Burlington Planning Commission
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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member

Burlington Planning Commission

Tuesday, August 23, 2016, 6:30-8:00 P.M.
Conference Room 12, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum- Time Certain 6:35 p.m.

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)*

IV. Report of the Director *(5 min)*

V. Proposed ZA-17-01: Off-Site Parking *(5 min)*

The Commission will review and approve the Municipal Bylaw Amendment Report for ZA-17-01, a proposed amendment to the Comprehensive Development Ordinance. Following approval of the report, the Commission should take action to warn the proposed amendment for public hearing.

VI. Proposed ZA-17-02: Family Daycare Exemptions & Preschools in Appendix A *(5 min)*

The Commission will review and approve the Municipal Bylaw Amendment Report for ZA-17-02, a proposed amendment to the Comprehensive Development Ordinance. Following approval of the report, the Planning Commission should take action to warn the proposed amendment for public hearing.

VII. Proposed ZA-17-03: Withhold Permit *(5 min)*

The Commission will review and approve the Municipal Bylaw Amendment Report for ZA-17-03, a proposed amendment to the Comprehensive Development Ordinance. Following approval of the report, the Planning Commission should take action to warn the proposed amendment for public hearing.

VIII. Proposed CDO Amendment: Neighborhood Activity Center- Cambrian Rise

The Commission will discuss a proposed amendment to the Comprehensive Development Ordinance to establish a new zoning district: the Neighborhood Activity Center- Cambrian Rise (NAC-CR). The purpose of this amendment is to facilitate the conservation and redevelopment of the former Burlington College property by creating a new neighborhood mixed-use district on North Avenue that will allow for a range of housing types with associated neighborhood-oriented small-scale retail and services.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

IX. Minutes & Communications

The Planning Commission will review and approve minutes from the August 8, 2016 meeting.

X. Adjourn (8:00 pm)

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Burlington Planning Commission Report
Municipal Bylaw Amendment

ZA-17-01 – Off-Site Parking

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens provision for off-site parking used for required parking. Reference to the design review standards of Article 6 is also inserted.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment conforms with and advances the the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing by offering greater flexibility and more efficient use of parking and parking management necessary to support new development.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment does not have an impact on the goals and polies for future land use and density contained in the City's Municipal Development Plan, and instead helps to ensure they can be realized as intended.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

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Elsie Tillotson, Department Secretary

TO: Planning Commission
FROM: Scott Gustin
DATE: April 8, 2016
RE: Off-Site Parking Amendment to CDO

The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens provision for off-site parking used for required parking. Reference to the design review standards of Article 6 is also inserted.

Following an initial approval by the Planning Commission Ordinance Committee, the amendment was further revised to include provision that directly addresses shared use of parking facilities after-hours and during weekends. City policy encourages shared use of existing parking areas, including those on private property (i.e. such as office use during the day, but public parking during nights and weekends). Present zoning standards arguably preclude doing so. This amendment has been expanded to include additional provision for parking management plans to enable after-hours shared use of parking facilities.

On April 7, 2016, the Ordinance Committee voted to send this amendment along to the full Planning Commission for consideration. Their suggested revisions are included in the language below.

Proposed CDO language is below. New language is underlined red, and deleted language is ~~crossed out~~.

Sec. 8.1.12 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. The off-site parking area shall be within the same zone as the use it serves or is in a zone that allows parking lots or parking garages as primary uses. Parking that serves any use located outside a residential zone shall not be located within a residential zone. Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply. Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required parking shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
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. 8.1.15 approved by the DRB.

3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board. The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed or ~~, lease,~~ easement~~, or similar written instrument~~ as may be approved by the City Attorney and recorded in the Burlington land records. Use of off-site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.

(b) Downtown Street Level Setback:

As written.

(c) Front Yard Parking Restricted:

As written.

(d) Shared Parking in Neighborhood Parking Districts:

As written.

(e) Single Story Structures in Shared Use Districts:

As written.

(f) Joint Use of Facilities:

As written.

(g) Availability of Facilities:

As written.

(h) Compact Car Parking:

As written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

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. 8.1.8 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 8.1.8-1.

Comment [SG1]: Change (a) to 1, etc.

(b) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.

(c) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:

1. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
2. Anticipated parking demand by time of day and/or demand by use;
3. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
4. Availability and frequency of public transit service within a distance of 800-feet.
5. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
6. Any other information established by the administrative officer as may be necessary to understand the current and project parking demand.

(d) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

1. A telecommuting program;
2. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
3. Implementation of a car-share program;
4. Development or use of a system using offsite parking and/or shuttles; and,
5. Implementation of public transit subscriptions for employees.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The Parking Management Plan must include the following:

1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.

2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their availability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

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.

A-O, As written.

Park: Any area designated by the City as a park pursuant to Section 22-1 of the Code of Ordinances of the City of Burlington, Vermont.

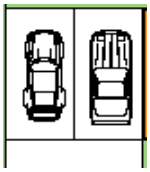
Parking Garage/Structure: A structure containing parking facilities, below or above grade.

Parking, Off-site: One or more parking spaces on one parcel of land providing parking spaces for a use on another parcel of land.

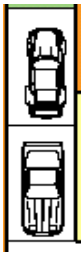
Parking, Surface/Lot: Parking facilities that are at grade and uncovered or not within a structure.

Parking, Stacked: The parking of more than two (2) cars in a parallel line, one behind the other.

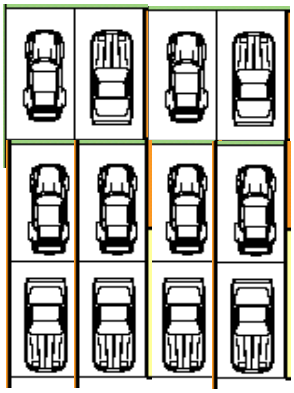
Parking, Tandem: The parking of up to two (2) cars, one behind the other.



Normal

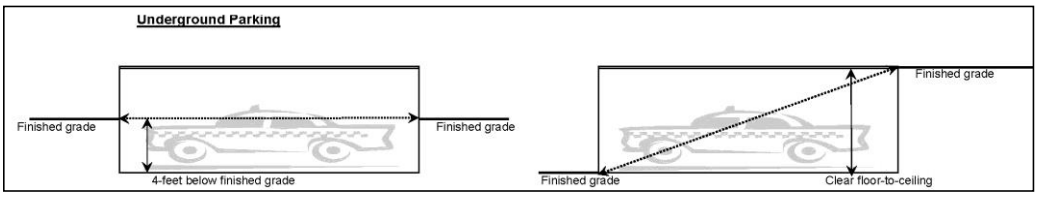


Tandem



Stacked

Parking, Underground: Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.



Continued as written.

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Burlington Planning Commission Report
Municipal Bylaw Amendment

ZA-17-02 – Family Daycare Exemptions & Preschools

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to align the definition of Daycare to be consistent with state regulatory review; to assure exemption from zoning requirements as noted, and to affirmatively distinguish daycare use from home occupations.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment conforms with and advances the the goals and policies contained in the City's municipal development plan. In particular this amendment helps to ensure the provision of small family daycare options within the city.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment does not have an impact on the goals and polies for future land use and density contained in the City's Municipal Development Plan, and helps to ensure the provision of small family daycare options within the city to support the city's families and economy.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

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Anita Wade, Zoning Clerk

TO: Planning Commission
FROM: Mary O'Neil
DATE: August 3, 2016
RE: Daycare amendments, adding preschool use in Appendix A

This memorandum will introduce two amendments: The addition of "preschool" to Appendix A (Use Table), and align the definition of Daycare to be consistent with state regulatory review, authorize exemption from zoning requirements as noted, and to affirmatively distinguish daycare use from home occupations.

Daycares

On April 7, 2016, the Planning Commission Ordinance Committee voted to move the Daycare amendment to the full Planning Commission for consideration. Revisions as recommended by the Ordinance Committee are included in the language below.

The recommended text is as follows. New language is underlined red and deleted language is ~~crossed out~~.

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Requires

(a) – (b) 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:
1-9 as written
10. Family daycare home, serving up to six (6) pre-school plus four (4) school-aged children in a single detached dwelling; or a Family daycare center providing care for children of not more than two families other than that of the person providing the care.

Article 13: Definitions

Day Care Center: (See Article 5 for specific provisions.)

(a) **Family Day Care Home:**

i. A ~~state-registered or licensed~~ daycare facility serving up to six (6) pre-school plus four (4) school-aged children. OR
ii. A daycare facility providing care for children of not more than two families other than that of the person providing the care.

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A family day care shall be considered by right to constitute a permitted accessory use to single detached dwellings, and shall therefore be exempt from zoning permit requirements. See Section 3.1.2 (c).
Family Day Care Centers shall not be considered a home occupation.

(b) and (c) as written.

Preschools

Article 13 has a definition of "preschool", but the distinct use is not included within **Appendix A, Use Table**. Therefore, two categories are proposed to be added under Schools:
Preschool Small and ***Preschool Large***. Table information is duplicative of daycare use for comparable size.
For consistency, Footnote 8 has been modified to include preschools.

From **Article 13**, **Definitions**:

School: The academic space and accessory uses for the teaching of children or adults.

(a) **Primary:** elementary school, inclusive of grades K-8.

(b) **Secondary:** a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.

(c) **Post-Secondary:** after high school, including colleges, community colleges, universities, or continuing education.

(d) **Trade or Professional:** a school that offers instruction in skilled trades.

(e) **Preschool**: a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten.

See attached Appendix A with suggested additions in **red underlined.**

The reference in Appendix A to **Section 5.4.1 (Small Day Care Center**) requires revision to incorporate Small Preschools as well.

Sec. 5.4.1 Small Day Care Center and Small Preschools

In addition to the provisions of Art 3, Part 5 for conditional uses, and applicable site and design review standards in Art 6, the following additional regulations shall be applicable to an application involving a small day care center or small preschool:

(a) No playground equipment shall be located within the front yard;

(b) No more than twenty (20) full-time children are to be served;

(c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created;

(d) Any additions, signage, or site improvements shall be residential in character;

(e) The facility shall be licensed or registered by the State of Vermont if required;

(f) No more than one residential unit may be converted for the creation of a single small day care center or small preschool. Such a conversion shall be exempt from the requirements of Article 9, Part 2- Housing Replacement; and,

(g) The neighborhood is not overburdened with other day care centers or small preschools.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	**UR**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL/W**	**RM/W**	**RH**	**D**	**DW**	**DW-PT[16]**	**DT**	**BST**	**NMU**	**NAC**	**NAC-RC**	**E-AE**	**E-LM**
Recycling Center – Large [10] (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small [10] (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	CU	CU	*(See Sec.4.4.1(d) 2)*	CU	CU	N	CU	CU	CU	Y
Restaurant	N	N	N	N	N	N[22]	N[22]	CU [8, 13]	Y	Y	*(See Sec.4.4.1(d) 2)*	Y	Y	Y[13]	Y	Y	N	N
Restaurant – Take Out	N	N	N	N	CU[13]	N[22]	N[22]	N	Y	Y	*(See Sec.4.4.1(d) 2)*	Y	Y	Y[13]	Y	Y	N	Y[13]
Salon/Spa	N	N	N	N	CU	N[22]	N[22]	N	Y	Y	N	Y	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	CU	CU	N	N
School - Preschool Large (over 20 children)	N	N	N	N	CU	CU[13]	CU[13]	CU[13]	Y	Y	N	CU	CU	Y	Y	Y	N	CU[17]
School - Preschool Small (7- 20 children) (See Section 5.4.1)	N	CU[8]	CU[8]	CU[8]	CU	CU[13]	CU[13]	CU[13]	Y	Y	N	CU	CU	Y	Y	Y	CU	CU[17]
School - Primary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	Y	N	N	CU	CU	CU	N	N	N	CU
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N[22]	N[22]	CU [8]	Y	Y	N	Y	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	N	N	*(See Sec.4.4.1(d) 2)*	N	N	N	N	Y[15]	Y	Y
Warehouse, Retail[9]	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU[15]	CU[15]	CU	CU
Warehouse, Self-Storage[9]	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y[15]	N	CU
Wholesale Sales[9]	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	Y [15]	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	Y	N	N	Y	Y	Y	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.

Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycares and preschools in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
20. 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 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Department of Planning and Zoning
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Burlington Planning Commission Report
Municipal Bylaw Amendment

ZA-17-03 – Withold Permit

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to create additional incentive to correct outstanding zoning violations and to prompt action to close out expired zoning permits in need of certificates of occupancy. Properties with outstanding zoning violations or open and expired zoning permits may not receive new zoning permits until those items are addressed.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment conforms with and advances the the goals and policies contained in the City's municipal development plan. In particular this amendment helps to ensure that all development comes into compliance with the requirements of the City's regulations which will improve community character and quality especially in residential areas.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is administrative in nature does not have an impact on the goals and polies for future land use and density contained in the City's Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

This amendment is administrative in nature and does not specifically implement plans for any new community facilities.

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Elsie Tillotson, Department Secretary

TO: Planning Commission
FROM: Scott Gustin
DATE: August 9, 2016
RE: Article 2: Part 7; new Sec. 2.7.8, *Withhold Permit*

At its's June 2, 2016 meeting, the Ordinance Committee voted to move this proposed language along to the full Planning Commission for its consideration. The purpose of this proposed amendment is to create additional incentive to correct outstanding zoning violations and to prompt action to close out expired zoning permits in need of certificates of occupancy. The mechanics are simple: Properties with outstanding zoning violations or open and expired zoning permits may not receive new zoning permits until those items are addressed.

This proposal originated in 2014. Some initial amendment language was put together in June 2014 following an initial discussion with the Planning Commission. No further discussion is evident in the record. The Ordinance Committee revisited this proposal in May 2016 wherein the extent of the amendment was agreed upon. At their June 2016 meeting, there was some hesitancy within the Committee as to the need for this measure but, as noted above, voted to move it along for discussion among the full Commission.

Proposed CDO Language:

PART 7. ENFORCEMENT

Sec.'s 2.7.1 – 2.7.7

As written.

Sec. 2.7.8 Withhold Permit

The administrative officer is authorized to deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation (i.e. notice of zoning violation and/or municipal complaint ticket has been issued and is not under appeal). The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy.

Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.

Sec.'s 2.7.9 – 2.7.12

As written, but renumbered to adjust for new Sec. 2.7.8 above.

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MEMORANDUM

TO: Burlington Planning Commission

FROM: David E. White, AICP, Director of Planning & Zoning

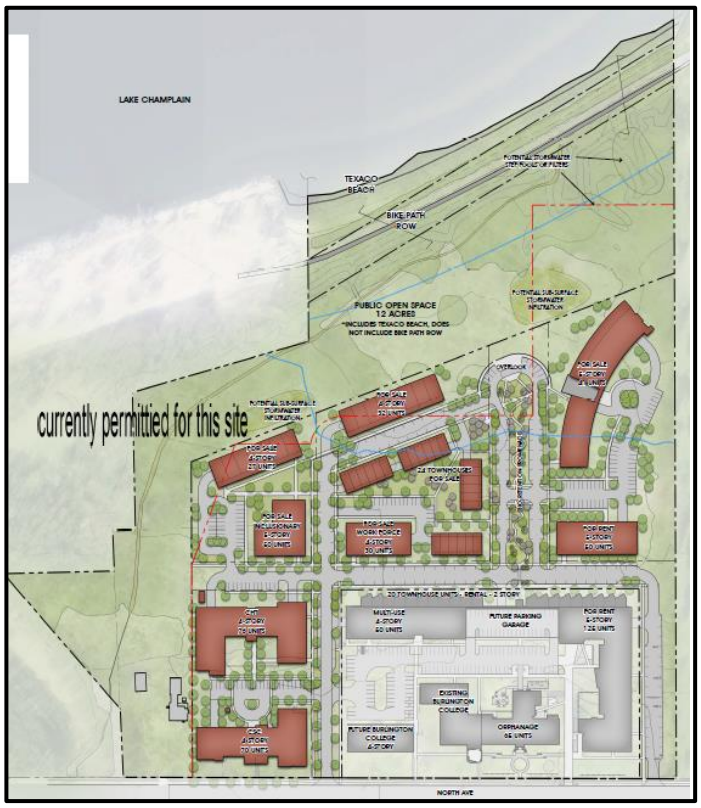
DATE: Wednesday, August 17, 2016

RE: Proposed NAC-Cambrian Rise

This comes to you regarding the proposed redevelopment and associated zoning amendment for the former St. Josephs Orphanage/Burlington College property on North Avenue. You may recall a presentation at your Oct. 6 meeting last fall regarding this project.

Included with this memo you will please find the following with regard this proposed amendment:

- proposed creation of the NAC-Cambrian Rise Zoning District
- proposed Use Table for the NAC-Cambrian Rise Zoning District



BC Community Housing Site Concept, Jan, 2016

The completion of this amendment is a **very high priority** as the City's retention of the 12 acre park is contigent upon its approval, and the two non-profit partners in the redevelopment project (Cathedral Square Corp and CHT) have recently secured funding that will allow them to build their portion of the project right away but this funding is very time-sensitive.

The purpose of this amendment is to facilitate the conservation and redevelopment of this property in a manner that is consistent with the results of a community planning process for the site completed last year that will advance many of the central goals and objectives found in the *Burlington Municipal Development Plan* regarding providing a greater diversity of housing choices, open space protection, and shoreland protection. One of the results of this process has been to set-aside ~12 acres of land along the embankment and lakeshore that now is City-owned and completes a continuous link of publicly-owned lakeshore from North Beach to Waterfront Park. This zoning amendment creates a new neighborhood mixed-use district on North Avenue that will allow for a range of housing types with associated neighborhood oriented small-scale retail and service uses.

The proposed zoning does two important things:

1. creates a new mixed use zoning district for a portion of the site that allows for a mix of neighborhood-oriented non-residential uses that are not currently permitted on this site (currently zoned Waterfront Residential – Medium Density or WRM); and,
2. it enables the taller buildings currently allowed within the WRM district (currently restricted to an area below 180-ft or ~50-ft below North Avenue) to be located closer to North Avenue so they are in context with the former St. Joseph's Orphanage.

The proposed zoning does **not**:

- allow for greater lot coverage than is currently permitted in WRM;
- allow for taller buildings than are currently permitted in WRM;
- allow for greater development density than is currently permitted for this site; or,
- reduce the Inclusionary Zoning requirements currently required for this site.

As you will see from the proposed Use Table, a range of neighborhood-oriented retail, office and service uses are proposed as either permitted or conditionally permitted in this district. Unlike other neighborhood mixed-use districts, several manufacturing, repair and service uses are not permitted as this district is intended to be much more residential in nature than the other districts in this group.

In our original communication (emailed on 7/20/2016) we had offered a set of Urban Design Standards to accompany this amendment. However in the interest of time and not overly complicate this amendment, **we are no longer recommending that these be included**. We feel that these design objectives can be achieved through the current Art. 6 Design Review Standards and DAB/DRB review process, and it is critically important that this project be able to advance quickly in order to be able to take advantage of a time-sensitive funding opportunity.

Thank you and we look forward to discussing this next week.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-17-?? – NAC – Cambrian Rise

As proposed by the Planning staff – 7/21/2016~~7/19/2016~~.

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

Purpose: This amendment is to facilitate the redevelopment of the former St. Josephs Orphanage/Burlington College property in a manner that is consistent with the results of a community planning process for the site that will advance many of the central goals and objectives found in the *Burlington Municipal Development Plan* regarding providing a greater diversity of housing choices, open space protection, and shoreland protection. This amendment creates a new neighborhood mixed-use district on North Avenue that will allow for a range of housing types and price levels to accommodate diverse ages and incomes with associated neighborhood oriented small-scale retail and service uses.

Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established

Sec. 4.3.1 Base Districts Established:

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) A series of five (5) **Downtown Mixed Use** districts: *(see Sec. 4.4.1)*

- Downtown (D);
- Downtown Transition (DT);
- Downtown Waterfront (DW);
- Downtown Waterfront –Public Trust (DW-PT); and,
- Battery Street Transition (BST);

(b) A series of ~~three~~ four (~~3~~4) **Neighborhood Mixed Use** districts: *(see Sec. 4.4.2)*

- Neighborhood Mixed Use (NMU);
- Neighborhood Activity Center (NAC); ~~and~~
- Neighborhood Activity Center - Riverside Corridor (NAC-RC); and,
- Neighborhood Activity Center – Cambrian Rise (NAC-CR);

(c) A series of two (2) **Enterprise** districts: *(see Sec. 4.4.3)*

remaining section unchanged…

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose:

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on upper stories. -The exception to this is the NAC – Cambrian Rise district that is intended to be more residential in nature than the other Neighborhood Mixed Use districts and thereby is expected to incorporate residential uses at the street level. Development is intended to be pedestrian-oriented with buildings oriented to the sidewalk, especially at corners. Parking is intended to be hidden from the street, since ~~their~~ its appearance is ~~generally~~ out of character with the surrounding residential development and the desired orientation of the buildings.

The ~~3~~ 4 Neighborhood Mixed Use districts as illustrated in Map 4.4.2-1 are further described as follows:

1. The **Neighborhood Activity Centers** (NAC) are intended to provide convenient neighborhood and city wide-oriented goods and services and employment opportunities within walking or biking distance of many of the city's residential areas;
2. The **Neighborhood Mixed Use** (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods; and,
3. The **NAC – Riverside** (NAC-R) is intended to allow commercial development in areas already predominantly built along this important travel corridor while encouraging emerging mixed-use development. The zone allows a full range of retail and service businesses with a local or regional market orientation. Light industrial uses are allowed but limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves. Parking is intended to be placed behind or to the side of principle buildings.

4. The **NAC – Cambrian Rise (NAC-CR)** is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Much of the development is intended to be densely concentrated and oriented towards North Avenue, with new buildings that are complimentary to the iconic historic former-orphanage. Development should be compact, pedestrian-oriented and enhance the community with creative design, durable materials, and quality construction. Buildings and landscaping should work together to contribute to the physical definition of streets as civic places, with buildings at and near the street level composed of human-scaled elements and details that promote pedestrian interest, comfort, and safety. Parking should to be hidden behind, to the side, within, or underneath principle buildings, and screened from view from public streets and community spaces.

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(b) Dimensional Standards and Density:

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio[1])	Max. Lot Coverage	Minimum Building Setbacks (feet) Front[4]	Side[2]	Rear[2]	Building Height[3] (feet)
NAC	2.0 FAR	80%[5]	0	0	0	Min: 22, 2 stories Max: 35
NMU	2.0 FAR	80%	0[6]	0	0	Min: ~~20~~22, 2 stories[3] Max: 35
NAC-Riverside	2.0 FAR	80%	0	0	0	Min: ~~20~~22, 2 stories[3] Max: 35
NAC-CR	2.0 FAR[9]	72%	Min. 0[8] Max. 20[8]	10[7]	20[7]	Min: 22, 2 stories Max: 80[9]

1. Floor area ratio is defined in Art. 13 and described in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any property line that abuts a residential zoning district.
3. ~~Minimum building height shall be 20 feet and 2 story's.~~ Measurement of and exceptions to height standards are found in Art 5.Bonuses for additional building height where applicable are described in section (d)3 below.
4. All structures shall be setback a minimum of 12-feet from the curb on a public street.
5. Exceptions to ~~minimum~~ maximum lot coverage are provided in (d)2.
6. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
7. Side and rear setbacks are applicable only to the periphery of the district and not to individual parcels within the district.
8. Front yard setbacks for Buildings fronting on North Avenue shall be 20' min and 30' max.
9. ~~6.~~ The maximum Building height and FAR in Table 4.4.2-1 above shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.2 (d)3.

Comment [DEW1]: Proposed project is below 55%, but all other NAC's are 80%. WRM is 60 now, and the context is much less dense than for other NAC's. However 72% is afforded via IZ for WRM so this would be best given footnote 9.

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Comment [DEW2]: 2 new bldgs. fronting No Ave on either side of the orphanage need to be closer, New CHC bldg. is good but barely

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

Comment [DEW3]: See new district added to the NAC column in Appendix A

(d) District Specific Regulations:

1. Ground Floor Residential Uses Restricted

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District. This restriction shall not apply in the NAC – Riverside and NAC – Cambrian Rise districts.

Comment [DEW4]: No substantive change – just to clarify.

2. Exception to Maximum Lot Coverage in NAC District

The following exceptions to the maximum lot coverage standards for the NAC District of Table 4.4.2 -1 may be provided as follows:

A. Landscaping

Developments that provide landscaping within a parking lot may increase lot coverage above the allowable 80% maximum up to a lot coverage maximum of 85%. This additional lot coverage is limited to twice the landscaping area within a parking lot for each landscaped area of at least 125 square feet with a minimum width of 8 feet excluding curbs, and that include significant shade trees whose mature height is at least 35 feet. If more than two such trees are planted, they shall be 30 feet on center, linear.

In calculating lot coverage, sidewalks are not to be included that are shaded with significant shade trees whose mature height is at least 35 feet and are planted 30 feet on center, linear. A substantial tree must be at least 3 inches in caliper and planted in accordance with Section 11 of the city's "*Burlington Street Tree Planting Plan*" design and planting recommendations.

B. Housing

Developments that provide housing in addition to non-residential uses may increase lot coverage above the allowable 80% maximum by allowing an additional two square feet of lot coverage for every square foot of housing, up to a lot coverage maximum of 90%.

3. District-Specific Urban Design Standards for the NAC-CR District

A. Building Placement:

B. Building Height Setbacks:

C. Façade Articulation:

D. Street Activation

E. Parking Areas and Structures

F. Exterior Materials

G. Alternative Compliance

Comment [DEW5]: Should this include a basic set of form standards to ensure street and public realm is properly supported and activated by buildings fronting them in order to ensure the creation of
a walkable and bikeable residential neighborhood:
- Buildings should be fairly close to the sidewalk and occupy most of the block face with a principal entrance on the façade facing the street.
- Facades should be horizontally and vertically articulated to break-up the mass and create greater visual interest.
- Parking should be setback behind occupied buildings or landscaping so it is hidden from public view

remaining section unchanged…

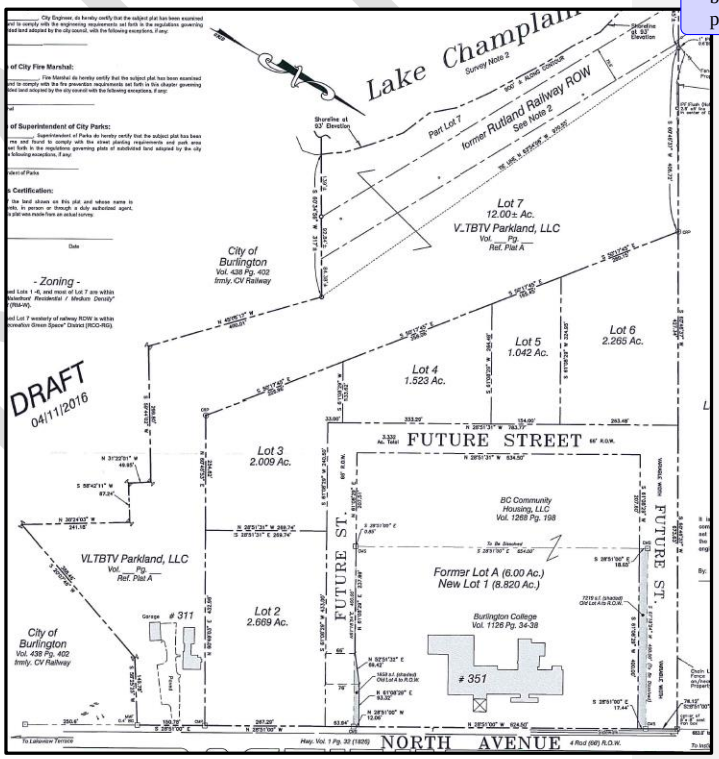
Map Changes:

add new NAC-CR to:

- Map 4.3.1-1 Base Zoning Districts, p. 4-9
- Map 4.4.2-1 Neighborhood Mixed Use Districts, p. 4-29
- Map 8.1.3 -1 Parking Districts, p. 8-3

remove new NAC-CR from:

- Map 4.4.5-1 Residential Zoning Districts
- Map 4.4.5-2 Waterfront RM Height Exceptions



ARTICLE 8: PARKING

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) Neighborhood Parking District:

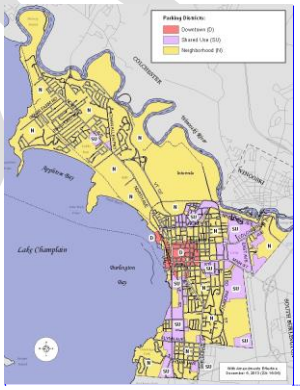
This parking district establishes the baseline of parking requirements throughout the city where the demand for offsite parking is largely dependent on the needs and characteristics of an individual site or land use.

(b) Shared Use Parking District:

This parking district reduces the requirements from the baseline standards recognizing that opportunities exist to share parking demand between related nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Downtown Parking District:

This parking district further reduces the requirements from the baseline standards recognizing that extensive sharing of parking demand between nearby land uses occurs; that a majority of travel to and between land uses is independent from an automobile; 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

Comment [DEW6]: Add new NAC-CR district to the Shared Use Parking District

remaining Article is unchanged…

Article 9. Inclusionary and Replacement Housing, Part 1: Inclusionary Zoning

Sec. 9.1.8 Inclusionary Units, Rental and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.9-1, shall be designated as inclusionary units

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.9-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.10 and are subject to marketing and continued affordability provisions (Sec. 9.1.11 and Sec. 9.1.12) shall be:
Less than 139% of median income	15%
140%-179% of median income	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and DW) or 180% of median income and above in any other district	25%

Comment [DEW7]: Adds the new district to the "waterfront" group of required IZ

remaining Article is unchanged…

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Appendix A-Use Table – PROPOSED: ZA-17-?? – NAC - Cambrian Rise

	Residential			Neighborhood Mixed Use			
USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
RESIDENTIAL USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
Single Detached Dwelling	Y	Y	N	N	N	N	N
Accessory Dwelling Unit *(See Art.5, Sec.5.4.5)*	Y	Y	N	N	N	N	N
Attached Dwellings - Duplex	CU [2]	Y	Y	Y [3]	N	Y	N
Attached Dwellings - Multi-Family (3 or more)	N	Y	Y	Y	Y	Y	Y
Attached Dwelling(s) – Mixed-Use[26]	CU	CU	CU	Y	Y	Y	Y
RESIDENTIAL SPECIAL USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
Assisted Living	CU	Y	Y	Y	Y	Y	Y
Bed and Breakfast[4, 6]	CU	CU	CU	Y	Y	Y	N
Boarding House [6] (4 persons or less)	CU	Y	Y	Y	Y	Y	N
Boarding House [6] (5 persons or more)	CU	CU	CU	CU	CU	CU	N
Community House (*See Sec.5.4.4*)	CU	CU	CU	CU	CU	CU	CU
Convalescent /Nursing Home	CU	Y	Y	Y	Y	Y	Y
Dormitory[5]	N	N	N	N[25]	CU	CU	N
Group Home	Y	Y	Y	Y	Y	Y	Y
Historic Inn (*See Sec.5.4.2*)	CU	CU	CU	CU	Y	Y	Y
Mobile Home Park	CU	CU	N	N	N	N	N
Sorority/Fraternity[5]	N	N	N	N	N	N	N
NON-RESIDENTIAL USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
Adult Day Care	N	N	N	Y	Y	Y	Y
Agricultural Use[20]	N	N	N	N	N	N	N
Amusement Arcade	N	N	N	N	CU	CU	CU
Animal Boarding/Kennel/Shelter	N	N	N	N	CU	CU	CU
Animal Grooming	N	N	N	Y	Y	Y	Y
Animal Hospitals/Veterinarian Office	N	N	N	CU	CU	CU	CU
Appliance Sales/Service	N	N	N	Y[24]	Y	Y	Y[24]
Aquarium	N	N	N	N	N	N	N
Art Gallery/Studio	N	N	CU [8, 13]	Y	Y	Y	Y
Auction House	N	N	N	N	Y	Y	N
Automobile Body Shop	N	N	N	N	N	Y	N
Automobile & Marine Parts Sales	N	N	N	CU	Y	Y	Y
Automobile/Vehicle Repair	N	N	N	CU[9, 12, 14]	CU[9, 12, 14]	CU[14]	N
Automobile Sales – New & Used	N	N	N	N	Y	Y	N
Bakery - Retail	N[22]	N[22]	CU [8, 13]	Y	Y	Y	Y
Bakery - Wholesale	N	N	N	N	Y	Y	N
Bank, Credit Union	N[22]	N[22]	N[22]	Y	Y	Y	Y
Bar, Tavern	N	N	N	CU	CU	CU	CU
Beauty/ Barber Shop	N[22]	N[22]	CU [8, 13]	Y	Y	CU	Y
Bicycle Sales/Repair	N	N	N	Y	Y	Y	Y
Billiard Parlor	N	N	N	CU	Y	CU	Y
Boat Repair/Service	N	N	N	N	CU	CU	N
Boat Sales/Rentals	N	N	N	N	Y	Y	N
Boat Storage	N	N	N	N	CU	CU	N
Bowling Alley	N	N	N	CU	Y	Y	Y
Building Material Sales	N	N	N	N	Y[10]	Y	N
Café	N[22]	N[22]	CU [8, 13]	Y	Y	Y	Y
Camp Ground	N	N	N	N	N	N	N
Car Wash	N	N	N	N	CU	Y	CU
Cemetery	N	N	N	N	N	N	N
Cinema	N	N	CU [8]	CU[14]	Y	N	Y[14]
Club, Membership	N	Y	Y	CU	CU	N	CU
Community Center	CU[13]	CU[13]	Y[13]	Y	Y	Y	Y
Community Garden	Y	Y	Y	Y	Y	Y	Y
Conference Center	N	N	N	N	N	N	N
Composting	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	Y [10]	N
Convenience Store (*See Sec.5.4.3*)	N	N	CU[8, 12]	Y[12]	Y	Y	Y[12]
Convention Center	N	N	N	N	N	N	N

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Appendix A-Use Table – PROPOSED: ZA-17-?? – NAC - Cambrian Rise

	Residential			Neighborhood Mixed Use			
USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
Courthouse	N	N	CU	N	N	N	N
Crematory	N	N	N	N	N	CU	N
Crisis Counseling Center	CU	CU	CU	Y	Y	Y	Y
Daycare - Large (Over 20 children)	CU[13]	CU[13]	CU[13]	Y	Y	Y	Y
Daycare - Small (7-20 children) (*See Sec.5.4.1*)	CU[13]	CU[13]	CU[13]	Y	Y	Y	Y
Daycare - Home (6 children or less)	Y	Y	Y	Y	Y	Y	Y
Dental Lab	N	N	N	Y	Y	Y	Y
Distribution Center	N	N	N	N	N	CU	N
Dry Cleaning Plant	N	N	N	N	N	CU	N
Dry Cleaning Service	N[22]	N[22]	N[22]	Y[24]	Y	Y	Y[24]
Film Studio	N	N	N	N	CU	Y	CU
Fire Station	CU	CU	CU	Y	Y	Y	Y
Food Processing	N	N	N	CU	CU	CU	CU
Fuel Service Station[9]	N	N	N	CU[11]	Y[11]	Y	N
Funeral Home	CU[7]	CU[7]	CU[7, 8]	CU	Y	Y	N
Garden Supply Store	N	N	N	CU[24]	Y	Y	N
General Merchandise/Retail – Small <4,000sqft	N[22]	N[22]	N[22]	Y	Y	Y	Y
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	CU[18]	CU	CU
Grocery Store – Small ≤10,000sqft	N	N	CU[8]	Y	Y	Y	Y
Grocery Store – Large >10,000sqft	N	N	N	N	Y	Y	N
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N
Health Club	N	N	CU[8]	CU	Y	Y	Y
Health Studio	N[22]	N[22]	CU[8]	Y	Y	Y	Y
Hospitals	N	N	CU	N	N	N	N
Hostel	N	N	CU	Y	Y	Y	Y
Hotel, Motel	N	N	N	N	Y	N	Y
Laundromat	N[22]	N[22]	CU[8, 13]	Y[13]	Y	Y	Y
Library	CU	CU	Y	Y	Y	Y	Y
Lumber Yard	N	N	N	N	CU[10]	Y	N
Machine/Woodworking Shop	N	N	N	CU	CU	CU	N
Manufacturing	N	N	N	N	N	CU	N
Manufacturing - Tour Oriented	N	N	N	N	N	CU	N
Marina	N	N	N	N	N	N	N
Medical Lab	N	N	N	CU	Y	Y	N
Mental Health Crisis Center	N	CU (*See §5.4.11*)	N	N	N	N	N
Micro-Brewery/Winery	N	N	N	CU	Y	Y	N
Museum–Small < 10,000 sqft	CU[13]	CU[13]	CU[8,13]	Y	Y	Y	Y
Museum-Large >10,000 sqft	N	N	N	N	CU	CU	N
Office - General	N	N	N	Y	Y	Y	Y
Office - Medical, Dental	N[22]	N[22]	N[22]	Y	Y	Y	Y
Open Air Markets	CU	CU	CU	Y	Y	Y	Y
Operations Center – Taxi/Bus[9]	N	N	N	N	N	CU[11]	N
Operations Center - Trucking[9]	N	N	N	N	N	Y[11]	N
Park	Y	Y	Y	Y	Y	Y	Y
Parking Garage[9]	N	N	CU	CU	Y	N	CU
Parking Lot[9]	N	N	N	N	CU	N	N
Performing Arts Center	N	N	N	CU	Y	N	CU
Performing Arts Studio	N	N	CU[13]	CU	CU	CU	Y
Pet Store[10]	N	N	N	CU	Y	Y	Y
Pharmacy	N[22]	N[22]	N[22]	Y	Y	Y	Y
Photo Studio	N[22]	N[22]	N	Y	Y	Y	Y
Photography Lab	N	N	N	CU	Y	Y	Y
Police Station - Central	N	N	N	Y	Y	Y	N
Police Station - Local	CU	CU	CU	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	Y	Y	N
Post Office - Local	N[22]	N[22]	N[22]	Y	Y	Y	Y

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Appendix A-Use Table – PROPOSED: ZA-17-?? – NAC - Cambrian Rise

	Residential			Neighborhood Mixed Use			
USES	**RL/W**	**RM/W**	**RH**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**
Printing Plant	N	N	N	N	N	CU	N
Printing Shop	N[22]	N[22]	N	CU	Y	Y	Y
Public Transit Terminal	N	N	N	N	CU	CU	N
Public Works Yard/Garage[9]	N	N	N	N	CU[11]	Y[11]	N
Radio & TV Studio	N	N	N	N	Y	Y	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N
Recording Studio	N	N	CU[8]	CU	CU	Y	Y
Recreational Facility - Indoor	N	CU	CU	N	Y	CU	N
Recreational Facility - Outdoor Commercial	N	N	N	N	N	CU	N
Recreational Facility - Outdoor	N	N	N	N	Y	Y	CU
Recreational Vehicle Sales – New and Used	N	N	N	N	CU	CU	N
Recycling Center – Large[10] (above 2,000 sf)	N	N	N	N	N	N	N
Recycling Center - Small[10] (2,000 sf or less)	N	N	N	CU	CU	CU	CU
Research Lab	N	N	N	N	CU	CU	N
Restaurant	N[22]	N[22]	CU[8, 13]	Y[13]	Y	Y	Y[13]
Restaurant – Take Out	N[22]	N[22]	N	Y[13]	Y	Y	Y[13]
Salon/Spa	N[22]	N[22]	N	Y	Y	Y	Y
School - Post-Secondary &Community College	N	CU	CU	CU	CU	CU	CU
School - Primary	CU	CU	CU	CU	CU	CU	CU
School - Secondary	CU	CU	CU	CU	CU	CU	CU
School, -Trade, or Professional	N	N	N	CU	N	N	CU
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N
Tailor Shop	N[22]	N[22]	CU[8]	Y	Y	Y	Y
Warehouse	N	N	N	N	N	Y[15]	N
Warehouse, Retail[9]	N	N	N	N	CU[15]	CU[15]	N
Warehouse, Self-Storage[9]	N	N	N	N	N	Y[15]	N
Wholesale Sales[9]	N	N	N	N	N	Y[15]	N
Worship, Place of	CU	CU	Y	Y	CU	CU	CU

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
20. 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 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

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A Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Vacant
vacant, Youth Member

Burlington Planning Commission
Meeting Minutes
Tuesday, August 9, 2016 - 6:30-8:30 P.M.

Conference Room 12, City Hall

Present: Y Bradley, E Lee, A Montroll, J Wallace-Brodeur, H Roen
Absent: B Baker
Staff: M Tuttle, E Tillotson, Scott Gustin

I. Agenda

No changes

II. Public Forum

Margaret Murray: Why are minutes not taken at meetings and why are meetings not recorded? Does the public normally come, how often does someone speak? This group is in hot water because nothing is recorded. This is not the stone age, taxpayers have paid for recording devices which should be available already.

Y Bradley: All Planning Commission meets are recorded and audio files are available. Minutes are also taken.

Bob Butani: Supports staff recommendation for rezoning Fletcher Place as presented. Authorized by other neighbors to voice their support for the recommendation.

Bill Hickok: Concurs with neighbors regarding using the existing property lines for the rezoning.

Michael Long: Regarding ZA 16-11, reiterates that we need better enforcement of zoning laws, not amnesty for violators.

III. Annual Organizational Meeting

The Planning Commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur, to appoint A Montroll as Chair.

H Roen: Thank you Y Bradley for your hard work.

J Wallace-Brodeur: Have accomplished a lot, with excellent meetings and leadership which has been greatly appreciated.

A Montroll: Echo these words; meetings have been timely, thorough, and for the betterment of community.

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to appoint B Baker as Vice Chair.

The Commission unanimously approved a motion by A Montroll, seconded by J Wallace-Brodeur, to appoint Y Bradley to the Executive Committee.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by H Roen, to appoint E Tillotson as Commission Clerk.
The Commission unanimously approved a motion by H Roen, seconded by A Montroll, to appoint E Lee, H Roen, J Wallace Brodeur, AJ LaRosa (DRB) and Damon Lane (CB) to the Long Range Planning Committee.
The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by A Montroll, to appoint A Montroll, B Baker, Phil Hammerslough (DAB), and Wayne Senville (DRB) to the Ordinance Committee with the Planning Commission appointee replacing L Buffinton to fill the remaining spot.

IV. Report of the Chair

A Montroll: A resounding thank you to Yves Bradley for his invaluable service. And thank you to the members of the Planning Commission.

V. Report of the Director

M Tuttle: Director is on vacation, returning tomorrow. Providing a lot of support to the City Council ordinance committee review of the proposed DMUC. Council review will begin next Monday. Model has arrived, will be available in Fletcher Free Library.
E Lee: What changes came out of the Ordinance Committee work?
M Tuttle: A technical changes to ordinance language, which they recommend that City Council accept as a package. There will also be a list of items for the City Council to discuss, which will likely result in some additional changes to language. Council will be ones to take action to change.

VI. Appointment of Assistant Administrative Officer

S Gustin: D White is our ex-officio zoning officer. He delegates authority to staff in Planning & Zoning and the Code Enforcement Departments. This makes T Miles an enforcement officer.
On a motion by Y Bradley, seconded by H Roen, the Commission unanimously approved the appointment of Ted Miles.

VII. Municipal Bylaw Amendment Reports: ZA–16–11 and ZA-16-12

M Tuttle: On advice of City Attorney's office, will be asking Planning Commission to approve Municipal Bylaw Amendment reports prior to warning a public hearing. Public Hearings for ZA 16-11 & 16-12 were canceled by PC in July; need to reschedule, in order to do so, these reports need to be approved and will be included in the public hearing package.
J Wallace-Brodeur: The reports are meant to be overview of the amendment presented in general language?
M Tuttle: They serve a legal role to establish the purpose of the amendment and consistency with plans, but have the benefit of being written in more general language.
H Roen: In future, make sure to include the ordinance with the reports for context. The second paragraph, second to last sentence, inappropriate punctuation mark.
On a motion by J Wallace-Brodeur, seconded by H Roen, the Commission unanimously approved the reports for ZA-16-11 and ZA-16-12

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VIII. Municipal Bylaw Amendment Report: ZA-16-06

M Tuttle: The Commission forwarded the amendment with a recommendation that the City Council subject doggie daycares to licensure. City Council Ordinance Committee has removed the licensure requirement and sent the amendment back to Commission to review and revise the report.

A Montroll: What is role of the Planning Commission in receiving this?

M Tuttle: If the City Council Ordinance Committee makes a change, the proposed amendment comes back to the Commission. Committee has not provided any specific direction to the Commission, so staff recommendation is to acknowledge change and approve a report that reflects the change.

On a motion by Y Bradley, seconded by E Lee, the Commission unanimously approved the revised report.

IX. Proposed CDO Amendment: Off-Site Parking

S Gustin: Amendment includes two components. One spells out parameters relative to off-site parking. Paragraph 3 contains an item that if off-site parking is provided to meet parking requirements there must be a lease or legal agreement. Second component is sharing of existing parking facilities. Commercial properties aren't often used after hours. This amendment spells out after hours spaces available, enables shared use. It requires approval by the DRB and is consistent with the downtown parking policy.

A Montroll: The Ordinance Committee worked on this, tried to move toward shared parking. Next steps?

S Gustin: If Commission is comfortable, we can prepare the Bylaw Report so you can warn for public hearing.

A Montroll: Please provide the report.

M Tuttle: We can put this on the next Commission agenda.

X. Proposed CDO Amendment: Family Daycare Exemptions & Preschools in Appendix A

S Gustin: Two components. First is clearing up existing provisions for day cares, clarifies language to reflect the state statute, by-right use within single family home. Second is to add preschool, which is defined in our ordinance, to the use table. These are addressed largely the same as day cares, large and small preschool mirror large and small daycare in use table.

H Roen: The bottom of page 13 references a numeric limit, or not more than two families.

S Gustin: Means that there can be a number of unrelated children, or an unrestricted number of children if they are from two families plus the operator's children.

A Montroll: Prepare the Bylaw Report for the next meeting so this can be warned for a public hearing.

XI. Proposed CDO Amendment: Cafes accessory to Micro-Brewery/Winery

M Tuttle: This is a request for the Commission to consider a zoning amendment.

Justin Heilenbech: Citizen Cider received notice from Code Enforcement that their business is in violation of provisions regarding accessory cafe use to a brewery. There doesn't appear to be a clear solution, competing regulations are at play. Zoning doesn't allow for free standing café, but state alcohol permits require food of substance to be served. Need way to address accessory use issue. Additionally, as a cidery, struggle to be

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acknowledged, because not a winery or brewery. Request a new category for craft beverages with a strong relationship to state regulations.

H Roen: It seems to makes a lot of sense, don't see a problem.

Y Bradley: It's beneficial for the whole community.

S Gustin: Cafés are allowed as a conditional use in ELM zone, and microbreweries are permitted, but cafes couldn't be accessory to microbreweries. Believe it is related to a time when café's weren't permitted. Seems to be a good idea to allow accessory use. Other issue is defining craft beverage operation.

H Roen: How would that be defined?

S Gustin: Defined by production.

J Heilenbech: Typically craft brewery production is way larger than we are.

A Montroll: This will need a definition and an addition to the use table. Ask staff to develop amendment for Commission to consider. If it is simple, handle this at the Commission level; if complex, can send to Ordinance Committee.

E Lee: Is there a time constraint?

J Heilenbech: No, Code Enforcement will wait to enforce while the Planning Commission deals with this.

E Lee: Do we want to split up the use table from the definition of craft beverage?

A Montroll: Let's ask S Gustin to present both to the Commission and determine route.

XII. Proposed CDO Amendment: Withhold Permit

S Gustin: This amendment was received from the Ordinance Committee relating to closing out of permits. If someone comes to Planning & Zoning with a new permit application, this proposes that permits pertaining to that property should be resolved before any new permits are issued. Presently, should be narrowly defined. If enacted and successful, it is possible to expand the requirement to other properties under the same ownership.

H Roen: Applicants do not have to meet this requirement already?

E Lee: Seems reasonable. What about scenarios in which an applicant is undergoing a complicated repair, and a permit expires? They can apply for an extension and be ok?

Y Bradley: The second paragraph addresses that issue.

J Wallace-Brodeur: Disappointed that it is not broader, but understand the intent is to test this. Have we had guidance from the city attorney?

S Gustin: Legal issues arise when this applies to non-zoning issues, so advised to stick to zoning permits.

A Montroll: Prepare the Bylaw Report for the next meeting so this can be warned for a public hearing.

XIII. Minutes & Communications

M Tuttle: The packet includes minutes from April 26 through July19th.

On a motion by H Roen, seconded by J Wallace-Brodeur, the Commission unanimously approved the minutes.

M Tuttle: There is one communication from NOFA Vermont concerning communities and farm based operations.

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On a motion by J Wallace-Brodeur, seconded by H Roen, the Commission unanimously approved acceptance of the communication.

XIV. Adjourn

On a motion by Y Bradley, seconded by E Lee and unanimously approved by the Commission, the meeting adjourned at 7:27 pm.

_____ _____

A Montroll, Chair Date

_____

Elsie Tillotson, Recording Secretary

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