

Burlington Planning Commission

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Burlington Planning Commission

REGULAR MEETING

Tuesday, January 28, 2014 - 6:30 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. Report of the Chair (5 min) – Yves Bradley, Chair

IV. Report of the Director (5 min) – David E. White, Director

V. Proposed Amendments - Urban Agriculture (30 min)

The Commission will review and consider proposed changes to the Comprehensive Development Ordinance that will facilitate urban agriculture.

VI. ZA-13-06 – Downtown Parking Requirements (30 min)

The Commission will review and comment on proposed changes to ZA-13-06-Downtown parking requirements. The changes are being proposed by the City Council Ordinance Committee to add Transportation Demand Management (TDM) requirements in conjunction with the elimination of the minimum parking requirements in the downtown.

VII. FY15 Department Budget & FY14 Budget Amendments

VIII. Committee Reports (5 min)

IX. Commissioner Items (5 min)

X. Minutes/Communications (2 min)

The Commission will review minutes from the January 14, 2013 meeting.

XI. Adjourn (8:00 p .m.)

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Burlington Comprehensive Development Ordinance

PROPOSED: Urban Agriculture Regulations

As proposed by staff.

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: Refine definitions and provide further allowances for urban agriculture activities to take place on private properties as per the Urban Agriculture Task Force report prepared on September 2012.

ARTICLE 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS

Sec. 3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) Exterior Work:

As written.

(b) Interior work:

As written.

(c) Exemptions:

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. Exterior modifications to a single family dwelling in a non-design review portion of the RL zoning district lawfully in existence prior to the adoption of this ordinance on a conforming lot, and not on or eligible for listing on the State or National Register of Historic Places. Such an exemption shall not be applicable to any of the following changes, which do require a zoning permit:
 - A. Increased lot coverage;
 - B. Increased habitable living space;
 - C. Changes in setbacks or building footprints; and

From Article 13 – Definitions:

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; including but not limited to the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any human activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, woodlands, wetland, rare or endangered species habitat, aquifer or other resource area, including shoreland construction or other activity.

- D. Construction of additional stories to an existing structure.
 - E. Improvements in a Special Flood Hazard Area.
2. The removal of trees from any lot containing a single family home or duplex which consists of no more than three-quarters (3/4) of one acre.
 3. Individual tree removal projects that are included under an approved and valid "tree maintenance plan".
 4. The maintenance or repair of any exterior architectural feature, or its replacement in-kind, which does not involve a change in the location, design, material, or the outward appearance of the feature;
 5. Temporary ramps to serve the handicapped or disabled, for a period of not more than 90 days.
 6. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. §248.
 7. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810. Prior to the construction of farm structures the farmer must notify the Administrative Officer in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.
 8. The temporary stabilization and securing of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to a written order of the same issued under the authority of the city building inspector.
 9. Where temporary stabilization is not reasonably available the emergency demolition of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to a order of the same issued under the written authority of the city building inspector and with the written concurrence of the city engineer. This exemption does not extend beyond the required demolition, clearing of debris, securing or filling cellar holes, and related erosion control and stormwater management.
 10. All structures, including children's play structures, of 24 square feet or less, as long as they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or multiple structures in aggregate up to 24 square feet, per property.
 11. Temporary Structures or Uses as per Sec. 5.1.2 (f).
 12. Urban agricultural exemptions:
 - A. Cold frames of 6 feet in height or less.

- B. Up to 2 seasonal hoop houses, each 200 square feet or less, without foundations and as long as they are located in compliance with applicable setbacks. This exemption applies only to seasonal hoop houses that are sheathed in translucent plastic or similar material for a maximum of 9 months per year. The frame may remain in place year-round.
- C. Urban agricultural uses or structures located on building rooftops.
- D. Sale of food produced onsite or at an individual's community garden plot not to exceed \$1,000 per year. Food may be processed within the individual's residential kitchen.

(d) Determination of Non-Applicability:

As written.

Sec. 4.4.5 Residential Districts

(a) Purpose:

As written.

(b) Dimensional Standards and Density

As written.

(c) Permitted and Conditional Uses:

As written.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Setbacks

As written.

2. Height

As written.

3. Lot Coverage

As written.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.12 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;
- B. Any accessory structure that is fifty percent (50%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than fifty percent (50%) of the ground floor area of the principle structure; and,
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than

one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space, and,

~~E. Accessory structures such as doghouses, doll houses, or tree houses less than or equal in the aggregate to a total of sixteen (16) square feet in area shall not require a zoning permit.~~

5. Residential Density

As written.

6. Uses

As written.

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. Inclusionary Housing Requirement – as written

B. Senior Housing Bonus – as written

C. Adaptive Reuse Bonus – as written

D. Residential Conversion Bonus – as written

E. Urban Agriculture Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the provision of new community garden(s), subject to the following:

(i) The garden shall be made available to residents of the property. Where appropriate, the garden may be accessible to members of the surrounding area managed as a neighborhood garden by the Burlington Area Community Gardens program operated through the Department of Parks and Recreation.

(ii) At least one community garden plot of at least 4' X 8' (kitchen garden plot size) for 2/3 of the dwelling units constructed shall be provided; and,

(iii) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL, RL-W</u>	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
<u>RM, RM-W</u>	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
<u>RH</u>	80% (92% with inclusionary allowance)	60 du/ac (69% with inclusionary allowance)

F. Limitations on Residential Development Bonuses – as written

ARTICLE 5: CITYWIDE GENERAL REGULATIONS

PART 1: USES AND STRUCTURES

Sec. 5.1.1 Uses

Except as otherwise provided by law or by this ordinance, no land or structure in any district shall be used or occupied except as specified under the provisions of this ordinance and the requirements of the zoning district in which such land or structure is located as specified in Article 4 and in Appendix A-Use Table.

(a) Preexisting Uses:

Any use lawfully existing as of the effective date of this ordinance shall be authorized to continue solely on the basis of the provisions of this ordinance.

(b) Preexisting Non-conforming Uses:

Pre-existing uses that do not conform to the requirements of this ordinance shall be subject to the provisions of Sec. 5.3.4.

(c) Permitted Uses:

A permitted use is allowed as of right in any district under which it is denoted by the letter "Y" in Appendix A-Use Table. Permitted uses are subject to such requirements as may be further specified in this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking requirements.

(d) Conditional Uses:

A conditional use is listed in any district where denoted by the letters "CU" in Appendix A - Use Table. Such uses may be permitted by the DRB only after review under the conditional use provisions provided in Article 3, Part 5, such further restrictions as the DRB may establish and such additional requirements as may be established by this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking requirements.

(e) Uses Not Permitted:

A use in any district denoted by the letter "N," or any use not listed, shall not be allowed in any zoning district unless the administrative officer determines that the use is substantially equivalent in use, nature, and impact to a listed permitted or conditional use.

(f) Principal Uses:

Only one principal use shall be permitted on any lot in any residential zoning district unless otherwise expressly authorized pursuant to another provision of this ordinance including Article 11 – Planned Development. In all other districts, more than one principal use may be permitted on any single lot.

(g) Accessory Uses:

1. Accessory Dwelling Units. Accessory dwelling units as mandated by 24 VSA 4412 (1)(E) shall be regulated as set forth in Sec. 5.4.5 hereof.
2. Accessory Residential Uses: Except as specified in 1 above and subject to the restrictions of 3 below, accessory residential uses shall also be governed by Sec. 4.4.5(d)4.
3. Other Accessory Uses. Except as specified in 1 above, any use may be authorized as an accessory use by the DRB subject to conditional use review as provided in Article 3, Part 5 provided each of the following standards are present:
 - A. The accessory use is subordinate and customarily incidental to the principal use;
 - B. The accessory use is reasonably necessary to the conduct of the principal use;
 - C. Except for home occupations as regulated by Sec. 5.4.6, no accessory use, or combination of accessory uses, shall occupy more than twenty-five (25%) per cent of the total gross area dedicated to the principal use;
 - D. The accessory use shall not include the outdoor storage of more than one unregistered vehicle;
 - E. The accessory use does not result in, or increase the extent of, any pre-existing non-conformity or violation of the provisions of this ordinance; and,
 - F. The combination of uses on any given property shall meet all of the other provisions of this ordinance.

(h) Temporary Uses:

The administrative officer may approve a temporary use that is incidental and accessory to a principal use subject to the following:

<u>No Review or Permit Required</u>	<u>Site Plan Review: Zoning Permit & COA</u>	<u>Review as per Underlying Zoning</u>
<u>A use in place for up to 10 consecutive days or 30 days within any 12-month period at the same location.</u>	<u>A use in place from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.</u>	<u>A use in place for over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary use.</u>

(ih) Temporary Uses Incidental to Development

The administrative officer may issue a zoning permit for a temporary use that is incidental and accessory to the development or redevelopment of a building and/or site, and where reasonably required for such development activity. Such permits for temporary uses shall not be issued for a period in excess of ninety (90) days in any consecutive twelve (12) month period unless such uses would otherwise conform to the applicable provisions of this ordinance.

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) Preexisting Structures:

Any preexisting structure lawfully existing as of the effective date of this ordinance shall be authorized to continue solely on the basis of the provisions of this ordinance.

(b) Preexisting Non-conforming Structures:

Pre-existing structures that do not conform to the requirements of this ordinance shall be subject to the provisions of Sec. 5.3.5.

(c) Principal Structures:

Only one principal structure shall be permitted on any lot in any residential zoning district defined pursuant to Article 4 – Zoning Districts unless otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

(d) Accessory Residential Structures:

An accessory structure customarily incidental and subordinate to a principal residential use shall also be governed by the provisions of Sec. 4.4.5(d)4.

(e) Accessory Nonresidential Structures:

An accessory structure customarily incidental and subordinate to a principal nonresidential use may be permitted provided the gross floor area of any accessory structure does not exceed five hundred (500) square feet or contain living space.

(f) Temporary Structures:

The administrative officer may ~~issue a permit for~~ approve a temporary structure that is incidental and accessory to a principal use subject to the following:

No Review or Permit Required	Site Plan Review: Zoning Permit & COA	Review as per Underlying Zoning
A structure placed up to 10 consecutive days or 30 days within any 12-month period at the same location.	A structure placed from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.	A structure placed over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary structure.
Tents used for recreational non-commercial camping purposes.		

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous.

As written.

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Agriculture (See Farm also Urban Agriculture): For the purposes of this ordinance, agriculture shall mean accepted agricultural practices, including the construction of farm structures, as defined by the Vermont Secretary of Agriculture, Food, and Markets under 10 V.S.A. Sec. 1021 (f) and 1259 (f) and exempted from zoning review under V.S.A. 24 Sec. 4413 (d):

- ~~(a) the cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or~~
- ~~(b) the raising, feeding or management of livestock, poultry, equines, fish or bees; or~~
- ~~(c) the operation of greenhouses; or~~
- ~~(d) the production of maple syrup; or~~
- ~~(e) the on-site storage, preparation and sale of agricultural products principally produced onsite; or~~
- ~~(f)(a) the on-site production of fuel or power from agricultural products or wastes produced onsite.~~

Agricultural structure (see Farm structure)

Animal

- (a) **Boarding:** An establishment involving any structure, land, or combination thereof used, designed, or arranged for the keeping of five (5) or more domestic ~~animals~~pets more than three (3) months of age for profit or exchange, inclusive of equines but exclusive of other livestock used for agricultural purposes in areas approved for agricultural uses. The keeping of four (4) or less such animals more than three (3) months of age for personal enjoyment shall not be considered “boarding” for the purposes of this ordinance.
- ~~(b) **Domestic Animal:** Any animal, including, but not limited to mammals, reptiles, birds, livestock and domestic pets, that have been bred or raised to live in or about the habitation of humans, including, but not limited to mammals, reptiles and birds, and is dependent on people for food and shelter.~~
- ~~(e)(b) **Domestic Pet:** Any canine, feline, or European ferret (*Mustela putorius furo*) and such other domestic animals as the Secretary of the Agency of Agriculture, Food and Markets shall establish by rule and that has been bred or raised to live in or about the habitation of humans, and is dependent on people for food and shelter.~~
- ~~(d)(c) **Livestock:** Cattle, sheep, goats, equines (including, but not limited to, horses, ponies, mules, asses, and zebra.), fallow deer, red deer, American bison, swine, water buffalo, fowl and poultry, pheasant, Chukar partridge, Coturnix quail, camelids (including, but not limited to, guanacos, vicunas, camels, alpacas and llamas), ratites (including, but not limited to ostriches, rheas, and emus), and cultured fish propagated by commercial fish farms~~Animals used for food production (including eggs, milk, honey, and meat) or fiber.
- ~~(e)(d) **Grooming:** Any establishment where domestic pets are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health.~~
- ~~(f)(e) **Hospitals:** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. (See Veterinarian Office)~~
- ~~(e)(f) **Kennel:** Accessory building or enclosure for the keeping of domestic pets.~~
- ~~(h)(g) **Barn or coop:** Accessory building or enclosure for the keeping of livestock.~~
- ~~(+)(h) **Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted domestic ~~animals~~pets or livestock for the purpose of providing temporary kenneling and finding permanent adoptive homes and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and human treatment of animals.~~
- ~~(+)(i) **Store, Pet:** A retail sales establishment primarily involved in the sale of domestic pets, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and ~~farm animals such as horses, goats, sheep, and poultry~~livestock.~~

Cold Frame: A temporary structure placed overtop of a garden bed typically made of, but not limited to, glass, plastic, fabric or other material used to extend growing season or protect seedlings and plants from the cold or heat.

Community Garden: A private, not for profit, or public common area used for gardening by a group of households, by a group of households to grow and harvest food crops or non-food crops (e.g. flowers) for personal or group consumption, for donation, or for sale. Community gardens may be principal or accessory uses and may be located on a roof or within a structure.

Farm(ing): The use of land and/or structures for agricultural purposes. (See Agriculture and Urban Agriculture)

Green House: A permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

Hoop House: A temporary structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in “half-round” or “hoop” shape, for the purposes of growing plants.

Open Air Market: A building or site used for selling or offering for sale at retail of locally-grown vegetables or produce, occurring in a pre-designated area, where there is ~~may be~~ a collection of individual vendors or single vendor who have/has raised the vegetables or produce or have/has taken the same on consignment for retail sale. Also includes the incidental sale at retail of artisan-produced handicrafts, artwork, and baked goods.

Urban Agriculture: The production of food in a city at a household, community, or commercial scale; ~~and~~ it can involve a range of activities including the cultivation of plants, keeping animals, and aquaculture. For the purposes of this ordinance, the term “urban agriculture” pertains to all agricultural activities not included in “agriculture” as defined in this ordinance.

Appendix A-Use Table – All Zoning Districts

Open Air Markets	N	Y	NY	N	NY	N	NY	NCU	NCU	NCU	Y	Y	(See Sec.4.7(0)2)	CUY	Y	CUY	Y	Y	Y	CUY
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COMPREHENSIVE DEVELOPMENT ORDINANCE—
Downtown Parking Standards
ZA #13-06

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Article 8, Parking, Part 1: General Requirements, thereof to read as follows and by deleting the column “Downtown Districts from the Table on Minimum Off-Street Parking Requirements, as follows:

Sec. 8.1.1 Purpose As written.

Sec. 8.1.2 Applicability As written.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking districts as illustrated in Map 8.1.3-1 are hereby created:

(a) and (b) As written.

(c) Downtown Parking District:

This parking district ~~farther reduces~~ eliminates the requirements from the baseline standards recognizing that extensive sharing of parking demand between nearby land use occurs; that a majority of travel to and between land uses is independent from an automobile; that a requirement on new development for the adoption and implementation of transportation and parking demand management plans will have the effect of reducing automobile impacts and use in this district and optimizing economic and

environmental benefits there, including the effective and efficient use of alternative modes of transportation; and that an array of public parking facilities and frequent transit service greatly reduces the need for independent parking for individual land uses.

Map 8.1.3 - 1 Parking Districts As written.

Sec. 8.1.4 Existing Structures As written.

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.145.

~~**Sec. 8.1.6 Existing Structures: Exemption in Downtown District**~~

~~Any nonresidential use within a structure lawfully in existence prior to January 1, 2007 in any Downtown Parking District shall be exempt from the requirements of this Article when applying for a change to any other nonresidential use.~~

Sec. 8.1.76 Non-conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.87, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

Sec. 8.1.87 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.87-1.

- (a) ~~Where no requirement is designated and the~~ use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses and a comparison of other listed uses that are substantially equivalent in nature and impact with regard to their parking demand and usage. This procedure shall not apply where a listed use has a "0" minimum off-street parking requirement.

(b) As written.

(c) Downtown Parking Districts. Any minimum off-street parking requirements that have been imposed by a zoning permit upon a use or structure within the Downtown Parking District are hereby eliminated and rescinded as of the effective date of Zoning Amendment ZA 13-06. As of the effective date of ZA 13-06, all construction of new structures and construction which doubles the floor space of an existing structure shall comply with the transportation demand management requirements set forth in section 8.1.15 of the Comprehensive Development Ordinance.

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	±
Single Family detached and Duplex	2	2	±
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5
Boarding House (per two (2) beds)	1	0.75	0.5
Community House	1	0.75	0.5
Convalescent Home (per four (4) beds)	1	1	±
Dormitory (per two (2) beds)	1	1	±
Group Home (per two (2) beds)	1	1	±
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
Sorority & Fraternity (per two (2) beds)	1	1	±
NON-RESIDENTIAL USES	Per 1,000-square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	±
Agricultural Use	None ₀	None ₀	None
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	±
Animal Grooming (per grooming station)	1	1	0

Table 8.1.87-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
Animal Hospitals/Veterinarian Office	3	2	±
Appliance & Furniture Sales/Service	2.5	1	±
Aquarium	1.3	1	±
Art Gallery	3.3	2.5	±
Auction Houses	3.3	2.5	±
Automobile & Marine Parts Sales	2.5	1.5	±
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay
Automobile Sales – New & Used	2	2	±
Bakery - Retail	2.5	2.5	±
Bakery - Wholesale	2	2	±
Bank, Credit Union	2.5	2	±
Bar/Tavern	4	3	None
Beauty/Barber Shop (per station/chair)	1	1	None
Bicycle Sales/Repair	2.5	1	None
Billiard Parlor (per game table)	1	1	None
Boat Repair/Service	2	2	±
Boat Sales/Rental	2	2	±
Boat Storage	3	2	±
Bowling Alley (per lane)	3	2	±
Building Material Sales	3.3	2.5	±
Café (per four (4) seats)	1	1	None
Camp Ground (per camping space)	1	1	±
Car Wash (stacking spaces per wash bay)	4	4	4
Cemetery	None ⁰	None ⁰	None
Cinema (per four (4) seats)	1	1	None
Club, Membership	3.3	2.5	±
Community Center	3.3	2.5	±
Community Garden (per ten (10) plots)	1	1	None
Conference Center	3	2	±

Table 8.1.87-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
Contractor Yard (per 1,000 gfa of office space)	2.5	2	2
Convenience Store	3	2	1
Convention Center	n/a	3	2
Courthouse	n/a	3.3	2
Crematory (per FTE employee)	1	1	1
Crisis Counseling Center	4	3	1
Daycare - Home (6 children or less)	None ₀	None ₀	1 drop-off
Daycare - Large (Over 20 children) (per two (2) employees)	1 plus 1 per 5 children	1 plus 1 per 5 children	2 drop-off
Daycare - Small (20 children or less) (per two (2) employees)	1	1	1
Dental Lab	2	1	None
Distribution Center (per 3,000 gfa)	1	0.75	0.75
Dry Cleaning Plant	1.3	1	1
Dry Cleaning Service	2.5	2	2
Film Studio	3.3	2.5	1
Fire Station (per apparatus)	2	2	1
Food Processing	1.3	1	1
Fuel Service Station (per employee/shift)	1	1	1
Funeral Home (per four (4) seats)	1	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	1
General Merchandise/Retail	3	2	None
Grocery Store	3	2	None ₀
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	n/a
Health Club	3	2	1

Table 8.1.87-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
Health Studio	2	1	None
Hospitals (per patient bed)	2	2	2
Hostel (per two (2) beds)	0.5	0.5	None
Hotel/Motel (per room)	1	0.75	0.75
Laundromats (per washing machine)	1	1	None
Library	1.3	1	None
Lumber Yard (per 1,000 gfa of retail area.)	3	2	4
Machine Shop/Woodworking Shop	1.3	1	4
Manufacturing	1.3	1	4
Manufacturing - Tour Oriented	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	4
Marina (per berth)	0.5	0.5	0.5
Medical Lab	2	1	None
Micro-Brewery/Winery	3	2	4
Museum	1.3	1	4
Office - General	2	2	2
Office - Medical, Dental	3	2	4
Open Air Markets	None ₀	None ₀	None
Operations Center - Taxi (per three (3) employees)	1	1	4
Operations Center - Truck/Bus (per 3,000 gfa)	1	0.75	0.75
Park (per playing area)	5	None ₀	None
Parking Garage – Private	None ₀	None ₀	None
Parking Lot – Private	None ₀	None ₀	None
Performing Arts Center (per four (4) seats)	1	1	None
Performing Arts Studio	1	None ₀	None
Pet Store	2.5	1	None
Pharmacy	3	2	4

Table 8.1.&7-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
Photo Studio	2.5	1	None
Photography Lab	1	1	None
Police Station	2.5	2	2
Post Office	1.3	1	1
Post Office - Local	2	2	None
Printing Plant	1.3	1	1
Printing Shop	2	2	None
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	None
Public Works Yard/Garage	None ₀	None ₀	None
Radio & TV Studio	2	2	2
Rail Equip. Storage & Repair	None ₀	None ₀	None
Recording Studio	1.3	1	1
Recreational Facility - Indoor (per four (4) seats)	1	1	0.5
Recreational Facility - Outdoor (per playing field)	15	10	None
Recreational Facility - Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	1 per 6 seats
Recreational Vehicle Sales – New and Used	2	2	1
Recycling Center - Large above 2,000 gfa	None ₀	None ₀	None
Recycling Center - Small 2,000 gfa or less	None ₀	None ₀	None
Research Lab	2.5	2	2
Restaurant	4	3	None
Restaurant – Take-Out	4	3	None
Salon/Spa	4	4	2
School - Secondary (per Classroom)	7	5	2
School - Primary (per Classroom)	1.5	1.5	1.5

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
School - Trade/Professional	5	3	4
School, - Post-Secondary	2	2	2
Solid Waste Facility - Incinerator, Landfill, Transfer Station	None 0	None 0	None
Tailor Shop	2	1	None
Vehicle Salvage	None 0	None 0	None
Warehouse	0.5	0.35	0.35
Warehouse - Self Storage Facility	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces
Warehouse - Retail	3.3	2.5	2.5
Wholesale Sales	1.3	1	4
Worship, Place of (per four (4) seats)	1	1	4

Sec. 8.1.98 Maximum Parking Spaces

The total number of parking spaces provided in all parking districts shall not be more than 125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.87-1 where such a requirement (more than 0) exists. Where there is no minimum requirement stated, there is no maximum requirement. In no case shall the maximum number of required spaces be less than one (1) per unit of measurement (beds, units, 1000 gross sq ft, etc.) for the use.

(a) **Exemptions:** The following shall reduce the maximum number of allowable spaces required by this section:

1. through 4. As written.

5. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation of this section may be waived by the DRB pursuant to the provisions of Sec 8.1.145 with the following additional requirements:

A. and B. As written.

Sec. 8.1.910 Off-Street Loading Requirements As written.

Sec. 8.1.140 Parking Dimensional Requirements As written.

The following standards in Table 8.1.104-1 below shall be used to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation.

Table 8.1.140-1 Minimum Parking Dimensions As written.

Sec. 8.1.121 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land as follows:

1. As written.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.154 approved by the DRB.
3. As written.

(b) through (h) As written.

Sec. 8.1.132 Parking for Disabled Persons As written.

Sec. 8.1.143 Stacked and Tandem Parking Restrictions As written.

Sec. 8.1.154 Waivers from Parking Requirements/ Parking Management Plans

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.87 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (a) A calculation of the parking spaces required pursuant to Table 8.1.87-1.
- (b) through (d) As written.

Sec. 8.1.15 Transportation and Parking Demand Management Plan Requirements for the Downtown Parking Districts.

- (a) Purpose. The purpose of this provision is to facilitate parking and transportation demand management in the downtown and mitigate traffic congestion, reduce reliance on the automobile, support multiple transportation modes, support economic and housing development, and help improve air and storm water quality in the downtown parking district
- (b) This section applies to all newly constructed structures and those existing structures that are being expanded by at least twice the floor space of the existing structure within the Downtown Parking District, except for the construction of affordable housing as defined in Article 13. This section applies in addition to any on-site Bike Parking requirement found in Art 8, Part 2 and the maximum on-site parking limits found in Sec. 8.1.9.
- (c) A Transportation Demand Management (TDM) Plan must be submitted and approved by the administrative officer as a part of the application for a zoning permit for new construction in the Downtown Parking District except where a development is exempt from this requirement pursuant to subsection (b) above.
- (d) To be approved, a TDM Plan must include the following:
 - (1) Documentation of any on-site parking to be provided and how it is intended to be managed;
 - (2) Information and education on available transportation alternatives and TDM programs will be regularly shared with all tenants and employees;
 - (3) A written commitment to participate in any future downtown parking improvement organization or management district;
 - (4) A written commitment that off-street parking spaces shall be leased or sold independently from the lease or sale of units within the proposed development; and,
 - (5) A minimum of 3 of the following TDM measures selected at the choice of the applicant:

- membership in a transportation management association (TMA) by all non-residential tenants (or provision of equivalent offerings e.g. Emergency Ride Home, bike/walk rewards, data collection, and education/marketing);
 - The cost of parking offered on or off-site will be passed on directly to all tenants and/or employees without discount or subsidy;
 - Public transit passes will be made available to all tenants and/or employees upon request at a minimum 50% subsidy;
 - Car share memberships will be made available to all tenants and/or employees upon request at a minimum 50% subsidy;
 - One or more car share vehicles will be made available on-site by written agreement with an established car share service provider;
 - An adopted Telework Policy is in force for all applicable employees;
 - An additional 50% of the on-site bike parking requirement (Art 8, Part 2) will be made available to the general public;
 - One Electric Vehicle Charging station will be provided per 100 parking spaces; or,
- (d) Prior to approval of a zoning permit, applicants shall provide TDM plan documentation, including how each of selected measures is to be provided and/or implemented, maintained and kept in force to the satisfaction of the administrative officer.
- (e) Subsequent to approval of the zoning permit, documentation of the ongoing implementation of the TDM Plan shall be maintained and made available to the administrative officer upon request.

* Material stricken out deleted.

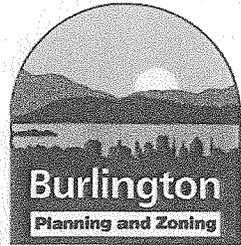
** Material underlined added.

Department of Planning and Zoning

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Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

TO: Burlington Planning Commission
FROM: David E. White, AICP, Director of Planning & Zoning
DATE: Thursday, January 23, 2014
RE: Proposed Dept .of Planning & Zoning FY15 Budget

Attached you will please find the Dept of Planning & Zoning's FY15 budget request as currently being recommended by the Administration. As presented here and currently being considered by the City Council, this budget level funds the Department from the current FY14 adopted budget and adds additional funding that would address current deficiencies and significantly improve our capabilities to meet the growing needs and demands of the City. See the attached spreadsheet for the specific amounts and expense accounts.

While still far from optimal, these modest increases would go a long way towards addressing decades of disinvestment in community planning and development work, and begin to enable a more proactive response to emerging needs and opportunities. More specifically, the additional funding will:

- improve the type and quality of information we provide to the public – our customers;
- improve the regulatory process and user experience;
- improve our ability to be proactive in understanding and addressing emerging community issues and needs;
- enable greater leveraging of non-City funding and initiatives; and,
- lead to additional revenues and improvements to the tax base of the City.

Operating - Direct:

Day-to-day operating expenses (printing, postage, supplies, telephone, etc.) currently accounts for less than 5% of our Department's overall annual expenses. Of this, more than half goes towards, telephone, postage and copier expenses. The lack of any discretionary resources limits our ability to be proactive in how we inform and educate the public about the permitting and planning process.

Recommendation: An additional \$4,000 would allow our Department to provide more direct outreach to the public. Examples include public information and educational materials regarding the permitting process; marketing and promotion of planning activities; and providing refreshments at public events to encourage/reward participation.

Consultants/Professional Services:

Expenditures for professional services currently account for less than 10% of our budget. Funding in this account has traditionally been used exclusively for consultants hired to complete grant-funded projects, with a very small amount (\$3,000) available to hire outside technical expertise for the review of development applications as necessary.

The lack of ongoing City funding for consultants and professional services negatively affects the extent and quality of service we can provide to elected officials, other City departments, and ultimately the public. Most importantly this severely limits the City from being more proactive and thoughtful in understanding emerging issues and opportunities facing our community and working to address them.

Recommendation: An additional \$30,000 would allow our Department to hire consultants to undertake specific planning projects identified in an annual work program to address outstanding needs and emerging opportunities. Examples include:

- long over-due revisions to the impact fee study and ordinance which will lead to additional City revenues for addressing capital needs;
- a peer-to-peer evaluation and assessment of the City's permitting process to identify opportunities for improvements and efficiencies based on best practices;
- development of neighborhood master plans based on the planBTV model developed for the downtown and waterfront;
- studying emerging issues and developing plans to address them (e.g. understanding impacts of student housing and developing solutions, etc.); and,
- responding to unanticipated inquiries, requests and opportunities for funding or partnerships (e.g. matching funds for grants, regional planning initiatives, or periodic orthophotography updates, etc.).

An annual work program would be developed alongside the budget with priorities defined by staff in consultation with other city departments, and with direction from the Mayor and Planning Commission. Two very high priorities for the coming year would be developing a "planBTV: South End Master Plan" for the Pine Street corridor and Enterprise District, and completing a new Impact Fee Study. I will note that \$30,000 represents only ~10% of the total funding we feel we will need to undertake the planBTV: South End planning process alone. At least double this amount would help to ensure that our office can undertake and complete complex projects like this in a more timely and efficient manner.

While this request represents our highest priorities and is a limited "first step", I would be remiss if I didn't at least mention our third priority not included in this request. We are only as good as the investment we make in our people, and our ability to provide high quality customer service, accurate and timely responses to customer requests, professional ordinance administration and plan development, and efficient operations are all compromised when we fail to provide targeted, up-to-date, and ongoing training to meet the needs each employee. I am hopeful that in coming years the Administration will be able to entertain additional funding to support education and training for our staff and volunteers.

I would be happy to answer any questions you may have.

Fund 101 - General Fund			
Department 06 - Planning and Zoning			
		2015	
		Total Budget Request	Additional Funding Request (included in total)
6000	Office Supplies	\$ 4,500	\$ 1,000
6005	Postage	\$ 5,000	
6020	Office Equipment	\$ 800	
6202	Printing/Copying/Paper Mgt	\$ 4,000	\$ 2,000
6203	Dues/Subscriptions	\$ 2,170	
6208	Special Supplies	\$ 1,000	\$ 500
6210	Small Tools and Equipment		
6214	General Fund Support		
6350	Legal Notice & Advertising	\$ 5,500	\$ 500
Direct Operating		\$ 22,970	\$ 4,000
6400	Utilities		
6400_125	Utilities Telecommunications	\$ 4,600	\$ -
6400 - Utilities Totals		\$ 4,600	\$ -
6500	Professional and Consultant Services		
6500_118	Professional and Consultant Services Contractual Services	\$ 33,000	\$ 30,000
6500 - Professional and Consultant Services Totals		\$ 33,000	\$ 30,000
6700	Travel & Training		
6700_100	Travel & Training Education	\$ 2,700	
6700_107	Travel & Training Training Materials	\$ 80	
6700_110	Travel & Training Travel Expense	\$ 4,700	
6700_115	Travel & Training Mileage	\$ 100	
6700 - Travel & Training Totals		\$ 7,580	\$ -
7200	Rent/Lease		
7200_115	Rent/Lease Equipment	\$ 4,200	\$ -
7200 - Rent/Lease Totals		\$ 4,200	\$ -
EXPENSE TOTALS		\$ 72,350	\$ 34,000

Fund 101 - General Fund
 Department 06 - Planning and Zoning

	2013		2014		2015		2014-15		Notes:	Comments:
	Actual (unaudited)	Budget	Approved Budget	Proposed Budget	change	change				
REVENUE										
4100 Licenses And Certificates										
4100_125 Licenses And Certificates Housing	\$ -	\$ 175,000	\$ 175,000	\$ 250,000	43%	43%			all permits & decisions	
4100 - Licenses And Certificates Totals										
4250 Zoning Permits	\$ 153,068.38	\$ 20,000			-100%					combined with 4100
4600 Fees For Services										
4600_125 Fees For Services Housing & Deve	\$ 470,376.81	\$ 250,000	\$ 250,000	\$ 200,000	-20%				DRF, Sketch and ZD	partially combined with 4100
4600_130 Fees For Services Miscellaneous	\$ 1,935.36	\$ 2,750	\$ 2,750	\$ 500	-82%				Documents, copies	partially combined with 4600_125
4600 - Fees For Services Totals										
4875 Grant										
4875_100 Grant Federal Operating Direct	\$ 15,879.58	\$ -	\$ -	\$ -						no accepted grants
4875_140 Grant State Operating	\$ 9,000.00	\$ 4,500	\$ 4,500	\$ -	-100%					no accepted grants
4875_175 Grant Miscellaneous	\$ 38,186.68	\$ 33,984	\$ 33,984	\$ -	-100%					no accepted grants
4875 - Grant Totals										
4900 Participant Charges										
4900_105 Participant Charges Spec Rev/Ent	\$ (238.74)	\$ -	\$ -	\$ -					??	
REVENUE TOTALS										
	\$ 688,208.07	\$ 486,234	\$ 486,234	\$ 450,500	-7%					

Fund 101 - General Fund
 Department 06 - Planning and Zoning

	2013	2014		2015	2014-15		Comments:
		Actual (unaudited)	Approved Budget		Proposed Budget	change	
EXPENSE							
5000 Salaries and Wages							
5000_100 Salaries and Wages Regular, Full	\$ 506,659.03	\$ 511,457			-100%		to be determined by CAO
5000 - Salaries and Wages Totals	\$ 506,659.03	\$ 511,457	\$ -		-100%		to be determined by CAO
5100 Overtime	\$ 14.97						to be determined by CAO
5200 Other Personal Services							
5200_115 Other Personal Services Other Co	\$ 1,361.54	\$ 1,200			-100%	<i>sick bonus</i>	to be determined by CAO
5200_125 Other Personal Services Taxable F	230.76						to be determined by CAO
5200 - Other Personal Services Totals	\$ 1,592.30	\$ 1,200	\$ -		-100%		to be determined by CAO
5400 Employee Benefits							
5400_100 Employee Benefits FICA	\$ 39,317						to be determined by CAO
5400_105 Employee Benefits Unemployment Ins	\$ -						to be determined by CAO
5400_115 Employee Benefits Retirement B	\$ 30,324						to be determined by CAO
5400_120 Employee Benefits Workers Compensation	\$ 7,200						to be determined by CAO
5400_125 Employee Benefits Health Ins	\$ -						to be determined by CAO
5400_130 Employee Benefits Dental Ins	\$ 5,880						to be determined by CAO
5400_135 Employee Benefits Life Ins	\$ -						to be determined by CAO
5400_145 Employee Benefits Employee Parl	\$ 3,889.16	\$ 4,800			-100%	<i>parking and bus pass</i>	to be determined by CAO
5400 - Employee Benefits Totals	\$ 3,889.16	\$ 87,521	\$ -		-100%		to be determined by CAO

Fund 101 - General Fund
 Department 06 - Planning and Zoning

	2013		2014		2015		2014-15		Notes:	Comments:
	Actual (unaudited)	Budget	Approved Budget	Proposed Budget	Budget	change				
6000 Office Supplies	\$ 6,168.04	\$ 3,705	\$ 4,500	\$ 4,500	\$ 4,500	21%		consumables		
6005 Postage	\$ 5,107.07	\$ 4,500	\$ 5,000	\$ 5,000	\$ 5,000	11%				
6020 Office Equipment	\$ -	\$ -	\$ 800	\$ 800	\$ 800				moved from 6210	
6202 Printing/Copying/Paper Mgt	\$ 14,219.54	\$ -	\$ 4,000	\$ 4,000	\$ 4,000				printing & copier expenses	
6203 Dues/Subscriptions	\$ 4,074.00	\$ 2,593	\$ 2,170	\$ 2,170	\$ 2,170	-16%				
6208 Special Supplies	\$ 1,231.75	\$ 900	\$ 1,000	\$ 1,000	\$ 1,000	11%		food		
6210 Small Tools and Equipment	\$ -	\$ 800	\$ 800	\$ 800	\$ 800	-100%			moved to 6020	
6214 General Fund Support	\$ 425.00	\$ 425	\$ 425	\$ 425	\$ 425	-100%			moved to 5200	
6350 Legal Notice & Advertising	\$ 4,760.19	\$ 3,200	\$ 5,500	\$ 5,500	\$ 5,500	72%				
Direct Operating	\$ 35,985.59	\$ 16,123	\$ 22,970	\$ 22,970	\$ 22,970	42%				
6400 Utilities										
6400_125 Utilities Telecommunications	\$ 4,524.12	\$ 4,500	\$ 4,600	\$ 4,600	\$ 4,600	2%				
6400 - Utilities Totals	\$ 4,524.12	\$ 4,500	\$ 4,600	\$ 4,600	\$ 4,600	2%				
6500 Professional and Consultant Services										
6500_118 Professional and Consultant Servi	\$ 24,998.24	\$ 56,347	\$ 33,000	\$ 33,000	\$ 33,000	-41%				
6500 - Professional and Consultant Services To	\$ 24,998.24	\$ 56,347	\$ 33,000	\$ 33,000	\$ 33,000	-41%				
6700 Travel & Training										
6700_100 Travel & Training Education	\$ 4,520.69	\$ 2,320	\$ 2,700	\$ 2,700	\$ 2,700	16%		program registration		
6700_107 Travel & Training Training Materi.	\$ -	\$ 80	\$ 80	\$ 80	\$ 80	0%		books, video, DVD		
6700_110 Travel & Training Travel Expense	\$ 7,268.34	\$ 6,160	\$ 4,700	\$ 4,700	\$ 4,700	-24%		travel		
6700_115 Travel & Training Mileage	\$ -	\$ 100	\$ 100	\$ 100	\$ 100	0%		auto		
6700 - Travel & Training Totals	\$ 11,789.03	\$ 8,660	\$ 7,580	\$ 7,580	\$ 7,580	-12%				
7200 Rent/Lease										
7200_115 Rent/Lease Equipment	\$ 2,614.74	\$ 4,200	\$ 4,200	\$ 4,200	\$ 4,200	0%		copier payments		
7200 - Rent/Lease Totals	\$ 2,614.74	\$ 4,200	\$ 4,200	\$ 4,200	\$ 4,200	0%				
EXPENSE TOTALS	\$ 592,052.21	\$ 690,008	\$ 72,350	\$ 72,350	\$ 72,350	-90%				

Burlington Planning Commission

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*Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member*



Burlington Planning Commission Minutes

Tuesday, January 14, 2014 - 6:30 pm

Present: Y. Bradley, L. Buffinton, A. Montroll, H. Roen, B. Baker: E. Lee

Absent: J Wallace-Brodeur

Staff: S. Thibault, D. White, E. Tillotson

I. Agenda

Item VII is renamed to address a missing issue.

II. Public Forum

Y. Bradley: Opened the public forum at 6:35 pm.

Rick Bove, accompanied by Carl Lisman and John Alden, addresses the difficulties associated with his George Street project. Approximately twenty years ago, he purchased 13 George Street which is adjacent to 3 George Street which he already owned. His intention was to construct 25 – 27 unit building with some commercial exposure in the street portion, rehab the front historic building, and remove some of the old buildings.

John Alden: Addresses the difficulty with satisfying the zoning requirements for two properties which are adjacent but in different property zones with different requirements. The primary difficulty is the fifteen foot setback required by the ordinance. Since the buildings are right next to each other but in different zoning districts, it is a problem to satisfy all requirements while developing in a logical manner. They would like to combine the lots, and have them somehow be in the same zone. He questions if the Development Review Board's interpretation of the zoning ordinance is in the best interests of the city.

H. Roen: Is it still separate lots?

C. Lisman: Yes, they are still separate. Another point, the zoning ordinance section relevant to this situation is 4.4.1.2 which would be the appropriate place for modification. The side yard setback requirement comes into play with properties in two different zones. Is the zoning ordinance sufficiently clear? He quotes section 4.1.1-1. Does this reflect the intention during the ordinance creation?

J. Alden: Historic buildings can be issue depending on which part of the ordinance is being addressed.

Y. Bradley: Urban infill could be valid issue and it will come up again.

H. Roen: That situation existed with the Bright Street development.

D. White: That is the issue, property boundary vs district boundary.

A. Montroll: In general if a property straddles two zoning districts, a building cannot be built to the property line?

D. White: Correct, there is a 15 foot setback requirement between a non-residential and a residential district.

A. Montroll: That concept might want to be examined.

H. Roen: In general, the setback is to protect neighbors, but if it's a single lot the situation is different.

As approved by the Burlington Planning Commission on , 2014.

W. Ward, Director of Code Enforcement Office: This is a follow-up to the joint meeting between the DRB and Planning Commission which addresses the issues yard parking and the code in FY 2013 which were raised in a letter from Michael Long, DRB member. He does not feel that parking enforcement is a disaster. He shows examples of the results of the seeclickfix website with photo documentation and examples of some parking and some zoning violations that have been addressed. He believes his department is effective. Would come back and share if wanted.

E. Lee: R. Bove said his building is functionally obsolete.

W. Ward: The building is not in compliance and there is an inspection scheduled for tomorrow.

D. White: At the joint meeting there was a great slide shown of the progress made in issuing certificates of occupancy by Bill Ward, which demonstrates that the department is catching up.

W. Ward: His Staff is doing great job and he would point out that it is the same staffing level with an increased output. Many COs still need to be closed, a logistical challenge and nightmarish.

Y. Bradley: He closed the public forum at 6:55 pm.

III. Report of the Chair

The Chair presented the following report:

- Met with D. White earlier this week concerning the Minimum parking requirements amendment that is now with the City Council's ordinance committee. There is discussion of tying Transportation Demand Management (TDM) into parking regulations downtown. He doesn't believe that TDM and parking should be coupled together. This will come back to the Commission at the end of the month for discussion and comments.

IV. Report of the Director

The Director presented the following report:

- S. Thibault and he are working on the FBC (Form Based Code), assembling different parts. There was a hiatus during the holidays but he and S. Thibault have hit the ground running now.

V. Public Hearing - ZA-14-07 – Residential Off-Street Parking Standards

D. White: This amendment was discussed in November and forwarded to the City Council inadvertently without a public hearing so now that the hearing is happening tonight, the Commission may advance to City Council. It is a change of how minimum parking regulations are calculate for residential units. The new amendment will require that the parking be based on the number of bedrooms. This should be an incentive to create smaller units, and a disincentive to establish larger units.

A. Montroll: At the ordinance committee meeting last week, a proposal was made to tie in parking to the square footage of a building. Staff took a strong position that it should be done that way. It appears that it will be difficult to regulate based on the number of bedrooms. The data to establish how many bedrooms exist is difficult to access. Does code enforcement know about bedrooms?

W. Ward: The key for us is that change might happen and there may not be a smoke detector in place. A permit is required and they are tracked now. Additionally, the Fire Marshall's office does a follow-up to Code Enforcement.

A. Montroll: Doesn't know if using bedrooms as the basis for parking requirements is the right approach.

L. Buffinton: Are there instances where bedrooms are discovered and then records are checked for verification?

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W. Ward: Usually there is no smoke detector in the bedroom which is the clue that the bedroom is not legitimate.

B. Baker: Lots of these situations are caught at the time of sale.

A. Montroll: That aspect was raised in discussion. We know that during a sale, on occasion, bed(s) are just removed at the time of sale, and then replaced afterward. As an example, an addition can be divided into two bedrooms without permitting.

S. Thibault: Is very surprised to hear about that proposal and doesn't believe this square foot proposal makes sense.

D. White: Yes, that approach would create issues around enforcement.

B. Baker: W. Ward has a big stick.

E. Lee: Sales are a limiting factor.

B. Baker: Allen & Brooks, a local appraisal firm which does sales analysis, indicates that the number of bedrooms determines rent.

L. Buffinton: She can see square footage being nightmare.

D. White: The Planning & Zoning recommendation is to base the requirement on the number of bedrooms.

K. Brewer-Colie, new Director of Local Motion and Complete Streets Project Manager: Lives close to the high density area, and would recommend reduction of the off-street parking requirement. She is dismayed at the condition of some backyards. Whatever method would work, she will endorse.

On a motion by B. Baker, seconded by H. Roen, the Commission approved ZA-14-07 and send to City Council for adoption. E. Lee opposed.

VI. Bike Parking Presentation

D. White: The City has an on going interest in bike parking which is related to parking in the city in general. Last summer the City made a commitment to the Go for Gold status. It is now timely to reexamine how well the bike regulations have worked with the Zoning Ordinance.

K. Brewer-Colie, Local Motion: Acknowledges the rest of the Bike/Walk study group: Phil Hammerslough, Nic Anderson, Diana Colangelo and Nate Wildfire from CEDO, David White, and others. There has been good discussion of the Go for Gold status. Cities examined based on their similarities to Burlington were: Missoula, Montana; Cambridge, Massachusetts; and Corvallis, Oregon. Their makeup compared to Burlington's is in the chart as well as relative comments.

Bike parking is a big issue. Right of ways on public property and on site parking on private property are the options. The focus of the working group has been the on-site parking.

Trends:

- The number of people using bikes has increased, presently 5.5 per cent of people commute by bike in Burlington which is considered a high level of participation. Portland participation is 6.2 per cent.
- Bikes are good for business with bike infrastructure. To be a sustainable and supportive project, security of the parking location needs to exist. Two months ago at the bike summit at the Hilton, there was not one bike rack on the site, an obvious problem.
- Bike parking on the public right of way is only part of answer.
- And then there is long term and short term parking.

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- There has been an explosion of the number of people riding bikes. The addition of bike lanes and bike parking has been studied with the results showing that the spaces allowed for bike parking do not cause businesses to suffer. A study conducted in Melbourne (Australia?) in 2008 showed that a vehicle parking space brought in an average of \$.26 per hour vs a bike parking location brought in \$.97 an hour, six bike spaces equaling one vehicle space. (24 hour period?) This is an important consideration for North Avenue and Pine Street as they progress toward more definitive development plans.
- Bike parking management is part of the city economic development plan which fits with smart growth and infill.

She recommends reviewing the zoning requirements for bike parking since Burlington is at the low end of requirements. The current bike parking guidelines are included by reference. It is possible to modify those guidelines without using the amendment process and they are out of date. The current zoning code requirements for bike parking are quite high. She would like to look at how incentives could encourage more bike parking and apply those incentives to any development standard. It is important to continue to work with the business community. More data collection is crucial. Finally, continually explore opportunities for bike parking. Love to have feedback

H. Roen: Thanks K. Brewer-Colie for presentation and asks if the bike parking problems could be more clearly defined.

K. Brewer-Colie: The zoning requirements are out-of-date and the lack of bike parking are the two more important issues we are trying to address.

L. Buffinton: This is a good starting point. Could the Bike/Walk Committee take this one step forward with recommendations?

D. White: That is the intention. City Councilor Tracey asked that the Planning Commission look at the information from Local Motion. Our Zoning Clerk, Nic Anderson is a good example of accomplishing/ implementing more bike parking here in City Hall.

VII. planBTV Update

D. White: The City is applying for funds for the planBTV South End project; the amended agenda in the packet contains an outline of the timeline to come up with FBC.

A. Montroll: The Regional Planning Commission is looking at the City's planBTV South End project very favorably and especially in light of a mid year financial adjustment.

D. White: S. Thibault and he have been working for long periods on the Form-Based Code. The Director finds it fun creating building blocks for how the FBC works. Staff is hoping to have a draft ready for the end of the month to fulfill HUD obligations. Later this winter, a public draft will be released for more review. Staff also wants to test the new code to know what the draft will produce with a comparison of best and worst cases. There is a work plan for the coming months which encompasses engaging the public early in the process for education purposes. After that occurs, the results will be the basis for a joint conversation with the City Council, using work sessions. This work with the City Council will not happen until the Council is reorganized in April.

S. Thibault: The Mayor held a press conference yesterday discussing the PIAP, the waterfront is the area most affected, with funding for approximately six improvements including the Moran Plant. This proposal will be on the March ballot.

L. Buffinton: Is there an extension to the breakwater in the PIAP plans?

D. White: The expansion will be accomplished through the type of dock system as opposed to expanding the breakwater within the PIAP funding.

S. Thibault: There are still two other future possibilities which are not addressed by this PIAP: Perkins Pier and the Cherry Street. Hopefully these will also move forward.

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S. Thibault: The South End planBTV project is moving forward and is on the Mayor's priority list. It will be process similar to the downtown and waterfront process. The Long Range Planning Committee has met and discussed the project back in September. The City is pursuing funding for the study, a municipal grant from the state in the amount of \$17,000, \$56,000 awarded to CEDO for study of the railyard area, an application for an Our Town grant of \$100,000 from the National Endowment for the Arts. The Regional Planning Commission will likely fund a midyear adjustment of \$50,000, and \$60,000 for a portion of the public planning process hopefully targeted in early fall, perhaps at the time of the South End Art Hop.

VIII. Committee Reports

Executive Committee – schedule meeting for 22nd at noon.

Ordinance Committee – Just met, parking & lot coverage were discussed.

IX. Commissioner Items

H. Roen: Is there any progress on the urban agriculture work?

D. White: Yes, draft amendments will be coming to the Commission at your next meeting.

X. Minutes

On a motion by H. Roen, seconded by E. Lee, the Commission unanimously approved the minutes of November 26 and December 10, 2013, with corrections.

XI Adjourn

On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:14pm.

Yves Bradley, Chair

Date

Elsie Tillotson, recording secretary