

**Assembly Title 21 Committee Meeting Notes
Wednesday, February 8, 2006**

Pg. 449 Conservation Subdivisions L 12

Committee: Didn't we have a 10 acre minimum here in the last version?

Public: We asked to have it reduced.

Planning: We made it more flexible but added more standards.

Committee: Is a required snow storage area still in here?

Planning: Not unless it's a site condo

Pg. 449 L 28-30

Public: Asking for maximum floor area will restrict the size of the house. Why not have it be the footprint of the building. So on lots with 4,000 square feet you can only build a house with 2,000 square feet?

Committee: This sounds like the Girdwood plan.

Planning: Yes

Public: But what about the bulk of the house? Does it matter if there are 3 stories or just a ranch style house.

Planning: We are trying to keep the size of the structure in proportion to the size of the lot.

Committee: This seems problematic. Why not let it be run by demand?

Public: If you have wetlands and steep slopes on the property, you have taken townhouses out of the area.

Committee: Does a basement count in this? That adds square feet without adding to the size of the structure.

Planning: Yes, the way we have it worded.

Committee: You need to think about affordability and balance

Public: This seems overly restrictive. If someone wants a basement and extra levels they should be able to.

Planning: We will look at basements.

Pg. 450 Lot Coverage L 1-3

Committee: What about a sliding scale here? Have you thought about flexibility when there's high density housing next to low density housing. I'm thinking about Powder Ridge next to low density housing in the Birchwood area.

Planning: That's why there's the buffer between the two.

Committee: Is this existing language?

Planning. No, it's all new.

Committee: We are skipping Chapter 10. If you recall, there is a sign ordinance coming up before the Assembly. It comes up February 28th but may be delayed due to Planning meetings which start Monday.

Chapter 11: Nonconformities

Committee: Generally it's my perception that this is more relaxed than the original version.

Planning: Yes

A general discussion of who had Chapter 11 and who had been able to go through it ensued. It was decided that Planning would give a general overview of the Chapter since the committee had not read it. The goal would be to go into it in more depth next week.

General Provisions

Pg. iii L 12-32

Planning: The ability to repair or maintain a nonconforming building that has been damaged or destroyed, has been increased to 50%. It was 10% allowable for maintenance in the last version, but we took that out.

Pg. iv Nonconforming Uses of Land or Structures

Planning: There are new options for nonconforming use, but you can't increase the nonconformity. Say a tree falls on a house that had a corner sticking 2 feet into an easement. The house was nonconforming originally. When the house is repaired you can still use the foundation and build it back the way it was. You could even decrease the encroachment to 1 foot but you can't extend it to 3 feet. This way you are not increasing the nonconformity. You do need to get administrative approval (Pg. v L 23 to Pg. vi L 3) or conditional use approval (Pg. vi L 4-18) but you can keep a nonconformity of use.

Pg. v Alteration, Expansion, or Intensification....

Planning: There is a new section here for administrative approval and conditional use approval

Pg. viii Nonconforming Structures L14-25

Planning: Section B is new; it makes existing buildings exceeding the new height limits legal. Section C makes existing buildings exceeding maximum setback legal.

Pg. viii Section D L26- Pg. ix L 13 Damage or Destruction

Planning: When replicating a nonconforming building you must apply for administrative or conditional use approval. When you choose the administrative approval a public hearing process happens.

Committee: What if a disgruntled neighbor that has just moved in or one who has endured years of what they considered annoying circumstances complains about the noise, etc.? That could cause many objections. I would hope to direct the

director to be lenient in these issues. If there hasn't been trouble, then let it go. In absence of a problem, approvals should be liberally granted.

Planning: We are open to any language that would make it clear.

Public: We appreciate that the language for uses and structures are the same.

Pg. xi Nonconforming Lots of Record

Committee: Have there been any problems with what the Assembly has already passed on this issue?

Planning: There were a few issues, but I can't remember what they were at the moment.

Pg. xii Nonconforming Characteristics of Use

Planning: This came about because of the existing big box ordinance and some of the renovations we have seen. Some of that is being used here.

Committee: line 36 seems too strict. Little renovation is "solely and entirely" interior. If you replace a heating system, parts of it go outside on the roof. How about saying something like, "other than interior projects"?

Pg. xiii #2 Standard

Public: You have included multi-family, commercial, multi-use and industrial zoning districts within the big box standard?

Planning: If you are doing a big remodel and you know that you have a nonconformity then you will have to spend 10% of your project money to bring the characteristics toward conformity. This only counts for the outside of the building. If you are a big box store then you have to spend an additional 10% to bring the exterior to conformity.

Pg. xiii L3

Public: What's the definition of development project cost?

Planning: It's a common term; the 2.5 percent will be determined by the building official. We are aiming to improve the looks of the outside of buildings. The standards the applicant must work on are prioritized.

Next meeting: February 15th, Planning Dept., Conference Room 9:30 am–11:30 am
We will finish Chapter 11, Chapter 12 and look at Chapter 13 definitions.