed and determined that this was a code issue rather than a zoning issue.	No change.
	Screening	79	3016.E(2)	BADC Director	Could possibly discourage new development. Is it necessary to impose a planting requirement if dwelling units are more than 100' or 120' apart? Can't individual property owners decide whether to screen their properties for aesthetics or privacy?	The standards of Section 3016 apply to projects requiring major site plan approval (commercial, industrial and multi-family development). This will not include single- and two-family homes.	Council passed back to Commission - Commission stated to leave as is, no change.
	Signs	pp 88-98	3107: Figures 3-09 to 3-20	City Staff - DPW Director	the measured distance usually "J" of 8 feet minimum clear height of bottom of sign, awning, etc.	Must go back to at least 10' everywhere applicable within the draft ordinance. Sidewalk clearance equipment with projected bucket is 8'6" already, so the clearance to bottom of any sign, awning, etc. must give that equipment room to perform the work.	Will make the change everywhere in the zoning regulations to revise the clearance height of signs and awnings to a min. of 10 feet.
	Performance Standards	80	3107.A	VT Dept. of Health	Consider adding (5) Protect population health by limiting youth exposure to adult-only product advertising; 6) Serve in the best interest of and promote the health of residents and visitors; 7) Protect population health by limiting youth exposure to adult-only product advertising.	Content-based sign regulation is problematic in zoning. Provisions will limit amount of window signage, which will address this concern to some degree.	No change.
	Exempt Signs	80	3107.C	VT Dept. of Health	Recommendation: add "No Smoking" signs to exempt signage.	Such signs are exempted under Paragraph 3107.C(6).	No change.
	Exempt Signs	80	3107.C(3)	Devin Coleman, State Architectural Historian	This is an exemption for our Roadside Historic Site Markers. This is great! Amazingly, there are no Roadside Historic Site Markers in Barre, and we want to correct that in the near future. If you have ideas, let us know!	no discussion needed.	No change.
	Prohibited Signs	81	3107.D	VT Dept. of Health	Recommendation for prohibited signs: Signs that advertise adult-only products within 1,000 feet of a park, school, church, or family center. Important note: The reason we use "adult-only", instead of product specific language is that it protects from all substances and materials, including but not limited to tobacco, alcohol, vape products, marijuana, and pornography.	Content-based sign regulation is problematic in zoning.	No change.
	Prohibited Signs	82	3107.D(9)	VT Dept. of Health	Prohibiting neon signs is health-promoting, since many adult-only products are marketed this way.	Neon is prohibited by state law. This does not include other types of illuminated tube lighting.	No change.
	Sign Lighting-specific standards	84	3107.G(1)(d)	City Staff - Planning Director	Tells when sign lighting must be turned off, but when can it be turned on?	Clarified this language - start of business.	PC agreed with proposed change.
	Electronic Message Signs	84	3107.G(2)( e)	City Staff - Planning Director	this line item tells when a digital sign must be turned off, but when can it be turned on?	Clarified this language - start of business.	PC agreed with proposed change.
	Window Signs	90	Figure 3-11	VT Dept. of Health	This is health promoting language. Some sources use 33% sign coverage as a best practice in reducing advertising exposure.	no discussion needed.	No change.
	Signs - digital	93	Figure 3-14	Spaulding High School Letter 4-19-18	Free-standing sign, now called Pole or Monument Sign: Width of sign exceeds 8' by 4"; measurement is necessary for the aesthetics of the granite portion of the sign (SHS). Can you adjust width requirement?	Discussion regarding overall sign size, and rounding.	PC changed the width to 9 feet.
	Trash, Composting & Recycling Storage Areas	98	3108.A(1)(b)	City Staff - Fire Marshal	State law requires trash receptacles being 10' from building, can we mirror language here?	This is a requirement of the NFPA (National Fire Protection Association) fire safety code, but the specific chapter and reference has not been provided by the State Fire Marshal	No change to ordinance; Fire Marshal should comment when reviewing plans from an applicant under those regulations.

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	Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
320 - Specific Use Standards	General Regulations Comment	100	320	BADC Director	There are several regulations that may impede new development. For any development that requires an Act 250 review and permit, would it not make sense for the City to accept the findings of the State that a project has met the criteria that is embedded in State land use laws? The City is a statutory party in that process, thus duplicating it at the City level may well be unnecessary and burdens the developer. In other words, perhaps a project meets the requirements of the City's Ordinance for all the criteria that has been permitted by the State.	No specific question about change has been noted here. The Act 250 process is separate from the City process.	No change.
	Multi-Family Dwellings	100	3201	City Staff - Fire Marshal	State requirement is a multi-family building as having 3 or more units - consider changing	Ordinance separately defines 3- and 4- unit buildings and then lumps 5+ as multi-family. This is consistent with other state standards that apply to buildings with 5+ units.	No change.
	Multi-Family Dwellings	100	3201	City Council Ordinance Review Subcommittee	We also both agreed that anytime someone adds a multi-unit dwelling it should be brought before the DRB.	MF dwellings will require site plan review. If the criteria of Paragraph 4305.C(2) are met then the application will be reviewed by the DRB. That includes, among other criteria, any new building with 5 units or more or adding units to an existing building resulting in a total of 5 or more units in the building.	No change.
	Multi-Family Dwellings	100	3201.A(3)	BADC Director	Could possibly discourage new development. It may be difficult to meet the common space requirements for some existing multi-unit buildings even when completely renovated. For a six unit building a property owner may not be able to find 2,400 feet of open space on the property.	Section 3201 would only be triggered if the property owner was doing a major renovation and increasing the number of units to 5 or more. If the property owner cannot meet the open space or other requirements of the regulations due to the limitations of the existing lot or building, they are not going to be able to add more units. They will however, be able to keep the current number of units and the standards of Section 3201 would not apply because there would not be an increase in units.	No Change.
	Multi-Family Dwellings	100	3201.B(2)	Alison Freidkin, Downstreet Housing	Downstreet believes that open space is an important part of any multi family development. However, despite best intentions, sometimes a project is unable to provide the desired open space. For example, in an upper story main st. re- development private or semi-private space may not be appropriate or desirable. Another example would be a historic renovation. The primary funding source for historic projects, federal historic tax credits, may not allow this type of alteration to the building. Downstreet recommends that there be an procedure for receiving a waiver for this requirement.	There is already waiver language for the common open space requirement under Paragraph 3201.B(1).	
	Multi-Family Dwellings	100	3201.C	Alison Freidkin, Downstreet Housing	Downstreet makes every effort to provide adequate storage in our multi family developments. However, due to project specifics, the size of the storage varies greatly. Historic renovations present the greatest challenge to meeting this requirement. Downstreet recommends that there be an procedure for receiving a waiver for this requirement.	Planning Commission to review for policy decision.	
	Multi-Family Dwellings	101	3201.D	BADC Director	Could possibly discourage new development. Why is affordable housing exempt from the structured parking requirement when it's required for every other owner/developer? It may possible to accommodate 20 units in the R4 zone with surface parking on a quarter of an acre and meet all other requirements of the Ordinance. Affordable, market rate lower density multi-unit projects are unlikely to be economic if the City demands that structured parking be built that could cost \$25,000 per space or more depending economies of scale.	The rationale for requiring larger housing projects to provide structured parking is to improve the quality and diversify the city's housing stock. Barre City has the infrastructure and land available to provide housing that is missing from the region – newly constructed, high-quality rental or condo units for smaller households that is designed with quality of life amenities like covered parking. It may increase construction cost but it also increases value.	Council questioned if this is "conditional" or has the ability to be waived by the DRB. Commission reviewed and Secion 3104.C(4) gives such a flexibility. No change.
	Multi-Family Dwellings	101	3201.D(3)	City Staff - Fire Marshal	Off the main street? What about a corner lot? Face of building? Can you add a diagram or picture please	Corner lots are considered to "front" on both streets so standards regarding screening would apply on both street facing sides of the building.	No change.
	Mixed Use Buildings	101	3201.G(1)	BADC Director	Could possibly discourage new development. Does the City have a compelling interest in preventing professional offices, or other benign uses, some of which may benefit tenants, in space above residential units in a Mixed-Use Building? There are apartment complexes that have all kinds of uses of above residential space.	Again the intent in Section 3201 is to provide housing where residents can enjoy a high quality of life. Mixed use buildings are desired downtown, but public and private space in those buildings needs to be kept separate to provide a quality living environment. Preventing non-residential uses from locating above the residential units help to achieve that separation and maintain private space for residents.	Council - leave as is, no change.
	Home Business	103	3205.A(3)	BADC Director	3205 A (3) could possibly discourage new development. This is unclear and needs to be more precise. Childcare is licensed by the State and there is no definition in the Ordinance. It's unlikely that there would be more than 10 children in the home at one time, but in a large home that's been renovated for the purpose, the issue is not one of space as much as it is meeting staffing requirements established by the State.	The definition of family childcare home and limitation on number of children being cared for is established by the state and these businesses are given special protection under state law (the city has to allow them within any dwelling). Any larger childcare business would be considered a daycare under the regulations and would not be subject to the standards of Section 3201.	Council asked that definitions of childcare facilities are sufficient. Commission reviewed and there is a definition of a family childcare home on page 29. Commission agrees to no change.
	Short Term Rental	106	3211	Mayor	need to make sure current legislation is reviewed to make sure there is compliance (S.204; H.685; H.815)	Does not appear to be inconsistent with legislation as currently drafted. State law looks like it may kick in when property is rented for more than 14 days in a calendar year.	No change. Also state legislation related to short-term rental did not become law.
	Fueling Station	108	3215	BADC Director	They are undesirable most everywhere. There is little or no mention of Electric Vehicle Charging Stations. The infrastructure for them is considerable and expensive, and if EVs are to be common, the charging stations will have to be commercial, and not completely unlike the facilities we have now in terms of convenient locations and amenities. The current State Energy plan is relying on the proliferation of EVs. Some changes to this proposed By-law may be needed to accommodate EV usage, including in UC Districts.	EV stations are allowed in any off-street parking area as an allowed accessory use in any zoning district. The Commission agrees that technology for a fueling station such as an EV station is not yet there for consumers, and that liquid type fueling stations in the future will just add them as part of their service when that becomes available.	No change.
	Restaurant	110	3219.A	VT Dept. of Health	Food licensing criteria could have health promoting language that encourages healthy food menu options.	This is not something that there is a legal foundation for regulating through zoning.	No change.
	Mobile Food Service	111	3220.A	City Staff - Fire Marshal	One time events? What about those that don't get a license, like those for the farmer's market and Heritage Festival?	Clarified exemption for special events in 1101.A(26) and added exemption for mobile food service on site for not more than 4 days.	PC agreed with proposed changes.

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Section	Page	Section reference	From	Question/comment	Recommendation by Consultant	Planning Commission and/or Council Action
Bar, Night Club or Event Facility	111	3221.A	VT Dept. of Health	Consider location and density of adult-only establishments. For example, at least 1,000 feet from school or child care facility.	Added adult entertainment language for PC to review.	PC agreed to add the proposed language.
Bar, Night Club or Event Facility	111	3221.A(1)	City Staff - Fire Marshal	reference liquor license with City; what about a food establishment license as well? We inspect for those.	Added reference to food establishment license.	PC agreed with proposed change.
Tank Farm....	112	3223	City Staff - Fire Marshal	What is the quantity of a tank farm? 2 or more? Size or quantity? What about filling a BBQ tank at Aubuchon's if the size of their tank considers them a tank farm? Does it matter if they are above or below ground? Does the product make a difference? distance to a water course? Would gasoline have a different distance requirement versus an oily product?	Revised definition of tank farm to clarify what qualifies as a tank farm. DRB could set additional standards as deemed necessary given specific materials and surrounding land uses.	PC agreed with proposed change.
Clinic or Outpatient Care Services	118	3227.A(2)	VT Dept. of Health	This is health promoting.	no discussion needed.	No change.
Rehabilitation Services...	118	3228.A	City Council Ordinance Review Subcommittee	This effectively eliminates the possibility to even have a treatment center. Which I am fully supportive of. However, I would make it 1,500 ft.	A revised map showing approximately the 1,000' distance just from the schools, overlaid onto a map without any residential zoning districts was shown as requested at the last meeting. It was agreed to leave the distance at 1,000 feet, and only from schools, and remove dispensing medical marijuana but leaving drugs for opioid addiction. Section 3228.B was left in place, not allowing these facilities in any residential zoning district if they would be dispensing medication.	No change to the distance separating one such facility from another, but a change to not being allowed in any residential zoning district was added that dispenses drugs for opioid addiction.
On-Farm Business	119	3230	Mayor	Farms need to be registered with the Agency of Agriculture?	Farms are not registered but the Agency of Ag will provide a written determination of whether a use meets the state definition of farming.	No change.
On-Farm Business	119	3230	City Staff - Fire Marshal	Font size not the same	Need to revise and review language with change to state statute that takes effect July 1.	Completed in the August 22, 2018 draft.
Subdivision Standards -- General	121	330	BADC Director	As previously suggested, the City may want to consider the issuance of an Act 250 permit for a project requiring subdivision as meeting some of the criteria of the 330 Subdivision Standards. Applying the Standards uniformly for all subdivisions regardless of the Zone, the number of lots, and the size of them reduces the likelihood they will ever get built. The more impervious surfaces the City demands for roads, sidewalks and walkways escalates the scope of work required to manage stormwater. Requirements for lighting, landscaping, trees and underground power drives costs. Developers may be able build affordable market rate dwelling units, and except for private roads, the remaining public infrastructure is owned by the City and power companies but is expected to be provided by the Developer. In this market, the numbers don't work except for modestly built, but somewhat expensive units with more forgiving municipal requirements. At the current time, this Ordinance, fully enforced, is unlikely produce more new housing unless the infrastructure is subsidized.  What may work are modest subdivisions with large lots and minimal infrastructure in which environmental issues are mitigated by utilizing land on private property. This is at odds with smart growth principles of compact development and campus environments surrounded by open land for conservation and recreation. In time this may come to pass in Barre City.	Chapter 330 is a very standard set of subdivision requirements. It is not creating an additional burden on any project that is going to be subject to Act 250. These standards protect the city's interests in ensuring that roads and infrastructure are designed and constructed to basic standards and don't become future liabilities for city taxpayers, they protect public safety by ensuring adequate emergency access.	Council - leave as is, no change.
Lot Dimensions	122	3304.B(6)	Jim Fecteau, Developer	My 2 cents from a developer's perspective. Flag lots allow us to spread the cost of expensive infrastructure over more lots. For example, if infrastructure and road construction cost \$400/LF, and we develop in the R4 district with 100' lots, each 100' section costs \$40,000 or \$20,000 per lot. If you continue to allow, or not discourage flag lots, or back lots accessed via right of way, like we had in our Country Way development and we are currently permitting off Beckley Hill, we can split the cost of the lots in half again, to \$10,000 theoretically. From the city's perspective, if each lot generates \$4500 in taxes once built, why settle for \$9,000 when you could have \$18,000 revenue for the 100 linear feet of road. With land being finite and topography and environmental rules weighing heavily on the feasibility of much of the land in Barre and elsewhere, the goal should be to allow intense development where it is feasible.  The success of these bylaws in raising the tax base and encouraging development will ultimately boil down to what it costs for development, the anticipated absorption rate to determine phasing and carrying costs, and what the market (and lender) will agree is the value. I see in other section that street trees, sidewalks both sides, 24' paved width and other standards are being mandated but allowing higher density and giving the developer the opportunity to get his cost per lot/unit down should also be a priority. If the gap between cost and market is too tight, some projects just won't happen.	The regulations are intended to encourage an interconnected road network and limits use of cul-de-sacs, at the circular end of which is typically where flag lots are used. The regulations (Subsection 2005.E) do allow the DRB to reduce frontage requirements to 15' for irregularly shaped lots (as needed to respond to natural features) and lots with shared driveways. Added a cross-reference for greater clarity.	No change.
Streets in design and layout	122	3305.A	Mayor	No mention of bike lanes?	These standards would apply to new streets within subdivisions. Such streets are unlikely to have traffic levels high enough to justify bike lanes. DRB could require bike lanes if deemed appropriate under requirement to make adequate provision for bicyclists.	No change.
Design and Layout	123	3305.A(4)	City Staff - DPW Director	Engineering requirements	DPW Director requests adding language to the effect of "...and current standard of care" so that no poor quality roads get built.	No change: language provides for "applicable public works specifications" already, and if a PE signs off on a design, then the ownership belongs on the PE's certification.
Street Design	123	3305.A(6)	Jim Fecteau, Developer	600 ft. max cul de sac...seems shorter than most other zoning ordinances or street standards. I think Montpelier is 1500' and Barre Town is 1200'. Must be driven by public safety and ability of emergency services? Just seem excessive for a 12 lot subdivision, if you assume 100' per lot, to have to connect to another public highway.	The regulations are intended to encourage a traditional neighborhood development pattern with an interconnected road network into order to disperse traffic and promote walking/biking, and to discourage suburban development patterns with cul-de-sacs and dead-end streets feeding into arterial streets (a development pattern that limits travel modes and routes).	No change.

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330 - Subdivision Standard	Design and Layout	124	3305.A(11)	City Staff - DPW Director	Travel Lane Width	DPW Director states the travel lane must be back to 10' from 8' for city maintenance as well as cars are wider, and if two larger SUV's pass each other simultaneously the road will not be wide enough. "at least 10 feet wide, but no more than 12' wide".	(a) change made by removing the words "at least 8 feet and" so it reads that lane widths must be not more than 10 feet. Leave (b) as is.
	Design and Layout	125	3305.A(13)	City Staff - DPW Director	Intersections	DPW Director states that this might be difficult to comply with based on the City's topography in some places. Would like a clause similar to that saying there is some form of leeway. 3% may be a problem in some sections of the City, he is concerned about the grade requirement.	(c): the 3% over 20 feet is acceptable especially for safety reasons and for stormwater.
	Design and Layout	125	3305.A(13)(d)	City Staff - DPW Director	Radius concerns	Also, a 30' radius is not adequate for truck traffic (pickups as well) based on prescribed lane widths and drive throats.	Change 30 feet to 40 feet; and add the language "as recommended by the DPW".
	Subdivision	PP 126-126	3305.B	Jim Fecteau, Developer	the street standards with sidewalks on both sides seems excessive. I assume that only applies to public streets? I haven't priced sidewalks in a while but if I just use and assumed \$300 per cubic yard in place 100' of sidewalk 5' wide, 8" thick, could run 12 plus yards, around \$4000 per side, or \$8000 for both sides...\$80 per linear foot.  Campgrounds typically have narrower streets and no sidewalks. Having to build all roads to this standard would make our project cost prohibitive. I think there should be some flexibility in road standards in general but especially if the road was to remain private.	The sidewalk requirement applies to new and extended streets (serving more than 3 lots) within a subdivision. In the R4 district, a multi-use path on one side of the street can be substituted for sidewalks (it is likely that most subdivisions would be occurring in the R4 district). The same standards should apply to public and private streets as there is always the possibility of the city being asked or having to take over a private street in the future. Inadequately constructed private streets can also damage public infrastructure during storms and flooding.	No change.
	Pedestrian and Bicycle Facilities - Public Sidewalks	126	3305.B(1)	City Manager, via Bike Path Committee	Certainly sidewalks are desirable, and hard to argue against. That said, every new sidewalk added to the City's infrastructure is one more we don't have the resources to maintain (specifically winter plowing/salting), especially at remote distances from the downtown core/and/or DPW campus. At minimum, instead of requiring one each side, would one sidewalk suffice? Preferably, form an infrastructure and resources standpoint, if the roadway with is wide enough, can we avoid new sidewalks altogether? We have plenty of outlying developments constructed that way now.	"Public sidewalks" may not necessarily be city-owned or maintained. If new streets remain private, the sidewalks likely would as well.	No change.
	Pedestrian and Bicycle Facilities - Shared Use Path	126	3305.B(4)(a)	City Manager, via Bike Path Committee	Our (VTrans) current Path design standards, and what [we] think should be stated is: 8 ft. width with two 2 ft. shoulders is the preferred design. However, reduction or elimination of one or both shoulders can be considered depending on design details (6" curb, setback, etc.) and under extenuating circumstances and where an 8 ft. minimum path surface width can be maintained.	10 feet is preferred to allow for 2-direction travel and passing. Shoulders are not always required by VTrans depending on surface material and site characteristics. These standards would only apply to paths being created within a new subdivision street right-of-way in lieu of sidewalks.	No change.
	Design and Layout	126	3305.B(4)(b)	City Staff - DPW Director	Shared use path specifications	DPW Director requests taking the material spec (in parens) out. What if Portland cement were to be used, or a porous pavement used? This appears to lock in what can only be used on the path.	Remove those in parentheses, and add a definition for Hard Surface in the definitions section, which will also address ADA requirements. Can be pervious or impervious.
	Design and Layout	126	3305.B(4)(d)	City Staff - DPW Director	Refers back to the street trees	DPW Director further notes: an 8' tree belt is not a reasonable or workable concept. My be fine in parks, but not going to work for areas of the City (i.e. Merchant's Row). Could a clause be added that the DRB could waive this tree belt distance if you're not going to change it?	These items only apply to a new subdivision, and no where else.
	Pedestrian and Bicycle Facilities - Shared Use Path	126	3305.B(4)(d)	City Manager, via Bike Path Committee	Horizontal setback of 8 ft. is significant, and certainly not required for path safety. As per above, a 6" curb or two ft. shoulder will suffice. An 8 ft. setback imparts a significant impact to the lot design and develop costs.	These standards would only apply to a path constructed in conjunction with a new street within a subdivision that is serving as a replacement for sidewalks on either side of street so separation distance should not be hard to attain.	No change.
	Firefighting Facilities	126	3305.E	City Staff - Fire Marshal	please add "or the City adopted State Fire Code" after public works specifications	Revised to reference fire ordinance.	PC agreed with proposed change.
Subdivision Standards - Design and Layout	126	3305.F	City Staff - DPW Director	Underground utilities	This would be an expensive requirement and could potentially dissuade a developer.	No change. In a new subdivision, the area is being dug up for streets and other utilities already, so underground utilities would not be an added item.	
340 - PUD Standards	Cluster Housing	131	3403.H(3)	City Council Ordinance Review Subcommittee	Tiny houses often times have 8.5 ft. in width. We should allow owner occupied if that and specify that owner needs to own the house and property. Tiny homes can come as small as 8.5 ft. X 16 ft. We should accommodate the size if owner occupied. I am thinking we should do some sort of design requirements. I don't want pallet board tiny homes popping up in neighborhoods. We have to be very careful with these as it could be a problem. But they are amazing.	This relates to the question about whether tiny houses have to meet building codes. If they are going to be considered "dwellings" and not "RVs" then the answer is yes and the minimum possible (under state code, not city code) is 150 square feet - so 8.5 x 16 would not meet the zoning minimum. If they are going to be dwellings, then they have to meet building code which should address the concern, and they will be treated the same as any other single-family dwelling under the zoning. NOTE - park model homes do not meet building code.	No change.
	Cluster Housing	132	3403.J	Jim Fecteau, Developer	Accessory structures - 2 car garages are typically 24x24, or 576 s.f. and the maximum is 480 s.f.	The purpose of the cluster housing PUD is to encourage cottages, tiny houses and other small-footprint buildings types that are not likely to include 2-car garages, rather than conventional-size single-family homes where 2-car garages are typical. It would be possible to build a 20x24 structure that could park two cars, albeit with no excess room for storage or other common uses of garage space.	PC increased to 576 sf.

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410 - Fees and Filing Requirements	Technical Review or Legal Review Costs	137	4103.A	BADC Director	There are no limitations in what the City can demand from an applicant or any recourse or relief from the burden. There should be some justification within this section that defines what is reasonable to request.	The word "reasonable" was added at a previous meeting to the text, which wasn't out for public viewing yet. It is noted that these types of requests for additional costs for a project under review are very rare; and was further asked to add the words, "Upon notification to the applicant..." as well.	PC agreed to the change in wording to say, "Upon notification to the applicant, the zoning administrator or DRB may hire qualified professionals to provide an independent technical and/or legal review of an application when deemed necessary to ensure compliance with this ordinance, the reasonable cost of which will be paid by the applicant."
	Technical Review or Legal Review Costs	137	4103	BADC Director	Section 4103 gives the City the authority to hire qualified professionals to review an application and force the applicant to pay for the "reasonable" costs. There are no criteria in the section that states the reason why the ZA or DRB can exercise this authority. Under circumstances which this may be necessary are likely to be for development in which the applicant has already paid professional, licensed consultants in substantial amounts of ten figures. Burdening applicants with additional permitting costs since the City does not have the in-house capacity to fully review projects or is unwilling to pay for outside consultant review is an overreach. There are resources that the City can access including publicly paid State employees, planning colleagues in other municipalities, and the regional planning commission.	Section 4103 is also a standard zoning provision. In fact, the DRB/city has the authority to require a third-party review whether specifically written or not into the regulations. These provisions are rarely needed or used. Some circumstances where a third-party review might be warranted could include the city having a qualified engineer to review the design of the wastewater pre-treatment associated with a proposed industrial use that would be sending "specialized or non-standard" effluent to the city's wastewater plant, or a stormwater management design with potential to impact public infrastructure if not correctly designed or constructed.	Council stated they could go either way. Council instructed Commission to either remove, or change the burden of the cost from the applicant to the City. Commission agreed to remove Section 4103 Technical or Legal Review Costs in its entirety.
	Technical Review or Legal Review Costs	137	4103.A	Mayor	There has been additional developer feedback on the provision to have the developer pay for a third party review. The suggestion is to have the application either denied or placed on hold until the developer can provide additional information. The Application would not be considered complete at that time.	While it would be rare if ever that this ability would be used, it's a good protection measure for the city if an application were so onerous that compliance couldn't be determined. It's also a matter of when the administrator would deem the application complete, and then there are the statutory timeframes for the administrator to acquire further information before issuing a zoning permit.	The Commission again agreed on no change.
	Technical Review or Legal Review Costs	137	4103.A	City Council Ordinance Review Subcommittee	This needs to be removed. It is not ok to ask someone to pay for a service to deny them something they want.	As discussed at the last meeting, this is a tool that will likely not be used frequently but is good to have available when needed. It is a typical zoning practice that other VT communities and communities around the country follow. One instance where this could become necessary is around stormwater plans. Changes to state law have made the municipality more responsible for stormwater that enters public streets and infrastructure. As a result, the city is going to want to ensure that stormwater generated on private land is properly managed and not entering public streets or infrastructure untreated or unmanaged. It is possible that the city will want an independent engineer to review stormwater plans for proposed development in certain areas of the city where there are significant water quality or flooding problems, for example. Also, in current zoning, 10.1.07 states that when the review authority [DRB] deems it beneficial, it may require the applicant to submit additional information to provide a clear understanding of the proposal.	No change.
430 - Development Approvals	Application Requirements	146	4302.A(3)(a)(iv)	VT Dept. of Health	Consider points of access to adult-only establishments, if Site or Subdivision includes family housing, school, or child-care facility.	Added adult entertainment language for PC to review.	PC agreed to add the proposed language.
	Waivers and Variances	160	4404 and 4405	BADC Director	The tools that Development Review Board has for workarounds are waivers and variances. Waivers can be solely used for adjustments to dimensions and it's proposed to be limited to 10%. In comparison, Montpelier's Zoning Ordinance has no dimensional limitations, and this is surprising given the common perception that Montpelier is strict with respect to land uses and development, and Barre friendlier. In my experience and since the State is not engaged in active enforcement of land use laws except for environmental violations, municipal government in Vermont has abused Variances for projects that the public approves. While understandable, it is not ideal, and undermines the intent and purpose of Zoning and results in a cynical and skeptical base of residents and taxpayers. Better to be able say "yes" to proposed development than to have many ways to say no, and then be mired in debates about bylaw standards and argue for the use of waives and variances.	Waivers as authorized by Vermont statute are limited to modification of dimensional standards. The setbacks are shallow in most districts, which should reduce the need for waivers and variances.	Council - leave as is, no change.
460 - Violations and Penalties	Limitations on Enforcement	165	4602.C(1)	Mayor	is this statutory language, or what is the purpose of this section?	It is statutory.	No change.
	Liabilities and Penalties	166	4603	Mayor	Does non compliance of "junk" in "outdoor storage" constitute a violation the Zoning Administrator can provide a notice of Violation?	Yes	No change.
	Municipal Civil Complaint Ticket	166	4604.B(1-3)	Mayor	How soon can a violator be send a 2nd and 3rd notice of violation? With restrictions on event by year and corrective action within a year, it appears that the violation would never go past a 1st offense	Each day a violation continues is a separate offense and can be separately ticketed. Clarified Subsection 4603.B	PC agreed with proposed change.
500 - General Definitions	Missing definitions	168	5000	Mayor; Planning Director	Consider adding definitions: fire pit; complete streets; bike lane; weatherization; reference Trash Ordinance or statute on Recycling?; density; density unit; major site plan; minor site plan;	Fire pit, complete streets, bike lane, weatherization are not terms used in ordinance. Also see #2 and 29. Density is defined in Section 2116.	No change.
	Bicycle Rack	169	5003.B(2)	Mayor	says it is a metal frame securely anchored to the ground - what about art bike racks? i.e., granite base on N. Main and on Elm by the Library?	Some bicyclists have concerns about attaching their bikes to racks that do not meet these basic requirements.	No change.
	Character	170	5003.C	VT Dept. of Health	Consider adding "Character of" to the definitions. What does "character" look like in Barre? What "character" is desired? What attributes would contribute to the character of a neighborhood or downtown? For example, low-density or no adult-only establishments; open spaces that can be used for recreational purposes; signage of a certain aesthetic; family-friendly; etc.	Recommend adding a definition of "character of the neighborhood" as Paragraph 5003.C(2).	PC agreed and definition was added.

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Overlay District Map	DRO (Design Review Overlay)	DRO Map	--	City Council Ordinance Review Subcommittee	First, I personally have a problem with the design review district. I want to cut it back immensely and I want to be clear the suggestions below are from me regarding the super scaled back design review district.	The design review district at a minimum must include the entire designated downtown to maintain eligibility for that state program. The properties included that are outside the designated downtown include: the BOR, the Currier Park Historic District, the Washington Street corridor east from the History Center to Hill Street (where zoning is proposed to change from residential to mixed use), and the South Main Street corridor south from the old fire station to the bridge just past Ayers Street (a gateway into downtown proposed to be zoned similar to the section of Main Street from Granite St to Route 62).	No change. PC feels that the expanded design review overlay is a healthy aid in buildings and construction.
	DRO (Design Review Overlay)	DRO Map	--	City Council Ordinance Review Subcommittee	Starting, lets bring it back to the historical district from that reference point I will list the properties that should be added into the district. Here are the buildings/properties I would add to the design review district beyond the historical district.  *BOR/Auditorium *St. Monica's 75 Summer St *Green Presbyterian Church 19 Seminary *Reynolds Build(Actually this should be Historic) 102 S. Main St *Trow and Holden Building/Property 45 S. Main St *Brown Printing 14 Jefferson St *Elks Club 10 Jefferson St *Mathewson Playground *Dr. Yorra's Building, currently occupied by the Barre Justice Center 30 Keith Ave(Probably should be historic) [already in DRO] *McFarland Building(Should be historic) 5 Perry St *Maple Croft Bed and Breakfast building 70 Washington St *188 Washington Street(pretty positive there is historical significance there) [there is no 188 Washington-we don't know what this reference is to] *The Victorian House on the corner of Brook Street and Pleasant Street 62 Brook (This should be historical as it was Barre's first hospital)  I understand that it is piecemealing the properties but I think we should be more open to easy development and modifications in our city. As a side note you could probably convince me to extend the Main Street Design District. But above is my suggestion for the design review district.	See above.	No change.
	DRO (Design Review Overlay)	DRO Map	--	City Council Ordinance Review Subcommittee	I spoke to Jeffrey and even though we don't agree on the boundaries that I want above we kind of agreed to come half ways and cut back the width of the design district to just the properties abutting Main Street(Historical District part the same). Possibly going all the way down to the old Dragon Phoenix/Laundry mat building on the north end. I have attached two PDFs showing what the two of us agree with.	See above.	No change.
	DRO (Design Review Overlay)	DRO Map	--	City Council Ordinance Review Subcommittee	Jeffrey would like to see a section that allows citizens to nominate buildings to be historic and to have a process to add them to the design review district as an ever growing list.	Anyone can nominate, including the City, a structure to be designated as historic to Historic Preservation and go through that process.	No change.
	HSO (Historic Structure Overlay)	HSO Map	#11		Mathewson School is spelled wrong (one "t" not two)	Made this change.	PC agreed with proposed change.
	Vine St Playground (26 Vine Street)	Zoning Map	--	City Staff - Planning Director	Vine Street City playground should be labeled on the CIV layer	Made this change.	PC agreed with proposed change.
	Garfield Playground (10 Lincoln Ave)	Zoning Map	--	City Staff - Planning Director	Garfield Ave Playground: Why is it on CON layer? Shouldn't it be on CIV layer?	Made this change.	PC agreed with proposed change.
	Higuera Park (0 Elm St, 0530-VL00.0003)	Zoning Map	--	City Staff - Planning Director	Higuera Park should be added to the CIV layer	Made this change.	PC agreed with proposed change.
	Public Safety Building at 15 Fourth Street	Zoning Map	--	City Staff - Planning Director	Public Safety Bldg. 15 Fourth St Police/Fire Station - shouldn't it be on the Civic layer?	Made this change.	PC agreed with proposed change.
	Wobby Playground (15 Fourth St)	Zoning Map	--	City Staff - Planning Director	Wobby Playground - Part of PSB parcel in the UC-3, should be on civic layer.	Made this change.	PC agreed with proposed change.
	Fuller Property on Nordic Lane	Zoning Map	--	Danette Fuller, resident	I think that Nordic Lane should be rezoned to Barre Town. We do not connect to city streets. All of our services are with the town. We are on the town school bus route not the city. Please consider this. Thank you	Land within the city boundary must be regulated under the city's zoning.	No change.
	Buzzi Properties on Farwell Street	Zoning Map	--	Michael Buzzi	concern with properties becoming R-16; doesn't want to become non-conforming	Options of staying in or moving were both a reasonable choice - up to the PC.	PC moved the subject parcels into the General Business district.
	Valsangiacomo Property between Rte. 62 and Bisson farmlands	Zoning Map	--	John Valsangiacomo via telephone 4/16/19	Come to his attention that the property has been zoned Conservation without their knowledge. After further discussion, John clarified that he understand it already was mostly in Conservation and had been, just that the lower portion that is currently in a residential zoning district is now slated for Conservation, and would like it changed back.	Per Director Shatney, under the current zoning regulations, single family homes are permissible in the Conservation district, and 2- and 3-or-more homes are Conditional, whereas under the draft, no dwelling unit of any kind is permissible in the Conservation District. Commission should review their request for any potential map change made 4/17/19.	Council heard from Valsangiacomo's and suggested changing from Conservation to R-4 district; they are to write the Commission a letter and ensure the Commission approves. Commission, at its April 25, 2019 meeting, listened to the Valsangiacomo's, reviewed their letter and voted to change the entire parcel to the R-4 district.

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Zoning Map	Sleeper Property at 150 Railroad Street	Zoning Map	--	Brent Sleeper	Via phone calls with Director Shatney: Does not want to be in the restrictive Conservation District. Parcel is only 4.9 acres, and now that the Valsangiacomo lands and others surrounding his property shouldn't remain in Conservation; he is looking to develop this property further in the future, and the Conservation designation would turn his property into a non-conforming, and not allow any further expansion of the businesses there currently.	Director Shatney has shared the differences between the current and proposed Conservation designations. With the entire area south of Rte 62 being all R-4, except for his one small lot, it only makes sense to change his lot to R-4 also.	
	Circle Street neighborhood	Zoning Map	--	Ben Boshier via letter dated 3/29/19	<p>This proposed ordinance essentially maintains the two incompatible zones, in terms of permitted and conditional uses, with but a minor change in the minimum lot size.</p> <p>I would like to suggest that there be a new zone inserted between the industrial and low-density residential districts that would be designated as medium density residential, either R-8 or R-12, to allow for duplexes or multifamily housing. The southern boundary of this new district would follow the back lot lines of the properties fronting on Circle St. The northwestern boundary would continue to be the centerline of Circle St., stretching from either Green or Nichols St. to the north and Hale St. to the south. With the exception of one house, this area contains old housing stock dating back to the early 1900's. These properties are more expensive to maintain and I would suggest are barely meeting minimum housing codes.</p> <p>Such a change would protect the predominately single family residential area (the R-4 district) directly behind this buffer zone. At the same time the higher density zone would stimulate the renovation of the structures for use as either owner-occupied two-family dwellings, or non-owner occupied duplexes or multifamily properties.</p>	<p>The Planning Commission reviewed the neighborhoods in the city that are located adjacent to industrial zones and properties. Where residential lots directly abutted or were located across the street from industrial properties, a Mixed Use 2 district was established to create a buffer between the industrial use and the neighborhood. A MU2 district was not created on Circle Street because the adjoining neighborhood is already buffered from the industrial use by a significant grade change and vegetation on the slope (compare the Circle Street residences to the residences on Center Street, for example). The residential neighborhood near Circle Street remains zoned at a density of 4 dwelling units to the acre, as it is under current zoning. So there is no substantive change (loss or gain) of development potential for these property owners.</p>	Council - leave as is, no change.
	Industrial section off Burnham St	Zoning Map	--	BADC Director	Questioned if the Industrial area behind City Hall marked as Industrial should remain as any potential developer could view this area for a very nice commercial space with housing in an optimal location of the city, should it become a mixed use area instead?	PC stated that as of right now, the Industrial determination fits it for what the area is now; certainly if a developer would want to view that area for potential development such as mixed use, it's a simple process of coming to the PC with a request to revise the zoning district map and potentially gaining a positive result.	No change.