

Burlington Planning Commission

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Yves Bradley, Chair
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Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Holly Ransom, Youth Member



Burlington Planning Commission

REGULAR MEETING

Tuesday, January 27, 2015 - 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 – Yves Bradley (5 min)**

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

V. **Telecommunications Application – 260 N. Winooski Ave (10 min)**

VI. **Continued Public Hearing: Proposed Zoning Amendments (15 min)** – Time Certain 7:00pm

The Commission will continue the public hearing for the following proposed amendment to the Comprehensive Development Ordinance:

- **ZA-15-02 Part 1** - The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:
 - disconnecting Conditional Use Review from development that does not actually involve an identified conditional use (Sec. 3.5.2 (a) and Sec. 3.5.3);
 - revising the Conditional Use Review criteria to focus more specifically on the aspects of the development that may actually be effected by a proposed conditional use (Sec. 3.5.6 (a) and (b)); and,
 - clarifying the scope of conditions that may be imposed under Conditional Use Review and Major Impact Review (Sec. 3.5.6 (c)).
- **ZA-15-02 Part 2** - The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:
 - removing the requirement that inclusionary housing can only be applicable for subdivisions and PUD per recent statutory amendment (Sec. 9.1.5 and 9.1.12);
 - removing the requirement for Conditional Use approval by DRB for any project involving Inclusionary Housing (Sec. 9.1.8 and 9.1.12); and,

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Tuesday, January 27, 2015

- removing the requirement for Conditional Use approval by DRB for any project involving Replacement Housing (Sec. 9.2.3, 9.2.5, 9.2.9 and 9.2.10).
- **ZA-15-02 Part 3** - The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:
 - removing the requirement that inclusionary housing can only be applicable for subdivisions and PUD per recent statutory amendment and the necessity of having Major and Minor PUD's (Sec. 11.1.3);
 - disconnecting PUD's from Subdivision review in cases where no actual subdivision of land is being proposed (Sec. 11.1.3); and,
 - clarifying the scope of flexibility for development standards afforded by the PUD Review process (Sec. 11.1.4, 11.1.5 and 11.1.6).

VII. Electric Vehicle Charging Stations Permitting (30 min)

The Commission will hear a presentation on electric vehicle charging stations permitting.

VIII. Proposed Zoning Amendment (10 min)

The Commission will review the following proposed amendment to the Comprehensive Development Ordinance:

- Downtown Districts Setbacks Abutting a Residential Zoning District

IX. Committee Reports (5 min)

X. Commissioner Items (5 min)

XI. Minutes/Communications (2 min)

The Commission will review communications and approved minutes from the January 13, 2015 meeting.

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

Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz

Phone: (802) 865-7188

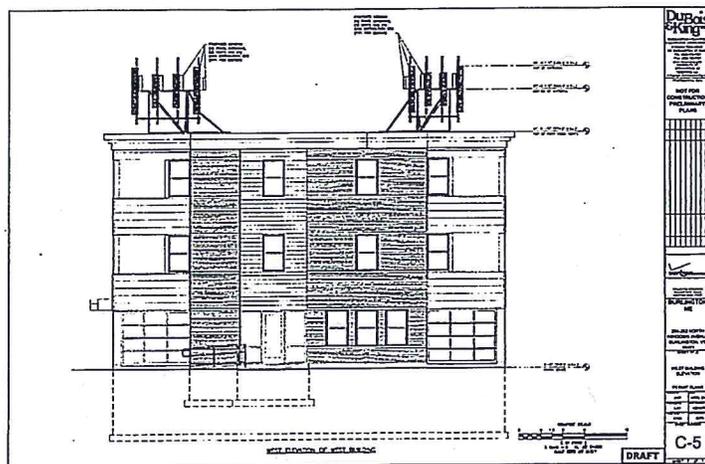
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David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Elsie Tillotson, Department Secretary
Vacant, Zoning Clerk



Memorandum to: Burlington Planning Commission
From: Mary O'Neil, Senior Planner
RE: Proposed telecom installation, 260 North Winooski Avenue
Date: January 27, 2015

In April 2014 Verizon Wireless filed an application with the Public Service Board (PSB) under the provisions of 30 V.S.A. §248a for a Certificate of Public Good to allow the installation of a wireless telecommunications facility at 260 North Winooski Avenue. The City filed a Motion to Intervene to participate in review of the proposed installation, as there was general concern about the visual impacts of the proposed



Original submission April 2014

installation. Planning and representatives from the City Attorney's office met with Verizon representatives July 24, 2014 who agreed to step back to consider City comments and prepare revisions. Verizon provided a "mock-up" of the proposal in August, 2014. (See attached.) Applications have a 6-month life; this application has expired requiring Verizon to re-apply.

As was noted at the Planning Commission meeting of November 13, 2014, recently enacted state legislation now provides an opportunity for municipalities (specifically Planning Commission and City Council) to comment on telecommunications. On December 18, 2014, city staff met again with Verizon representatives and their attorney to have a first glance at revised plans for the 260 North Winooski Avenue installation. In consultation with Rich Enright, Head of Engineering for the Northeast region, modeling studies were reviewed and there was agreement that the initial proposal was "too much." Modified plans have been submitted (see attached) providing a handful of alternatives. Changes include the following:

- There was a reduction of 4 per sector to 2 per sector.
- The number of antennae was reduced.
- Bracing was reduced

Verizon notes that these changes will result in reduced service from the original proposal, with limits to potential future growth.

Differences between the options are as follows:

- Option 3a
 - cylindrical fiberglass "tubing"
 - antennae farther apart
- Option 3b
 - Closer together
- Option 4a
 - Rectangular coverings
- Option 4b
 - Rectangular, closer together

The Planning Commission and City Council are invited to provide comment to the Public Service Board on the proposed telecom installation.

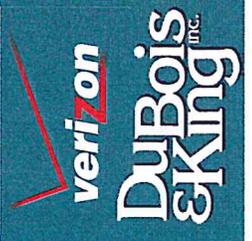
*Mock-up of original application
August 2014*



Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT
Orientation: facing Southeast
Distance to Site: 0.02 miles
Date & Time: 8/19/14, 9:30am
Focal Length (35mm equivalent): 52mm

Burlington NE
Proposed VP-4
Original Mock Up





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southeast

Distance to Site: 0.02 miles

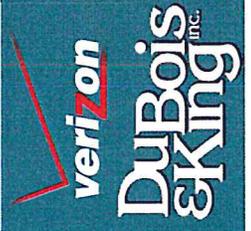
Date & Time: 8/19/14, 9:30am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-4

Option 2





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southeast

Distance to Site: 0.02 miles

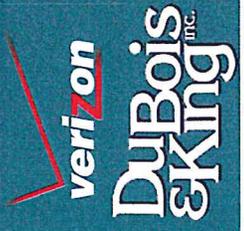
Date & Time: 8/19/14, 9:30am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-4

Option 3a





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southeast

Distance to Site: 0.02 miles

Date & Time: 8/19/14, 9:30am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-4

Option 3b





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southeast

Distance to Site: 0.02 miles

Date & Time: 8/19/14, 9:30am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-4

Option 4a





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southeast

Distance to Site: 0.02 miles

Date & Time: 8/19/14, 9:30am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-4

Option 4b





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Southwest

Distance to Site: 0.06 miles

Date & Time: 12/7/14, 4:00pm

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-3

Option 1 - Exposed Antennas



Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Northeast

Distance to Site: 0.05 miles

Date & Time: 8/19/14, 9:40am

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-5

Option 1 - Exposed Antennas





Photograph Information

Viewer Location: North Winooski Ave, Burlington, VT

Orientation: facing Northeast

Distance to Site: 0.06 miles

Date & Time: 12/7/14, 4:00pm

Focal Length (35mm equivalent): 52mm

Burlington NE

Proposed VP-5

Option 1 - Exposed Antennas

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-15-02 – Conditional Use Review

As revised by the Planning Commission on January 13, 2015

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

Purpose: The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:

- disconnecting Conditional Use Review from development that does not actually involve an identified conditional use (Sec. 3.5.2 (a) and Sec. 3.5.3);
- revising the Conditional Use Review criteria to focus more specifically on the aspects of the development that may actually be effected by a proposed conditional use (Sec. 3.5.6 (a) and (b)); and,
- clarifying the scope of conditions that may be imposed under Conditional Use Review and Major Impact Review (Sec. 3.5.6 (c)).

ARTICLE 3. APPLICATIONS, PERMITS AND PROJECT REVIEWS

PART 5. CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.1 Purpose

These conditional use regulations are enacted to provide for a more detailed consideration of development proposals which may present a greater impact on the community

Additionally, it is the intent of these regulations through the creation of a major impact review:

- (a) To ensure that projects of major significance or impact receive a comprehensive review under established criteria; and,
- (b) To ensure that the city's natural, physical and fiscal resources and city services and infrastructure are adequate to accommodate the impact of such developments, both individually and cumulatively.

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:

1. any use identified under **Article 4** and **Appendix A – Use Table** as a “Conditional Use” or “CU;”

2. any Special Use specifically identified as being subject to conditional use review under **Article 5, Part 3**;
- ~~3. any application subject to **Article 9 – Inclusionary and Replacement Housing**;~~
- ~~4. all applications for an Institutional Parking Management Plan pursuant to the provision of **Article 8, Part 3**;~~
- ~~5. all applications subject to **Article 10 – Subdivision**; and,~~
- ~~6. all applications subject to **Article 11 – Planned Development**.~~

(b) Major Impact Review:

Unchanged

Sec. 3.5.3 Exemptions

Conditional Use and Major Impact Review shall not apply to applications involving one or more of the following:

- ~~(a) Single family dwellings;~~
- ~~(b)(a)~~ Temporary structures that do not otherwise involve a conditional use;
- ~~(e)(b)~~ Substantial rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing development;
- ~~(d)(c)~~ Projects that do not result in a change of use or increased parking demand ~~as determined by the administrative officer~~; and,
- ~~(e)(d)~~ Subsurface site improvements including but not limited to underground utility lines and subsurface drainage ways.

Sec. 3.5.4 and Sec. 3.5.5

Unchanged

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(a) Conditional Use Review Standards:

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;

2. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses allowed by right in the same zoning district;
3. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies; and,
- ~~2.4. The capacity of existing or planned public community utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area.;~~
- ~~3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;~~
- 4.5. The utilization of renewable energy resources; and,
- 5.6. Any standards or factors set forth in existing City bylaws and city and state ordinances;

~~In addition to the General Standards specified above, the DRB;~~

- ~~1. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;~~
- ~~2. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.~~
- ~~3. may control the location and number of vehicular access points to the property, including the erection of parking barriers.~~
- ~~4. may limit the number, location and size of signs.~~

- ~~5. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.~~
- ~~6. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.~~
- ~~7. may specify hours of operation and/or construction to reduce the impact on surrounding properties.~~
- ~~8. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.~~
- ~~9. may consider performance standards, should the proposed use merit such review.~~
- ~~10. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.~~

(b) Major Impact Review Standards:

Before a major impact development may receive approval, the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development, ~~in addition to meeting the review standards for conditional use review above~~, shall:

1. Not result in undue water, air or noise pollution;
2. Have sufficient water available for its needs;
3. Not unreasonably burden the city's present or future water supply or distribution system;
4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;
6. Not cause an unreasonable burden on the city's ability to provide educational services;
7. Not place an unreasonable burden on the city's ability to provide municipal services;
8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
10. Be in substantial conformance with the city's municipal development plan and all incorporated plans;

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location; and/or
12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.
2. time limits for construction.
3. hours of operation and/or construction to reduce the impact on surrounding properties.
4. that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,
5. such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Sec. 4.4.5 Residential Districts

(d) District Specific Regulations:

5. Residential Density
- C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in **Article 13**. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and one (1) additional parking space per adult occupant in excess of four (4); or,
- (ii) If in a RM district, the dwelling unit also contains at least an additional

two hundred (200) square feet and one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

D. Redevelopment of Historic Carriage Houses.

Carriage houses and other accessory buildings listed or eligible for listing on the state or national register may be redeveloped and converted, in whole or in part, into not more than one additional residential unit subject to review under the standards set forth for the redevelopment of historic buildings in Sec. 5.4.8 (b). All dimensional requirements of the underlying zoning district as set forth in Table 4.4.5-3 shall be met. Such a unit shall not be counted for the purposes of density calculation, and onsite parking shall be calculated as for a Shared Use Parking District.

Inclusion of any additional residential units within a pre-existing historic carriage house may be allowed subject to compliance with the underlying density and parking requirements, and review and approval by the DRB.

PROPOSED: ZA-15-02 Conditional Use Review
Part 2 Housing

Purpose: The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:

- removing the requirement that inclusionary housing can only be applicable for subdivisions and PUD per recent statutory amendment (Sec. 9.1.5 and 9.1.12);
- removing the requirement for Conditional Use approval by DRB for any project involving Inclusionary Housing (Sec. 9.1.8 and 9.1.12); and,
- removes the requirement for Conditional Use approval by DRB for any project involving Replacement Housing (Sec. 9.2.3, 9.2.5, 9.2.9 and 9.2.10).

ARTICLE 9. INCLUSIONARY AND REPLACEMENT HOUSING
PART 1: INCLUSIONARY ZONING

Sec. 9.1.1- Sec. 9.1.4

Unchanged

Sec. 9.1.5 Applicability

This ordinance provision applies to ~~all subdivisions and planned unit development (PUD) pursuant to Articles 10 and 11 respectively.~~ Any development of five or more residential units in a single structure ~~shall be considered “minor” planned unit developments and~~ shall be subject to the standards of this article. Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

- (a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in **Sec 9.1.5 (b)**.
- (b) Where units are created using the Adaptive Reuse or Residential Conversion criteria pursuant to the provisions of **Art 4, Sec 4.4.5**, this article shall be applicable when at least ten (10) or more dwelling units are created.
- (c) An applicant may elect to be subject to the provisions of this article if new units are added to existing units for a total of 5 or more units.

Sec. 9.1.6 Exemptions

Unchanged

Sec. 9.1.7 Certificate of Inclusionary Housing Compliance

Unchanged

Sec. 9.1.8 Conditional Use Approval

~~A covered project, except subdivisions approved by the DRB pursuant to the provisions of the Article 10, must first receive approval of such board under conditional use criteria pursuant to the requirements of Article 3, Part 5.~~

Sec. 9.1.98 – Sec. 9.1.1211

Unchanged – re-numbered only.

Sec. 9.1.13–12 Additional Density and Other Development Allowances

All covered projects, ~~except as outlined under (b) below,~~ shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

- (a) Any covered project shall be entitled to an increase in the maximum coverage allowed for the site on which the project is located following the calculation of density, height, lot coverage, setbacks, and parking improvements for the site. Calculations for these entitlements shall be based on the following tables:

Zoning District	Additional Allowance	Maximum Units/Acre	FAR
RH	15%	46	n/a
RM, RM-W	20%	25	n/a
RL, RL-W	25%	8.75	n/a
D, DT, DW	n/a	n/a	0.5 FAR+10' height set back 10' along street facade
NMU, NAC, NAC-R, BST	n/a	n/a	0.5FAR+10' height set back 10' along street facade

Table 9.1.13-2 Lot Coverage Allowance Table		
Zoning District	Additional Allowance	Maximum Lot Coverage
RH, NMU, NAC, NAC-R	15%	92%
RM-W	20%	72%
RM	20%	48%
RL, RL-W	25%	44%

~~(b)~~ Major and Minor PUD shall be treated as follows:

- ~~1. “Minor” PUD shall be exempt from the standards of Article 11, but shall be subject to the requirements of this article and all development standards as otherwise required by this ordinance.~~
- ~~2. “Major” PUD as described in Sec. 11.1.3, shall be subject to the provisions of this Article and Article 11. Planned Unit Development. No additional allowances under the provisions of this article shall be permitted for the construction of the required inclusionary units. Inclusionary units in any major PUD shall be provided in accordance with Table 9-A.~~

~~(e)~~(b) Other possible allowances for the provision of Inclusionary Units may include:

- A waiver of up to 50% waiver of parking spaces as outlined in Article 8, Sec. 8.1.14,
- A waiver of a portion of the impact fees associated with the Inclusionary units, pursuant to the Art. 3, Part 3 Impact Fee Administrative Regulations.

~~(d)~~(c) The allowances provided for herein may be declined at the option of the applicant;

~~(e)~~(d) With the approval of the DRB, ~~applying conditional use criteria,~~ units added to a project as market rate units may be substituted by nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate: 1 market-rate dwelling unit = 1,500 square feet nonresidential space

~~(f)~~(e) All provisions of Sec. 9.1.9-8 through 9.1.12-11 shall apply, without exception, to any inclusionary units that are constructed.

Sec. 9.1.1413 Off-Site Option

Unchanged – re-numbered only.

Sec. 9.1.1514 General Requirements for Inclusionary Units

All covered projects must comply with the requirements set forth below.

- (a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project;
- (b) Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area, provided that:
 - 1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and
 - 2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and
- (c) The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the DRB using the following criteria:
 - 1. All of the units being provided with a specific bedroom count are smaller than the standards outlined below;
 - 2. More than the required number of inclusionary units are provided on site, not all shall be subject to bedroom mix and size requirement; or,
 - 3. The units have an efficient floor plan (meaning that less than 5% of the square footage is devoted to circulation) and the bedroom size(s) is a minimum of 144sf or 12'x12'.

One bedroom	750	square feet
Two bedroom.....	1,000	square feet
Three bedroom.....	1,100	square feet
Four bedroom	1,250	square feet

- (d) Upon demonstration of inability to sell units to income eligible residents earning 75% of the median income, the Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to households earning as much as eighty percent (80%) of median income, adjusted for household size and to households residing in Burlington at the time that these units are offered for sale or lease;
- (e) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project unless required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the stricter bylaws of the designated housing agency (see **Sec 9.1.1615(e)**); and
- (f) The final calculations for the number of inclusionary units shall be determined by the Manager DRB prior to the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that increases the number of inclusionary units required, such modifications shall be determined by the Manager and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the covered project. The rental or sales price of the

inclusionary units shall also be determined by the Manager prior to the issuance of a certificate of occupancy.

Sec. 9.1.1615 - Sec. 9.1.1716

Unchanged – re-numbered only.

Sec. 9.1.1817 DRB Review of Proposal for Phasing

Proposals for projects to be constructed in phases shall be reviewed as a component of the initial project review and shall be included in ~~DRB~~ any conditions of approval. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary unit(s), shall be presented ~~to the DRB~~ for review and approval as part of the permitting process, for any development subject to the provisions of this article. If phasing is not included as part of the review process, no phasing of the inclusionary units shall be allowed.

If a covered project is approved to be constructed in phases, the requirements of the following section shall be applicable to each such phase.

Sec. 9.1.1918 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last ten percent (10%) of the market units shall be withheld until certificates of occupancy have been issued for all of the inclusionary units; except that with respect to covered projects to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval set forth ~~by the DRB~~ in **Sec. 9.1.1817**.

Sec. 9.1.2019 - Sec. 9.1.2120

Unchanged – re-numbered only.

PART 2: HOUSING PRESERVATION AND REPLACEMENT/DEMOLITION AND CONVERSION

Sec. 9.2.1 – Sec. 9.2.2

Unchanged

Sec. 9.2.3 Conditional Use Approval

Notwithstanding any other provision of this ordinance, a person who proposes to remove, demolish, or to convert to a nonresidential use, any housing unit or units, in a zone where such a use is otherwise permitted, must ~~first~~ obtain ~~conditional use~~ approval ~~from the development review board~~ pursuant to ~~the all applicable~~ provisions of ~~Article 3, Part 5~~ this Ordinance.

In addition to the permit application requirements contained in Article 3, the applicant must also submit:

- (a) A statement certifying the number of housing units to be demolished or converted to a nonresidential use and the number of bedrooms existing within each of these units; and
- (b) A list containing the name of each tenant currently residing in the housing units to be demolished or converted, as well as verification by affidavit of compliance with the tenant notice requirements of this section.

Sec. 9.2.4 Relocation Requirements; Notice and Relocation Costs

Unchanged

Sec. 9.2.5 Housing Replacement Requirement

In addition to all other applicable requirements ~~for a conditional use of this Ordinance, the DRB shall require, as a condition of approval, that~~ an owner shall replace any housing units that are demolished or converted to a nonresidential use.

~~An owner shall meet the replacement requirement by creating new housing units pursuant to a plan approved by the DRB. The plan shall be in accordance with the provisions of this Article.~~ Replacement units may be provided by the owner or by the owner's designee fully in any of the following ways:

- a. New Construction. Construction of housing units within a new structure or new addition;
- b. Residential Conversion. Conversion of all or a portion of a nonresidential building to residential use; or,
- c. Subsidy. Creation of affordable housing units that have not been affordable to low-income households for the twenty-four (24) months preceding the date of application for ~~conditional use~~ approval.

An applicant may use any of the three methods to partially fulfill their replacement requirements, until the total requirement is met, ~~subject to approval by the DRB~~.

Sec. 9.2.6 – Sec. 9.2.8

Unchanged

Sec. 9.2.9 Relief

Any owner who has applied for ~~conditional use~~ approval for demolition or conversion of a housing unit or units may apply to the DRB for relief from the housing replacement requirements of **Section 9.2.5**. Such relief may be a downward adjustment of up to fifty percent (50%) of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:

- (a) The literal interpretation and strict application of the housing replacement requirement would be impossible for the owner;
- (b) The requested relief would be consistent with the spirit and purpose of this Article; and
- (c) The requested relief does not constitute a grant of special privilege inconsistent with the limitations upon similar properties.

The DRB must make positive findings on each of the three (3) criteria above in order for any such adjustment to be valid.

Sec. 9.2.10 Exemptions

This article, ~~except for Section 9.2.4 pertaining to conditional use approval~~, shall not be applicable to:

- (a) – (d) *Unchanged*

PROPOSED: ZA-15-02 Conditional Use Review
Part 3 Planned Development

Purpose: The purpose of this amendment is to eliminate redundant and unnecessary steps, costs and complexity to the development review process by:

- removing the requirement that inclusionary housing can only be applicable for subdivisions and PUD per recent statutory amendment and the necessity of having Major and Minor PUD's (Sec. 11.1.3);
- disconnecting PUD's from Subdivision review in cases where no actual subdivision of land is being proposed (Sec. 11.1.3); and,
- clarifies the scope of flexibility for development standards afforded by the PUD Review process (Sec. 11.1.4, 11.1.5 and 11.1.6).

ARTICLE 11. PLANNED DEVELOPMENT
PART 1. – PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 – Sec. 11.1.2

Unchanged

Sec. 11.1.3 Major and Minor Planned Unit Development

~~A minor Planned Unit Development shall include any development consisting of:
5 or more units in a single structure, prompting the requirements of Article 9.
Inclusionary and Replacement Housing.~~

~~redevelopment of existing carriage houses and other out buildings meeting density of
the underlying zoning district;~~

~~development of accessory units in a detached structure.~~

~~Minor PUD's shall be exempt from the requirements and standards of this article, but
shall be subject to the development standards as otherwise required by this ordinance.~~

~~All other development consisting of one or more lots, tracts or parcels of land to be
developed as a single entity subject to the provisions of Sec. 11.1.4 below shall be
considered a major PUD and shall be subject to the review processes and
requirements as defined under this Article.~~

Sec. 11.1.43 General Requirements and Applicability.

Any development involving multiple lots, tracts or parcels of land to be developed as
a single entity, or seeking to place multiple structures and/or uses on a single lot
where not otherwise permitted, may be permitted as a PUD subject to the provisions
of this Article.

A planned unit development may be permitted subject to ~~the provisions of this Article~~ minimum project size as follows in the following districts:

Districts	Minimum Lot <u>Project</u> Size
RH, RM, RM-W, Downtown and Neighborhood Mixed Use, Institutional ¹	No minimum lot <u>project</u> size.
RL, RL-W ² , RCO-R/G ¹	2 acres or more

~~1.~~ Subject to Conditional Use Review pursuant to Art 3, Part 5.

~~2.1.~~ The two acre minimum may be waived by the DRB for the conversion of an accessory structure existing as of January 1, 2007 to a residential use.

~~Planned unit developments are not authorized for non-residential uses except as provided for under Sec. 11.1.7. A planned unit development must receive a certificate of appropriateness under the design review provisions of Article 3, Part 4, the development review standards of Article 6, and final subdivision plat approval in accordance with Article 10.~~

Sec.11.1.54 Modification of Regulations.

With the approval of the DRB after a public hearing, and subject to the limitations of Sec. 11.1.6, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- density, frontage, lot coverage, and ~~and~~ setback regulations requirements may be altered for a planned unit development may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- ~~More~~ more than one principal use and more than one principal structure may be permitted on a single lot; At the discretion of the DRB the ~~and~~,
- ~~dwelling buildings units~~ may be of varied types including single detached, attached, duplex or apartment construction.

~~-Any proposed modifications of regulations shall be listed in a statement accompanying the plat application submission and such modifications shall be subject to the provisions of Sec. 11.1.65 and Sec. 11.1.67.~~

Sec. 11.1.56 Approval Requirements.

The following requirements shall be met for the DRB to approve a planned unit development:

- ~~(a) Lot coverage requirements of the district shall be met;~~
- ~~(b) The minimum setbacks required for the district shall apply to the periphery of the project;~~

- ~~(c)~~(a) The minimum ~~parcel~~-project size requirements of Sec 11.1.3 shall be met ~~if the project is located in a RL or RL-W districts;~~
- ~~(d)~~(b) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Art. 6;
- ~~(e)~~(c) The project shall meet the requirements of Article 10 for subdivision review where applicable;
- ~~(f)~~(d) ~~The minimum setbacks required for the district shall apply to have been met at the periphery of the project;~~
- (e) density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;
- (f) All other ~~dimensional, density, and use~~ requirements of the underlying zoning district ~~shall have been~~ met as calculated across the entire project;
- (g) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below;
- (h) – (k) *Unchanged*

Sec. 11.1.76 Accessory Facilities.

- (a) A planned unit development may contain a building or buildings intended for non-residential uses such as but not limited to as a community center, recreation facility, child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use and will not contribute to parking problems on site or in the surrounding area.
- (b) *Unchanged*



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TYPES OF EVS

- 1. All Electric Vehicle (AEV)**
also known as Battery Electric Vehicle (BEV):
Powered solely by an electric battery
- 2. Plug-in Hybrid Electric Vehicle (PHEV):**
Powered by an electric battery, and supplemented by conventional fuels (like gas or diesel)



IF ALL VERMONT CARS WERE ELECTRIC,

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\$800 million
in gasoline costs
EVERY YEAR.

Drive Electric Vermont is a project of the Vermont Energy Investment Corporation (VEIC) in partnership with the State of Vermont, and a broad array of stakeholders advancing electric vehicle technology.

Over half of Vermont communities have plug-in Electric Vehicles (EVs) registered—find out why below!

Save Money

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- Just plug in at night and wake up to a full charge each morning (no more trips to the gas pump!)
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- Accelerate faster than you would in most equivalent gas-powered cars.
- Expect increased traction due to heavy batteries (great for winter driving conditions).

Great for Vermont

- EVs increase our energy independence and can be powered with renewable energy.
- Breathe deep. EVs produce zero tailpipe emissions and have significantly less overall impact than gasoline vehicles (even factoring in emissions from manufacturing and electricity generation).
- Reduce noise pollution (EVs are incredibly quiet).

For more information on EVs in Vermont, visit
www.driveelectricvt.com



Plug-in Cars Available in Vermont

Make / Model	Vehicle Type	Battery Size (kWh)	Battery Range (miles)	Total Range (miles)	Fuel Tank Capacity (gallons)	DC Fast Charging	Seats	Cargo (ft ³)	MSRP for base model	Federal Tax Credit Amount	Standard 36 Month Lease; Monthly Cost (\$)	Lease Down Payment (\$)
BMW i3	All Electric	22	81	81	--	SAE Combo option	4	9.2	\$ 41,350	\$ 7,500	\$ 499	\$ 2,950
BMW i3 REx	Plug-in Hybrid	22	72	150	1.9	SAE Combo option	4	9.2	\$ 45,200	\$ 7,500	\$ 549	\$ 3,460
Chevrolet Volt	Plug-in Hybrid	16.5	38	380	9.3	No	4	10.6	\$ 34,185	\$ 7,500	\$ 269	\$ 2,669
Ford C-MAX Energi	Plug-in Hybrid	7.6	19	550	14	No	5	19.2	\$ 32,900	\$ 4,007	\$ 253	\$ 2,923
Ford Fusion Energi	Plug-in Hybrid	7.6	19	550	14	No	5	8.2	\$ 34,700	\$ 4,007	\$ 268	\$ 3,553
Ford Focus Electric	All Electric	23	76	76	--	No	5	14.5	\$ 35,200	\$ 7,500	\$ 185	\$ 3,390
Mercedes-Benz B-Class Electric Drive	All Electric	28; 31	87; 104	87; 104	--	No	5	17.7	\$ 41,450	\$ 7,500	\$ 449	\$ 2,999
Mitsubishi iMiEV	All Electric	16	62	62	--	CHAdeMO standard	4	13.2	\$ 23,845	\$ 7,500	\$ 189	\$ 3,388
Nissan Leaf	All Electric	24	84	84	--	CHAdeMO option	5	24	\$ 28,980	\$ 7,500	\$ 200	\$ 2,000
Smart Electric Drive†	All Electric	17.6	68	68	--	No	2	12	\$ 25,000	\$ 7,500	\$ 149	\$ 2,433
Tesla Model S†	All Electric	60; 85	208; 265	208; 265	--	Tesla Supercharger	5 (+2)	31.6	69,900; 79,900	\$ 7,500	\$1,068; \$1,199	\$5,000; \$5,000
Toyota Prius Plug-in	Plug-in Hybrid	4.4	11	540	10.6	No	5	21.6	\$ 32,000	\$ 2,500	\$ 239	\$ 2,499
Volkswagen e-Golf	All Electric	24	83	83	--	SAE Combo standard	5	22.8	\$ 36,300	\$ 7,500	\$ 299	\$ 2,000

†No Vermont dealerships, but vehicles are available to Vermonters in nearby states or online.

<http://driveelectricvt.com/buying-guide/compare-vehicles>

as of 12/12/2014



Electric Vehicle Charging Equipment Municipal Permitting Information

City of Burlington

<http://www.burlingtonvt.gov/>

Contact person

- Electrical Inspector:
 - Shelley Warren
 - swarren@burlingtonvt.gov
 - 802.865.7561
- Zoning Administrator:
 - Ken Lerner
 - klerner@burlingtonvt.gov
 - 802.865.7091

Resources

- Forms and checklists: <http://www.burlingtonvt.gov/PZ/Forms-and-Checklists>
- Fee Schedule: <http://www.burlingtonvt.gov/PZ/Fees>

STATE PERMIT REQUIREMENTS

State environmental permits may be necessary depending on site specific potential environmental impacts (e.g. wetlands, stream crossings). For erosion or sediment control plans to be necessary, the area of disturbance needs to be 1 acre or greater.

Act 250 permits would only be required for larger developments. If a property has an existing Act 250 permit, any construction or change triggers the need for an amendment. This process is streamlined for minor amendments - EVSE could be considered minor depending on the level of construction necessary.

A VTrans highway permit may be necessary if the charging station will be located in the state right-of-way or if construction will encroach on the right-of-way:

http://vtransengineering.vermont.gov/sections/right_of_way/utilities_and_permits

Permit specialists are available for guidance on what permits may be required at specific locations:

http://permits.vermont.gov/faq/anr_dec_pslocator

LOCAL PERMIT REQUIREMENTS

Single Family Residential

a) Zoning Requirements / Cost / Time / Process

- Any exterior changes to a property (including equipment) require a zoning permit.
 - Site plan and drawn elevations (or photos or cut sheets) of the equipment are needed with the submittal.
- If inside, no permit is required, but a “non-applicability” determination must be filed with Planning and Zoning to ensure proper coordination with DPW.
 - Zoning Permit Application Form and Determination of Non-Applicability Form can be downloaded here: <http://www.burlingtonvt.gov/PZ/Forms-and-Checklists>
- Cost: see fee schedule (<http://www.burlingtonvt.gov/PZ/Fees>)

- Basic application fee = \$80
- Certificate of Appropriateness: \$80 for up to \$24,000 estimated construction costs
- Final Certificate of Occupancy = varies based on application fee
- Time:
 - Permit application will be reviewed within 30 days of complete submission and either processed administratively or referred to a board for review.
- Permit approvals are subject to a 15 day appeal period for administrative permits and 30 day appeal period for board permits. Any interested party may appeal administrative or board permits.

b) Permitting Requirements / Cost / Time / Process

- If a structure is being built, a building permit is necessary, but EVCE is not likely considered a structure. In most cases, a building permit should not be necessary. If a building permit is needed, this would happen after the zoning permit is obtained.
- If in city right-of-way, activation right of way inspector needs to issue a permit (before electrical permit can be obtained).
- Electrical permits are needed in all situations and work must be performed by a certified master electrician (owner-occupied, single family home is the ONLY time work can be done by homeowner themselves)
- Electrical permits cannot be issued until zoning permit is in place.
- For electrical permit, spec sheet detailing size and power needs would be needed.
- Cost: based on estimated cost of work
 - Basic permit fee = \$30 (for \$2850 worth of material and labor)
 - After \$2850, fee of \$8.80 per \$1000 of work plus \$10 administration fee
- Time: if a permit application is brought into the office, a permit can be issued immediately. If application is faxed or mailed in, permit is typically issued in two working days.

Multi Family / Commercial / Public Charging:

a) Zoning Requirements / Cost / Time / Process

- Same as Residential; see above.

b) Permitting Requirements / Cost / Time / Process

- Same as Residential; see above.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-15-? Downtown, Neighborhood Mixed Use, & Enterprise Districts Setbacks Abutting a Residential Zone

As recommended by the Ordinance Committee with revisions following 1/13/15 PC review

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

Purpose: See attached memo.

Sec. 4.4.1 Downtown Mixed Use Districts (a), (c) and (d) as written.

Table 4.4.1-1 Dimensional Standards and Intensity						
Districts	Max. Intensity (floor area ratio)	Max. Lot Coverage	Min. Building Setbacks (feet)			Height³ (feet)
			Front⁵	Side^{2, 4}	Rear^{2, 4}	
Downtown						
D	5.5 FAR	100%	Greater of 0' or 12' from curb	0	0	Min: 30 Max: 65
Church St. Marketplace	<i>Same as Downtown</i>					Min: 30 Max: 38 (see Sec. 4.4.1(d)(4)(B))
Downtown Transition District						
DT		100%	Greater of 0' or 12' from curb	0	0	
A. North of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 45
B. South side of Main St.	5.5 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 65
C. South of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 45
D. South of Maple St.	2 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 35
Downtown Waterfront						
DW		100%	Greater of 0' or 12' from curb	0	0	
A. North of Pearl - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 45
B. Pearl to Bank - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 45
C. Pearl to Bank - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
D. Bank to College - East	3 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
E. Bank to College - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
F. South of College	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35

Downtown Waterfront – Public Trust						
A. North of Pearl West	2 FAR	Same as Downtown Waterfront				Max: 35
B. Lakeshore ⁴	2 FAR	Same as Downtown Waterfront				Max: 35
Battery Street Transition						
BST	3 FAR	100%	Greater of 0' or 12' from curb	0	0	Min: 30 Max: 35
<p>1 Floor area ratio is defined and described in Art 5. Bonuses for additional FAR where available are described in section (d)6 below. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.</p> <p>2 Structures shall be setback along any zoning district boundaryproperty line that abuts a residential zoning district pursuant to the requirements of (d)6 below.</p> <p>3 Minimum building height shall be 30-feet and 3 stories. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height where available are described in section (d)6 below. Any portion of a building over 45-feet in height shall be setback from the front property line pursuant to the requirements of (d)4 below.</p> <p>4 All structures shall be setback a minimum of 50-feet from the shoreline of Lake Champlain unless an encroachment is authorized under (d)5 below.</p> <p>5 All structures shall be setback 12-feet from the curb on a public street except as otherwise allowed by the DRB for development along the following streets: both sides of Center Street; both sides of Pine Street between Cherry and Pearl Streets; the east side of Pine Street between Bank and Main Streets; the west side of Pine Street between College and Main Streets; and South Winooski Avenue between Bank and College Streets. The DRB may order a wider setback in any case under its review if it should determine that the application cannot be approved under applicable criteria without such additional setback.</p>						

(d) 6. Residential District Setback

Structures shall be setback a minimum of 15-feet from any [zoning district boundary](#)~~property~~ line that abuts a residential zoning district. [Lots of record existing as of January 1, 2015 that are split by downtown and residential zones are exempt from this district boundary setback.](#) (Exceptions to yard setback requirements can be found in (Sec. 5.2.5))

Where a structure, legally existing before 1 January 2011, already encroaches into the required residential district setback for the Residential High-Density District (RH), the DRB may permit, subject to design review, additions to the pre-existing encroaching structure provided:

- the addition does not project farther into the residential district setback towards the RH district boundary than the pre-existing encroachment. In no event shall the encroachment of the addition be less than 5 feet from the boundary line; and,
- the height of any addition does not exceed the height of the pre-existing encroachment or 35-feet whichever

Sec. 4.4.2 Neighborhood Mixed Use Districts (a), (c) and (d) as written.

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Height (feet)
			Front ⁴	Side ²	Rear ²	

NAC	2.0 FAR	80% ⁵	0	0	0	Max: 35
NMU	2.0 FAR	80%	0 ⁶	0	0	Min: 20 ³ Max: 35
NAC-Riverside	2.0 FAR	80%	0	0	0	Min: 20 ³ Max: 35

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 [zoning district boundary property](#)-line that abuts a residential zoning district. [Lots of record existing as of January 1, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.](#)
3. Minimum building height shall be 20-feet and 2 story^{ies}. Measurement of and exceptions to height standards are found in [Art 5](#). Bonuses for additional building height are described in section [\(d\)](#)3 below.
4. All structures shall be setback 12-feet from the curb on a public street.
5. Exceptions to minimum 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.

Sec. 4.4.3 Enterprise Districts (a), (c) and (d) as written.

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in [Art 5](#). Measurement of and exceptions to coverage, setback, and height standards are found 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 25-feet along any [zoning district boundary property](#)-line that abuts a residential zoning district. [Lots of record existing as of January 1, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.](#)

3 – Percentage of the lot depth.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/planning

*Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Holly Ransom, Youth Member*



Burlington Planning Commission

REGULAR MEETING

Tuesday, January 13, 2015 - 6:30 P.M.

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

Minutes

*Note: times given are
approximate unless
otherwise noted.*

I. Agenda

5 before 3...

II. Public Forum

N. Warner – Winooski Valley Park District – provision places in the zoning to allow for daycare to operate in the Ethan Allen property. Change the use allowed only, the rest of the zoning there is completely appropriate. September timeframe for having the daycare use there.

III. Report of the Chair

The chair presented the following report:

- Panelist tomorrow at BBA Housing Summit – work in planBTV and Housing action plan.
- Lot of attention being paid to the Town Center redevelopment. Wanted to reach out to members about appointments to the Town Center committee. Who is interested to serve on that committee?

L. Buffinton and B. Baker expressed interest. E. Lee will participate with Preservation Burlington.

IV. Report of the Director

The director presented the following report:

- Last week there was the first Town Center public meeting for the redevelopment process. Contois was packed and feedback was very positive. People were open minded and offering their perspective.
- Staff is working in partnership with the Department of Health to do a Health Impact Assessment (HIA) for planBTV South End. They will do some literature review and evaluate alternative from a health perspective. What might be the health implications of planning and future development? Starting to think about public health and how it's impacted.
- Save the Date for the planBTV South End Community Workshop, February 11-14, 2015 at a location to be determined on Pine Street.

V. Urban Agriculture Zoning Amendment

S. Gustin - The City Council ordinance committee made two changes to the Commission's approved draft. Under state statute, the Commission is required to make comments on changes made by the Council before they vote on the change. The two changes made were:

- a. Exemption for 24 sf structures, recommended by staff, added 15' height limit added.
- b. Change to article 4 – density bonus for community gardens – was removed from the proposed changes.

Tuesday, January 13, 2015

E. Lee – Article 4 is not included.

S. Gustin – No, it was removed.

B. Baker – still accomplishes what the PC attempted to do.

L. Buffinton – thought we already had a 15' limit.

On a motion by B. Baker, seconded by H. Roen, the Commission unanimously approved the proposed changes to the Urban Agriculture zoning amendment.

VI. Public Hearings: Proposed Zoning Amendments

ZA-15-01

D. White - Simply a typo to make the proper reference.

On a motion by J. Wallace-Brodeur, seconded by E. Lee, the Commission unanimously approved ZA-15-01 and sent to City Council for final adoption.

ZA-15-02

D. White – Presented the proposed amendments. The goal is to untangle the duplications in the development review process. There is currently a lot of redundancy in the ordinance that we are trying to take care and clean. There have been conversations via email on the Farrington Mobile Home Park, but there is nothing in the proposal that changes the zoning there or the potential for development on that property.

T. Cochran – He lives on S. Winooski – Referred commissioners to the state statute on conditional uses and the removal of language in the draft amendment removing “the character of the area”. He believes that should stay in to the ordinance as is because character of the area is important.

B. Baker – This is simply moved up.

E. Lee – No, what is in the proposal is different.

D. White – The language relative to the requirements is being expanded upon in the proposal, which we are allowed to do. The wording is different but there is no conflict with the statute and it provides greater clarity.

A. Montroll – If we want more details, why not mention the statute and then what the city wants.

B. Baker – He is comfortable with the state statute.

D. White – What we provide has more clarity, we try to put a finer point, what are the characteristics of what the statute states.

J. Wallace-Brodeur – What we added to the statute is scale.

T. Cochran – What David is saying is reasonable. Character of the area is a term that is widely accepted and if it's not ok, then it should be removed at the state level.

E. Lee – The current proposal doesn't include in the character of the area.

T. Cochran – The city has had issues with some interpretation of the ordinance in the last few months. In the section on carriage houses, there is nothing in the proposed language that would prevent someone coming to the DRB twice to get the density bonus and then go back to convert the other half of the house. The language should be changes to say: “into no more than one residential unit for the structure.”

E. Lee – Does this fall under accessory apartments?

Tuesday, January 13, 2015

D. White – The ordinance’s purpose was to allow and encourage use of carriage houses. The current language doesn’t say anything about meeting the underlying of the zoning ordinance.

L. Buffinton – Some of these old buildings are larger and should be allowing more than one unit if the space is available there.

A. Montroll – The provision here is an exception to the other rules. If you want to do more than one unit then someone could use the PUD process which is more complicated and has more appropriate review.

Y. Bradley – Remember that the purpose that these amendments are to simplify the process.

J. Wallace-Brodeur – She has no problem with the proposed change in the language by C. Cochran.

D. White – We could also add more language to point people to where do you have to go if you want to do more units.

B. Baker – The intent is to offer one unit under this exception.

E. Lee – We should send back to staff to change language and bring back to the Commission. There should be a fast track for one unit and still allowing another process for more units if wanted.

T. Lefebvre – She lives at the Farrington Mobile Home Park and they were told that zoning was being changed in the area. There is an article in the Burlington Free Press that speaks to that. Replacement housing we were told years ago was not supposed to apply in the mobile home park, but it is being applied. If the zoning is to change to something else than RM to other more dense zoning, then we would not be able to buy the property.

J. Wallace-Brodeur – Proposed amendments, is that where you think the change is being articulated?

D. White – The current proposal tonight applies to housing replacement in the city everywhere. The proposal doesn’t change that, simply says that the process is not a conditional use process in front of the Development Review Board.

T. Lefebvre – We are trying to get the replacement housing requirements not to apply in the park.

D. White – There should be a discussion about the replacement housing requirements and what needs to be changed to make this happen for the mobile home park.

T. Lefebvre – Last May she was here and talked with many people, and owners of the park were not allowed to move the mobile homes because of back taxes. There has recently been an agreement to waive the taxes and move the building.

Y. Bradley – Sounds like there are issues that are specific to the mobile home park, but not directly to the proposed changes that we are discussing here tonight. The mobile home park has some special attributes that needs to be addressed. A group should meet with staff to see what changes might be needed for the mobile home park.

J. Leclerc – We are concerned about the proposed changes, could change how we are looked at. Under PUD, would give them the ability to redevelop.

D. White – There is nothing in the proposed language that would allow PUD to be used in any different way than how it is used today. PUD could be applicable today and the amendment doesn’t change that. The same amount of development can happen under PUD. PUD doesn’t allow for more density and development potential.

Y. Bradley – There is no intent to up zone any property in the city with this amendment. We are simply making things simpler from a process perspective. It doesn’t mean that we couldn’t make changes to zoning to help treat the mobile home park differently for your use.

D. White – He is meeting with CEDO staff tomorrow to try to help the mobile home park folks.

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L. Buffinton – She would like to reassure all that the Commission doesn't want to muddy the water and hinder what they are trying to do at the mobile home park.

E. Lee – Does the Commission ever put out letter or statement of the intent that we support the changes happening at the mobile home park?

J. Leclerc – Eight years ago, the property got rezoned to RM without our knowledge and then we got housing replacement applied to the property. We cannot change units and remove homes as needed.

Y. Bradley – Apologize for what happened 8 years ago, but the PC has changed.

B. Goblik – He has asked architects in town to read and understand the amendment for them. Proposed development at Burlington College, this might affect the number of inclusionary units required there.

D. White – No, this would not affect the number of inclusionary units allowed or required.

J. Wallace-Brodeur – Can we get a report back at the next meeting where we stand with the mobile home park?

H. Ransom – The only difference between the character of the area piece in the proposed amendment is the "scale", correct?

D. White – Yes and scale is a factor in understanding character.

H. Roen – We should also retain the renewable energy facilities item.

E. Lee - Why using public instead of community facilities.

D. White – Makes it more relevant to Burlington. We should also retain the Bylaws.

A. Montroll – He wants to make sure we mirror the state law as much as possible, because that won't help a project and lawyers might challenge the zoning code.

On a motion by E. Lee, seconded by L. Buffinton, the Commission unanimously continued the public hearing for ZA-15-02 until January 27.

VII. Proposed Zoning Amendments

Downtown Districts Setbacks Abutting a Residential Zoning District

D. White – Explained the proposed amendment. 15' setback should be from the zoning district boundary and not from the property line.

A. Montroll – If we were to draw a zoning boundary in the middle of someone's boundary, would that prevent someone to build something on their property.

L. Buffinton – This seems like a good cleaning item, especially with the project on George Street.

A. Montroll – We should have this apply when owners are trying to merge two properties together.

Staff to make the changes and bring it back to the PC.

Inclusionary Zoning for Institutional Zoning Districts

D. White – He explained the proposed amendment.

On a motion by L. Buffinton, seconded by J. Wallace-Brodeur, the Commission warned ZA-15-03 for public hearing on February 10, 2015. E. Lee opposed.

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E. Lee – Looks like the Champlain College project went around this requirement by stating that a % of students use financial help. The amendment is not necessary if a project can get around this issue. We should encourage institutions to build housing on their core campus, not elsewhere in the city.

VIII. Committee Reports

Ordinance Committee – The committee talked about joint parking facilities to authorize sharing of parking if available and began discussing the status of limitation on permits. We need to improve the process.

Joint FBC Committee – The committee has had several meetings already and now understands what the code is and how it works. Two more meetings to work through it and then will discuss policy issues. Many of the meetings are taped by CCTV and online and available.

J. Wallace-Brodeur – Having joint committee with City Council is a smart move.

IX. Commissioner Items

H. Roen – He has been sitting on the planning advisory committee for the Regional Planning Commission for some time now. It would be best to have staff go instead of a commissioner. Everyone else is professional staff on that committee.

D. White – We should communicate with the Mayor's office as this is probably an appointee position from the Council.

L. Buffinton – Communication from Matthew Koch, are we doing something with this? She started to close many open permits for Champlain Housing Trust and the City realized that money was still due. The city is asking them to prove that the fees were paid. Bills should be sent, not wait for the owners to come in to close permits.

X. Minutes/Communications

On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously adopted the minutes from November 12, 2014 and accepted the communications and placed them on file.

XI. Adjourn

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission unanimously adjourned the meeting at 9:03pm.

Yves Bradley, Chair

Date

Sandrine Thibault, Secretary