

Burlington Planning Commission

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*Andy Montrroll, Chair
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Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member*



Burlington Planning Commission **Tuesday, January 9, 2018, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **Minutes**

Board Members Present: A Montrroll, H Roen, E Lee, E Dunn, A Friend, J Wallace-Brodeur
B Baker, Y Bradley
Staff Members: D White, M Tuttle, A Wade

I. Agenda

The meeting was called to order at 6:31pm. No changes to the agenda.

II. Public Forum

No members of the public were present to speak.

III. Report of the Chair

Nothing to report.

IV. Report of the Director

D White: Meagan is continuing to work on the Great Streets Project.

V. Proposed CDO Amendment: Article 7 Sign Regulations

D White: At last meeting, introduced sign regulations in general and preview of new sign regulations. Distributed first draft after review with staff and the City Attorney's office. Does not radically change the regulations themselves, but reorganizes Article 7, makes it more content neutral, and adds design standards. Signs are regulated through time, manner, and place; standards need to provide a content neutral message and a form-based perspective. Reviewed intent of the ordinance and purpose for regulating signs.

A Montrroll: How does this relate to shopfront and visibility requirements of the new Form Based Code? Would like to look at interior signage in buildings and their visibility from outside.

E Lee: What about flags as holiday décor. What about flags that project off of structures, rather than flying on a pole? Really only allow one per lot?

D White: Regarding flags, receiving guidance from municipal lawyers pertaining to size and limit to the number of freestanding flags in the zoned district

M Tuttle: Some are used as holiday decorations, and decorations are exempt from the ordinance.

D White: Ordinance requires signs to be a reviewed for interference with roadway and pedestrian activity. When placed in the public ROW, the review belongs to DPW. The courts have upheld off regulations on off-premise commercial signage, which is the basis of the state's billboard law. Commercial signs on vehicles are

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Tuesday, January 9, 2018

not regulated, unless when someone parks a trailer on the street for long time. Does not allow wind-blown signage, search lights. or outdoor projections.

H Roen: What about sign content which is offensive?

D White: We do not have a say in this.

A Montroll: This pertains to a free speech issue, not zoning.

D White: Typically, we regulate commercial speech. What the sign means may get challenged by others. There are size and number limits for commercial signs.

A Montroll: What about political and real estate signs? Would need to read them to know what they are.

D White: This does regulate estate signs and length of time they are displayed.

A Montroll: Seems that much of this doesn't have to do with zoning and would be hard to enforce.

Y Bradley: There is also case law about how winter months have an effect on signage such as realty signs.

A Montroll: What about signs inside windows? Why do we need to be concerned about this?

J Wallace-Brodeur: The screens in the Periwinkle's store windows are an example of signs that face outward and obscure view in.

D White: We need to decide what we really care about. We don't want to regulate inside signs unless they are close to the interior storefront window and obscure the view inside, which is required of the form based code.

Y Bradley: What is the difference between an establishment's signs inside and the Window Sign type?

D White: Interior signs need to be more than a foot away and not legible from the street.

Y Bradley: How are murals handled?

D White: It is art, and exempt from signage ordinance.

A Montroll: What about other examples like the ones pictured in the draft document that are projecting and non-conforming under the sign code?

D White: May be okay with keeping certain signs and codifying so that they don't become non-conforming and have to be removed if discontinued. Question is whether or we want projecting signs in the future.

E Lee: Like the projecting, moving signs.

M Tuttle: If these are permitted, this is where design standards come into consideration to ensure that signage has a certain character we expect, and isn't generic signage.

H Roen: Is there a height limit for signs?

D White: Different height limits for each type, but ultimately, no sign can be higher than the parapet. The highest height for sign is the second to third floor.

Y Bradley: Regarding illuminated signs, what is a nit?

D White: Do we want to allow for these types of signs? Nit is a unit of measurement of light.

E Lee: Perhaps the reason we don't like some signs is due to brightness. What is the equivalent of the allowable nit in lumens?

Y Bradley: Should use a term that is known to people and can be measured.

D White: Ordinance should include a brightness standard regarding laminated internal, external, or ground mounted. Will bring more detail for a future meeting. Provided additional detail on the form requirements for various types of signs and what zoning districts they are permitted in. The DRB can modify requirements.

B Baker: Should grandfathering signs be addressed? For example, the Leunig's building sign is non-conforming, but was changed from the previous establishment's name.

A Montroll: City of South Burlington changed their sign ordinance 10 years ago. No signs were grandfathered, and they gave non-conforming signage a time limit to change. Not sure that we need to do this.

E Lee: The sign ordinance seems too strict. Signage on Church St, College Street are small. Signage can be artful and beautiful, and is essential to wayfinding. There are opportunities for signs on the sides of buildings, and we should not over regulate.

Y Bradley: Regarding iconic signs, don't know why we wouldn't want more of those in the future.

A Montroll: We don't want to go to extremes, but I think the current ordinance is too limiting. We want to be careful about what we regulate inside a building and be clear about commercial vs non-commercial signage, obviously with less restriction on non-commercial signage. If we identify what the problems are and fix those, in the long run we have a better ordinance that is more likely supported by the courts.

E Lee: Would like to see sign size that's permitted double.

B Baker: Concerned about putting people through the permitting process having to go to two different locations for permits, which may be the reason why so many permits are outstanding permits.

A Friend: Agree that the detail of the sign ordinance is overly restrictive.

D White: understands Commission is looking for a sign ordinance that is more permissive to allow for multiple sign types and flexibility, but still asking the question why it should be this way.

A Montroll: Continue discussion on a future agenda.

VI. Proposed CDO Amendment: FD5 Boundaries

A Montroll: Due to timing, defer discussion of this item to a future meeting.

M Tuttle: Introduced a map of potential boundary changes based on deferred discussion of the Joint Form Based Code committee and request from owners and operators of the music store on Maple Street. Asked Commission members to review the information and bring suggestions to the next meeting.

VII. Committee Reports

A Friend: The Ordinance Committee met to discuss updates to Article 3.

VIII. Commissioner Items

M Tuttle: Eamon has volunteered to keep the Commission informed of the school board's discussions of the future of Burlington High School.

D White: Two more Planning Commission meetings in January, including a joint meeting with other boards.

IX. Minutes & Communications

A Montroll: Correct second paragraph on page 3, by replacing 'commercial signs' with 'non-commercial signs' to portray intent of statement.

The Commission unanimously approved a motion by A Friend, seconded by J Wallace-Brodeur, to approve the minutes of December 13, 2017 as corrected.

X. Adjourn

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to adjourn the meeting.



Andy Montroll, Chair

Signed: January 23, 2018



Anita Wade, Planning Commission Clerk