

Burlington Planning Commission

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Burlington Planning Commission

Regular Meeting

Tuesday, September 22, 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** (5 min)

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

V. **City Market in the South End** (20 min)

The Commission will hear from representatives from City Market regarding their proposal to build a second store in the south end.

VI. **UVM Medical Center Zoning Amendment Request** (20 min)

The Commission will hear from representatives for the UVM Medical Center regarding a requested zoning amendment.

VII. **Mobile Home Parks** (15 min)

The Commission will discuss a proposed zoning amendment regarding Mobile Home Parks.

VIII. **Committee Reports** (5 min)

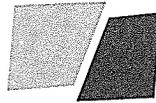
IX. **Commissioner Items** (5 min)

X. **Minutes/Communications** (5 min)

The Commission will review communications and approve minutes from the Sept 8 meeting.

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

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DEPARTMENT OF
PLANNING & ZONING

Ms. Mary O'Neil, Senior Planner
City of Burlington Planning and Zoning Office
City Hall, 149 Church Street
Burlington, Vermont 05401

RE: University of Vermont Medical Center Inpatient Building
Proposed Amendments to the City of Burlington Comprehensive Development
Ordinance

Dear Mary:

On behalf of the University of Vermont (UVM) Medical Center, we have prepared proposed amendments to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014. The proposed amendments include the following:

Proposal A

1. Global Name Change; and
2. Institutional Core Campus Overlay District boundary adjustments.

Proposal B

3. Signage.

Proposal C

4. Lot Coverage

Amendment #1 is for changing reference from Fletcher Allen Health Care to the UVM Medical Center reflecting their recent name change. Amendment #2 reflects the recent boundary line adjustment between the UVM Medical Center and UVM as part of the UVM Medical Center's Inpatient Building project. Exhibits A and B show the proposed

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adjustments to the Institutional Core Campus Overlay District boundaries for clarification.

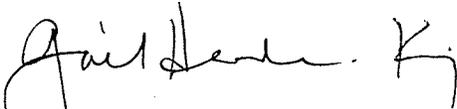
Amendment #3 is for the UVM Medical Center's need for clear and highly visible signage for directing people to their Medical Center campus and the Emergency Department with internally lit signage. Exhibit C is research regarding externally and internally lit signage for guidance.

And Amendment #4 clarifies how green roofs are handled when calculating lot coverage. This is a result of several projects at the UVM Medical Center's campus in Burlington that included green roofs, but there is nothing in the CDO on how to treat them with respect to lot coverage.

We are proposing these amendments separately in Proposals A, B and C so they can be reviewed and acted on independently. Amendments #2 and #3 will affect the UVM Medical Center's campus only. Amendments #1 and #4 will affect all zoning districts.

We plan to attend the Planning Commission meetings and will be available to discuss these proposed amendments. Please let me know if you have questions regarding these proposed amendments.

Sincerely,



Gail Henderson-King
Senior Project Manager

Attachments

C: Dave Keelty

Amendments - Proposal A to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes changes to the *City of Burlington Comprehensive Development Ordinance*.

Overview / Statement of Purpose

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendments to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendments in Proposal A includes:

1. *Global Name Change:*

Change reference from Fletcher Allen Health Care (FAHC) to the University of Vermont Medical Center (UVM Medical Center). This is proposed as a global change throughout the CDO to eliminate confusion. This change will result in a name change for all geographic areas where Fletcher Allen Health Care (FAHC) is referenced; and

2. *Institutional Core Campus Overlay District boundary adjustments:*

This change reflects the recent boundary line adjustment between the UVM Medical Center and UVM as part of the UVM Medical Center's Inpatient Building project. It will affect the Institutional Core Campus Overlay Districts area only.

Amendments - Proposal A
The City of Burlington Comprehensive Development Ordinance (CDO),
Last Updated July 18, 2014

Amendment #1: Global Name Change – Fletcher Allen Health Care (FAHC)
to the University of Vermont Medical Center (UVMCC)

This is to reflect the recent name change from Fletcher Allen Health Care (FAHC) to the University of Vermont Medical Center (UVM Medical Center) throughout the CDO document. This will help eliminate confusion when referring to the UVM Medical Center.

Amendment #2: Institutional Core Campus Overlay Districts Boundary
Change – Fletcher Allen Health Care Medical Center
(FAHC) and UVM Central Campus (UVM)

A boundary line adjustment between the UVM Medical Center and UVM received administrative approval in December 2014 (ZP 15-0664LL). The western boundary line of the UVM Medical Center campus shifted west to accommodate the Inpatient Building project, as approved by the Development Review Board in September 2014 (ZP 14-1321CA). There are detail differences in the overlay districts between the two institutions. This proposal makes the overlay district boundaries consistent with the property boundaries of the two institutions.

This change is not necessary for the current Inpatient Building. The Inpatient Building meets all the requirements of current zoning. Hospitals are a permitted use within the underlying Institutional Zoning District, which encompasses both institutions. Nothing about the Institutional Core Overlay Districts ICC-FAHC and ICC-UVM modifies the uses. Also, the Inpatient Building meets the height requirements within each overlay district. The proposed Institutional Core Campus Overlay District boundary changes will keep the UVM Medical Center lands and buildings all within the ICC-FAHC overlay districts and UVM's lands and buildings within its overlay districts, as follows.

Proposed CDO Map Changes:

Article 4: Zoning Maps and Districts

Part 5: Overlay Zoning District Regulations

Section 4.5.2 Institutional Core Campus Overlay Districts

An adjustment of the ICC-FAHC Height Overlay District is needed to include the newly adjusted UVM Medical Center campus boundary reflecting the approved boundary line

adjustment (BLA) for the UVM Medical Center Inpatient Building project. This will result in adjustments to the ICC-FAHC and ICC-UVM Height Overlay District boundaries.

Map 4.5.2-1: Institutional Core Campus Overlay

The western boundary line of the UVM Medical Center bordering the University of Vermont has shifted to the west to incorporate the new Inpatient Building project. As a result, the boundaries between the ICC-FAHC and ICC-UVM Overlay districts need to be adjusted. Exhibit A contains a plan showing the revised ICC-FAHC Overlay District boundary.

(c) District Specific Regulations: Fletcher Allen Health Care Medical Center Campus (ICC-FAHC)

Map 4.5.2-2: Transitional Buffer

The ICC-FAHC District boundary needs to be adjusted to reflect the new UVM Medical Center campus boundary as proposed in Map 4.5.2-1: Institutional Core Campus Overlay above.

Subsection 5. Building Height

Map 4.5.2-3 ICC-FAHC Height Overlay

The western boundary of the ICC-FAHC Height Overlay District needs to be adjusted to the west to reflect the revised property line between the two institutions. Exhibit B contains a plan showing the revised ICC-FAHC Height Overlay boundary.

Map 4.5.2-4: ICC-UVM Central Campus and Height Overlay

The FAHC Height Overlay District boundary needs to be adjusted as proposed on Map 4.5.2-3: ICC-FAHC Height Overlay above.

In order to assist the Planning Commission, we prepared the following information that discusses these proposed CDO changes along with additional information to address the above requirements.

Compliance with Municipal Development Plan

These proposed amendments are in conformance with the **2014 planBTV Burlington's Municipal Development Plan** as described below.

- a) Conformance with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed Comprehensive Development Ordinance (CDO) amendment changes are in conformance with and further the goals and policies contained in the *2014 planBTV Burlington's Municipal Development Plan* in the following ways.

In the "Our Community Vision: A "Sustainable" Burlington" chapter for the Municipal Development Plan, it states "...*If we are to succeed in creating a truly sustainable community, future development within the City of Burlington must further the following principles.*" The proposed zoning amendments help to further several of these principles.

- "• Concentrate mixed-use, high density development within growth centers including the center city, neighborhood activity centers, and institutional core campuses."*

The new Inpatient Building concentrates the Medical Center's high density development within the Institutional Core Campus area. The boundary adjustment to the Institutional Core Campus Overlay districts will reflect the new Inpatient Building location within the Fletcher Allen Health Care Medical Center Campus (ICC-FAHC) district.

- "• Respect for the city's architectural and cultural history."*

The Institutional Core Campus Overlay district boundary adjustment respects the historic and culturally significant buildings on the UVM Medical Center campus and the UVM campus.

The proposed zoning amendments will have no effect on the availability of safe and affordable housing within the City of Burlington.

- (b) Is compatible with the proposed future land uses and densities of the municipal plan.*

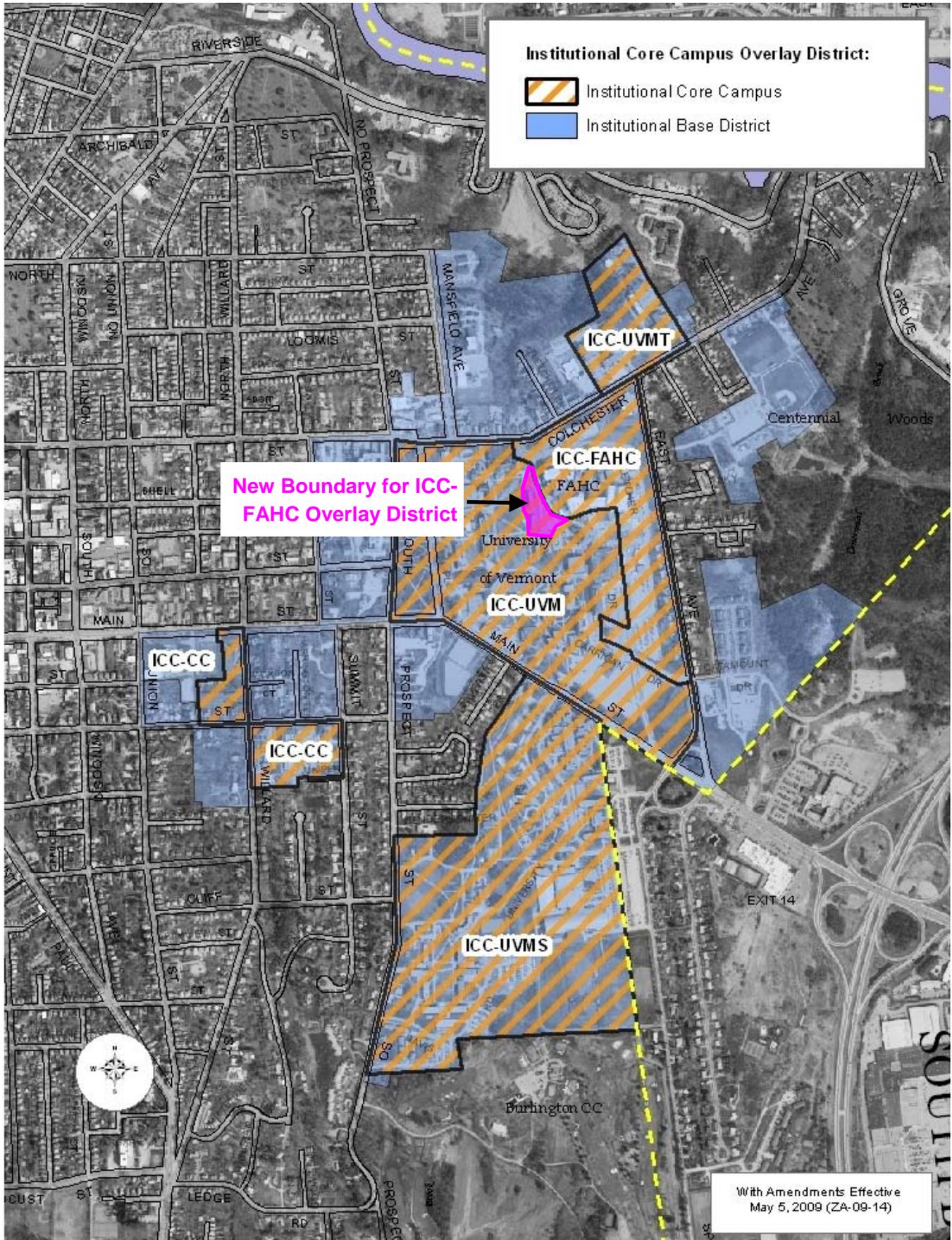
The proposed amendments do not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

(c) Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments do not carry out any specific proposals for planned community facilities.

Proposed Amendments to the City of Burlington Comprehensive Development Ordinance

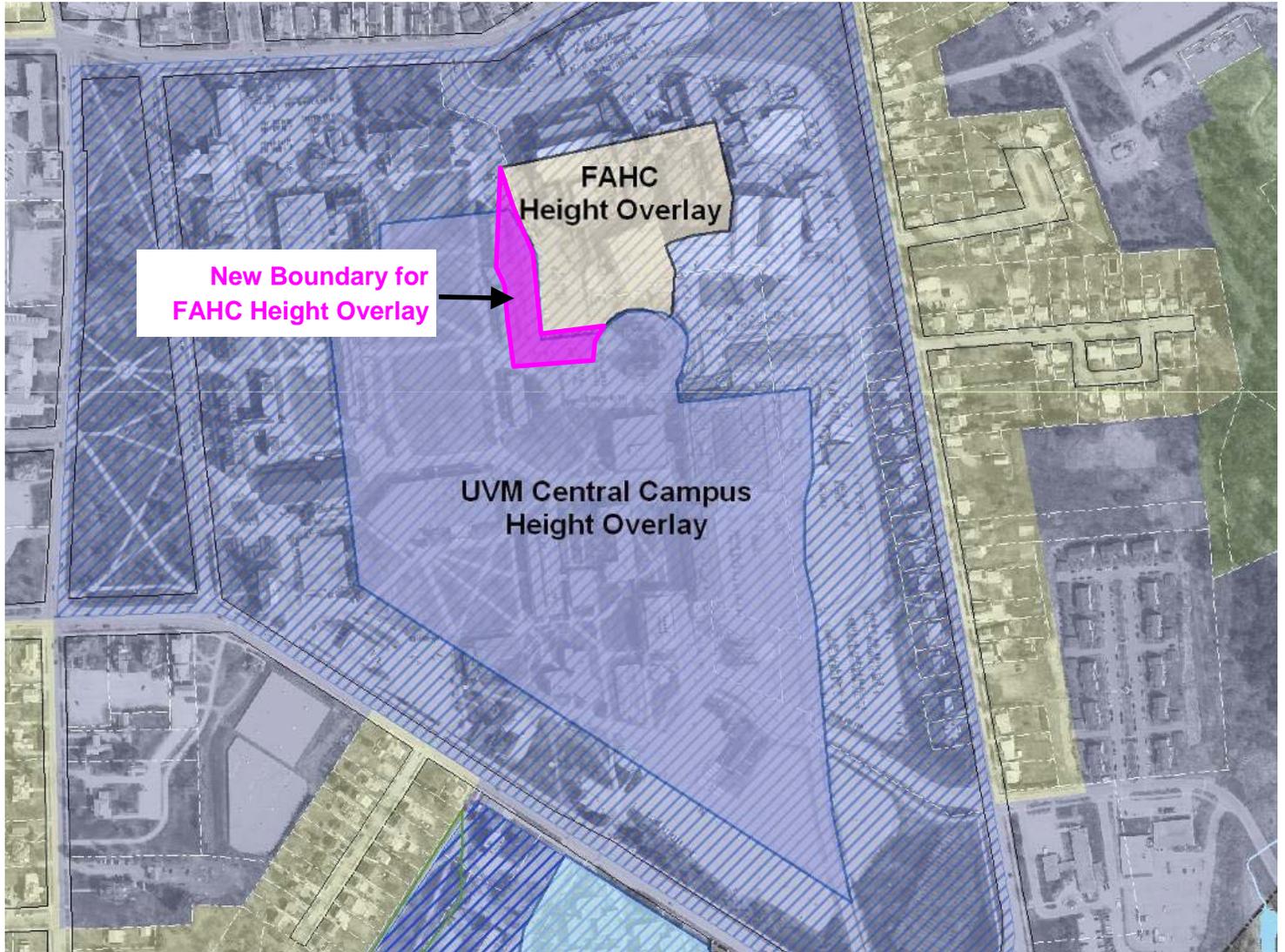
August 17, 2015



Map 4.5.2-1: Institutional Core Campus Overlay (With Proposed Edits)

Proposed Amendments to the City of Burlington Comprehensive Development Ordinance

August 17, 2015



Map 4.5.2-3 ICC-FAHC Height Overlay (With Proposed Edits)

Amendment - Proposal B to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes changes to the *City of Burlington Comprehensive Development Ordinance*.

Overview / Statement of Purpose

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendment to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendment in Proposal B includes:

3. *Signage:*
Allow internally lit signage for Hospital entrances and directional for Emergency Departments. It will affect the Institutional Zoning District area only.

Amendment – Proposal B
The City of Burlington Comprehensive Development Ordinance (CDO),
Last Updated July 18, 2014

Amendment #3: Signage - Internally Lit Signage

The UVM Medical Center provides essential emergency services, sometimes to people who injured, impaired or otherwise under considerable stress. Some who arrive are not familiar with access to the hospital, including its emergency services. Clear and highly visible signage is an important factor in ease of wayfinding for these people. Internally illuminated signs are best for visibility and directing people to the correct place to go. Exhibit C contains research on externally and internally lit signage by BrandActive. BrandActive worked with the UVM Medical Center on wayfinding signage changes related to their recent name change.

Accordingly, UVM Medical Center requests limited rights for internal illumination of specific signs related to this concern. This request is limited to the three free-standing signs at the hospital’s main entrances off Colchester Avenue, Main Street and East Avenue, and for signs directing people to the Emergency Department. The proposed change is incorporated into the Institutional Core Campus Overlay District ICC-FAHC so that it will not affect any other zone.

Proposed CDO Language:

Article 7: Signs

Issue: At present, the Comprehensive Development Ordinance does not allow internally illuminated signs within the Institutional Districts or the Institutional Core Campus Overlay District ICC-FAHC.

Proposed:

Part 2: District Regulations

Section 7.2.1 Regulation by District

Table 7.2.1-1: Sign Regulation Summary

In this table, for the Sign Type – Freestanding; Dimensional Requirements – Illumination; All RCO, Residential, and Institutional Districts states “No”. Change to No⁵. Add the following note:

- 5. Exceptions to internally illuminated signage in the Institutional Core Campus ICC-FAHC Overlay District are provided in Sec 4.5.2 (c) 7.**

Article 4: Zoning Maps and Districts

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(c) District Specific Regulations: Fletcher Allen Health Care Medical Center Campus (ICC-FAHC)

Add in the following:

7. Signage

Internally illuminated freestanding signage is permitted at the main entrances to the University of Vermont Medical Center Campus and internally illuminated directional signage is permitted for the Emergency Department. Internally illuminated freestanding and directional signage shall comply with Article 7: Signs.

In order to assist the Planning Commission, we prepared the following information that discusses these proposed CDO changes along with additional information to address the above requirements.

Compliance with Municipal Development Plan

This proposed amendment is in conformance with the **2014 planBTV Burlington's Municipal Development Plan** as described below.

- a) Conformance with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed Comprehensive Development Ordinance (CDO) amendment changes are in conformance with and further the goals and policies contained in the *2014 planBTV Burlington's Municipal Development Plan* in the following ways.

In the "Land Use Plan" chapter for the Municipal Development Plan, the Vision Statement includes a series of distinct goals. One states the Plan "...envisions Burlington as a city where..... religious, educational and medical **institutions** have a respected place in the community, and play a vital role in the city's economy and social well-being. Development of academic and medical campuses, including additional housing, is concentrated on core campuses in order to minimize impacts on adjoining residential neighborhoods. Working cooperatively with the City, neighborhoods, and business community, the institutions share their valuable skills, resources, and leaders to help address development, transportation, housing, social, and neighborhood issues within the community." The proposed amendment will help the UVM Medical Center continue to provide a vital service to the City and region by directing visitors safely to their campus for emergency treatment.

The proposed amendment will have no effect on the availability of safe and affordable housing within the City of Burlington.

- (b) Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendments do not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

- (c) Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not carry out any specific proposals for planned community facilities.

Research Regarding Issues Associated with Flood Lit Signage

Background

There are two main areas of concern with respect to externally illuminated signs:

1. Light pollution, which can be a public nuisance and detrimental to the environment.
2. Reduced legibility, which can create barriers to accessibility and even become a safety risk.

Light Pollution

“Light pollution, also known as obtrusive light and stray light, is a term employed to broadly describe light that is either too bright for its intended purpose or ‘that shines where it is not needed or wanted.’ (RASC 2003). The concept of light pollution has been around for over 25 years (IESNA 2000a; Finch 1978); however it is only recently that on premise identification sign lighting has been indicated as a contributing factor to light pollution.”¹

Light Pollution Details

Flood lighting is implicated in many of the key light pollution issues commonly cited, “The four components of light pollution are often combined and may overlap:

- Urban Sky Glow—the brightening of the night sky over inhabited areas.
- Light Trespass—light falling where it is not intended, wanted, or needed.
- Glare—excessive brightness which causes visual discomfort. High levels of glare can decrease visibility.
- Clutter—bright, confusing, and excessive groupings of light sources, commonly found in over-lit urban areas. The proliferation of clutter contributes to urban sky glow, trespass, and glare.²

Governor Signs Marcellino Bill To Curtail Light Pollution From State Buildings

“Senator Carl L. Marcellino (R-Syosset) announces his legislation to curtail light pollution from State owned buildings was signed into law (Chapter 512) by the Governor...”

Unshielded lighting causes light trespass, sky glow - obscuring night sky views, and road glare. ‘Fatal light attraction,’ which is produced by excessive outdoor lighting, is deadly for migratory birds, causing over 100 million bird fatalities across the United States.”³

Reduced Legibility

“Extensive day and night field tests now confirm that internal sign illumination, on average, provides 40% greater visibility and 60% greater legibility than that provided by external sign illumination.”⁴

Concerns with Glare Created by Flood Lighting and its Impact to Legibility

“Things to avoid. Avoid lighting signs with spotlights, especially signs with a glossy surface. Spotlights can produce glare if the positioned too close to the signs.”⁵

Evidence or Legitimate Safety Concerns

“These performance differences are significant because drivers who have more time to read signs are less likely to exhibit erratic driving maneuvers such as inappropriate rates of deceleration and untimely lane changes. This study demonstrated that maintaining the brightness of internally illuminated, on-premise signs at optimum levels could improve driver safety and comfort by giving drivers more time to read the signs. This is not to say that internally illuminated, on-premise signs should be as bright as possible, as this study also demonstrated that there is a peak in both sign legibility and recognition distance as a function of sign brightness, such that performance falls off as these signs becomes overly bright.”⁶

References

1. On-Premise Commercial Sign Lighting and Light Pollution. Leukos, Vo. 1, No. 3, January 2005, Pg. 7-18
2. Dark Skies Awareness. <http://www.darks skiesawareness.org/faq-what-is-lp.php>
3. Wayfinding, Effective Wayfinding and Signing Systems, Guidance for Healthcare Facilities. NHS Estates, an Executive Agency of the Department of Health, UK. May 2005.

4. Outdoor Lighting Ordinance Guide. The Eatontown, NJ, Ordinance
5. "The Effects of Internally Illuminated On-Premise Sign Brightness on Nighttime Sign Visibility and Traffic Safety." The Thomas D. Larson, Pennsylvania Transportation Institute
6. Relative Visibility of Internally and Externally Illuminated On-premises signs. Pennsylvania Transportation Institute, Pennsylvania State University, 2004.

Amendment – Proposal C to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes the following change to the *City of Burlington Comprehensive Development Ordinance*.

Overview / Statement of Purpose

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendment to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendment in Proposal C includes:

4. *Lot coverage:*

Clarify how Green Roofs are handled for lot coverage calculations. It will affect all zoning districts where green roof infrastructure could be used for stormwater runoff management.

Amendment – Proposal C
The City of Burlington Comprehensive Development Ordinance (CDO),
Last Updated July 18, 2014

Amendment #4: Lot Coverage – Green Roofs

This proposed amendment addresses how a green roof is counted when calculating lot coverage for a proposed project. At present the CDO is silent as to how green roofs are treated with respect to lot coverage. When UVM Medical Center’s Renaissance Project was approved, the green areas above the underground garage were considered to be green for lot coverage purposes. When the Radiation Oncology project was approved a few years later, the DRB decided that it didn’t know how to calculate the lot coverage – whether, like the garage, it should be considered green space, or not. But they ruled that the Medical Center campus would be within allowed lot coverage regardless, so they approved the project without deciding either way. Since then, it has remained unclear as to what UVM Medical Center’s current lot coverage is. This issue is likely to arise with other projects in the City as green roofs become more common. The purpose of this proposed amendment is to clarify this matter. This proposed amendment is not intended to address stormwater *incentives* for installing green roofs, which we understand the Planning Commission is working on separately. This is solely designed to clarify how lot coverage is calculated when a project includes a green roof.

In general, we are aware of three different circumstances affecting how the City might wish to calculate lot coverage with green roofs. The distinctions relate to the physical location and circumstances of a green roof and consequently how the green roof is perceived by the general public.

The first situation is where the building or structure is wholly or substantially underground so that the general public perceives the green roof as simply additional ground area. A good example of this is UVM Medical Center’s underground garage. When one is walking on top of it, one is hardly aware that one is actually on a roof. In this circumstance, our proposal is that the green areas of such a green roof would be calculated as 100% green space, because for all intents and purposes, they are.

At the other extreme is a green roof on top of a conventional above-ground building; for example, if the Medical Center were to have a green roof on top of McClure (which it does not). Under this circumstance, the general public will not perceive it to be green space unless they happen to go up to the roof. Nonetheless, the green roof has some of the benefits of green space, so under this circumstance we propose that 50% of the green areas of the green roof be green space for lot coverage purposes.

The third circumstance is between the first two – that is, a building which is partially underground. A good example of this is UVM Medical Center’s Radiation Oncology building which is built into the hillside on the east end of the Ambulatory Care Center. A pedestrian approaching from the south perceives the roof as simply additional ground area because it is more or less at grade with the quadrangle in front of the Ambulatory Care Center. But pedestrians approaching from the north have a view of the north facade and portions of the east façade of the Radiation Oncology building. Under such a circumstance, we propose that if less than 50% of all exterior walls of a building are exposed, 100% of the green roof area would be calculated as green space, but if more than 50% of all exterior walls of a building are visible only 75% of the green roof area would be allowed to be green space for lot coverage purposes.

Proposed CDO Language:

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.3 Lot Coverage Requirements, (b) Exceptions to Lot Coverage:

9. Anticipate the proposed Low Impact Development (LID) Amendment to CDO dated July 2, 2015 will be added.

Add in the following:

10. A building with a green roof that is entirely or substantially underground such that the green roof is substantially at grade with the surrounding area and 50% or less of all sides of a building are visible above grade, shall count 100% of the green areas of the roof as green area for lot coverage purposes.

If a building is partially underground such that in one or more direction the roof is substantially at grade with the surrounding land, but more than 50% of all sides of a building are visible, shall count 75% of the green roof area as green area for lot coverage purposes.

Where a green roof is not substantially at grade with the surrounding land, 50% of the green areas of the roof shall be considered green for lot coverage purposes.

In all cases, exposed impervious surfaces and structures within the green roof shall be calculated as lot coverage.

Article 13: Definitions

Add in the following definitions.

Green Roof: A green roof is a building roof that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also

include additional layers such as a root barrier and drainage and irrigation systems. Pre-planted tray systems with green roof layers combined into small units shall qualify as a green roof. The depth of soil and planted material shall be at least two (2) inches to be considered a functional Green Roof area. Container gardens with plants in pots or roofs painted a reflective color without plants shall not qualify as a green roof for purposes of this section.

In order to assist the Planning Commission, we prepared the following information that discusses this proposed CDO change along with additional information to address the above requirements.

Compliance with Municipal Development Plan

The proposed amendment is in conformance with the **2014 planBTV Burlington’s Municipal Development Plan** as described below.

- a) *Conformance with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed Comprehensive Development Ordinance (CDO) amendment change is in conformance with and further the goals and policies contained in the *2014 planBTV Burlington’s Municipal Development Plan* in the following ways.

In the “Our Community Vision: A “Sustainable” Burlington” chapter for the Municipal Development Plan, it states “*If we succeed, Burlington is a leader in the development and implementation of energy efficiency measures that reduce energy costs, enhance environmental quality, improve security and sustainability, and enhance economic vitality.*” The proposed zoning amendment will encourage the use of green roofs in development, which help to reduce building energy costs and enhances environmental quality through better stormwater treatment methods.

It also states “*...If we are to succeed in creating a truly sustainable community, future development within the City of Burlington must further the following principles.*” The proposed zoning amendment will help to further several of these principles.

- “• *Concentrate mixed-use, high density development within growth centers including the center city, neighborhood activity centers, and institutional core campuses.*”

Accounting for green roof credit when calculating lot coverage will help the City to encourage high density development within these areas of the city.

- “• *Support long-term solutions over short-term fixes to community needs and problems.*”

Green roof credit when calculating lot coverage will support long term solutions for stormwater management within the city.

The proposed zoning amendment will have no effect on the availability of safe and affordable housing within the City of Burlington.

(b) Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendment does not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

(c) Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendment does not carry out any specific proposals for planned community facilities.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-?? – Mobile Home Parks

As prepared by staff August 2015.

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

Purpose: This amendment sets forth development and review standards for pre-existing and newly proposed mobile home parks in accordance with state statute (24 V.S.A. Sections 4412 (1)(B) & (7)(B)).

Article 5: Citywide General Regulations, Part 4: Special Use Regulations

The following regulations are use-specific requirements that shall apply in all cases where such uses are otherwise permitted or conditionally permitted pursuant to the provisions of Article 4. These regulations are in addition to, or may modify, other applicable provisions of these bylaws.

Sec. 5.4.1 thru Sec. 5.4.11 remain unchanged.

Sec. 5.4.12 Mobile Home Parks

In addition to the applicable provisions of Art 3, Part 5 for Conditional Uses, Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision Review if applicable, the following additional regulations shall be applicable to any application involving a Mobile Home Park.

(a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1. the required minimum lot size, lot frontage, and waterfront setback, and required maximum density and building height shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1, 4.4.5-2 and 4.4.5-3.
2. the required minimum side and rear setback shall be 20' and shall be calculated at the periphery of the Mobile Home Park.
3. the ~~required~~ maximum permissible lot coverage shall be 50% calculated across the entire Mobile Home Park parcel.
4. The required minimum lot size shall be for the entire Mobile Home Park parcel, not the individual mobile home lots.
5. the required minimum separation distance between individual Mobile Homes within the Mobile Home Park shall be 10'.
6. One (1) on-site parking space shall be required per individual Mobile Home.
7. the Mobile Home Park shall maintain a circulation network that provides direct access to, and the mobility and replacement of, each individual Mobile Home.

8. Mobile Home Parks shall be exempt from the requirements of Art 9, Part 1 Inclusionary Zoning.
9. Individual Mobile Homes may be removed without triggering the requirements of Art 9, Part 2 Replacement Housing provided the total number of permitted Mobile Home lots remain available for occupancy, and any vacant lots are being actively marketed to prospective occupants.

(b) Non-Conforming Mobile Home Parks

1. Where a pre-existing Mobile Home Park is nonconforming pursuant to Art 5, Part 34, the entire Mobile Home Park, and not individual Mobile Homes and lots, shall be treated as nonconforming.
2. A Mobile Home Park shall be considered abandoned when the Mobile Home Park as a whole has been vacant for a period of six months or more. An individual Mobile Home lot that is vacated shall not be considered abandoned. No pre-existing nonconforming Mobile Home Park may be resumed once it has been abandoned except in full conformity with these bylaws.
3. An individual Mobile Home within a nonconforming Mobile Home Park may be altered, expanded, or replaced, provided:
 - a. the applicant provides proof of adequate water and wastewater capacity;
 - b. any portion of the relocated or expanded Mobile Home shall not be located less than five (5) feet from any other primary structure(s); and,
 - c. the expansion or replacement will not:
 - i. obstruct or prohibit ingress or egress for any primary structure;
 - ii. obstruct or prohibit mobility or replacement of any primary structure;
 - iii. obstruct or prohibit the provision of emergency services;
 - iv. obstruct existing utilities or rights of way; nor
 - v. threaten or unduly degrade public health, safety, or welfare
4. Any of the requirements in (3) above may be waived by the DRB provided:
 - a. the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a Mobile Home on an existing lot;
 - b. the DRB shall provide only the minimum waiver that will afford relief and will represent the least deviation possible from the bylaw, while ensuring public health, safety, and welfare; and,
 - c. in approving any waiver, the DRB may impose conditions requiring design features, screening, or other remedy as may be necessary to mitigate anticipated impacts of granting any such waiver.

Appendix A – Use Table

Add: “Mobile Home Park” as a CU in RL, RL-W, RM and RM-W

Article 5: Definitions

Add:

"Mobile Home" means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, cooling, and electrical systems contained in the structure, and is:

- (A) transportable in one or more sections; and
- (B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- (C) any structure that meets all the requirements of this subdivision except for the size requirements and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

"Mobile Home Park" means any parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two mobile homes. A parcel or contiguous lots owned by agricultural employers providing up to four mobile homes for use by full-time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park. 10 V.S.A. §6201 (2), further clarified in the Housing Division Rules, Part 1, Mobile Home Parks, Section 2.10.

Zoning changes:

- Keep remaining RM
- Add MHP as a CU to RM and RL
- Add MHP to Art 5, Part 2 per above...
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